



# Clayton County Police Department PROCEDURES

Subject <b>Identification of Habitual/Serious Offenders</b>		Procedure # <b>D5</b>	
Authorizing Signature 	Effective 02-11-2021	<input type="checkbox"/> New <input checked="" type="checkbox"/> Amended (see below) <input type="checkbox"/> Rescinds	Total Pages <b>3</b>

## I. PURPOSE

Habitual offenders account for a disproportionate amount of crime, and offenders released from prison are arrested at a much higher rate than the general population. As a result, there is widespread recognition that recidivism has a direct impact on public safety. The term habitual offender refers to the repetitiveness of criminal behavior, and does not necessarily in any case indicate that an element of violence is included. On the other hand, repeat offenders, or those convicted of more serious violent crimes, may pose a great public health threat to the community in terms of mortality, victimization, lost and diminished productivity, fear of crime and quality of life. The purpose of this policy is to establish a procedure for the objective identification of habitual/serious offenders.

## II. DEFINITIONS

Habitual Offender: Pursuant to O.C.G.A. § 35-3-30., means any person who has been previously convicted three times under the laws of this state of felonies or under the laws of any other state or the United States of crimes which would be felonies if committed within this state.

Serious Violent Felony: Pursuant to O.C.G.A. § 17-10-6.1 (a)., the term “serious violent felony” means:

- (1) Murder or felony murder, as defined in Code Section 16-5-1;
- (2) Armed robbery, as defined in Code Section 16-8-41;
- (3) Kidnapping, as defined in Code Section 16-5-40;
- (4) Rape, as defined in Code Section 16-6-1;
- (5) Aggravated child molestation, as defined in subsection (c) of Code Section 16-6-4, unless subject to the provisions of paragraph (2) of subsection (d) of Code Section 16-6-4;
- (6) Aggravated sodomy, as defined in Code Section 16-6-2; or
- (7) Aggravated sexual battery, as defined in Code Section 16-6-22.2.

Serious Offense: Pursuant to O.C.G.A. § 42-9-42. (b) (1), the term “serious offense” means:

- (A) A serious violent felony as such term is defined in Code Section 17-10-6.1;  
or
- (B) A felony offense as such term is defined in subsection (B) of this Code Section.

Serious Violent Offender: See O.C.G.A. § 17-10-7. (b) (2).

### **III. POLICY**

The policy of the Clayton County Police Department is to reduce recidivism and improve public safety by identifying, apprehending, and successfully pursuing the prosecution of habitual/serious offenders.

### **IV. PROCEDURES**

- A. It is the responsibility of all Department personnel to obtain and develop information on those suspected of being habitual/serious offenders. This information will be used to identify, classify and analyze criminal activity conducted by habitual/serious offenders in order to target and otherwise assist in their investigation and prosecution.
- B. Officers in every assignment of the Department shall value the importance of each investigation; special emphasis shall be placed on those cases that involve a habitual/serious offender.
- C. Investigative Process – See departmental procedure *D4: Criminal Investigations*.

- D. The Criminal History Report, which describes an individual's arrests and subsequent dispositions, will help an officer to determine if an individual fits the criteria of a habitual/serious offender.
- E. Officers will use the criteria specified in the Official Code of Georgia Annotated (OCGA) definition code sections for this policy (D5), to identify a habitual/serious offender.
- F. Once a habitual/serious offender is identified and charges are forthcoming, the officer will complete a Confidential Supplemental Report and/or any other necessary and related documentation, so the information can be viewed and/or disseminated to the District Attorney's and/or Solicitors Office.
- G. Officers shall attempt to identify all cases that involve an individual who has been designated as a habitual/serious offender.
- H. Case preparation between the District Attorney's and Solicitors Office will be coordinated to ensure that prosecution and sentence recommendations are carried out.
- I. The officer may contact a Probation and/or Parole officer who has control over the individual for assistance, or to make them aware of the habitual/serious offender's criminal activity.

**V. CANCELLATIONS**

- A. This procedure rescinds and supersedes the following standard operating procedure:

*D5: Identification of Habitual/Serious Offenders, dated October 1, 2009.*