

HABITUAL OFFENDER IDENTIFICATION

1. **PURPOSE:** It is the purpose of this written directive to provide procedures for Departmental identification of habitual criminal offenders and District Attorney notification of these offenders who have pending cases.
2. **POLICY:** It is the policy of the Huntsville Police Department to identify and pursue successful prosecution of habitual offenders.
3. **SCOPE:** This written directive is applicable to all sworn personnel.
4. **RESPONSIBILITY:** It is the responsibility of all sworn personnel to read and comply with this written directive.
5. **PROCEDURE**
 - A. **Designation of Habitual Offenders:** The State of Alabama defines a habitual offender as anyone having one prior felony conviction. It is prima-facie evidence that a person is a habitual offender (and the primary focus of this directive) if any of the following apply:
 1. Having been convicted of two or more felony offenses and having been imprisoned pursuant to sentence for any such offense, he/she commits a subsequent felony offense;
 2. Having been convicted of one or more offenses of violence and having been imprisoned pursuant to sentence for any such offense, he/she commits a subsequent act of violence;
 3. Having been convicted of one or more sex offenses as defined in Title 13A Criminal Code of Alabama and having been imprisoned pursuant to sentence for any such offense, he/she commits a subsequent sex offense; or
 4. Having been convicted of one or more felony drug related offenses as defined by the Criminal Code of Alabama and having been imprisoned pursuant to sentence for any such offense, he/she commits a subsequent felony drug related offense.
 - B. **Habitual Offender Cases**
 1. Defining the habitual offender with the established criteria, it is incumbent on the Investigator to identify all cases in which one of these offenders is involved.

2. Criminal histories shall be part of each case file in which a felony warrant is obtained. This will enable the Investigator handling the case to determine whether the arrestee meets the established criteria.

C. Case Notification

1. Once a habitual offender has been identified as a participant in a crime, the Investigator shall mark this information on the charge sheet.
2. The file forwarded to the District Attorney's office shall be marked and highlighted with this information.
3. The Investigator handling the case shall contact the Assistant District Attorney assigned to the case prior to the first court appearance.
4. Case preparation between the agencies will be coordinated to ensure that prosecution and sentence recommendations are carried out to the fullest extent of the law.

D. Prosecution Refusal/Dismissal of Cases

1. When the District Attorney's office refuses to prosecute or nolle prosses a case covered by this directive, the Investigator shall
 - a. Submit a Supplement Report denoting all facts concerning the action,
 - b. Attach any correspondence from the District Attorney's office, and
 - c. Forward this information to his/her immediate supervisor for review.
2. In those instances where the District Attorney's office determines an Officer's actions or inactions are the apparent cause for a dismissal or a not guilty finding on a charge, the prosecuting attorney should
 - a. Contact the Operations Bureau Commander, and
 - b. Flag the final disposition sheet. Flagged correspondence should go to the Officer's immediate supervisor for review. Findings by the supervisor shall be documented and submitted to the Officer's Commander for appropriate action.

- E. Diversion Programs: The Huntsville Police Department maintains contact with coordinators of area criminal justice and social service diversion programs. These programs include Madison County Mental Health and Department of Human Resources

programs, drug and addictive retreat programs, Work Release and Supervised Intensive Restitution.

1. Officers can be called upon to recommend participation of criminals who are not habitual offenders in diversion programs.
2. Officers may be contacted for background information and opinions as to the criminal's suitability for the program.

F. Pre-Trial Release and Bond Review

1. Should a suspect meet the criteria established for habitual offender, the Investigator shall inform the Warrant Magistrate of this status. This information is given to the Magistrate for consideration in setting a bond for the suspect.
2. Pre-trial release of arrested felons is handled by the Director of the Madison County Pre-trial and Work Release Program. The Director answers to a ten-person commission. Guidelines for applications to this service may be obtained from the Director's office. The Director or his agent may elect to contact the Investigator(s) for additional information concerning the case or applicant.

G. Execution of Arrest Warrants: Officers executing arrest warrants against any habitual offender shall follow the guidelines established by the written directive governing service of arrest warrants.