



GENERAL ORDER

**DURHAM POLICE DEPARTMENT
DURHAM, NC**

NUMBER:

4002 R-2

HABITUAL/SERIOUS OFFENDERS – TOP 10 PROGRAM

Effective Date: 12/15/1995

Revision Dates: R-1 01/10/2005; **R-2 04/26/2013**

INTRODUCTION

The primary purpose of this General Order is to develop a program that identifies and deters habitual offenders. The successful prosecution of habitual offenders requires a close working relationship between members of the Durham Police Department and the District Attorney's Office. To achieve this goal, it is necessary for every officer to contribute to the early identification of the career criminal.

DEFINITIONS

Felony Offense - An offense which is a felony under the laws of this State, any other state, or the federal government, wherein a plea of guilty was entered or a conviction was returned, regardless of the sentence imposed. Exceptions - Federal offenses relating to the manufacture, possession, sale and kindred offenses involving intoxicating liquors shall not be considered felonies for the purposes of this directive.

Pardon - An executive action that mitigates or sets aside punishment for a crime and restores the rights and privileges forfeited on account of the offense.

CRITERIA FOR HABITUAL FELON STATUS

In order for a defendant to attain the status of habitual felon, the State must establish that the person has been convicted of or pled guilty to three felony offenses in a federal or state court in the United States or combination thereof.

- Felonies committed before a person attains the age of 18 years shall not constitute more than one felony.
- The commission of a second felony will not count towards habitual felon status unless it is committed after the conviction of or plea of guilty to the first felony. The commission of a third felony will not count towards habitual felon status unless it is committed after the conviction of or plea of guilty to the second felony.
- Guilty pleas or felony convictions prior to July 6, 1967 shall not be used to meet the requisite three felonies.
- Felony offenses to which a pardon has been extended shall not be used to meet the requisite three felonies.

RESPONSIBILITIES OF THE INVESTIGATOR OR PATROL OFFICER

When an officer has reason to believe that a person under investigation meets the requirements for habitual felon status, he or she must:

- Notify the Division or District Commander of that fact.
- Complete a records check through NCIC on the suspect.
- Complete a records check through the Clerk of Court.
- If a NCIC shows felony convictions from other jurisdictions, the officer or investigator must contact those jurisdictions for certified copies of the indictment and judgment. After records are obtained substantiating that the suspect is a habitual offender, the officer or investigator must contact the Assistant District Attorney handling the current case.

RESPONSIBILITIES OF THE DIVISION OR DISTRICT COMMANDER

The Division or District Commander of the affected unit shall:

- Ensure that the District Attorney's Office has been notified of the material facts related to the investigation by the investigator or officer.
- Coordinate the activities of the Division to ensure that maximum effort is directed toward a successful prosecution of the case. This would include making a verbal request to the District Attorney's Office for its assistance in case preparation.
- File a report with the Intelligence Officer at the conclusion of the investigation.

DISTRICT TOP 10 OFFENDER PROGRAM

Habitual/Serious Offender recognition requires the following actions:

- Specification of criteria designating certain individuals as habitual/serious offenders;
- Identification of all cases in which a designated habitual/serious offender is a party; and
- Notification to the prosecuting agency of such cases.

For a person to be considered a District Top 10 Offender, he/she must have committed, through a case clearance by arrest or exception, at least seven (7) qualifying offenses over the last ten (10) years. Qualifying offenses include all Part I crimes other than shoplifting, and any drug or weapon violations. At least one (1) qualifying offense must have occurred in the district during the previous year. For District 5, the minimum number of Part 1 crimes is five (5) to account for the differences in size between central district and the four outlying districts.

RESPONSIBILITY OF THE CRIME ANALYSIS UNIT

At the beginning of each calendar year, by January 31st, the Crime Analysis Unit will distribute an updated report through the end of the previous calendar year of persons eligible for the program. After receiving each district's list of selected offenders, the Unit will ensure the following steps are taken:

- Any offenders new to each district's list will have a new name alert created with the current date as the *Active Date*, the last day of the year 12/31/yyyy as the *Expires*, the district officer submitting the list as the *Source*, the CAU Supervisor as the *Approved By*, and the number of qualifying offenses listed on the candidate report in the *Notes* section.
- Any offenders on each district's list that is a repeat from the previous or earlier years will have their existing name alert updated as specified in the preceding bullet for each field.
- The name record for each offender selected will be checked for duplicate entries, and merged as necessary to ensure there is only one (1) name record for each Top 10 Offender.
- After all new Top 10 Offenders have been selected and their RMS name records updated, the CAU Supervisor will draft a letter from the Chief of Police to the District Attorney, notifying the DA as to who was selected for the District Top 10 Offender Program for the current year.

RESPONSIBILITY OF THE DISTRICT

At the beginning of each calendar year, after receiving the list of candidates for the District Top 10 Offender Program, the district commanders will select 10 persons as current year participants, based on their current level of criminal activity in the district, and the current goals of the district in abating violent and property crime. The list of selectees is due back to the CAU office by February 10th. Each district is responsible to ensure the following steps are taken:

- All potential selections from the list of candidates will have a criminal history, JusticeXchange, DOC and Accurint/TLO query run to ensure the person is not in prison, or no longer a Durham resident, before being confirmed as a selectee.
- If the selectee is on probation/parole, the name and phone number of the probation/parole officer will be provided to Crime Analysis to be included in the name alert. In addition, the offender's conditions will be sent to CAU to be attached to the RMS name record.
- The district may retain a Top 10 Offender from a prior year on the new list, provided the person is still on the eligibility list and the stipulation in the preceding bullet has been met.
- Once the district has finalized its participants in the current year's Top 10 Offender Program, each of the 10 selectees will be paired with a district officer or investigator as part of the SOAP Program – Serial Offender Accountability Program.
 - The officer/investigator will attempt to learn as much information about the offender as possible, filling in any missing/outdated information on the RMS name record, like other addresses the offender frequents, such as family members or boyfriends/girlfriends.
 - The paired officer/investigator will make contact with the Top 10 Offender at least once per calendar month, or a minimum of three (3) attempts.
 - Each officer/investigator will document their monthly contact activity with the offender using a Field Contact submission.

Commanders will select a supervisor from the district to oversee the program and ensure personnel assigned to offenders are completing their monthly contacts and documenting their activity in Field Contact reports.

RESPONSIBILITY OF THE LINE OFFICERS/INVESTIGATORS

Any officer or investigator knowingly having contact with a Top 10 Offender will document the interaction. If the contact is random in nature and does not amount to an arrest or inclusion in a Code 1, completion of a Field Contact will suffice. If any Top 10 Offender is arrested for a felony, the officer/investigator will notate as such on the Felony Screening Checklist.

NOTIFICATION TO DISTRICT ATTORNEY'S OFFICE

In addition to the Felony Screening Checklist, a Crystal Report designed to run on the Navarre Report Scheduler each night will identify any contacts with, or new cases connected to, active Top 10 Offenders. This report will be emailed to district commanders, analysts, and personnel within the DA's Office.



*Jose L. Lopez, Sr.
Chief of Police*