



FAIRBURN GEORGIA POLICE DEPARTMENT OPERATIONS MANUAL



CHAPTER 17 Investigative Functions

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INTRODUCTION

Since the timely collection of sufficient and accurate information at the initial contact with victims and witnesses largely determines the ultimate outcome of an investigation. The first matter to be addressed in investigations is the adequacy of the crime report. A common error is that the quantity and quality of investigative information collected and reported may be inadequate. Increased participation by uniformed personnel, knowing the proper steps, will greatly influence the probable outcome of the investigation. When relevant information is obtained quickly and efficiently, the chances of a successful investigation are maximized.

I. PURPOSE

- A Establishes investigative guidelines for uniformed officers as well as investigators
- B Establishes a system for documenting the preliminary investigation in order to determine the level and type of follow-up investigation required
- C Establishes procedures and guidelines for processing major crimes
- D Establishes a standard operating procedure for crime scene response
- E Establishes a complete investigative management system to include Standard Operating Procedures for:
 - 1. Investigative Case Files
 - 2. Utilization of Solvability Factors
 - 3. Utilization of a FIR File (Field Interview Report)
 - 4. Utilization of Case Screening

5. Utilization of a Case Management System

II. RULES AND REGULATIONS

The Preliminary Investigation - The preliminary investigation by a uniformed officer may be very restricted or may constitute the entire investigation of the crime. For a particular crime, the scope of the preliminary investigation may be limited by the officer's training or may be limited by the officer's assigned workload. An officer should continue a preliminary investigation to the point where the delay in the investigation caused by the report being processed will not materially jeopardize the investigation.

The patrol officer will follow the procedures listed below when conducting a preliminary investigation:

- A. Upon arrival at scene, the officer will observe all the conditions, events and remarks, to include:
 - 1. Providing aid to the injured;
 - 2. Determining if an offense has actually been committed, and if so, the exact nature of the offense.
- B. Locate and identify witnesses:
 - 1. Full name;
 - 2. Telephone number(s);
 - 3. Physical address and email address;
 - 4. Work information;
 - 5. Name and address of a relative
 - 6. Any citizen reporting a violation of city ordinance, state law, or federal law involving another person(s) will be encouraged to fill out a witness/ complaint statement form.
- C. Maintain the crime scene and protect evidence.
- D. Interview the complainant, victim and witnesses to:
 - 1. Obtain description, name, address, physical, etc. of suspect(s);
 - 2. Determine what information is known.
 - 3. Furnish other field units through radio with a lookout including the direction of travel and any other relevant information concerning persons or vehicles wanted.
- E. Arrange for the collection of evidence:
 - 1. Notify a supervisor if detectives and/or evidence collection personnel are needed to collect evidence or photograph the scene;

2. Officer will collect evidence if there is no need to notify detectives or a Crime Scene Investigation Unit.
- F. Determine the identity of suspect(s) and affect an arrest if it can be accomplished at the scene or through an immediate pursuit.
 - G. Interview the suspect:
 1. Use field interview techniques;
 2. Take suspect into custody and turn over to detectives.
 - H. Complete the incident report.

The Agency employs and authorizes the use of specialized investigative equipment (e.g., polygraph, electronic devices, drug field tests, etc.). Only personnel who have the required training and/or certification are authorized to operate this equipment. In those instances when Agency personnel are not trained, or the Agency lacks the necessary investigative equipment, assistance will be requested through the Georgia Bureau of Investigation, ROCIC, etc.

- I. Crime Scene Supervision - At the scene of any crime, accident or other law enforcement incident, the ranking officer present shall assume command and direction of law enforcement personnel to assure the most orderly and efficient accomplishment of the law enforcement task. When an investigator is on the scene, he or she is in command of the scene.
- J. Command Responsibility at Emergency Situations - Command of the Agency's resources at an emergency rest with the on-duty supervisor. Such a person has the authority to direct the operation and is responsible for its outcome. Senior command officers may make suggestions; however, they may not actively direct the operation unless they properly relieve the subordinate of command. A senior command officer at an emergency scene who does not choose to take command may be held accountable for unfavorable developments that he/she could have prevented by assuming control.

III. FOLLOW-UP INVESTIGATIONS

The follow-up investigation is an extension of the preliminary investigation, not a repetition of it. The purpose of the follow-up investigation is to build upon available evidence and information to prove the elements of a particular crime. This follow-up investigation can then lead to the arrest and successful prosecution of the perpetrator(s) and/or recovery of stolen property.

Follow-up investigations of incidents will be the primary responsibility of the Criminal Investigation Division (CID). However, patrol officers who acquire additional information on incidents shall complete a supplemental report and forward the information to CID.

The following incidents require immediate notification of investigative personnel by the uniform patrol supervisor:

- a. Suspicious death investigations (deaths at a medical facility or hospice care patients may be excluded on a case-by-case basis)

- b. Armed robbery
 - c. Rape
 - d. Aggravated assault
 - e. Kidnapping
 - f. Business Burglary (notification made 24/7), Residential Burglary notification during normal business hours
 - g. Family violence acts resulting in serious injury
 - h. Arson (also call out Fire Investigator)
 - i. Child abuse cases
- A. Function in Criminal Cases - The basic function of the follow-up investigation in a criminal case includes, but is not limited to:
- 1. Reviewing and analyzing reports of preliminary investigations;
 - 2. Recording information obtained during follow-up investigations;
 - 3. Reviewing records for investigative leads;
 - 4. Seeking additional information (uniform officers, informants, etc.);
 - 5. Interviewing victims, witnesses, and suspects;
 - 6. Arranging for the dissemination of information as appropriate (roll call, teletype, lookouts, emails);
 - 7. Planning, organizing and conducting searches;
 - 8. Collecting physical evidence;
 - 9. Recovering stolen property;
 - 10. Arranging for the analysis and evaluation of evidence;
 - 11. Reviewing results from laboratory examinations;
 - 12. Checking for suspect's criminal history;
 - 13. Identifying and apprehending the perpetrator;
 - 14. Determining if other crimes may have been committed by the suspect;
 - 15. Consulting with the appropriate prosecutor's office in preparing cases for court;
and
 - 16. Attending all court proceedings as required.

17. Scheduling the lineup on a date and at a time that is convenient for all concerned parties, including the prosecuting attorney, defense counsel and all witnesses, when possible;

B. Responsibilities for Follow-Ups

1. All cases assigned to CID should be followed up on within two working days.
2. At least three contact attempts should be made with victims before a case is made inactive.
 - a) A minimum of two, but three different types of contacts are preferred: phone call, email, in-person, mailed letter.
3. After initial contact, cases should not be immediately inactivated. Cases should be kept open a minimum of three working days (1, 2, 3 method) to ensure new leads or similar crimes surface.
4. Supplements should be kept up-to-date reflecting contacts and other activities of the case.
5. All digital files (video, pictures, documents, etc.) provided from follow-ups with witnesses/victims will be secured on the department's secure cloud-based program (Evidence.com) and properly labeled with the assigned case number.
6. CID On-Call Pay
 - a) An on-call calendar for detectives will be created by the CID Sergeant and distributed to all sworn personnel.
 - b) All detectives that are non-exempt, hourly employees, will receive compensation for the days that they are designated to be in on-call status. Detectives will receive compensation for on-call days at the following rates:

| | |
|-----------------------|-------------------------|
| (1) Monday – Thursday | 1 hour of time per day |
| (2) Friday – Sunday | 2 hours of time per day |
 - c) If a detective is called in to work, they will receive a minimum of 2 hours of pay, plus any additional time worked over two hours. The two-hour minimum they receive replaces the on-call pay. Detectives are not paid both the on-call pay and the 2-hour minimum.
 - d) Any detective placed in an on-call status is prohibited from the consumption of alcoholic beverages during that period.
 - e) Any detective placed in an on-call status must be able to respond and be on scene within sixty (60) minutes from the time of notification/request to respond.
 - f) Any detective that is on-call status that fails to answer their phone and/or text messages from the requesting supervisor, or fails to respond

to the emergency, may be subject to disciplinary action.

C. Procedures for Processing Crime Scenes Involving Serious Injury or Death

1. Serious Injury:

- a) The first officer on the crime scene will consult the medical technician present and determine if there is a serious injury or a death.
- b) If there is a serious injury and not a death, the officer will allow the medical technician to treat and transport the injured.
- c) The officer will secure the crime scene and detain all witnesses.
- d) The officer will notify the supervisor and request an investigator's assistance.

2. Natural Death:

- a) Upon arrival, the first officer will carefully observe the scene. If the officer assumes the death is natural, he/she will notify the on-duty supervisor. The supervisor will then make all the necessary notifications. Should the supervisor have any questions, the on-call investigator will be contacted.
- b) If the Medical Examiner's Office rules that death is not natural or is suspicious, the officer on the scene will follow the procedures set forth for violent or suspicious death.
- c) Patient deaths in hospice care where no foul play is suspected do not require CID notification.

3. Violent or Suspicious Death:

- a) Upon arrival, the first officer on the scene will request the medical technician to stand by and will detain all witnesses.
- b) The officer will notify the on-duty supervisor.
- c) The officer on the scene will remain to secure the scene and assist the investigator as directed and until released by the investigator.
- d) Pending the arrival of the Medical Examiner's Office, the investigator and the Crime Scene Technician may observe the scene together without tampering with or moving the body or evidence.
- e) Upon arrival of the Medical Examiner's Office, the investigator in charge will cooperate with him/her so they can:
 - (1) Observe the scene;
 - (2) Take photographs of the body;
 - (3) Jointly, with the investigators, search and remove the personal

property from the deceased.

- f) The Medical Examiner's Office will ensure that a complete inventory of all personal effects is made;
- g) Property of evidentiary value on the deceased, or at the scene, will be thoroughly inventoried by the investigator;
- h) Upon completion of the crime scene search, the investigator, will release the body to the Medical Examiner's;
- i) If the Medical Examiner's Office is present, he/she will have the authority to release the body and decide, with input from the investigator, if an autopsy is appropriate.

**STANDARD OPERATING PROCEDURE
EFFECTIVE: 05/19/2008**

S.O.P. 17-1 CRIME SCENE RESPONSE

INTRODUCTION

The officers assigned to an alleged crime or other incident are responsible for required actions and the completion of the preliminary or other investigation as directed. This shall include, but is not limited to, securing statements and other information which will aid in the successful completion of the investigation, and locating, collecting and preserving physical evidence relevant to the case.

I. GENERAL RESPONSIBILITIES OF OFFICERS AT CRIME SCENE

The first officer to arrive at the scene of a crime or other law enforcement incident is responsible for the following actions as they may apply to the situation:

- A Covering the most likely avenue of escape;
- B Administering first aid and summoning medical assistance as needed;
- C Obtaining a description if available and issuing a lookout;
- D Taking charge of and processing or protecting the crime scene, preserving evidence, and keeping witnesses present;
- E Notifying the Communications Center if additional help is needed.

II. CRIME SCENE PROCEDURES (GENERAL)

- A The officer receiving the call is in charge of the case and will direct all personnel assigned to assist;
- B The officer shall exclude all nonessential personnel from the scene and record the names and addresses of witnesses;
- C Ropes, signs, or any item available should be used to maintain a perimeter and preserve the crime scene;
- D Law enforcement vehicles should be parked well away from the scene until the boundaries of the scene can be definitely established;
- E Photographs must depict the scene exactly as it was found;
- F When possible, all vehicles should be processed at the scene. If it becomes necessary to remove vehicles from the scene before processing, the vehicle shall be impounded and have a hold placed on it. Arrangements shall be made to ensure the vehicle will be protected;
- G Crime scene processing must continue until it is completed. Once a crime scene is abandoned, if only for a short time, it is often impossible to gain possession of the premises again;

- H No portion of a major crime scene will be released without the approval of the investigator and/or supervisor;
- I All property and evidence shall be properly identified and tagged with the date, time received or recovered and the inventorying officers initials.

III. CRIME SCENE SEARCH PROCEDURE

- A Officers at the crime scene shall assure the integrity of physical evidence by:
 - 1. Arriving as soon as possible
 - 2. Protecting the crime scene
 - 3. Excluding all unauthorized personnel
 - 4. Extending the security area immediately beyond the fringes of the incident
 - 5. Avoiding touching, handling or stepping on anything until the entire scene has been analyzed
 - 6. Keeping in mind that nothing is too small or too insignificant to have investigative value
- B The objectives of collecting evidence are as follows:
 - 1. To determine the facts of the crime
 - 2. To identify the suspect(s)
 - 3. To aid in the arrest and conviction of the suspect(s)
- C The search shall be conducted as follows:
 - 1. Develop a search plan
 - 2. Photograph evidence before handling
- D Evidence shall be collected as follows:
 - 1. Preserve discovered items for forensic processing, fingerprints, ballistics, etc
 - 2. Package discovered items to ensure constant protection
 - 3. Mark and initial all evidence and containers
- E Evidence shall be marked as follows:
 - 1. Label evidence immediately to ensure its proper identification later
 - 2. Each piece of evidence must be marked when it is removed from its original position
 - 3. Identify each item and its location where found

F The chain of evidence shall be maintained as follows:

1. Limit the number of individuals who handle the evidence to as few as possible
2. Record the name of the individuals who handle the evidence or enter the crime scene
3. Obtain receipts from individuals who accept evidence
4. Never assume the evidence which is returned is in the same condition or state in which it was found. Check it, verify markings.

IV. ASSURING THE INTEGRITY OF WITNESSES (EVALUATION)

The integrity of witnesses shall be ensured as follows:

- A Isolate potential witnesses
- B Obtain identities of potential witnesses and where they were at the time of the alleged incident
- C Obtain the first reactions of witnesses
- D Collect witness statements
- E Allow witnesses to give a full statement free of outside influences
- F Allow witnesses the opportunity to record and sign statements
- G Never lead witnesses or attempt to "help" them recall information

**STANDARD OPERATING PROCEDURE
EFFECTIVE: 05/19/2008**

S.O.P. 17-2 EXCULPATORY EVIDENCE

I. PURPOSE

An agency and its personnel may be subject to liability in federal court for failing to disclose to a prosecutor any evidence that may be favorable to a defendant. The purpose of this policy is to ensure that agency personnel are in compliance with landmark United States Supreme Court decisions of *Brady v Maryland* (1963) and *Giglio v United States* (1972). It is also important to establish criteria and procedures for conducting post-conviction investigations to ensure justice is served.

II. POLICY

It is the policy of this agency to require that law enforcement personnel provide all potentially exculpatory evidence to prosecutors. Furthermore, it will be the responsibility of the Internal Affairs Section or designated agency personnel to review all officers' files to determine if any officer has a disciplinary history that would impact the officer's credibility as a witness. This information should be made available to the prosecutor for a determination of whether said information is "Brady" material prior to officer appearance.

When possible exculpatory evidence is discovered by, or provided to, the agency which might indicate a convicted individual's innocence, the agency shall promptly provide the evidence to the District Attorney Office for review. Post-conviction investigations shall be opened when there is sufficient evidence which suggests the convicted person was not actually responsible for the crime. The agency shall also continue to investigate the original case with the goal of identifying the actual perpetrator(s).

III. DEFINITIONS

- A 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 potential exculpatory information.
- B Exculpatory Evidence/Brady Material: Evidence in the government's possession that is favorable to the accused and that is material to either guilt or punishment, including evidence that may impact the credibility of a witness.

IV. PROCEDURE

- A Officers are required to document all investigative activity involved in an investigation, including exculpatory information.
- B All official reports involving an investigation will be submitted to the prosecuting authority prior to actual prosecution of the case. The prosecutor will determine what information contained in the case file will be provided to defense counsel.
- C Each employee who is notified to appear as a witness in a criminal case has an individual obligation under this policy to notify the prosecutor on the specific case of any sustained disciplinary history that may impact credibility and qualify as "Brady"

material.

- D All sworn personnel shall be familiar with this policy and the importance of credibility in the occupation of law enforcement.

V. POST CONVICTION INVESTIGATION PROCEDURES

A Criminal Investigations Division (CID) Commander Responsibilities :

1. The CID Commander shall review all cases in which possible post-conviction exculpatory evidence is discovered, is sufficient to significantly suggest the convicted individual was not actually responsible for the crime.
2. The CID Commander shall ensure the detective assigned to the post-conviction investigation was not involved in the original investigation.
3. Once a post-conviction investigation is assigned to a detective, the CID Commander shall ensure that investigative progress reports are completed at least every thirty (30) days.
4. The CID Commander shall immediately notify the Chief of Police and the District Attorney's Office of the discovery of exculpatory evidence and the case has been assigned for post-conviction investigation.
5. Whenever possible, the CID Commander shall assign a detective with specific expertise and training regarding investigating the type of crime involved.
6. If the original case investigative file is not in the current case management system, the CID Commander shall be responsible for transferring the original file to the case management system.
7. Will ensure that the assigned detective completes all necessary investigative supplemental reports documenting the post-conviction investigation.
8. Will accompany the assigned detective of the post-conviction investigation case to consult with the District Attorney's Office regarding the results of the post-conviction investigation and providing him/her with a complete copy of the investigative case file.

- B Case Suspension- The CID Commander may suspend the post-conviction investigation if he/she determines, based on the totality of the circumstances, the investigation has exhausted all known leads.

**STANDARD OPERATING PROCEDURE
EFFECTIVE: 05/19/2008**

S.O.P. 17-3 INVESTIGATIVE CASE FILE

INTRODUCTION

Case files shall be maintained on all cases for which investigative activities are on-going. The case file provides an immediate information resource to investigators. These files shall be consolidated into the records system when the case is suspended or closed.

I. CASE FILES - will be prepared at the direction of the supervising investigator. To ensure uniformity, all major case files shall be prepared as follows:

- A Case files will be prepared in manila folders available in the investigator's office.
- B Folder label will identify the case number, investigator assigned, and type of crime.
- C Case files shall contain, when applicable:
 - 1. The left portion of the file shall contain:
 - a) Cover sheet
 - b) Check list
 - c) Complete report other than supplements
 - d) Evidence list and photo sheets
 - e) any other documentation from the initial investigation.
 - 2. The right portion of the file shall contain:
 - a) Supplements
 - b) Investigative Reports
 - c) Booking Sheet, when applicable
 - d) Citations, when applicable
 - e) Warrants, when applicable
 - f) Advisement of rights/waiver forms
 - g) Statements
 - h) Evidence Sheets
 - i) Miscellaneous documents
 - j) Envelope containing any notes, photographs, documents, or discs

D Case files will be maintained as Offense Reports.

II. REPORTS - All reports submitted by officers shall conform to Agency report writing procedures. The original investigation report shall describe the investigation.

A Narrative Summary - Describe in detail who, what, where, why, when and how. Include a short paragraph summarizing the information given.

If an area canvass is conducted, all persons and addresses, interviewed or visited, must be listed. State time, and identify persons by name, race, sex, address, phone number and what information was obtained. If no one was at home at an address, state that no contact was made and give time of attempted contact;

B Scene - Assault or Homicide Investigation - Describe the scene of the crime and body position, clothing, trauma, disposition of body, etc.

C Scene - Property Crime - Describe scene, (structure, type dwelling or business); reporting person, legal owner and/or person in possession

D Medical History - For assault or homicide investigation include where the victim was treated, doctors and hospitals involved, extent of wounds and condition of victim.

E Property and Evidence Disposition - Include detailed listing of property or evidence impounded and where it is stored. If property is released at scene, state to whom and why.

III. STATEMENTS (Witness and Subject)

A Statements must reflect sufficient personal history data of the person interviewed (i.e., name, race, sex, date of birth DOB, address) so he/she may be located.

B Statements shall be collected on the Agency's statement form or recorded.

**STANDARD OPERATING PROCEDURE
EFFECTIVE: 05/19/2008**

S.O.P. 17-4 ASSIGNMENT OF CASES FOR FOLLOW-UP

INTRODUCTION

Because it is not feasible to expend equal time and energy in the investigation of all reported crimes, the priority of investigation and allocation of resources must be based upon the relative seriousness of each reported crime. However, all reported crimes will be investigated to the fullest extent possible without regard to the status of the victims or the area of the City in which the crimes occur.

Increased participation by uniformed personnel can increase the quality of the preliminary investigation.

All reported criminal cases will be forwarded to the CID commander for review, assignment, and change of case status. All cases requiring follow-up will be listed as active and assigned to an investigator until all leads are exhausted. At the end of the investigation reports will be reclassified as:

1. Cleared by arrest
2. Inactive
3. Exceptionally cleared
4. Unfounded / No crime

**STANDARD OPERATING PROCEDURE
EFFECTIVE: 05/19/2008**

S.O.P. 17-5 INTERVIEWS

INTRODUCTION

How well patrol officers develop and report on routine suspect stops greatly affects later events as the cases are reported and processed through the criminal justice system. One of the major outcomes of improved field reporting is an increase in law enforcement productivity which translates into an increase in the number of arrests for serious crimes.

1. FIELD INTERVIEW

The Field Interview (FI) File is just one method of improving the productivity of the patrol officer who is routinely involved in investigations that occur in his/her zone. The role of the patrol officer and the investigator cannot be viewed as completely separate and distinct functions. How effectively the patrol officer documents the events of a crime has a definite impact on the case outcome when investigators attempt to pursue cases.

- A One file that could substantially assist in conducting criminal investigations is the Field Interview (FI) which includes information about the movement and identification of "suspicious persons" in the City.
- B Patrol officers initiate contact with persons on the street in order to conduct a preliminary investigation based on the circumstances that exist at that time. As a general rule, circumstances short of probable cause to arrest may still justify an officer's stopping pedestrians or motorists on the street for questioning.
- C These contacts may or may not lead to an immediate arrest. Since an individual will be detained only long enough to satisfy the original reason for questioning, the stops that do not result in an arrest are not recorded for general knowledge.
- D Utilizing a FI to document these contacts fulfills two functions. First, charges of police harassment can be answered because movements of all suspicious persons within the City for a given time have been noted and recorded. Particular groups or types of persons have not been singled out for special treatment or surveillance. Secondly, an accurate record placing specific people at specific locations during specific times can only assist in conducting investigations.
- E The FI documents the name of potential suspects, witnesses and descriptions of vehicles that may or may not have been involved in criminal activity.

2. VICTIM / WITNESS INTERVIEW

Detailed notes and/or written statements should be made for future reference giving time, date, location, detective(s) present, etc. The trauma/stress to which the victim or witness has been subjected should be considered and the interview conducted in such a manner as to reduce stress and minimize further problems. The age, physical limitation and credibility of the witness(es) should also be considered.

3. SUSPECT INTERVIEW

When interviewing suspects, detectives should consider these important points:

- a. Interviews to obtain investigative leads can be very useful, but all constitutional precautions must be taken and recorded, when possible, if the interview is to be used in court later.
- b. Detailed notes and/or a written statement should be made for future reference and court use, giving time, date, locations, officers present, waiver of rights (if applicable), time interview started and ended and other information as needed.
- c. Statements obtained during an interview must not be based on coercion, promises, delays in arraignments, or deprivations of counsel.
- d. In order to use a statement in court, a suspect under arrest shall be advised of the Miranda warnings and the detective must be able to demonstrate that the suspect understood those rights and made a knowing and intelligent waiver of those rights.
- e. Juvenile victims, witnesses and suspects must be given the same constitutional protection as adults. The following safeguards should be followed:
 - (1) Parents or guardians should be notified whenever a juvenile is taken into custody or charged.
 - (2) The number of detectives engaged in the interview shall be kept to a minimum. The duration of the interview shall be kept to a minimum. The interview shall end promptly if the juvenile becomes ill or non-responsive. The interview may be ended at the request of the parent/guardian.
 - (3) A brief explanation of the juvenile justice system and department procedures should be provided.
- f. If there is more than one (1) suspect to be interviewed, the suspects will be separated and interviewed individually.
- g. When interviewing suspects, detectives shall record the "Advice of Rights Waiver and Statement", when possible.

4. **RECORDED INTERVIEWS**

In most circumstances, when possible, the detective will record the confessions/statements of suspects and/or victims. All recordings will be handled as evidence and a property receipt will be completed prior to turning the recording(s) over to the Evidence Custodian. The property receipt number will be documented in the investigative summary prepared on each interview and a copy of the receipt will be included in the case file.

**STANDARD OPERATING PROCEDURE
EFFECTIVE: 05/19/2008**

S.O.P. 17-6 CASE SCREENING

I. INTRODUCTION

Case Screening is a strategy that can help determine whether to continue an investigation based upon evaluation of solvability factors identified during the initial investigation.

The proper use of the screening procedure will enable the command staff to exercise control over expenditures and the kind of investigative effort made. Special community demands for a follow-through investigation may influence the command staff's decision.

- A The screening process usually occurs informally as the result of an individual investigator's action. Each investigator traditionally takes the cases assigned and sorts them into two categories. First, those that are worth pursuing because information and leads exist and are likely to lead to solution, and second, those which will lack sufficient solvability factors based on the information available, and on the basis of experience gained in attempting to investigate similar cases.
- B One benefit of case screening is a reduction in wasted time due to the better organization of necessary information and minimizing duplication of efforts.
- C To implement a case screening process based on the initial report supplied by patrol officers, information is ranked and incorporated into the screening procedure, to initially determine if a case should be continued. The following questions should be considered:
 - 1. Can the complainant or witness identify the offender?
 - 2. Is the offender known to the complainant or witness?
 - 3. Does the complainant or witness know where the offender can be located?
 - 4. Is there physical evidence at the scene which would aid in the solution of the case (e.g., fingerprints, DNA evidence, etc.)?
 - 5. Is the complainant or witness willing to view photographs to aid in identifying the offender?
 - 6. Can the complainant or witness provide a meaningful description of the offender (e.g., home address, auto driven, scars, or other distinctive features)?
 - 7. If the offender is apprehended, is the complainant willing to pursue the complaint in court?
- D To evaluate whether the case should be further investigated, the initial investigation should provide information concerning the following so that the supervisory review is more meaningful and appropriate:
 - 1. An estimate of the reaction of the community to the crime, based on the opinion of the reporting officer.

2. Does the crime involve a sensitive or unusual place or person (e.g., church, temple, school, child, physically disabled person, etc.)?
 3. Is there a pattern of such crimes in the area which points to a single individual or gang operating in the area?
 4. Does the number of similar types of crimes in the area raise questions concerning the Agency's image concerning performance and efficiency?
- E The case screening process should require that cases be suspended when they are identified as not solvable because insufficient success criteria exist.
- F The Application of a Case-Screening System. In summary, the components of a case-screening system are:
1. Accurate and complete collection of crime information by the patrol officer;
 2. An on-scene determination of the sufficiency of crime information collected; and
 3. Review of these decisions by the CID Commander.
- G The implementation of case screening procedures creates the need to develop a monitoring or management information system which will provide the Chief of Police with sufficient feedback on the system's effectiveness.

II. DEVELOPMENT OF INFORMATION

The development of pertinent case information begins when a call is received and continues until the case is cleared or moved to inactive. Obtaining and recording even apparently minor information is often critical to the successful resolution of a case.

1. Sources of information that are valuable and should be utilized include, but are not limited to:
 - a. Vehicle files;
 - b. Arrest records;
 - c. Traffic and accident reports;
 - d. Photographs and fingerprints;
 - e. Pawn shop records, LeadsOnline;
 - f. Permit Unit records
 - g. TLO, iDiCore, ROCIC, LPR data
2. Outside agency information can be valuable in an investigation and should be utilized when appropriate. Such information includes; but is not limited to:
 - a. N.C.I.C./G.C.I.C. criminal history records information;
 - b. Department of Motor Vehicles (DMV) records;
 - c. Local and federal agency records;
 - d. Court records;
 - e. Tax records;
 - f. Licensing Units records;
 - g. Welfare and Social Service Agency records;

- h. Board of Education records;
 - i. Real Estate records;
 - j. Post Office records; and
 - k. G.C.I.C. off-line searches for vehicle type, etc.
3. Private organizations and agencies can also provide information valuable to investigation. Subpoenas may be necessary to obtain confidential and/or certified records. Such sources of information include; but are not limited to:
- a. Utility companies;
 - b. Telephone companies;
 - c. Banks and credit agencies;
 - d. Union and professional agencies;
 - e. Insurance companies;
 - f. Neighbors, social contacts and business associates;
 - g. Medical records;
 - h. Social media

**STANDARD OPERATING PROCEDURE
EFFECTIVE: 01/28/2021**

S.O.P. 17-7 CASE MANAGEMENT

I. INTRODUCTION

This Manual provides a description of the monitoring system's components which should provide information about the current workload and performance of investigators. Implementation can ensure that each case receives an appropriate amount of effort, that the workload is evenly distributed among investigators and that each type of crime receives adequate attention.

Evaluation of performance must be measured in terms of an individual's contributions to the Agency's goals. If the Chief of Police is to make a fair, objective evaluation of a subordinate's performance, he/she needs quantifiable information to compare with established standards and past performance. Because investigative work is performed without close supervision, quantitative reports on an individual's performance are more important than they are in situations where close supervision is possible.

The overall goal of a managed investigation process should be to increase the number of case investigations of serious crimes which are cleared by an arrest leading to prosecution. Objectives of a managed investigation process should include:

- Assigning case investigations more effectively;
- Improving on the quality of case investigation and preparation;
- Monitoring the progress of case investigation and deciding about continuation; and
- Evaluating results on the basis of investigative outcomes.

To accomplish these goals, the Agency must develop the records required to support the directing, monitoring, and evaluating of investigative efforts.

- A Case Management and Decision Review - A system of caseload inventory and work performance evaluation allows investigators to develop the necessary feeling of responsibility and accountability which contribute to high-quality job performance. The investigator's interest can be sustained at high levels when there is managerial assurance that every investigator is shouldering an equitable portion of the total workload;
- B Investigator's Checklist - lays out an investigative plan to be followed.
- C JusticeOne RMS – The Agency will utilize JusticeOne RMS software for case management. This is an electronic system of records management.

II. CASE STATUS AND CLEARANCE

All cases will receive a clearance status upon conclusion of the investigation by a detective.

III. CLEARED CASE STATUS

1. Cleared by Arrest - An offense is cleared by arrest when one or more persons

are arrested and held for prosecution.

2. Cleared/Unfounded - An offense is considered unfounded when the investigation yields no evidence to verify that the incident occurred.
3. Exceptionally Cleared - An offense is considered cleared by exception when it falls into one or more of the following categories:
 - a. Death of offender
 - b. Prosecution declined
 - c. Victim will not cooperate with known offender
 - d. Turned over to another agency

IV. CASE STATUS WHEN NOT CLEARED

1. Active Investigation - This status is used at the conclusion of an investigative summary when an investigation is still active and possesses a degree of solvability.
2. Inactive/No Leads - This status is used at the conclusion of an investigative summary to indicate all investigative efforts have been exhausted, there is an unavailability of investigation resources and the case will be inactive pending the development of further information.
3. Evidence Pending – The status is used when the detective has completed his/her investigation and is awaiting the return of evidence, such as DNA or fingerprints. The case will be reopened once the required information from the evidence is received.
4. Warrant Issued/Arrest Pending – An arrest warrant was issued by a Magistrate for the offender, but the offender has not been arrested. The case remains active but placed in temporary status of “Warrant Issued” since no additional investigative measures are needed and is only pending the arrest of the offender.
5. Want of Prosecution – The victim is uncooperative or does not wish to proceed with the case. However, with this status, the criteria is not met to for a clearance status of Exceptionally cleared.

V. PURGING OF FILES

Case files for the current year will be kept locked in the CID/records office. Case files from previous years will be stored in the CID/records office or designated storage room. Cases that are adjudicated will be kept within the guidelines of the State Retention Schedule and destroyed when time permits.

**STANDARD OPERATING PROCEDURE
EFFECTIVE: 05/19/2008**

S.O.P. 17-8 LINE-UPS

INTRODUCTION

It is the purpose of this procedure to establish guidelines for the use of eyewitness identifications involving identification at the scene (showups), photographic identifications and live lineups.

Eyewitness identification is a frequently used investigative tool. As such, the Agency has established these procedures to maximize the reliability of identifications, minimize unjust accusations of innocent persons and to establish evidence that is reliable and conforms to established legal procedure.

I. DEFINITIONS

- A **SHOWUP:** The presentation of one suspect to an eyewitness in a short time frame following commission of a crime. The purpose of a showup is to allow innocent persons to be released without unnecessary delay.
- B **PHOTO ARRAY:** The showing of several photographs to an eyewitness for the purpose of obtaining an identification.

II. SHOWUPS

Many courts have suppressed identification evidence based on the use of showups because of the inherent suggestiveness of the practice. Therefore, the use of showups should be avoided whenever possible in preference for the use of a lineup. However, when exigent circumstances require the use of showups, the following guidelines should be followed.

- A Showups should not be conducted when the suspect is in a cell, manacled or dressed in jail clothing.
- B Showups should not be conducted with more than one witness. If there is more than one witness the witnesses should not be permitted to communicate before or after the show up regarding the identification of the suspect.
- C The same suspect should not be presented to the same witness more than once.
- D Showup suspects should not be required to put on clothing worn by the perpetrator, to speak words uttered by the perpetrator or to perform other actions of the perpetrator.
- E Words or conduct of any type by officers that may suggest to the witness that the individual is or may be the perpetrator shall be avoided.

IV. PHOTO LINEUP

In conducting photo lineups, officers should adhere to the following procedures:

- A Photographic identifications must use multiple photographs shown individually to a witness or simultaneously in a book or array.

B Principles for conducting lineups generally apply to photo identifications. In particular, officers should:

1. Use a minimum of five fillers of individuals who are reasonably similar in age and general appearance and of the same sex and race and resemble the witness's description of the perpetrator of the alleged crime;
2. Whenever possible, avoid mixing color and black and white photos, use photos of the same size and basic composition, and never mix mug shots with other snapshots or include more than one photo of the same suspect;
3. Cover any portions of mug shots or other photographs that provide identifying information on the subject, and similarly cover other photos used in the array;
4. Show the photo array to only one witness at a time;
5. Use the department's Photographic Line-Up Advisory Statement to provide the witness with instruction that the perpetrator of the alleged crime may or may not be present in the photo lineup (see Appendices for Advisory Statement form);
6. Have an officer who is unfamiliar with the identity of the suspect conduct the photo lineup.
7. When not feasible to have an officer unfamiliar with the identity of the suspect, the officer should use a procedure in which the photographs are placed in folders, randomly shuffled, and then presented to the witness so that the individual conducting such procedure cannot physically see which photograph is being viewed by the witness until the procedure is complete.
8. Record the photo lineup and presentation on body camera;
9. Never make suggestive statements, or overt actions, that may influence the judgment or perception of the witness; and
10. Preserve the photo array, together with full information about the identification process, for future reference.

V. LIVE LINEUPS

In conducting live lineups, the officer must adhere to the following procedures:

1. Fulfill the necessary legal requirements for transfer of the subject to the lineup location should the subject be incarcerated at a detention center; and
2. Make arrangements to have a minimum of four persons to act as "fill ins" at the lineup who are the same race, sex and approximate height, weight, age and physical appearance and who are similarly clothed. The fill-ins should generally resemble the witness's description of the perpetrator of the alleged crime.
3. Have an officer/investigator who does not know the identity of the suspect conduct the live procedure.

4. A live lineup should be shown to only one witness at a time.
5. Provide the witness with instructions that the perpetrator of the alleged crime may or may not be present in the live lineup.
6. The officer conducting the live lineup must record the procedure on body worn camera in order to capture a clear statement from the witness as to the witness's confidence level that the individual identified is the individual who committed the alleged crime, if the witness/victim is able to make an identification an individual in the live lineup.

**STANDARD OPERATING PROCEDURE
EFFECTIVE: 05/19/2008**

S.O.P. 17-9 REGIONAL ORGANIZED CRIME INFORMATION CENTER (ROCIC)

I. PURPOSE

The purpose of these procedures is to establish guidelines to ensure the security, privacy, accuracy and completeness of access to and dissemination intelligence obtained from Regional Organized Crime Information Center (ROCIC); and to ensure the accuracy, timeliness and completeness of all records submitted by the Fairburn Police Department to ROCIC.

II. SCOPE

This policy applies to all sworn and non-sworn personnel of the Fairburn Police Department, volunteers, visitors, vendors, contractors and others who have access to ROCIC or areas that contain such information.

III. IDENTIFICATION OF AUTHORIZED PERSONNEL

Criminal Intelligence Information shall be maintained in secure areas within the department. They shall only be accessed by or disseminated to those who are authorized to access or receive said information in accordance with departmental policy, state law, or by rules, regulations and policies of ROCIC.

Only authorized personnel are allowed access to ROCIC. Members of the Criminal Investigations Unit, certified Instructors, and any other employee that the Chief or their designee appoints will be granted access to ROCIC. All employees given access to ROCIC must complete the "28 CFR Part 23" training module on the ROCIC website within 45 days of being granted access. Documentation of successful completion of this training will be submitted to their supervisor to be placed in training file.

IV. RESPONSIBILITIES

All Intelligence obtained from ROCIC will be documented and obtained in case file. No Intelligence from ROCIC will be passed onto the public or non-member agencies unless needed for furtherance of an investigation or for public safety. Any dissemination will be documented as to whom it was disseminated to and the purpose.

Any Intelligence submitted to ROCIC database must be legally obtained, have reasonable suspicion of criminal activity, and record maintained in case file.

V. USER ACCOUNT ACCESS- VALIDATION AND REMOVAL OF ACCESS POLICY

Purpose: The Fairburn Police Department shall manage ROCIC accounts, including establishing, activating, modifying, reviewing, disabling and removing accounts. The Fairburn Police Department shall validate system accounts at least annually.

Policy: All accounts shall be reviewed at least annually by the Criminal Investigation Commander (CIC) or designee to ensure that access and account privileges commensurate with job functions, need-to-know, and employment status. The CIC or designee will remove or disable all access accounts for separated or terminated employees immediately following separation from the Fairburn Police Department.

VI. DISCIPLINARY ACTIONS

The purpose of this policy is to establish guidelines for disciplinary action in regard to violations concerning ROCIC and information obtained thereof.

Misuse of computing, networking or information resources may result in temporary or permanent restriction of computing privileges up to employment termination. In some misuse situations, account privileges will be suspended to prevent ongoing misuse while under investigation. Additionally, misuse can be prosecuted under applicable statutes. All files are subject for search. Where follow-up actions against a person or agency after an information security incident involves legal action (either civil or criminal), the evidence shall be collected, retained, and presented to conform to the rules for evidence laid down in the relevant jurisdiction(s). Complaints alleging misuse computing and network resources and systems and/or data will be directed to those responsible for taking appropriate disciplinary action.

All employees are required to follow the policies, rules and procedures set forth U.S. Department of Justice.

- A. The following disciplinary action will be taken for general working errors that involve violations which are determined to be accidental errors or errors made due to the need of additional training. The severity of the error will be evaluated by the CIC. This is a general guideline and its use will be determined by the CIC, Deputy Chief and/or Agency Head.
 - 1st offense (for less severe errors) Verbal Warning – additional training.
 - 1st offense or 2nd offense (determined by the severity of error) – written reprimand – additional training.
 - 3rd offense – written reprimand with possible suspension or termination –extensive additional training.
 - 4th offense – employment termination.
- B. For deliberate violations and/or misuse of ROCIC or information obtained thereof: 1st offense – immediate termination and possible criminal prosecution.

**STANDARD OPERATING PROCEDURE
EFFECTIVE: 08/03/2009**

S.O.P. 17-10 STAKEOUTS AND SURVEILLANCE

INTRODUCTION

The purpose of this procedure is to provide guidelines for conducting stakeouts/surveillance that will maximize enforcement effectiveness in the safest possible manner.

Stakeouts/Surveillances are an important Agency activity used in anticipation of enforcement actions against criminal suspects. Because these assignments are inherently dangerous, officers assigned to these duties shall follow Agency policy and procedures designed to ensure operational effectiveness. If enforcement action is taken, it shall be done in a way to minimize potential harm to both civilians and officers.

I. DEFINITION

A. **STAKEOUT:** The tactical deployment of law enforcement officers in anticipation of the commission of a crime at a specific location or for the apprehension of a fugitive.

B. **SURVEILLANCE:** The secretive observation of a person, place, or vehicle. Surveillance can be used effectively to gather information or evidence of illegal activity, or in the case of a stakeout, to apprehend criminals after a pattern has been identified. All officers are encouraged to use surveillance of known trouble spots and known violators as part of their efforts to suppress crime and arrest suspects in their area.

II. PREPARATION

Officers assigned to stakeout/surveillance duty will review the Agency's policy and procedures for conducting these operations as well as the Agency's use of force policy.

- A The officer in charge (OIC) and/or the supervisor of the stakeout/surveillance shall "advance" the designated location to:
1. Interview appropriate parties to ascertain their level of cooperation, to inform them of the nature of the operation and their individual responsibilities related to deportment and safety, and impress upon them the importance of keeping the operation strictly confidential;
 2. Survey the establishment to determine manpower, equipment and logistical requirements and to prepare a floor plan for the tactical briefing; and
 3. Prepare a tactical plan.
- B Prior to deployment, the detail supervisor will assemble the stakeout/surveillance team for a detailed briefing of the tactical plan of operation, to include:
1. All available intelligence on the suspects, their MOs, photographs or composites, armament used, potential for violence, tactics and routines, use of drugs, method of approach and escape, and any other relevant information;
 2. A detailed assessment of the stakeout/surveillance location as developed by

the advance team, to include all entry and exit locations, work stations, positions of cover and information on building construction and other matters relating of unsafe fields of fire;

3. Weapons and other equipment needs, to include the mandatory use of soft body armor and the use of videotape to record the operation whenever possible;
4. Individual and team assignments and responsibilities for inside and outside personnel as well as manpower rotation and relief procedures; and
5. Review of contingency plans in cases relating to the use of force, injury of officers or civilians, taking of hostages, barricaded suspects, threatened use of explosives or other unexpected events, as well as potential logistical problems such as communication or vehicle failure.

III. DEPLOYMENT

A. Stakeouts/Surveillance will normally consist of an inside and outside team. Enforcement action should not be initiated by the inside team unless circumstances dictate such action for the safety of officers or others, or the tactical plan has designated such action. The inside team shall be used primarily to relay information to the outside team for purposes of arrest.

B. The inside team shall be responsible for final briefings of the establishment's employees, instructing them in the actions they should take in the event of an armed encounter and informing them that they are not to initiate any enforcement actions on their own.

C. Stakeout/Surveillance teams are designated for enforcement actions only with regard to the tactical plan and shall not be used to enforce less serious infractions such as shoplifting while on assignment. Such infractions shall be handled on a routine basis by uniform officers.

D. Uniform officers on patrol in the immediate vicinity of a stakeout/surveillance shall be informed of the operation just prior to beginning their shift.

E. Inside team officers who are not in concealed positions shall assume roles and attire similar to that of others in the establishment. Outside team members shall observe good surveillance and concealment tactics at all times and maintain positions that provide easy and rapid access to the establishment.

F. In order to conceal their identity and equipment, officers should exercise particular caution when entering and exiting stakeout/surveillance locations. Officers should not enter or leave as a group.

G. Stakeout/Surveillance officers should be assigned a dedicated radio channel for purposes of the operation and radios should be equipped with earplugs for security purposes.

H. Outside stakeout/surveillance officers should be alert to the following types of situations and keep inside officers informed of the following suspicious persons or events:

1. Persons loitering around the premises;
2. Automobiles that drive by the establishment slowly and/or frequently;
3. Persons wearing inappropriate, out-of-season clothing such as overcoats, raincoats, and ski caps; and
4. Suspicious persons carrying shopping bags, duffle bags or coats.

I. Uniformed officers shall be summoned as soon as possible following a crime. All plainclothes officers at the scene shall ensure that they are properly and easily identifiable as law enforcement officers by responding officers.

III. SURVEILLANCE AND UNDERCOVER EQUIPMENT

The Fairburn Police Department has access to many pieces of equipment to ensure the safety of its police personnel. One of these is the body wire, or body mike. It is designed to allow back-up officers to monitor a police operative to ensure his/her safety. Members of the Fairburn Police Department will not, under any circumstances, use a body wire/audio recorder (personal or departmental issue) for unauthorized verbal interceptions. State and federal law prohibits such use and violators can be prosecuted. Having knowledge of this activity and not reporting it will lead to prosecution and departmental discipline.

To prevent unauthorized use and loss of surveillance and undercover equipment, the distribution and use of the equipment shall be approved by the C.I.D. Supervisor.

The appropriate checkout forms/logs will be used when checking out and distributing surveillance equipment.

A. BODY WIRE AND VOICE RECORDER

The body wire can be used as prosecution tool when one person involved in the conversation has knowledge his or her conversation is being intercepted and permission was given beforehand. In addition to the body wire, the voice recorder and phone intercept may be utilized to gather evidence in a criminal case. When one of the above listening or recording devices is selected the officer must complete the Audio Monitoring Log prior to use. The completed log is to be approved by a C.I.D. Supervisor documenting the case file number, date and time in and out, and condition. In all cases where evidence, or potential evidence, is obtained through the use of a voice recorder, all recordings must be properly marked and submitted to the property room. In all cases where police personnel or civilian police operatives are wearing, or in any way using, a body wire or tape recorder, a written permission form must be signed and witnessed prior to use of the equipment.

B. USE OF RECORDING DEVICES FOR VICTIMS OF CRIMES

When a recording is made on a complainant's phone for evidence collection, the recording must be added to the case file.

C. INVENTORY CONTROL FOR INVESTIGATIVE TOOLS

In addition to the procedure for the body wire and voice recordings, an inventory log will be kept by the C.I.D. Supervisor for investigative tools (i.e., low-light binoculars, tape recorders, etc.) borrowed for temporary use from this agency or another

agency. If technical alarm systems or tracking systems are borrowed from other agencies, an inventory log must be submitted to the C.I.D. Supervisor.

**STANDARD OPERATING PROCEDURE
EFFECTIVE: 04/01/2024**

S.O.P. 17-11 INFORMANTS MANAGEMENT

I. PURPOSE

The purpose of this procedure is to establish procedures for the utilization and documentation of informants, and the control and accountability of informant and operational funds within the Fairburn Police Department.

II. POLICY

The use of informants in undercover investigations is essential and plays a vital role in whether an investigation is a success or failure. The objective of information that is gathered from informants will be to obtain evidence of reported and unreported crimes or criminal activity and an informational basis for a legal search or an arrest. Informants will be utilized in a fashion prescribed by policy and shall be the management responsibility of the officer utilizing the services of the informant.

This policy is applicable to all sworn officers of the Fairburn Police Department.

III. PROCEDURES

A Types of Informants

1. Confidential Informants (CI): a confidential informant is an individual providing information to an officer for the first time or who has provided information in the past, which did not prove to be totally accurate.

a) Information received from a CI would not in itself be sufficient probable cause for securing a search warrant without further corroboration.

b) Information from a confidential informant may only be a one-time thing for a variety of reasons.

c) A CI may or may not receive financial compensation for the information provided.

d) Officers using a CI should endeavor to document the informant by initiating a file on the informant. Depending on the willingness of the informant, officers shall follow procedures outlined in this chapter.

2. Confidential Reliable Informants (CRI): is an informant who has been used in the past and whose information has been proven accurate and led to the successful completion of an investigation.

a) In order to qualify an informant as a CRI and use information provided as supporting probable cause for a search warrant, the CRI and past information provided must be documented as provided in this chapter.

b) CRI's are informants who are used for information on a reoccurring basis are financially compensated for their information.

B Documentation of Informants:

1. Confidential Informant File: Regardless of the type of informant utilized, a file will be prepared for each informant used. The informant will be issued an Informant Number, which will be noted on the file, as well as the officer/investigator's initials. The informant file will contain the following documents:

- a) Demographic/biological information to include full name, date of birth, address, race, sex, employer (if any), and telephone number.
- b) Photograph
- c) Criminal/Driver's history information
- d) Copies of all investigative summaries that contain the Informant Number
- e) Any completed payments of compensation made to the informant.
- f) Memorandums documenting initial contact and all subsequent contacts if not documented in investigative summaries.

2. Security of Informant Files: each informant file will be kept in one master file and placed in a locking file cabinet in the Criminal Investigations office. The control, upkeep and security of the master files will be the responsibility of the Criminal Investigations Commander.

C Compensation for Informants:

1. The Fairburn Police Department informant compensation funds will originate from the police budget.

2. It shall be the responsibility of the Criminal Investigations Commander to maintain financial records of informant payments made from informant funds for the purpose of fiscal accountability. Any compensation to informants should be included within the Informant File.

3. If the informant wishes to be compensated, the officer/investigator must have approval of the Chief of Police. The Chief of Police will dictate the amount and number of payments to the informant.

4. The informant will be compensated only after giving information or assistance to the criminal investigator.

D Safeguards when utilizing Informants

Informants are not law enforcement officers and should never be treated as such. Informants are not allowed to carry weapons or badges and are strictly forbidden from representing themselves as a member of the Fairburn Police Department or any other law enforcement agency.

1. When an officer meets with an informant, an effort will be made to have another officer present. If an officer is meeting an informant of the opposite sex,

the officer will be accompanied by another officer or employee as a witness to prevent any false allegations that might be made. If the officer is unable to have another employee present, the officer will notify the Criminal Investigations Commander, or next higher authority, of the informant's name, the location of the meeting place and the approximate time of the meeting.

2. No officer will work with an informant who has any type of outstanding criminal warrant against him/her until the arrest has been made. No officer will utilize an informant if it has been determined that the informant has given false information to any law enforcement agency in the past or has proven unreliable. A permanent record of all information obtained by informants will be maintained.
3. When an officer meets with an informant for the purpose of the informant conducting a controlled buy, an officer of the same sex as the informant will perform a search of the informant prior to the informant purchasing the narcotics.
4. When an officer first meets with an informant, the officer will explain the investigative plan and guidelines to be followed. It is important that the informant understands these guidelines from the beginning.
5. When officers are to meet with an informant, they will advise the Criminal Investigations Commander of which informant they are meeting, where the meeting is to take place, and if known from the beginning, where they will be going and the approximate length of time the investigation will last.
6. When a CRI contacts an officer with knowledge of where he/she has observed controlled substances within seventy-two (72) hours of the observance, the officer will make every attempt to meet with this informant and let the informant point out the location to substantiate the information.
7. When the officer(s) meet with an informant, it should be determined why the informant is giving the information. (example: dislike of violator, wanting to be compensated with money, working off a criminal case, etc.).

E Restrictions on Use of Informants

1. The Fairburn Police Department does not utilize probationers, parolees, or juveniles as confidential informants.

**STANDARD OPERATING PROCEDURE
EFFECTIVE: 07/01/2024**

S.O.P. 17-12 COLEMAN-BAKER ACT- COLD CASE INVESTIGATION REQUESTS

I. PURPOSE

The purpose for this policy is to ensure that all cold case murders align with current legislation within the State of Georgia. This policy will outline the proper procedures to be taken by assigned investigators.

II. POLICY

The Fairburn Police Department will accept and review all requests to conduct a review and reinvestigation of cold case murders that occurred within the jurisdiction boundaries of the Fairburn Police Department.

III. PROCEDURES

A Applications by Designated Persons

1. Application Forms:

The Criminal Investigations Division shall develop a written application to be used by designated persons to request a case file review pursuant to the provisions of the Act. See O.C.G.A. 17-21-3(e)(1).

Applications shall be submitted electronically (i.e. email or online submission).

The application shall, at a minimum, request the following:

- a) The applicant's name, address, and phone number
- b) The applicant's relationship to the victim with corresponding proof of the relationship. See O.C.G.A. 17-21-3(a). Proof of relationship may be established by government issued documentation (i.e. the victim's birth certificate identifying the parents as the applicant). See O.C.G.A. 17-21-2(3). Additionally, in the case of attorney requests, the application must be supported by proof of the attorney's good standing with the State Bar of Georgia.
- c) The victim's name and date of birth
- d) The date and location of the crime (if known)
- e) The Fairburn Police Department case number (if known)

2. Application Verification

The Criminal Investigation Division shall ensure that only complete, accurate, and verified applications are accepted under the provision of the Act. See O.C.G.A. 17-21-3(a), (e)(1), (g).

Prior to acceptance of an application under the Act, the Criminal Investigation

Division shall verify:

- a) The application includes, at a minimum, the information described in Section III.A.1.
- b) The applicant is a “designated person” under the Act. See O.C.G.A. 17-21-2(3), (4) (defining a “designated person” as a parent, parent-in-law, grandparent, grandparent-in-law, sibling, spouse, child, stepchild of a victim, any person who exercised in loco parentis control over a victim under the age of 18 years, or their designated attorney in good standing with the State Bar of Georgia).
- c) The underlying crime is a “cold case murder”. See O.C.G.A. 17-21-2(2), (5); O.C.G.A. 17-21-3(a), (g)(1). A “cold case murder” is defined as a:
 - (1) Criminal offense under O.C.G.A. 16-5-1; and
 - (2) Committed more than three (3) years prior to the date of the application; and
 - (3) For which all probative leads have been exhausted; or
 - (4) For which no likely perpetrator has been identified.
- d) The initial investigation was completed by the Fairburn Police Department. See generally O.C.G.A. 17-21-1, O.C.G.A. 35-3-4.
- e) In the case of initial joint investigations, the requested law enforcement agency that was not conducting an independent cold case file review or full reinvestigation under the Act. See O.C.G.A. 17-21-3(d)(2), (l)(1).
- f) In the case of a cold case murder previously receiving a full reinvestigation under the Act, a period of five (5) years has passed from the date of the full reinvestigation’s conclusion, unless there is newly discovered, and materially significant evidence. See O.C.G.A. 17-21-3(d)(3).
- g) The cold case murder occurred on or after January 1, 1970. See O.C.G.A. 17-21-4(a).

3. Responding to Applications

The Criminal Investigations Division shall send a written notification to applicants acknowledging receipt, as soon as reasonably possible, upon receiving an application pursuant to Section III.A.1. See O.C.G.A. 17-21-3(f).

The written notification shall indicate the application is being reviewed to ensure applicability under the Act. See O.C.G.A. 17-21-3(g).

Additionally, the written notification shall include the contact information for the Internal Affairs Unit and include information on how to submit a complaint alleging misconduct by a Fairburn Police Department employee.

a) Acceptance of a Cold Case Review

If an application meets the criteria under Section III.A.2., the Criminal Investigation Division shall accept the application under the provisions of the Act. See O.C.G.A. 17-21-3(a).

The Criminal Investigation Division shall send a written notification to the designated person indicating a case review has been initiated under the Act and the six-month date from the receipt of the application for which the case file review should conclude. See O.C.G.A. 17-21-3(h).

b) Declination of a Cold Case Review

If an application does not meet any of the criteria under Section III.A.2., the Criminal Investigation Division shall decline the application under the provisions of the Act. See O.C.G.A. 17-21-3(g)(1).

The Criminal Investigation Division shall send a written notification to the applicant indicating a case file review under the provisions of the Act is declined and the justification for declination. See O.C.G.A. 17-21-3(g)(2).

B Case File Reviews

1. Review Requirements: case file reviews conducted pursuant to the Act shall include, at a minimum, the following:

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 reinterviewed.

c) An examination of physical evidence to determine if appropriate forensic testing and analysis was previously performed or if additional testing would produce information relevant to the investigation.

d) An update of the case file using the most current investigative standards to the extent it would develop probative leads. See O.C.G.A. 17-21-3(b)(1)-(4).

As part of the case file review, the Criminal Investigation Division shall document in writing its findings in response to each of the above requirements. See O.C.G.A. 17-21-3(c)(3).

2. Time Period for Review

The Criminal Investigation Division shall complete case file reviews within six (6) months of the receipt of an application under the Act. See O.C.G.A. 17-21-3(h). During the six-month period, the Criminal Investigation Division shall conclude whether a full reinvestigation is warranted.

If the total number of case file reviews make it impracticable, without unreasonably taking resources away from other law enforcement activities, to complete a case file review during the initial six-month period, the Criminal

Investigation Division may extend the case file review by an additional six (6) months (twelve (12) months total from the date of application receipt). See O.C.G.A. 17-21-3(i).

If a time extension is authorized, the Criminal Investigation Division shall send a written notification of the extension to the designated person who filed the application and an explanation for the extension.

C Full Reinvestigations

1. Authorization

At the conclusion of the case file review and in consideration of its findings, the Criminal Investigation Division shall, in its sole discretion, authorize a full reinvestigation if it would result in:

- a) Additional, previously unidentified, “probative leads”, or
- b) A likely perpetrator. See O.C.G.A. 17-21-3(c)(1).

A “probative lead” is previously unidentified evidence which is sufficiently useful to prove an underlying element of murder. See O.C.G.A. 17-21-2(6), O.C.G.A. 16-5-1.

As a part of the full reinvestigation authorization, the Criminal Investigation Division shall document in writing its findings in response to each of the above criteria. See O.C.G.A. 17-21-3(c)(3).

2. Notification to Designated Persons

If the Criminal Investigation Division, in its sole discretion, authorizes a full reinvestigation under O.C.G.A. 17-21-3(c)(1), the Criminal Investigation Division shall notify the designated person who filed the application.

Notifications under this section shall or as soon as reasonably possible after the Criminal Investigation Division concludes a full reinvestigation is warranted.

3. Full Reinvestigation Requirements

Full reinvestigations conducted pursuant to the Act shall include, at a minimum, reviewing all previously collected evidence and analyzing those items which may contain forensic value for the purpose of developing probative leaders or a likely perpetrator. See O.C.G.A. 17-21-3(c)(2).

The full reinvestigation shall not be solely conducted by the person who originally investigated the murder in the first instance. O.C.G.A. 17-21-3(d)(1).

Only one full reinvestigation shall be undertaken at any one time with respect to the same victim. See O.C.G.A. 17-21-3(d)(2).

At the conclusion of the full reinvestigation under O.C.G.A. 17-21-3(c)(2), the Criminal Investigation Division shall submit the entirety of the investigatory case file to the relevant prosecuting authority for charging decisions and to determine whether prosecution is warranted.

IV. TRAINING

The Criminal Investigation Division shall develop a course of training regarding this policy, and its responsibilities and obligations under the Act or the detective(s) assigned to conduct cold case reviews or reinvestigations shall attend a training that satisfies these requirements. See O.C.G.A. 17-21-3(j). The course of training shall be given by an instructor certified by the Georgia Peace Officer Standards and Training Council (POST) as provided by O.C.G.A. 35-8-8 to all appropriate employees within the Fairburn Police Department.

V. STATISTICAL RECORD KEEPING

A Reviews and Reinvestigations Under the Act

The Criminal Investigation Division shall be responsible for collecting, maintaining, and transmitting the following statistics to the Car Vinson Institute of Government of the University of Georgia as necessitated by the Act. See O.C.G.A. 17-21-3(k).

The Criminal Investigation Division shall maintain a databased providing the number of:

1. Written applications received by the Fairburn Police Department pursuant to O.C.G.A. 17-21-3(a) and (e)(1).
2. Six-month extensions for case file reviews granted pursuant to O.C.G.A. 17-21-3(i) and their justification.
3. Full reinvestigations initiated pursuant to O.C.G.A. 17-21-3(c).
4. Full reinvestigations, conducted pursuant to O.C.G.A. 17-21-3(c), provided to the relevant prosecuting authority for charging decisions and to determine whether prosecution is warranted. See O.C.G.A. 17-21-3(k)(1)-(3).

B Internally Initiated Reviews and Reinvestigations

In addition to the record keeping required by the Act, the Criminal Investigation Division shall maintain a database providing the number of internally initiated (i.e. outside the provisions of the Act) cold case murder:

1. Case File Reviews:

In addition to the cumulative number, case file reviews shall be further delineated by those:

- a) Internally initiated by the Fairburn Police Department
- b) Those initiated after an authorized entity's request.

2. Full Reinvestigations

In addition to the cumulative number, full reinvestigations shall be further delineated by reinvestigations:

- a) Provided to the relevant prosecuting authority for charging decisions and to determine whether prosecution is warranted.

b) Those which at the conclusion of the full reinvestigation did not result in additional, previously unidentified, probative leads or a likely perpetrator.

VI. APPROPRIATIONS

In the event the Criminal Investigation Division is unable to meet its obligations under the Act due to the availability of funds, through the appropriate chain-of-command, shall provide written notice to the Chief of Police.

The Chief of Police, in consultation with the Criminal Investigations Commander, will determine what requests, if any, should be made to ensure the Criminal Investigation Division can meet its obligations under the Act.

VII. EXCEPTIONS TO THIS POLICY

Upon written request, exceptions to this policy may be approved at the sole discretion of the Chief of Police. All approved exceptions to this policy shall be made in writing by the Criminal Investigations Commander.