




# Clayton County Police Department PROCEDURES

Subject <b>CRIMINAL INVESTIGATIONS</b>		Procedure # <b>D4</b>	
Authorizing Signature 	Effective <b>10-01-2024</b>	<input type="checkbox"/> New <input checked="" type="checkbox"/> Amended <input type="checkbox"/> Rescinds	Total Pages <b>16</b>

## I. PURPOSE

To provide guidelines for the staffing, duty assignments, and the general duties and responsibilities of the Criminal Investigation Division (CID); furthermore, to establish procedures for the investigation of alleged crimes by sworn personnel of the Clayton County Police Department (CCPD).

## II. POLICY

It is the policy of the Clayton County Police Department (CCPD) to have a Division dedicated to the investigation of criminal allegations. Due to the complexity of criminal investigations, the contents of this procedure are considered minimal and investigations should exhaust every effort to bring an investigation to a successful conclusion.

## III. DEFINITIONS

Exculpatory Evidence: Evidence that is favorable to the accused; is material to the guilt, innocence, or punishment of the accused; and/or may impact the credibility of a government witness, including a law enforcement officer or other agency employee. Impeachment material is included in the disclosure requirements for prosecutors, however not intended to be for typical investigations which may or may not be prosecuted.

Follow-Up Investigation: An extension of the preliminary investigation. The purpose is to provide additional investigation in order to close a case, arrest an offender, and/or recover stolen property.

Preliminary Investigation: Generally, the activity that begins when personnel 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.

## IV. CID STAFFING & ON-CALL ASSIGNMENTS

### A. Standard Duty Hours

CID shall have detectives available twenty-four (24) hours a day, seven (7) days a week. At the discretion of the CID Commander, or authorized designee (hereinafter referred to as the CID Commander), personnel shall be assigned to shifts and scheduled for standard duty hours.

## B. On-Call Status

CID supervisors and detectives shall be available in an on-call capacity. The CID Commander shall create an *On-Call Schedule* for the staffing of off-duty hours during weekends, holidays, nights, etc. The *On-Call Schedule* shall be provided to all CID personnel, the E911/Communications Center and the Central Watch Office.

## C. Assignment of Patrol Officer(s) to CID

1. The CID Commander may request the permanent or long-term transfer of patrol officers to satisfy any administrative workload increases, assist with dissemination of information, and to supplement any special operations and/or details. Such a request will be made through the Assistant Chief, or authorized designee. The decision to approve such a request rests with the Chief of Police, or authorized designee.
2. If the request is approved, the newly assigned patrol officers shall not be utilized as case detectives, but may assist CID personnel as necessary.

## D. Inspections

1. The CID Commander is responsible for the care, control, maintenance and operational readiness of all County equipment assigned to the CID. Hence, the CID Commander will conduct inspections to:
  - a. Maintain inventories of County equipment, assigned, maintained, or stored by their Division/Unit as set forth by CCPD SOP: *B14: Agency Property Control*; and
  - b. Ensure the integrity of the Department is maintained and that operational policies and procedures of all units conform to Department rules and regulations and existing laws.

See also CCPD SOP: *B12: Inspections*.
2. CID supervisors shall conduct inspections daily to ensure that personnel and equipment are in a state of operational readiness as set forth by CCPD SOP: *D2: Dress Code & Grooming Standards*.

When a deficiency is found, the involved supervisor will take corrective action, if possible; problems that cannot be corrected by the CID supervisor shall be forwarded through the chain-of-command, in writing, describing the problem and recommended solution, as set forth by CCPD SOP: *B11: Disciplinary Procedures*.

Any supervisor reporting a deficiency that they are unable to correct, will be responsible for follow-up to ensure that corrective action has been taken.

## V. INVESTIGATIVE PROCESS & GENERAL PROCEDURES

Though these procedures are primarily intended for CID personnel, **all** sworn personnel will perform their duties in a manner that is compliant with these guidelines, as necessary. Depending on the circumstances, sworn personnel may be asked, expected or ordered to perform any of the following procedures, at which time they will adhere to these guidelines.

### A. Preliminary Investigations

The Uniform Patrol Division (UPD) is primarily responsible for conducting preliminary investigations of all incidents and categories of crime. The primary reporting officer shall utilize the following procedures when conducting a preliminary investigation.

1. Upon arrival at a scene, the primary reporting officer shall observe all the conditions, events and remarks, [CALEA 42.2.1(a)] and take the following actions to include:
  - a. Providing aid to injured;

- b. Determining if a criminal offense has been committed, and if so, the exact nature of the offense;
  - c. Observing all relevant conditions and events, and notating any significant conversations; and
  - d. Maintaining and protecting the crime scene to preserve evidence. [CALEA 42.2.1(c)]
2. The primary reporting officer shall take the following investigative actions during the preliminary investigation of any incident:
- a. Locate and identify witnesses. [CALEA 42.2.1(b)]  
At a minimum, obtain the full name (first, middle, and last), race, gender, date of birth, and current personal and work phone numbers, and current home (physical) address.
  - b. Interview the complainant(s), victim(s), witnesses and suspect(s). [CALEA 42.2.1(d)]
    - 1) Obtain as much identifying information and/or detailed descriptions as available on each suspect, which may include, but is not limited to the following:
      - a) Full name (first, middle, and last), alias name(s), or street name(s);
      - b) Date of birth (DOB) or approximate age, race or national origin, and gender;
      - c) Height or approximate height, weight or estimated weight, build (e.g. heavy set, muscular, average, slim), and gait (slow, fast, limp);
      - d) Hair color and/or bald, hair length/style, facial hair, eye color and/or eyewear;
      - e) Distinctive facial features, tattoos, scars or any other distinguishing marks;
      - f) Clothing description, or jewelry;
      - g) Speech (accent, articulate, uneducated, use of slang), or voice (pitch, tone, rasp, lisp);
      - h) Current, previous or last known addresses, phone number(s);
      - i) Social media account(s) and name(s);
      - j) Driver's license or identification number and state;
      - k) Vehicle type and/or description(s), and direction of travel (DOT);
      - l) Current or former employer, occupation, address or phone number;
    - m) Name(s), phone numbers or addresses of relatives;
    - n) Relationship to the victim and/or other involved parties; and
    - o) Any other useful and/or relevant information.
  - 2) Determine what information is known by witnesses, the victim or complainant; and
  - 3) Through use of the radio, furnish other responding and assisting officers the descriptions, methods and direction of flight and other relevant information concerning suspects or vehicles.
3. The primary reporting officer shall arrange for the collection of evidence by taking the following actions:
- a. Notify the concerned Shift/Unit Supervisor of the need for CID, if necessary. The concerned Shift/Unit Supervisor shall make the determination of the need for CID.
  - b. Contact and/or request the Crime Scene Investigation (CSI) Unit, if necessary.
  - c. Contact and/or request the County Photographer, if necessary.
  - d. Collect evidence.

When requested to respond, CID personnel shall assume responsibility for arranging for the collection of evidence; however, this assumption will be clearly stated and relayed to the primary reporting officer and/or the concerned unit/shift supervisor of the primary reporting officer.

4. Interviewing and/or Interrogating the Suspect

Refer to CCPD SOP: *D36: Interviews & Interrogations* and *A10: Juvenile Procedures*.

5. Arresting the Suspect, if Applicable

Determine and/or confirm the identity of the suspect and effect an arrest, if the arrest can be accomplished at the scene or through an immediate follow-up. See also CCPD SOP: *A8: Criminal Process & Arrest Procedures* and CCPD SOP: *A10: Juvenile Procedures*.

6. Complete an *Incident Report* and any other necessary and related documentation as accurately and completely as possible. See also CCPD SOP: *D9: Field Reporting*.

B. Follow-up Investigations

When required, the assigned detective and/or concerned sworn personnel shall utilize the following procedures when conducting a follow-up investigation on an incident that occurred within Clayton County.

1. Review and analyze all available reports, departmental records and results from any laboratory examinations related to the investigation and prepared and/or provided by other sworn personnel.

2. Interview the victim(s), witnesses, and/or suspect(s), and if possible, obtain a recorded and/or written statement.

3. Review departmental records that may aid in bringing the investigations to a satisfactory conclusion.

4. Interview the patrol officer(s) and other sources to seek additional information related to the investigation.

5. When applicable, submit all evidence collected to the appropriate crime laboratory.

6. When applicable, prepare a B.O.L.O. (Be on the Lookout) to be forwarded to departmental personnel and/or other agencies.

7. Conduct a pre-warrant review with a supervisor for approval, before applying for an arrest and/or search warrant.

8. When the execution of an arrest and/or search warrant is necessary, plan and organize the execution of such warrant(s) with a supervisor to ensure the following:

a. Assistance is requested from the Uniform Patrol Division (UPD), or specialized unit(s), through the on-duty Shift/Unit Commander and/or supervisor;

b. An *Operational Plan* is prepared; and

c. The assignments and duties of personnel involved are coordinated with the concerned Shift/Unit Commander and/or supervisor. All personnel will be assigned according to the instructions and needs of the detective.

9. Complete all reports, statements and other pertinent information prior to presenting the case to the prosecutor or the court.

10. Be available to the Solicitor's Office or the District Attorney's Office to assist in getting cases prepared for prosecution.

11. Make an all-out effort to identify and apprehend all suspects.
12. Request additional departmental assistance when necessary.
13. Make a second contact with the victim(s), complainant(s), witnesses, etc. after several days and ask if they have remembered any other pertinent information.
14. Be responsible for the collection of all evidence.
15. Establish possibility of Modus Operandi similar to other cases.
16. Research the criminal history of all suspects.
17. Within five (5) days of the change in the status of a case from "open" to "closed" or "inactive," the victim shall be notified of the status change. The notification may be made by phone, email, or mail, and a summary of the notification will be submitted into the investigative case file.
18. Conduct any additional investigation that is required and/or necessary to close a case.

#### C. Background Investigations

1. An investigation of the background of individuals who are suspected of organized crime or vice activity may be conducted. The following guidelines are established to aid detectives and/or concerned personnel, in conducting such investigations.
  - a. Identify the purpose of the investigation:
    - 1) Suspect(s); and
    - 2) Illegal activities alleged to be involved.
  - b. Identify potential sources of information:
    - 1) Associates;
    - 2) Criminal history file;
    - 3) Stake outs;
    - 4) Other law enforcement agencies;
    - 5) Informants; and
    - 6) Any other source(s) of information.
  - c. Use of Information:
    - 1) Compile and analyze information;
    - 2) Evaluate information;
    - 3) Determine best alternative; and
    - 4) Continue or discontinue the investigation.
2. The case detective and/or concerned personnel shall maintain all confidential information collected on an individual during a background investigation, and the information shall be stored in a locked file. Information will be distributed to other agencies only on an as-needed basis upon approval of the concerned Division Commander, Assistant Chief, Deputy Chief, or the Chief of Police.

#### D. Photographic Lineups

A photographic lineup is an investigative tool that may be utilized by sworn personnel during investigations to identify a person for a variety of reasons, such as identifying a suspect, victim, witness, etc. Whenever a photographic lineup is presented, it will be presented by an officer or detective who does not have specific knowledge of the case facts or person to be identified.

The purpose of this method is to avoid bias towards any of the persons pictured in the photographic lineup.

See also CCPD SOP: *E11: Eyewitness Identification*.

E. Interview Rooms

Refer to CCPD SOP: *B20: Interview Rooms*.

F. Use of Polygraph Examinations for Criminal Investigations

Refer to CCPD SOP: *E2: Polygraph Examinations*.

## VI. CASE ASSIGNMENT, MANAGEMENT, CLEARANCE & CLOSURE

A. Review & Assignment

1. The Criminal Investigation Division (CID) shall receive a copy of all *Incident Reports* and *Supplemental Reports* completed by personnel via the Department's Records Management System (RMS).
2. Criminal *Incident Reports* are forwarded to the CID for general assignment on a daily basis. Unfortunately, many cases have little, if any, chance of being solved based on preliminary information.
3. CID supervisors will review incoming *Incident Reports* submitted by personnel to assess and determine the need for case assignment and further investigation.
  - a. All Part 1 crimes are to be reviewed for possible case assignment or follow up.
  - b. All *Incident Reports* of armed robbery, child molestation, homicide, kidnapping and rape require case assignment for further investigation.
4. Members of the Command Staff may order the assignment of any case or investigation for any reason at any time.

B. Case Solvability Factors

1. CID supervisors are responsible for screening cases and making case assignments within the RMS based on solvability factors. The use of solvability factors is crucial in making decisions as to whether or not a case should be assigned for further investigation. Hence, the *CCPD Case Solvability Factors* shall be used by CID supervisors reviewing incoming departmental *Incident Reports* for assignment considerations. The *CCPD Case Solvability Factors* are not intended to be documented during the review of any *Incident Report*.

To view a copy of the *CCPD Case Solvability Factors*, refer to Appendix A of this procedure.

2. In addition to the *CCPD Case Solvability Factors*, certain other criteria shall be considered in assigning cases to CID personnel for follow-up. Some of these factors are as follows:
  - a. The seriousness of the offense;
  - b. The case is of significant importance to the community;
  - c. There is a potential, imminent danger to victims or witnesses;
  - d. Incidents and/or research of the CCPD in dealing with certain types of crimes/incidents;
  - e. Documented experiences and/or research of other law enforcement agencies in dealing with similar cases and closing similar types of offenses; and
  - f. Investigative workload and/or availability of resources necessary to successfully handle certain types of crimes/incidents; and
  - g. The Command Staff's decision to pursue a case regardless of solvability factors.

3. After careful application of solvability and other pertinent factors, CID supervisors will either direct follow-up investigation, assign the case to a detective, or suspend the investigative effort. The decision to suspend the investigative effort and change the case status must be based on sound screening methods and involve one (1) of the following criteria:
  - a. Lack of further leads and/or solvability factors;
  - b. Unavailability of investigative resources;
  - c. Insufficient degree of seriousness; and
  - d. Other recognizable and/or articulable factors that would affect successful investigation of the case.
4. By the continuous screening and application of solvability factors, CID supervisors can better control the investigative efforts, workload, and potential for success of their personnel and the Division.

C. Clearance & Closure [CALEA 42.1.3(b)]

See *Appendix B* of this procedure for the *CCPD Clearance & Closure Codes*.

1. Departmental Clearance Codes are for use by sworn personnel of the Department when officially clearing an investigation or investigative case file using the departmental *Incident Report*.
2. CID Closure Codes are for use only by CID sworn personnel when reviewing investigative case files and incoming *Incident Reports* for potential investigative assignment or further follow up investigation. CID Closure Codes are not official clearances and only reflect the status of an investigation.

D. Case Status Control System [CALEA 42.1.3(a)]

1. Case files shall be maintained on all active or ongoing cases and investigations. [CALEA 42.1.3(c)]
2. Each detective shall maintain a *Case Assignment Log Book* (CID Blue Book) which shall be reviewed on a monthly basis by a CID supervisor. The *Case Assignment Log Sheet Form* shall contain the following information for each assigned case:
  - a. Name of the case detective;
  - b. Date of the case assignment;
  - c. Case number;
  - d. Type of case (e.g., burglary, death, theft, etc.);
  - e. Name(s) of the victim(s);
  - f. Date of the case clearance or closure;
  - g. Case status;
  - h. Number of arrests; and
  - i. Number of charges/counts.
3. Once a case is assigned to a detective it will remain open unless the following circumstances exist:
  - a. The incident or allegations did not occur.
  - b. Warrants were issued and all of the suspects/offenders were arrested.
  - c. For reasons beyond control of the CCPD, the Department cannot bring prosecution.
  - d. The crime is minor in nature.

- e. The *Incident Report* identifies the suspect, victim knows the identity of the suspect, no police investigation is needed to establish probable cause, and the victim was advised to seek a warrant.
- f. All investigative efforts have been exhausted and there are no known leads to pursue and/or return of evidence.

In the case of (a), (b), (c), (d) & (e) the case will be considered closed and so explained on a *Case Disposition Summary* in the case file. In the case of (f), the case will be considered inactive; if new information is discovered on an inactive case, a CID supervisor will decide if the case needs to be re-opened or reassigned to a detective. A homicide case cannot be closed unless an offender is arrested and prosecuted and/or without permission of the chain-of-command. CID supervisors will conduct reviews of all active case files, to include all cases over ninety (90) days old, and all cases closed by a CID detective.

- 4. All cases assigned to a detective shall be stored, when not in use, in the concerned detective's filing cabinet where they will be accessible to the concerned Unit and/or Shift supervisor(s). [CALEA 42.1.3(d)]
- 5. Case File Purging [CALEA 42.1.3(e)]
  - a. Case Files that have been placed in a suspended or closed status will be filed in numerical order in the CID Records Room. Once a case is closed it is subject to the Open Records Act.

Cases that are in a closed status will be held in the CID Records Room for three (3) years. All non-arrest cases older than three (3) years shall be turned over to the CID Commander for storage in the Clayton County Archives.
  - b. Cases Pending Investigations/Prosecutions
    - 1) Records in an active investigation or pending prosecution, other than initial public arrest reports and initial *Incident Reports*, are not required to be released.
    - 2) Although, an investigation/prosecution shall no longer be deemed to be pending when all direct litigation involving said investigation and prosecution has become final or otherwise terminated. The Georgia Supreme Court has interpreted "pending investigations" as applying until the investigation is concluded and the file is closed. Records from investigation of cases that are unsolved, but otherwise closed, are subject to the Open Records Act's disclosure requirements.
    - 3) When the CCPD receives an Open Records request for records in a case that has been referred to the District Attorney/Solicitor-General for prosecution but the case has not become final or otherwise terminated, the prosecutor should be immediately notified and, no records should be released without the approval of the prosecutor.
    - 4) A prosecution is deemed to be pending until such time as all direct appeals of conviction, including writs of certiorari to the United States Supreme Court, have been exhausted. Habeas Corpus actions are not considered to be part of the direct appeal process.
- 6. The CID Commander shall utilize management skills and criminal investigation training, and the experience and research from other law enforcement agencies, to ensure an adequate and updated case assignment system. Furthermore, the CID Commander shall have the authority to conduct any research and/or analysis necessary to assist in case assignment system development and modification.



## E. CID Case File Maintenance and Structure

CID case files will be organized and maintained using the *CID Investigative Reporting Manual*; to view a copy of this manual, refer to Appendix D of this procedure.

## VII. COLD CASE INVESTIGATIONS

### A. General

A cold case, is a case, such as a violent crime, missing person, or unidentified person that has remained unsolved for a prolonged amount of time, and has the potential to be solved through newly acquired information, re-examined archives, new or retained evidence, or advanced technologies to analyze evidence. These cases may or may not have an identified suspect at the time of the crime. A cold case, which involves a crime, shall be considered unsolved until a suspect has been identified and charged.

1. The following crimes may be reviewed as cold cases:
  - a. Any unsolved murder; and
  - b. Any other unsolved "serious violent felony".
2. Criteria for the evaluation of cold cases may include:
  - a. Prosecution considerations such as, statute of limitations, chain of custody, availability of key witnesses, and factual analysis of the case;
  - b. Named suspects;
  - c. Evidence that could provide investigative leads;
  - d. Database hits; and
  - e. New information.

### B. From time to time, inactive cases may be re-examined to determine if there is any new information that may further the investigation. The assigned detective shall:

1. Review the case file completely to ensure that all known investigative leads were properly investigated;
2. Ensure that all evidence is still maintained by the CCPD, and that any evidence that may be compared to database evidence has been submitted to the appropriate lab(s);
3. Evaluate the physical evidence in order to determine if scientific evaluation methods would be available to preserve or enhance its usefulness;
4. Confer with the victim's family for any new information and review previously obtained information;
5. Locate any previously identified persons of interest or suspects and review their history since the original investigation;
6. Look for any gaps of information within the case, including people mentioned and statements that do not have a corresponding interview report in the case file, undocumented investigative actions such as search warrants without documentation of service, etc.;
7. Re-interview significant witnesses;
8. Utilize all investigative techniques including; social media, Internet resources, other law enforcement agencies, and publishing requests for information with the media; and
9. Conduct a review of the case facts and investigative actions with co-workers and/or with other subject matter experts including supervisors within the CID and the CSI Unit.

10. If the assigned detective is able to obtain enough evidence to establish probable cause for an arrest, they shall:
  - a. Meet with their supervisor for a pre-warrant review and approval, before applying for an arrest warrant; and
  - b. Consult with the District Attorney's Office, before applying for an arrest warrant.
11. All investigative actions taken by the assigned detective or any assisting detective will be documented in the case file in the same manner as active investigative case files.
12. In the event, all investigative efforts have been exhausted and there are no known leads to pursue and/or return of evidence, the case will be considered inactive, the assigned detective will ensure all follow-up investigations are properly documented before submitting the *Case File* for supervisory review.

Note: Homicide cases cannot be closed unless an offender is arrested and prosecuted and/or without permission of the chain-of-command.

- C. The assigned detective's *Case File* will be reviewed by an authorized supervisor for accuracy and quality prior to submission into the Department's Records Management System (RMS).
- D. If new information is discovered at a later time, a CID supervisor will decide if the case needs to be re-opened or reassigned for further investigation.
- E. Cold Case Homicide Investigations: The Coleman-Baker Act

The following procedures are for the review and reinvestigation of cold cases in compliance with the Official Code of Georgia Annotated (OCGA) Chapter 21, §§ 17-21-1 – 17-21-4), the Coleman-Baker Act.

1. Definitions pursuant to OCGA § 17-21-2

Cold Case: A homicide that was committed more than three (3) years prior to the date of an application by a designated person; that was previously investigated by an agency; and for which all probative leads have been exhausted or no likely perpetrator has been identified.

Designated Person: An immediate family member or their designated legal representative who shall be a member in good standing with the State Bar of Georgia.

Immediate Family Member: A parent, parent-in-law, grandparent, grandparent-in-law, sibling, spouse, child, or stepchild of a victim or any person who exercised in loco parentis control over a victim under the age of eighteen (18) years.

2. Cold cases initially investigated by the Department or in coordination with another law enforcement agency are subject to OCGA § 17-21-1, The Coleman-Baker Act.
3. When a cold case file review is requested, the requestee will complete the *CCPD Coleman-Baker Act Request Form*; to view a copy of this form, refer to Appendix C of this procedure.
4. Responding to a Cold Case Review Request

Upon receiving a Cold Case Review Request the CID Commander will send a written notification to the cold case review requestee. The written notification shall:

- a. State that the request is under review to establish if the case falls within the guidelines of OCGA § 17-21-1; and
- b. Include the process to submit a complaint to and contact information for the Office of Professional Standards (OPS) Internal Affairs (IA) Unit.

5. Accepting or Declining a Cold Case Review Request
  - a. A written notification will be sent to the cold case review requestee when the case review has been **accepted** and initiated; or
  - b. A written notification will be sent to the cold case review requestee advising them that their request is **declined** and the justification for being declined.

6. Cold Case Review Procedures

Pursuant to OCGA § 17-21-3, the CID Commander will review the case file regarding a cold case murder upon written application by one designated person to determine if a full reinvestigation would result in: the identification of probative investigative leads; or a likely perpetrator.

The review shall include:

- a. An analysis of what investigative procedures may have been missed during the initial investigation;
- b. An assessment of whether witnesses should be interviewed or re-interviewed;
- c. An examination of physical evidence to see if all appropriate forensic testing and analysis was performed in the first instance or if additional testing might produce information relevant to the investigation; and
- d. An update of the case file using the most current investigative standards as of the date of the review to the extent it would help develop probative leads.
- e. If the case review requires more than a six (6) month time limit, the case review can be extended for another six (6) months.
- f. Notification will be sent to the case review requestee advising them of the extension.

7. Full Reinvestigation

- a. After the cold case review, the CID Commander can authorize a full reinvestigation if any of the following criteria is present:
  - 1) Previously unidentified evidence;
  - 2) Newly discovered leads; or
  - 3) A likely suspect is identified.
- b. All findings will be documented in response to each element of the investigative criteria.
- c. Notification of the investigative findings will be made following the reinvestigation conclusion.
- d. Reinvestigation Requirements
  - 1) Review of all previously collected and analyzed evidence.
  - 2) Analysis of evidence which may have certain forensic value that could develop into leads or a possible suspect.
  - 3) The reinvestigation will not be conducted solely by the detective who previously investigated the homicide at issue.
  - 4) Only one (1) reinvestigation will be conducted at any one (1) time with respect to the same victim.

- 5) Upon conclusion, if the reinvestigation identifies evidence and a suspect for possible prosecution, the assigned detective, or authorized designee, will submit the entire case file to the proper prosecuting authority.
- 6) Upon conclusion, If the reinvestigation does not identify any new evidence, leads, or suspects, the assigned detective, or authorized designee, will notify the case requestee of their findings.

No additional case file review or full reinvestigation shall be undertaken with regard to that cold case murder for a period of five (5) years beginning on the date of the conclusion of the reinvestigation, unless there is newly discovered, materially significant evidence.

#### 8. Supervisor Review

- a. The assigned detective's *Case File* will be reviewed by an authorized supervisor.
- b. If new information is discovered at a later time, a CID supervisor will decide if the case needs to be re-opened or reassigned for further investigation.

#### 9. Data Collection and Dissemination

The CID Commander will be responsible for collecting the following data and sending it to the Carl Vinson Institute of Government of the University of Georgia, as required in OCGA § 17-21-3(k):

- a. The number of requests received annually;
- b. The number of six (6) month extensions granted and an explanation of reasons annually;
- c. The number of full reinvestigations that were initiated and closed annually; and
- d. Statistical information on the aggregate number of cold cases, suspects, arrests, indictments, and convictions.

### VIII. CONFIDENTIAL INFORMANTS

Refer to CCPD SOP: *D6: Informants*.

### IX. IDENTITY THEFT & FINANCIAL CRIMES

- A. The Department has guidelines to ensure that victims of identity crimes have a method to report identity crimes; provide information and assistance to identity crime victims that will lessen the impact of the crime; and provide information on the prevention of identity crimes.

The policy of the Department is to take those measures necessary to report criminal complaints; assist victims in contacting other relevant investigative and consumer protection agencies; and work with other federal, state and local law enforcement and reporting agencies to identify perpetrators.

- B. Identity theft and identity fraud are terms used to refer to all types of crime in which someone wrongfully obtains and uses another person's personal data in some way that involves fraud or deception, typically for economic gain.

Identity theft occurs when someone uses another person's personal information such as name, Social Security number, driver's license number, credit card number, or other identifying information (OCGA § 16-9-120) to take on that person's identity in order to commit fraud or other crimes.

It is a felony in Georgia, under the Identity Fraud statutes (OCGA § 16-9-120 through 16-9-127) to use someone else's identity.

## C. State & Federal Law

### 1. Georgia Law

The Personal Financial Security Act was codified in 1998 under OCGA § 16-9-120 through 16-9-132. The Attorney General shall have the authority to investigate any complaints of consumer victims regarding identity fraud. The Georgia Bureau of Investigation (GBI) shall maintain a repository for all complaints in the State of Georgia regarding identity fraud.

### 2. Federal Law

The Identity Theft and Assumption Deterrence Act (ITADA) of 1998 is codified in U.S. Code § 18 USC 1028. The Act established the Federal Trade Commission (FTC) as the Federal Government's one central point of contact for reporting instances of identity theft by creating the Identity Theft Data Clearinghouse. When consumers contact the FTC, they will be notified of their rights under the Fair Credit Reporting Act (FCRA), the Fair Credit Billing Act (FCBA), the Truth in Lending Act (TILA), and the Fair Debt Collection Practices Act (FDCPA).

## D. Procedures

1. Identity theft or fraud often involves incidents that take place in two (2) or more jurisdictions. Officers shall, upon request, complete an *Incident Report* when:

- a. The victim of the crime is a Clayton County resident and the willful and fraudulent use of the victim's identifying information took place within Clayton County; or
- b. The victim of the crime is a Clayton County resident and the willful or fraudulent use of the victim's identifying information took place in another jurisdiction; or
- c. The willful or fraudulent use of a victim's identifying information took place in Clayton County, regardless of the location of the victim.

2. All sworn personnel are authorized to complete an *Incident Report* on allegations of identity theft or fraud. Recording all relevant information and data on such reports is essential to any identity theft or fraud investigation.

The information detailed in the *Incident Report* shall include, but is not limited to:

- a. The specific identifying information that was compromised (e.g., credit card and/or bank account numbers, social security number, name, date of birth);
  - b. The manner or method the victim discovered or was made aware of the identity theft or fraud (e.g., review of financial institution statement, received alert or notice from business or financial institution);
  - c. The specific activity that took place as a result of the identity theft or fraud (e.g., unauthorized financial transaction card transactions, unauthorized obtainment or opening of bank and/or credit card accounts, unauthorized obtainment and/or opening of public utility accounts, etc.);
  - d. If available, when and where the fraudulent activity took place; and
  - e. Potential suspects or information concerning how the identifying information may have been compromised.
3. When reporting any financial crimes, the victim, or victim's agent, will complete a written statement, if it is feasible, detailing the circumstances of the allegation(s) and/or incident or other required documentation needed from the victim, or victim's agent, prior to the completion of the required *Incident Report* by the reporting officer.

If the victim, or victim's agent, are unable to complete a written statement, the officer shall complete an *Incident Report*, listing all relevant information and data essential to the investigation, and also indicate that a written statement was not completed.

4. All documents, and/or copies of documents, related to the identity theft or fraud shall be obtained by the primary reporting officer. Each copy or document shall be marked with the case number in the upper right-hand corner and shall be attached to the corresponding *Incident Report*. Any original documents obtained shall be submitted into evidence. Documents related to identity theft or fraud cases may include: credit card statements, bank statements, credit reports, and other account statements or correspondence.
5. Officers reporting allegations of identity theft or fraud shall take reasonable steps to accommodate all victims and provide them with the following contact names, phone numbers and information to use and keep for reference during the fraud resolution process.
  - a. Inform the victim to contact the Federal Trade Commission (FTC) (1-877-IDTHEFT) which acts as the nation's clearinghouse for information related to identity theft and fraud crimes. A victim may obtain assistance from trained counselors in resolving credit related problems.
  - b. Inform the victim to contact the fraud departments of the three (3) major credit reporting agencies: Equifax (1-800-525-6285), Experian (1-888-397-3742), and TransUnion (1-800-680-7289). Instruct the victim to request the following from the major credit reporting agencies: place a fraud alert on the account in question; add a victim's statement requesting all creditors to contact the victim before any new accounts are opened in the victim's name; and copies of the victim's credit report.
  - c. If financial transaction cards are involved, instruct the victim to cancel each compromised card and request new cards with new account numbers.
  - d. If bank account information is involved, instruct the victim to report the loss to the concerned financial institution(s); cancel and/or close each compromised account and open new accounts with new account numbers; and, if necessary, place stop payments on any outstanding checks and contact concerned creditors to explain.
  - e. If a driver's license is involved, instruct the victim to contact the Department of Driver Services (DDS). If the driver's license in question displays the victim's social security number, instruct the victim to request a new driver's license number. In such cases, instruct the victim to notify the Social Security Administration of potentially fraudulent activity and to determine the current accuracy and integrity of the victim's account.
  - f. If there is any indication that the security of the victim's home(s) or vehicle(s) has been jeopardized during the commission of identity theft or fraud, instruct the victim to change all of the locks.
6. Investigation of identity theft or fraud shall include, but is not limited to, the following actions, where appropriate:
  - a. Review the *Incident Report* and conduct any follow-up inquiries of the victim(s) or others as appropriate for clarification and expansion of information.
  - b. Contact other involved or potentially involved law enforcement agencies for collaboration and avoidance of duplication. These agencies may include the following:
    - 1) Federal law enforcement agencies such as the U.S. Secret Service (USSS), the Federal Bureau of Investigation (FBI), U.S. Postal Inspection Service (USPIS) and

Internal Revenue Service (IRS), as necessary, when a victim states a report has been filed with one (1) or more of them.

- 2) Any state and/or local law enforcement agency with which the victim has filed a report or where there is an indication that the identity theft or fraud took place in that respective jurisdiction.
- c. Complete an *Investigative Summary* and/or *Supplemental Report* to document any review and follow-up investigation that was conducted on a case.
7. The Department's designated unit or personnel dedicated to the developing, implementing, maintaining and managing educational and crime prevention programs (as outlined in CCPD SOP: *G1: Community Affairs & Crime Prevention*) shall be responsible for providing the public with identity theft and fraud awareness and prevention programs on an as-needed basis. CID personnel shall assist with such programs as needed. These programs and presentations are intended to provide the public with information on the nature and prevention of identity theft or fraud.

## **X. EXCULPATORY EVIDENCE**

It is the policy of the Department to require that all personnel provide all potentially exculpatory evidence to prosecutors as soon as possible.

A. The Department will ensure that agency personnel comply with the landmark United States Supreme Court decisions of *Brady v Maryland* (1963) and *Giglio v United States* (1972), *Kyles v. Whitley* (1995), and other similar cases.

1. Duty to Disclose: The landmark decision of *Brady v Maryland* (1963) places an affirmative constitutional duty on a prosecutor to disclose exculpatory evidence to a defendant. This duty has been extended to police agencies through case law, requiring law enforcement agencies to notify the prosecutor of any potentially exculpatory information whether the defendant requests it or not.
2. Exculpatory Evidence/Brady Material: This is evidence that is favorable to the defendant in a criminal trial that exonerates or tends to exonerate the defendant of guilt, including evidence that may impact the credibility of a witness.

### **B. Requirements**

1. When such incident involves a crime, the primary reporting officer is responsible for the following, when applicable:
  - a. Interviewing the complainant, victim(s), witnesses or suspect(s);
  - b. Photographing any and all alleged property damage caused as a result of the incident;
  - c. Photographing any and all alleged injuries suffered by all involved parties as a result of the incident;
  - d. Collecting and documenting any physical evidence related to the incident; and
  - e. Ensuring their *Incident Report* is complete and details of such incident are described in a clear concise manner.
2. Officers are required to document all investigative activity involved in an investigation, including exculpatory information.
3. When officers receive exculpatory information, they will complete an *Incident/Supplemental Report* through the Records Management System (RMS) under the original case number which should thoroughly explain when the information was received, and who received it.

4. The officer's report, shall be reviewed and approved by an authorized supervisor.
  5. All official reports, involving an arrest, will be submitted, upon request, to the prosecuting authority prior to the actual prosecution of the case. The prosecutor will determine what information will be provided to the defense counsel.
- C. If an officer becomes aware of any potential exculpatory evidence, which suggests a suspect's innocence, the receiving officer shall immediately notify their supervisor of the information and evidence and brief them on the details pertaining case.
1. The involved supervisor will ensure that the information on exculpatory evidence is provided to the prosecuting authority when the CCPD becomes aware of such information.
  2. The receiving officer will:
    - a. Ensure that such evidence is properly transferred to the Evidence Custodian, as soon as possible, but before the end of their shift and/or tour of duty; and
    - b. Complete a *Supplemental Report* through the RMS under the original case number which should thoroughly explain when the evidence was received, who received it, and when information regarding such evidence was provided to the prosecuting authorities.
  3. The *Supplemental Report*, shall be reviewed and approved by an authorized supervisor.
- D. Post-Conviction Notification Requirements
1. When the CCPD is notified of or discovers post-conviction exculpatory evidence, the CID Commander, or other Division Commander with investigative authority, will:
    - a. Ensure that the receiving officer completes a *Supplemental Report* and submits the item(s) to the Evidence Custodian under the original case number through RMS;
    - b. Immediately notify the prosecuting authority; and
    - c. Assign the post-conviction investigation to any detective, not involved in the original investigation or arrest of the person(s) involved.
  2. The detective assigned to investigate the post-conviction exculpatory evidence will operate under the original case number and will conduct a fair and impartial investigation, and all findings will be documented on the required reporting forms.
  3. Once the post-conviction investigation is complete, the assigned detective will report their findings to their supervisor.
  4. The assigned detective will ensure that all follow-up investigations are properly documented before submitting their *Case File* for final review and recommendation.
  5. All approved findings shall be forwarded to the appropriate prosecuting attorney for judicial consideration.

## **XI. CANCELLATIONS**

- A. This procedure amends and supersedes the following standard operation procedure: *D4: Criminal Investigations*, dated August 3, 2023.
- B. This procedure rescinds *Appendix C* of this procedure, the *Financial Crime Supplemental Form*, dated September 2, 2015.