



Clayton County Police Department PROCEDURES

Subject IDENTIFICATION OF HABITUAL/SERIOUS OFFENDERS			Procedure # D5
Authorizing Signature 	Effective 02-17-2026	<input type="checkbox"/> New <input checked="" type="checkbox"/> Amended <input type="checkbox"/> Rescinds	Total Pages 3

I. PURPOSE

The purpose of this policy is to provide procedures for the objective identification of habitual or serious offenders, and to ensure timely notification to the District Attorney's Office to facilitate enhanced prosecution of recidivist offenders.

II. POLICY

The policy of the Clayton County Police Department (CCPD) is to improve public safety by utilizing data-driven identification, targeted apprehension, and the successful prosecution of habitual and serious offenders, while supporting evidence-based strategies to break the cycle of recidivism. 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 indicate the inclusion of violent acts. In contrast, repeat offenders convicted of serious violent crimes pose a significant public health threat, impacting community mortality, productivity, and overall quality of life.

III. GEORGIA'S RECIDIVIST STATUTE

The legal penalties for repeat offenders are governed by OCGA § 17-10-7, commonly referred to as the recidivist or habitual offender statute. This law mandates specific sentencing enhancements.

A. Habitual Offender

1. OCGA § 17-10-7(a): Except as otherwise provided in subsection (b) or (b.1) of this Code section, any person who, after having been convicted of a felony offense in this state or having been convicted under the laws of any other state or of the United States of a crime which if committed within this state would be a felony and sentenced to confinement in a penal institution, commits a felony punishable by confinement in a penal institution shall be sentenced to undergo the longest period of time prescribed for the punishment of the subsequent offense of which they stand convicted, provided that, unless otherwise provided by law, the trial judge may, in their discretion, probate or suspend the maximum sentence prescribed for the offense.

2. OCGA § 17-10-7(c): Except as otherwise provided in subsection (b) or (b.1) of this Code section and subsection (b) of Code Section 42-9-45, any person who, after having been convicted under the laws of this state for three felonies or having been convicted under the laws of any other state or of the United States of three crimes which if committed within this state would be felonies, commits a felony within this state shall, upon conviction for such fourth offense or for subsequent offenses, serve the maximum time provided in the sentence of the judge based upon such conviction and shall not be eligible for parole until the maximum sentence has been served.
3. Exceptions: Subsections (a) and (c) of OCGA § 17-10-7 shall not apply to a second or any subsequent conviction for any violation of subsection (a), paragraph (1) of subsection (i), or subsection (j) of Code Section 16-13-30.

B. Serious Offender (Serious Violent Felony)

1. OCGA § 17-10-7 (b)(1): As used in this subsection, the term “serious violent felony” means a serious violent felony as defined in subsection (a) of Code Section 17-10-6.1.
2. OCGA § 17-10-7 (b)(2): Except as provided in subsection (e) of Code Section 17-10-6.1, any person who has been convicted of a serious violent felony in this state or who has been convicted under the laws of any other state or of the United States of a crime which if committed in this state would be a serious violent felony and who after such first conviction subsequently commits and is convicted of a serious violent felony for which such person is not sentenced to death shall be sentenced to imprisonment for life without parole. Any such sentence of life without parole shall not be suspended, stayed, probated, deferred, or withheld, and any such person sentenced pursuant to this paragraph shall not be eligible for any form of pardon, parole, or early release administered by the State Board of Pardons and Paroles or for any earned time, early release, work release, leave, or any other sentence-reducing measures under programs administered by the Department of Corrections, the effect of which would be to reduce the sentence of life imprisonment without possibility of parole, except as may be authorized by any existing or future provisions of the Constitution.

For additional information on OCGA § 17-10-7 and other related laws involving recidivist offenders, refer to the *Official Code of Georgia Annotated (OCGA)*.

IV. PROCEDURES

- A. All sworn personnel shall be responsible for identifying and gathering information on suspected habitual or serious offenders.
- B. Sworn personnel, regardless of assignment, shall recognize the critical importance of every investigation, maintaining a specific focus on cases involving habitual or serious offenders.
- C. Investigative Process – See also CCPD SOP: *D4: Criminal Investigations*.
During the investigative process, the investigating officer or detective shall:
 1. Use the Criminal History Report (which details a suspect’s arrests and subsequent dispositions) to determine if the individual meets the criteria of a habitual or serious offender, as specified.
 2. Use the criteria specified in the Official Code of Georgia Annotated (OCGA) to identify a potential habitual or serious offender.
 3. Attempt to identify all cases involving a suspect who meets the criteria for being a habitual or serious offender.
- D. Once a potential habitual or serious offender is identified and charges are forthcoming, the investigating officer or detective will complete a report and any other required documentation, to enable the District Attorney’s Office to review for prosecution.

- E. The investigating officer or detective shall coordinate with the District Attorney's Office to ensure proper case preparation, and that prosecution and sentence recommendations are carried out. The District Attorney's Office must:
 - 1. Prove that prior convictions from other jurisdictions would constitute felonies in Georgia;
 - 2. Prove the defendant was represented by counsel (or waived it) for the prior guilty pleas or convictions; and
 - 3. Provide notice to the defendant before trial of the intent to seek recidivist sentencing.
- F. When a suspect is identified as a habitual or serious offender, and that individual is on probation or parole, the investigating officer or detective may contact the suspect's probation or parole officer for assistance, or make them aware of the suspect's new criminal activity, or both.

V. CANCELLATION

This procedure amends and supersedes the following standard operating procedure: *D5: Identification of Habitual/Serious Offenders*, dated February 11, 2021.