




Clayton County Police Department

PROCEDURES

Subject CRIMINAL INVESTIGATIONS		Procedure # D4	
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I. PURPOSE

To ensure the efficient and effective management of the Clayton County Police Department's criminal investigation function. This policy is intended to provide administrative guidance that identifies responsibilities relative to the investigative process for patrol and investigative components of the Department.

II. POLICY

It is the policy of the Clayton County Police Department (CCPD) to manage criminal investigations effectively and efficiently. Hence, the Department shall have a Division/Unit, or designated personnel, dedicated to the investigation of criminal allegations twenty-four (24) hours a day, seven (7) days a week. For the purpose of this policy, the aforementioned Division/Unit, or personnel, will be referred to as the Criminal Investigation Division (CID). 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. CRIMINAL INVESTIGATION DIVISION (CID)

CID is composed of specialized units, including Major Felony, Crimes Against Children, Property Crimes, Crime Scene Investigation (CSI), and Property & Evidence. CID focuses on investigating criminal allegations, identifying and interviewing witnesses, locating and arresting criminal offenders,

collecting evidence, and recovering and returning lost or stolen property. Dependent upon the needs of the Department, the Chief of Police may increase or decrease the duties and responsibilities of CID.

- 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. [CALEA 42.1.1]
- C. Assignment of Patrol Officer(s) to CID: The CID Commander may request the permanent or long-term transfer of patrol officers to CID to address increased administrative workload, assist with sharing information, or to supplement special operations, however the Chief of Police has the final authority to approve the request. The request must be submitted through the Assistant Chief, or authorized designee. If approved, the transferred officers shall not be utilized as case detectives, but may assist CID personnel as necessary.
- D. Inspections: The CID Commander is responsible for the care, control, maintenance and operational readiness of all County equipment assigned to the Division. This includes conducting inspections as set forth in CCPD SOP: *B12: Inspections*, and maintaining inventories as set forth by CCPD SOP: *B14: Agency Property Control*.

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*.

V. INVESTIGATIVE PROCESS & GENERAL PROCEDURES

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. Responsibilities

- 1. The Uniform Patrol Division (UPD) is primarily responsible for conducting preliminary investigations of all crimes and incidents, whether they are reported by the public or discovered by officers.
 - a. The first officer to arrive at a crime scene is generally responsible for the preliminary investigation, which includes assessing the situation, securing the scene, rendering aid if needed, gathering information from individuals at the scene, and preserving any evidence.
 - b. The primary reporting officer will conduct the preliminary investigation for most crimes. This initial investigation may be very restricted or may constitute the entire investigation.
- 2. The first responding/primary reporting officer will notify their supervisor, as soon as practicably possible, to provide details of the preliminary investigation for the following circumstances:
 - a. Serious or complex investigations as outlined in CCPD SOP: *D1: Patrol Operations*;
 - b. Calls that require lengthy follow-up investigations;
 - c. Whenever they have a question or concern about an investigation;
 - d. Calls that require specialized investigative units or special response units; and
 - e. In accordance with written directives of the Department.

The supervisor shall use the information provided by the first responding/primary reporting officer to determine if further action, additional resources, higher-level command notifications, or specialized investigative units are necessary.

3. Depending on the nature and severity of the crime and complexity of the crime scene, a follow-up investigation conducted by the primary reporting officer or personnel assigned to a specialized investigative unit, such as CID, may be initiated. However, until an investigation is officially turned over to another officer/unit, the primary reporting officer is responsible for the preliminary investigation and any follow-up, unless a supervisor deems otherwise.
4. When a preliminary investigation is turned over to another officer/specialized unit personnel, all pertinent information obtained up to that point, and the identity and location of any physical evidence discovered, shall be relayed to the new officer or personnel of the investigative unit.
5. Supervisors will ensure all necessary preliminary actions have been taken by coordinating with the primary reporting officer and assisting personnel/units to conduct a thorough follow-up.
Investigations will be completed thoroughly and in an effective manner by coordinating the efforts of the UPD and CID or another investigative unit, as necessary.

B. Preliminary Investigations

All sworn personnel, regardless of rank or duty assignment, and when acting as a first responder for the Department, are responsible for preliminary investigations, until officially relieved.

During the preliminary investigation, officers shall perform the following duties in the order and to the degree deemed appropriate; however, only those steps that are necessary for the given investigation should be used by officers. These steps include the following:

1. **Initial Response:** **The safety and physical well-being of officers and other individuals, in and around the crime scene, are the initial responding officer(s) first priority.** Officers will respond promptly and effectively to both emergency and non-emergency calls for service. When responding to calls, the initial responding officer(s) shall:
 - a. Note key details provided by dispatch, e.g., call type, location, time, involved parties, etc.
 - b. Activate their body-worn camera (BWC) before arriving on scene to record all activities throughout the call, in compliance with CCPD SOP: *B13: Body-Worn & In-Car Cameras*.
 - c. Be aware of any persons/vehicles leaving the scene or any danger/hazardous conditions.
 - d. Park at a safe distance, using cover, and calling for backup if needed.
 - e. Remain alert for radio updates and relay critical information to dispatch and other units.
2. **Assess the Scene:** Upon arrival at a scene, the initial responding officer(s) shall remain vigilant at all times, observe all conditions, events, and remarks. [CALEA 42.2.1(a)]
3. **Ensure Scene Safety and Provide Aid to the Injured:** The initial responding officer(s) shall:
 - a. Identify and control any dangerous situation(s) or person(s).
 - b. Provide aid to anyone who is injured, when it is safe to do so, and request emergency medical services (EMS) to respond, if necessary.
 - c. Alert the dispatcher and responding units of any dangerous situation(s)/person(s), or ongoing hazards.
 - d. Request additional units, supervisor response, specialized units, equipment, as needed.
4. **Locate Individuals:** The initial responding officer(s) shall:
 - a. Locate and identify all individuals at the scene, e.g., complainant(s), victim(s), witnesses and suspect(s). [CALEA 42.2.1(b)]
 - b. Conduct a preliminary interview to gather initial facts.
 - c. Separate parties to prevent collusion, influence, and contamination of memories.
 - d. Contact the dispatcher, if language translation services are needed.

5. Determine if a Crime Occurred: The initial responding officer(s) shall determine if a criminal offense has been committed and, if so, the exact nature of the offense.
 - a. If probable cause exists and the suspect(s) is/are still on scene, the initial responding officer(s) can make a warrantless arrest.
 - b. If the suspect(s) fled the scene, immediately broadcast a detailed description of the suspect(s) to the dispatcher and responding units. Provide updates or more details as it becomes available through further questioning or investigation.
6. Secure the Scene: The initial responding officer(s) shall establish a perimeter, securing the crime scene to protect, and preserve evidence, and restrict access to authorized personnel only. [CALEA 42.2.1(c)]
7. Observe and Document the Scene: Once secured, the primary reporting officer shall make initial observations, taking detailed notes of all relevant details (e.g., environmental conditions, key events, significant conversations with each victim, complainant, witness, suspect and first responder), identify potential evidence, and develop a plan for processing the scene.
8. Conduct Interviews: The primary reporting officer, or authorized designee, shall:
 - a. Conduct recorded interviews with each complainant, victim, witness, and suspect separately to gather information regarding the circumstances of the incident. [CALEA 42.2.1(d)]
 - b. Obtain the full name, date of birth, physical address, telephone number(s), work information, as well as any other identifying information available, of each person interviewed.
 - c. Interview the victim(s) in a safe environment and inform the victim(s) of the investigative process and available support services.
 - d. Thoroughly document the condition and injuries of all parties involved.
 - e. Encourage complainants, victims, and witnesses to complete a *CCPD Witness Statement Form* if they are reporting a violation of applicable law involving another person.
 - f. Determine if a relationship exists between the suspect, victim, or any other involved parties.
 - g. If the suspect(s) is/are not on scene, obtain and document as much identifying information and/or detailed description(s) as available on each suspect.
 - 1) If a suspect's identity is determined/confirmed and probable cause exists, notify the immediate supervisor before attempting to arrest the suspect at another location.
 - 2) If the suspect is not located, conduct a pre-warrant review with the immediate supervisor for approval, before applying for an *Arrest Warrant*. See also CCPD SOP: *A8: Criminal Process & Arrest Procedures*.
9. Interrogating the Suspect: The primary reporting officer, or authorized designee, must provide the *Miranda Rights Warning* and obtain a waiver before interrogating a suspect in custody, and make every effort to record the administration of the *Miranda Rights Warning* and the suspect's waiver using a recording device and/or utilizing the *CCPD's Statement of Miranda Rights Form*. If no recording device is available, have a law enforcement witness present for the administration of the *Miranda Rights Warning* and the suspect's subsequent waiver, if applicable. See also CCPD SOP: *D36: Interviews & Interrogations*.
10. Collect or Arrange for the Collection of Physical Evidence: The primary reporting officer, or authorized designee, shall document, collect, and/or arrange for the collection of evidence by taking the following actions:
 - a. Take notes and photograph the following:
 - 1) All evidence in its original location before it is moved or collected;
 - 2) Any and all alleged property damage caused as a result of the incident; and/or

- 3) Any and all alleged injuries suffered by all involved parties as a result of the incident.
- b. Request CSI to respond, if necessary.
When requested to respond, the investigative unit and/or CSI shall assume responsibility for planning 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. See also CCPD SOP: *E6: Crime Scene Investigation*.
- c. Request the County Photographer to respond, when approved by a supervisor.
- d. Document information on all of the evidence and/or property that was found, obtained, received, or seized.

11. Report Writing: Officers shall document all investigative activity involved in an investigation.

- a. The primary reporting officer will organize all gathered information and submit a complete and accurate *Incident Report* and any other necessary and related documentation in accordance with CCPD SOP: *D9: Field Reporting*.
- b. Assisting officers may be required to complete an *Incident Supplemental Report*, using the same case number utilized by the primary reporting officer, to document their actions, efforts or findings and in accordance with departmental procedures.
- c. A written report will be completed by the primary reporting/assisting officer, describing each item and detailing the circumstances by which all evidence/property was found, obtained, received, or seized.

All items intended to be transferred to the Evidence Custodian shall be entered in the corresponding written report through the Records Management System (RMS) and in accordance with CCPD SOP: *E3: Evidence & Property Control*.

- d. The supervisor's review of any *Incident Report/Incident Supplemental Report* will include the appropriateness of the report content, and to determine if it meets all requirements. If the report is approved it will be forwarded to the Central Records Unit via RMS.
- e. Supervisors assigned to CID will review incoming reports submitted by personnel to assess and determine the need for additional follow-up investigation and/or case assignment.

C. Follow-up Investigations

As with preliminary investigations, the specific steps necessary to conduct a complete follow-up investigation will vary with the type and circumstances of each incident. When required, the assigned detective/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 laboratory results related to the investigation.
2. Interview the victim(s), complainant(s), witnesses, and/or suspect(s), and if possible, obtain a recorded and/or written statement. Also interview the patrol officer(s) who responded to the scene and/or any other sources to gather additional information.
3. Verify and enter stolen property and other investigative information into the appropriate databases.
4. Identify, collect, and preserve physical evidence. Submit evidence to the appropriate crime laboratory.
5. Make an all-out effort to identify and apprehend all suspects. Research the criminal history of all suspects. Prepare a *B.O.L.O.* (Be on the Lookout) to be forwarded to departmental personnel and/or other agencies.

6. Conduct a pre-warrant review with a supervisor for approval, before applying for an *Arrest Warrant* and/or *Search Warrant*.
 7. When the execution of an *Arrest Warrant* 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/concerned sworn personnel.
 8. Make a second contact with the victim(s), complainant(s), and witnesses after several days and ask if they have remembered any other pertinent information.
 9. Establish possibility of Modus Operandi (MO) similar to other cases.
 10. 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.
 11. Complete all reports, statements and all other pertinent information and documentation that must be completed prior to presenting the case to the prosecutor or the court.
 12. Be available to the Solicitor's Office or the District Attorney's Office to assist in getting cases prepared for prosecution.
 13. Request assistance from a supervisor/other Department/Unit when specific expertise is needed.
 14. Conduct any additional investigation that is required and/or necessary to close a case.
- D. 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/discontinue the investigation.
 2. The case detective/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.

E. 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*.

F. Interview Rooms

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

G. Use of Polygraph Examinations for Criminal Investigations

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

VI. CASE ASSIGNMENT, MANAGEMENT, CLEARANCE & CLOSURE

A. Review & Assignment

1. CID shall receive a copy of all *Incident Reports* and *Incident Supplemental Reports* completed by personnel via RMS.
2. Criminal *Incident Reports* are forwarded to 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 [CALEA 42.1.2]

1. CID supervisors are responsible for screening cases and making case assignments within 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/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)]
 - 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. See *Appendix B* of this procedure for the *CCPD Clearance & Closure Codes*.
- D. Case Status Control System [CALEA 42.1.3(a)]
 - 1. Case files shall be maintained on all active/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 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 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 in 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) full 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 enacted in 1998 and is codified under OCGA § 16-9-120 through 16-9-132. The Attorney General shall have the authority to investigate 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 (1-877-438-4338, or at 1-866-653-4261 (TTY) if the victim is deaf or hard of hearing, 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 (1-800-301-7195), 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 relevant state of Department of Driver Services (DDS) or Department of Motor Vehicles (DMV) to report the fraud and request a replacement license.
 - f. If a social security number is involved, instruct the victim to contact the Social Security Administration (SSA) at 1-800-772-1213, or at 1-800-325-0778 (TTY) if the victim is deaf or hard of hearing, and also report the incident to the Federal Trade Commission (FTC) at <https://www.identitytheft.gov/>.
 - g. If there is any indication that the security of the victim's home/vehicle 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 *Incident Supplemental Report* to document any review and follow-up investigation that was conducted on a case.
7. The CCPD's designated unit/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 [CALEA 42.1.6]

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 or Incident Supplemental Report* through 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 Department 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 an *Incident Supplemental Report* through 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 *Incident 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 an *Incident 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. BODY ARMOR

- A. All sworn personnel, including those in non-uniformed or investigative divisions like CID, shall be issued and have access to their body armor.
 1. Body armor will be readily available to all officers engaged in enforcement activity.
 2. Officers shall have their body armor available at the location of their assignment.
 3. Body armor must be stored in the officer's vehicle if the officer is **not required** to wear it.
- B. Officers shall follow all mandatory requirements for wearing body armor as set forth by CCPD SOP: *D2: Dress Code & Grooming Standards*.

XII. CANCELLATION

This procedure amends and supersedes the following standard operation procedure: *D4: Criminal Investigations*, dated October 1, 2024.