

# **Cobb County Police Department**

## **Policy 6.01**

### **DETECTIVE OPERATIONS**

<b>Effective Date:</b> March 2, 2023	<b>Issued By:</b> Chief E.S. VanHoozer
<b>Rescinds:</b> Policy 6.01 (October 1, 2019)	<b>Page 1 of 9</b>
The words “he, his, him,” which may appear in this policy, are used generically for clarity and ease of reading. These terms are not meant to imply gender and relate to all employees of the Department.	

The purpose of detective operations will be to thoroughly and professionally investigate all criminal activity assigned for investigation. Personnel assigned to detective operations will be responsible for identifying and apprehending offenders, recovering property, gathering, documenting, and evaluating facts regarding criminal activity, and assisting in the prosecution of those charged with criminal offenses.

#### **I. DEFINITION**

**Exculpatory Evidence:** Evidence favorable to the defendant in a criminal trial that exonerates or tends to exonerate the defendant of guilt.

#### **II. CALL-OUT PROCEDURE**

Units in which detectives are not assigned to duty shifts throughout a twenty-four (24) hour period shall maintain an on-call detective duty roster. The on-call roster should be forwarded to the 911 Communications Center, the commanding Captain/Major for the unit, and each detective assigned to the unit. Detectives assigned to on-call duty shall respond in accordance with County policy.

#### **III. CASE SCREENING**

Case screening begins when incident reports are obtained from the field. The reports are separated and forwarded to the appropriate detective unit. When the unit commander receives the reports, he reviews them to make determinations whether or not to assign cases and to which detective they will be assigned.

##### **A. Solvability Potential**

1. Unit commanders will determine if solvability factors are present when classifying cases. Each factor will be assigned a point value:
  - a. Suspect can be named (2 points)
  - b. Suspect can be identified (2 points)
  - c. Suspect vehicle can be identified (2 points)
  - d. Witness to offense(s) (1 point)
  - e. Stolen property traceable (2 points)

- f. Physical evidence collected (1 point)
- g. Fingerprints lifted (1 point)
- h. Can suspect be located / previously seen in the area (2 points)
- i. Was stolen property recovered (1 point)
- j. Significant modus operandi (MO) (2 points)

If the combined weighted value of all the solvability factors adds to six (6) or more points, then the investigation should be assigned to a detective.

If the combined weighted value of all the solvability factors in the incident report adds to less than six (6) in value, the investigation may be discontinued and/or not assigned until such time as other investigative leads may develop.

After the solvability factors have been applied to a reviewed incident report, and the combined weighted value of all the solvability factors in the incident report adds to between four (4) and six (6) in value, the reviewing CIU supervisor may utilize certain discretion based on certain circumstances not listed in the CCPD Case Solvability Factors. The CIU supervisors' judgment and other considerations may then carry a one-time, weighted value range of one (1) to three (3). The reviewing CIU supervisor's judgment and other considerations may be utilized to increase or decrease the combined weighted value of an investigation for the purpose of determining whether or not the case will be assigned or not assigned.

All Part 1 crimes are to be reviewed for possible case assignment or follow up.

All incident reports of armed robbery, child molestation, homicide, kidnapping, and rape will require review by the Major Crimes Unit to determine further investigative status.

2. Other factors which should be considered include, but are not limited to:
  - a. Personal injury or threat of injury occurred
  - b. Multiple occurrences with the same victim or multiple occurrences in the same geographic area
  - c. Any combination of factors to include documented experience or research conducted by the Department or any other law enforcement agency that would lend themselves to solving the case
  - d. The public or political sensitivity of the case
  - e. Other investigative leads known
3. After the unit commander determines the classification he will assign the case to a detective. The appropriate detective will then prepare a case folder and begin the investigation.

4. The solvability factors of each case will be periodically re-evaluated for the purpose of continuing or suspending the investigative effort.

**B. Case Assignment**

Unit commanders will assign cases to individual detectives. All cases will be assigned in a fair and equitable manner based on:

1. Expertise of detective (i.e. specialized skills, knowledge and abilities)
2. Case load of detective

Once the assignment has been made, the detective has full responsibility for the case. This does not preclude the unit commander from assigning more than one detective to an investigation. However, only one detective will be designated as the principal detective for each case.

**IV. CASE FILE MANAGEMENT**

**A. Case Status Control**

Unit commanders will maintain a log specifying information for each case. The information contained in the log shall include at a minimum:

1. Case number;
2. Detective assigned to the case; and
3. Date of assignment to the detective.

**B. Administrative Designators**

1. Open Cases

Active Investigation - This status is used when an investigation is still active and possesses a degree of solvability.

2. Hold Cases

Hold File - This status is used on cases with no solvability factors and no further action will be taken in regard to the case.

3. Inactive Cases

Inactive Investigation - This status is used to indicate all investigative efforts have been exhausted, there is an unavailability of investigation resources and/or insufficient degree of seriousness, and the case will be inactive pending the development of further information.

4. Closed Cases

Cases will receive a clearance status upon conclusion of the investigation by a detective. They will be classified as follows:

- a. Cleared by Arrest - An offense is cleared by arrest when one or more persons are arrested and held for prosecution.
- b. Unfounded - An offense is considered unfounded when the investigation yields no evidence to verify that the incident occurred.
- c. Exceptionally Cleared - An offense is considered cleared by exception when it falls into one or more of the following categories:
  - 1. All runaways
  - 2. The handling of a juvenile offender, either by verbal or written notice to parents in instances involving minor offenses.
  - 3. Suicide of the offender (the person responsible is dead)
  - 4. Double murder (two persons killed each other)
  - 5. Deathbed confession (the person responsible dies after making the confession)
  - 6. Offender killed by police or citizen
  - 7. Confession by offender already in custody or serving sentence (this actually is a variation of a true clearance by arrest - you would not "apprehend" the offender, but in most situations like this the offender would be prosecuted on a new charge)
  - 8. An offender prosecuted in another jurisdiction for a different offense by state or local authorities or prosecuted in another jurisdiction or state by federal government for another offense (you attempt to return him for prosecution, but the other jurisdiction will not release him to you).

### **C. Case File Composition**

Case files provide an immediate resource to detectives. Each active case file will be constructed of documents as they are collected or prepared during the investigation.

Case files will contain the following information:

- 1. Detective's notes;
- 2. Prosecution checklist;
- 3. Copy of original incident report;
- 4. Chronological order of all investigative supplemental reports;
- 5. Case summary; and
- 6. All evidence/property reports, crime lab reports, victim/witness statements, warrants, etc., added to the file.

**D. Accessibility to Case Files**

1. Access to detective units is restricted. When not occupied by unit personnel, the detective unit or work area should be secured.
2. Access to working case files is restricted to the assigned detective(s), his supervision, and as directed by the assigned detective. Once a case file is completed it is to be secured in the detective unit's file cabinet or file storage area to prevent unauthorized access.

**E. Purging Files**

When case files have been closed they will be maintained by the investigating unit for three (3) years. After three years the files will be archived and purged in accordance with the Georgia Records Retention Schedule.

**V. PRELIMINARY AND FOLLOW-UP INVESTIGATION**

**A. Preliminary Investigation**

The preliminary investigation is initiated by the first unit responding to the scene. Normally, this is a uniformed precinct unit. If no additional follow-up investigation is required, the case is handled by the uniformed precinct unit.

If follow-up investigation is necessary, the case will be transferred to the appropriate detective unit for assignment to a detective. A detective will respond to the scene if a delay could jeopardize the successful resolution of the case.

Control of the preliminary investigation will be maintained by uniform personnel unless a detective unit is requested, in which case control of the scene will be turned over to the responding detective unit.

**B. Follow-Up Investigation**

The follow-up investigation is an extension of the activities 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 the recovery of stolen property. Steps to be followed in conducting a follow-up investigation include, at a minimum:

1. Reviewing and analyzing all previous reports prepared in the preliminary phase, Departmental records, and results from laboratory examinations;
2. Conducting additional interviews and interrogations;
3. Seeking additional information;
4. Planning, organizing, conducting searches, and collecting physical evidence;
5. Identifying and apprehending suspects;

6. Determining involvement of suspects in other crimes;
7. Checking suspects' criminal histories;
8. Preparing cases for court presentation.

## **VI. DECEPTION DETECTION EXAMINATIONS**

At the discretion of the detective, deception detection (e.g. polygraph, voice stress, etc.) examinations can be used to test any suspect, witness, or victim of a crime. It is the responsibility of the detective to make certain that the suspect, witness, or victim has been questioned concerning the offense and that all available and appropriate investigative steps have been pursued before requesting an examination.

- A. Examinations will be conducted by appointment only. Examiners must be appropriately certified and qualified to conduct the examination.
- B. The detective will furnish the examiner with all the details of the offense and with copies of all reports and statements. If the subject has previously been administered a deception detection examination on the same offense, the detective will make the results available to the examiner. Upon receiving all pertinent information from the detective, the examiner will have the right to determine if an examination is to be conducted.
- C. Only one (1) crime will be covered during any specific examination. The examiner determines what issues should be covered, questions to be asked, and the wording of questions, after consultation with the detective. The detective will remain available during the examination.
- D. If the subject is under a doctor's care, written permission must be obtained from the doctor prior to the examination. Pregnant women will not be given the examination.
- E. If the subject is under the age of seventeen, in addition to the suspect's consent, written permission is required from either a parent/guardian, or a Juvenile Court Judge.

## **VII. INVESTIGATIVE SUPPLEMENTALS**

The purpose of an investigative supplemental is to provide a record of each action that occurs in an investigation and to support all documents, attachments, or other investigative actions. Any detective assisting on an investigation will prepare an investigative supplemental regarding any action he takes and will be included in the case file.

## **VIII. HABITUAL/SERIOUS OFFENDERS**

An habitual/serious offender exhibits persistent behavior that accounts for a disproportionate amount of crime. This criminal activity is sustained over a long period of time and is consciously directed to a specific purpose, that of committing crime. The habitual/serious offender is oblivious of the risks and consequences of his criminal acts.

To a habitual/serious criminal, crime is a full-time occupation and he devotes his total working time and energy to its planning and execution.

- A.** In identifying habitual/serious offenders, the following criteria will be utilized. An habitual/serious offender will be defined as:

  - 1. Any offender who has been convicted of two (2) or more separate and distinct forcible felonies;
  - 2. Any offender who has been convicted of three (3) or more separate and distinct (other) felonies;
  - 3. Any offender who can be reasonably shown to maintain a continuous pattern of criminal activity, regardless of crime category; or
  - 4. Any offender who utilizes funds, or other types of personal gain from criminal activity, to maintain a separate enterprise whether legitimate or illegitimate.
- B.** It is the responsibility of all detectives to obtain and develop information on those suspected of being habitual/serious offenders. This information will be used to identify, classify, and analyze criminal activity conducted by habitual/serious criminals in order to target and otherwise assist in their investigation and prosecution.
- C.** The Cobb County District Attorney's Office or Solicitor's Office will be notified on all cases involving habitual/serious offenders. Liaison with the prosecutor is very important in ensuring the successful prosecution of the career criminal.

## **IX. EXCULPATORY EVIDENCE**

It shall be the policy of the Cobb County Police Department to diligently work to identify persons responsible for crimes committed based on evidence. When there is exculpatory evidence identified which suggests a suspect's innocence after an arrest or conviction it is the department's duty to provide that evidence to the Cobb County District Attorney's Office for review. It is also the duty of this agency to continue investigating the incident and identify and arrest the person(s) responsible.

- A.** Any member of the Cobb County Police Department receiving information regarding exculpatory evidence in a case where there have been arrests or adjudication will notify a supervisor in the respective investigative unit assigned the case as soon as practical. The overall responsibility for identifying, assigning, and investigating current or post-conviction cases shall be the investigating unit's Major or designee. The investigating unit's Major or designee will immediately notify the Chief of Police and the Cobb County District Attorney's Office of the exculpatory evidence.

- B.** Exculpatory evidence includes, but is not limited to, the following:
1. DNA evidence;
  2. Other significant physical evidence that is developed that excludes the suspect or convicted party (latent prints, video, fiber/trace evidence, etc.);
  3. Testimonial evidence becomes available that excludes the suspect or convicted party such as victim and witness statements and confessions from responsible parties;
  4. An unusual distinctive, or significant modus operandi pattern is identified (serial criminal).
- C.** If the determination is made to reopen the investigation, the case will be assigned to an investigator who was not involved in the original case. All information and evidence obtained will be documented by the assigned investigator in the original case file.
- D.** After being assigned a post-arrest or post-conviction investigation, the assigned detective will confer with the reviewing supervisor to obtain details that led to the case classification and assignment. The assigned detective shall be responsible for:
1. Reviewing all initial and supplemental reports to ensure all known investigative leads were properly investigated;
  2. Reviewing all evidence collected and determine if evidence has been maintained by the department. The detective will also ensure all evidence is compared to database evidence, has been submitted to the appropriate laboratory, and all possible investigative leads were exhausted.
  3. Reviewing all documented testimonial evidence (victim, witness, and suspect interviews) and conducting follow-up interviews if needed.
  4. Conducting a canvass of the area in which the crime was committed if it is likely that the incident was witnessed (in residential areas).
  5. Completing an investigative supplemental report documenting the review and any follow-up completed on the assigned case.
  6. Consulting with the Cobb County District Attorney's Office regarding the findings of the investigation.



**X. COMMUNICATION WITH PATROL**

In order to facilitate the exchange of pertinent information between patrol and criminal investigations personnel, detectives should periodically attend the roll call briefings of uniformed precinct officers. When attendance is not possible, information should be passed along and the county's email system should be utilized. Information regarding recent criminal activity, suspects, and B.O.L.O.'s should be disseminated as quickly as possible.

**XI. INVESTIGATIVE TASK FORCES**

**A.** Whenever agency personnel participate in a long-term, multi-jurisdictional or multi-agency investigative task force, a written directive will describe the task force activities, to include:

1. The purpose
2. Supervision
3. Staffing, equipment, and resource requirements
4. Officer safety information
5. Identification procedures for task force participants

The written directive may be a part of the task force policies and procedures or generated by the Department itself.

**B.** The results of task force operations and the need for continued operations will be evaluated on a regular basis.