



DEPARTMENT OF PUBLIC SAFETY

LAW ENFORCEMENT OPERATIONS POLICY AND PROCEDURES

Chapter 22: Investigative Functions

Revised:

Last Reviewed: February 15, 2023;

Adopted:



I. PURPOSE

To increase the effectiveness of the TCSG Law Enforcement Agencies' investigative efforts by establishing investigative procedures and guidelines for sworn personnel. Establishes policies for determining the level and type of follow-up investigations required, procedures and guidelines for processing crime scenes, and an investigative management system.

II. SCOPE

These procedures shall apply to all sworn personnel of all TCSG Law Enforcement Agencies.

III. NOTIFICATIONS/INVESTIGATIVE ASSISTANCE/MAJOR CRIMES

A. Required Notifications

The following incidents require immediate notification of the College Chief of Police (or designee in the Chief's absence) if they occur on any TCSG college or property or any adjacent property that would require a Timely Warning or Emergency Notification based on Clery Act Requirements.

1. All deaths occurring on any property owned, leased, or controlled by TCSG or any TCSG College.
2. Any violent felony
3. Any sex crime
4. Child abuse cases
5. Arson
6. Any other major events disrupting college operations or that are likely to garner media attention

The College Chief of Police (or designee) will contact the TCSG DPS Chief of Police as soon as possible.

The College Chief of Police may specify other crimes or incidents that require immediate notification by officers of their specific agency by written directives. If the agency does not provide 24-hour coverage for the criminal investigation function, an on-call schedule of investigators shall be maintained. **(GLECP 6.22)**

B. Death Investigations

The Georgia Bureau of Investigation (GBI) shall be notified of any deaths occurring on TCSG property. The College Chief of Police (or designee) will request the GBI to conduct those investigations. The GBI, in turn, may assign it to another agency to investigate. The College Chief of Police will also immediately contact the TCSG DPS Chief of Police.

C. Serious Crimes/Violent Felonies

1. Each College Chief of Police should consider the resources, experienced personnel, and individual expertise available at their agency for conducting follow-up investigations of serious crimes, which includes (but is not limited to):
 - a. Violent Felonies
 - b. Sex Crimes
 - c. Child Abuse
 - d. Arson
 - d. Thefts of significant monetary value

IV. INVESTIGATIVE PROCEDURES

A. Development of Information. (GLECP 6.20a)

1. The development of pertinent case information begins when a call is received and continues until the case is cleared or moved to inactive status. Therefore, obtaining and recording even minor information is often critical to successfully resolving a case.

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. Incident reports;
- e. 911 Dispatch records;
- f. Citizen complaint records;
- g. Identification section photograph and fingerprint records
- h. Pawn shop records;
- i. Permit Unit records;
- j. Traffic cameras; and
- k. In-car cameras, body-worn cameras, and civilian/business cameras.

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. NCIC/GCIC criminal history records information;
- b. Department of Motor Vehicles Safety (DMVS) 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. GCIC offline searches for vehicle type, etc.

3. Private organizations and agencies can also provide information valuable to the 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 (to include cell phone providers);
- c. Banks and credit agencies;
- d. Union and professional agencies;
- e. Insurance companies;
- f. Neighbors, social contacts, and business associates;
- g. Social media;
- h. GPS devices; and
- i. Medical records.

B. Interviews and Interrogation (GLECP 5.2a, 6.20b)

Effectively using field interviews and interviews of victims, witnesses, and suspects are critical in solving many crimes.

1. Field Interviews (Police/Citizen encounters)

- a. Field interviews are a productive tool and source of information for law enforcement. When used properly, they can discourage criminal activity, identify suspects and add intelligence information.
- b. Detailed notes should be documented, which describe the individual's physical descriptions, behaviors, environmental conditions, and unique identifiers. The suspicious behavior should be recorded on the report, and all personal information should be available.

2. Victim/Witness Interview

- a. Detailed notes and/or a written statement should be made for future reference giving time, date, location, officer(s) present, etc. The trauma/stress to which the victim or witness has been subjected should be considered when doing the initial interview, and the interview should be conducted in such a manner as to reduce stress and minimize further problems. Officers may consider conducting another interview later to gather more details.

- b. The age, physical limitation, and credibility of the witness(s) should also be considered.

3. **Suspect Interview**

When interviewing suspects, sworn personnel should consider these important points:

(a) Interviews to obtain investigative leads and/or confessions can be very useful, but all constitutional precautions must be taken and recorded 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 began/ended, and other information needed.

(c) Statements obtained during an interview must **not** be based on coercion, promises, delays in arraignments, or deprivations of counsel.

(d) To use a statement in court, a suspect under arrest who is to be interviewed must be advised of their Miranda rights. The Investigator must demonstrate that the suspect understood those rights and made a knowing and intelligent waiver. The written Waiver of Rights form is attached to this policy and shall be utilized.

(e) Officers conducting an interview must consider the age, education, and mental and physical condition of the person in custody prior to interviewing the person. The officer must be convinced that the person in custody fully understands their constitutional rights. They must never threaten, trick, or coerce anyone in custody to obtain a statement, admission, or confession. **(GLECP 5.2a)**

(f) Juvenile victims, witnesses, and suspects must be given the same constitutional protection as adults. The following safeguards should be followed: **(GLECP 6.34c)**

- i. Parents or guardians should be notified whenever a juvenile is taken into custody or charged. **(GLECP 6.34a)**
- ii. The number of sworn personnel engaged in the interview and its duration should be minimal. **(GLECP 6.34b)**
- iii. A brief explanation of the juvenile justice system and Department procedures should be provided. **(GLECP 6.34c)**

(g) If there is more than one (1) suspect to be interviewed, the suspects should be separated and interviewed individually.

(h) Sworn personnel should remember that using innovative yet proper methods can obtain valuable evidence from victims, witnesses, and suspects. For example, a flexible and effective interview technique can obtain valuable evidence that might otherwise be lost.

(i) Interviews should normally be conducted in an interview room. However,

in most cases, interviews should be conducted by up to two (2) sworn personnel.

5. Documentation of Statement by Accused

- a. Whenever possible, any statement made by the accused should be recorded on either audio or video recorded. The recording should include the accused's waiver of rights at the beginning of the recording.
- b. All recordings will be handled as evidence, and a property receipt will be completed prior to turning recordings over to the Evidence Custodian. The property receipt number will be documented in the investigative summary prepared for each interview, and a copy of the receipt will be included in the case file.
- c. If it is not possible to record the statement, the officer must fully document the content of the statement. The accused should be asked to sign any written statement containing a confession or admission of guilt whenever possible.
- d. Georgia law (O.C.G.A. 17-16-4) requires that the State furnish the defendant with a copy of any statement made while in custody. Failure to provide the defendant or their attorney with a copy of the statement renders it inadmissible.

6. Interpreters

When there is doubt about a person's ability to use and understand the English language, and an officer needs to be fluent in the person's primary language, the officer will contact their supervisor for assistance. Any confession made without an interpreter may render the statement inadmissible in court.

- a. The supervisor will be responsible for obtaining a qualified interpreter. The individual's friends or family members are not to be used. Agencies should use language interpreter services such as Language Line Services, Inc. or ask the local courts for certified translators' contact information if needed for interviews or interrogations. **(GLECP 8.5)**
- b. This policy shall also apply to those who are deaf and hard of hearing. Contact the Department of Human Resources, Georgia Interpreting Services Network for hearing-impaired assistance by dialing 7-1-1.

C. Collection and Preservation of Physical Evidence (GLECP 6.20d)

The successful prosecution of a case often hinges on the quality of the physical evidence that is collected and preserved.

1. All sworn personnel are responsible for searching for, identifying, and preserving evidence and maintaining and documenting the chain of custody of all evidence.
2. Officers having questions about collecting and preserving specific items of evidence should consult a supervisor or the College Chief of Police.

(Also, see SOP Chapter 8 - Property & Evidence)

D. Background Investigations

In conducting criminal investigations, seeking background information concerning individuals or organizations suspected of criminal activity is sometimes necessary. Investigations may be conducted to gain intelligence information, establish known associates, develop 'methods of operation' (M.O.s), etc. These investigations should be conducted as discreetly and as confidentially as possible to protect innocent persons. All personnel conducting background investigations shall be trained to collect the required information. **(GLECP 2.11)**

An officer who decides a criminal background investigation is necessary shall consider the following when conducting the investigations:

1. Identifying the purpose of the investigation.
2. Identifying potential sources of information.
3. Determining how the information will be used after it has been collected.
4. Controlling the distribution of related records.
5. Possible purging of these records at a future date.
6. In this regard, remember that disseminating information on suspect offenders that would not be admissible in court should be restricted to officers with a clear need for such information.
7. This regulation shall apply to background investigations done for the licensing of businesses or employment background investigations.

E. Surveillance and Electronic Equipment

Surveillance is the secretive observation of a person, place, or vehicle and is a basic law enforcement technique that all officers can use. Surveillance can be used effectively to gather evidence of illegal activity or, in the case of a stakeout, to apprehend criminals after a pattern of criminal activity has been identified. Officers should consider surveillance of known trouble spots and known violators to suppress crime and arrest suspects.

The college Chief of Police should consider the agency's resources and available personnel when considering surveillance options, which include requesting help from another local agency, which may be more capable.

F. Electronic Surveillance Equipment (GLECP 6.26)

- a. Electronic surveillance equipment and its components are designed for covert audio and visual evidence interception for law enforcement purposes. To ensure compliance with legal requirements, the use and operation of electronic equipment will be strictly controlled. Any employee who utilizes any electronic surveillance equipment violating the law or for any other purpose outside the scope of their authority will be subject to legal and/or disciplinary action.

Electronic surveillance equipment is the responsibility of the College Chief of Police or designee.

- i. Only personnel trained in its use and operation shall be authorized to operate said equipment.
- ii. All electronic surveillance equipment shall be stored and

maintained securely as designated by the Chief of Police or designee.

- iii. All electronic equipment shall be maintained in good working order and inspected prior to use.

- b. In the course of their assigned duties, an officer who requires the use of any electronic equipment shall inform the Chief of Police concerning the investigation's details and the equipment's need.

- c. The officer requesting the use of the equipment shall be responsible for its proper operation throughout the extent of the investigation. Once the investigation is completed, the officer shall return the equipment in good working order.

- d. Electronic equipment may be loaned to or borrowed from other agencies only with the approval of the College Chief of Police.

G. Surveillance (GLECP 6.27)

1. The following are some of the objectives of surveillance:

- a. To obtain evidence of a crime;
- b. To locate persons;
- c. To locate hidden property or contraband;
- d. To obtain probable cause for search warrants;
- e. To prevent the commission of an act or to apprehend subjects in the commission of an act;
- f. To obtain information for later use in interrogation;
- g. To develop leads and information received from other sources;
- h. To track the movements of an individual;
- i. To obtain evidence for court.

2. The following are procedures that shall be used in surveillance operations:

- a. No surveillance operation will be initiated unless there is an articulable suspicion that the person or location placed under observation is engaged in criminal activity.

- b. Prior to initiating a surveillance operation, the Chief of Police or their designee shall:
 - i. Analyze all available intelligence information pertaining to the operation (e.g., crime and victim analysis);
 - ii. Identify and analyze probable offenders and their habits, associates, vehicles, methods of operation, and any and all pertinent information;
 - iii. Familiarize assigned officers with targeted areas for surveillance;
 - iv. Establish operational procedures for observation, tails, and effecting the arrest;
 - v. Establish a means of communication (e.g., car radio, portable radio, etc.);
 - vi. Select needed specialized equipment or vehicles;

- vii. Provide adequate relief for the surveillance team;
- viii. Contact the District Attorney's Office for legal advice when appropriate.

3. At least one officer shall keep a chronological surveillance log, noting descriptions of vehicles, people, etc.

4. Electronic Surveillance

- a. All electronic surveillance (wiretaps or other mechanical devices) shall be conducted pursuant to a valid court order.
- b. All other investigative means should be exhausted before a wiretap is sought. Investigators must show they have attempted to infiltrate and break a particular illicit operation through traditional means.

5. Records Review, Sharing, and Purging

- a. Information collected during surveillance shall only be maintained if it is material to an ongoing investigation authorized by the Chief of Police.
- b. Information collected, including, but not limited to, inquiries, contacts, investigative notes, drafts, and other writings, shall be maintained in the investigator's working files until such time that it is linked to the targeted investigation or creates the basis for a separate investigation. Working files shall not be comingled with open criminal case files or intelligence files unless they are purposely being consolidated as a criminal investigation.
- c. This Agency shall not share any investigative case information about subject individuals with intelligence agencies unless the threshold of reasonable suspicion to connect them with present or planned criminal activity has been established.
- d. Supervisory and command staff shall ensure that, prior to archiving, criminal case files will be reviewed for information that is misleading, obsolete, otherwise unreliable, or inconsistent with the threshold standard of reasonable suspicion and that such information is purged in a timely manner as prescribed by law or departmental policy.

G. Criminal Intelligence Sharing

All employees of the Agency share in the responsibility for collecting, processing, and sharing suspicious incidents and criminal intelligence relating to criminal activities. The collection/submission, access, storage, and dissemination of criminal intelligence information must respect the privacy and constitutional rights of individuals, groups, and organizations.

Intelligence is typically collected for specific criminal activities, including organized crime, vice, illegal drugs, terrorism, gang activity, and civil disorders. While collecting, processing, and disseminating this information, TCSG personnel must protect the privacy, civil rights, and civil liberties of all citizens by complying with the requirements of Title 28, Part 23 of the Code of Federal Regulations (28 CFR Part

23) and any other relevant law regarding criminal intelligence information. Nothing in this policy should be interpreted as permitting evidence collection for political or other purposes unrelated to the crime. **(GLECP 6.23a)**

1. Safeguarding, Securing, And Storing Information

a. The criminal intelligence information collected by the TCSG law enforcement agency will be maintained in the Agency's criminal intelligence system. **(GLECP 6.23b)**

b. The Agency will only maintain criminal intelligence information in its Criminal Intelligence System. Criminal intelligence information is information that:

- i. Is based upon a criminal predicate or threat to public safety.
- ii. Is based upon reasonable suspicion that an identifiable individual or organization has committed a criminal offense or is involved in or is planning criminal conduct or activity that presents a threat to any individual, the community, or the nation, and the information is relevant to the criminal conduct or activity.
- iii. Is relevant to investigating and prosecuting suspected criminal incidents; the resulting justice system response; enforcing sanctions, orders, or sentences; or preventing crime.
- iv. Is useful in crime analysis or the administration of criminal justice and public safety.
- v. Is it reliable and verifiable, or are the limitations on the information quality identified?
- vi. Is collected in a lawful manner.

c. Information gathering and investigative techniques used by TCSG employees will comply with and adhere to the following regulations and guidelines regarding criminal intelligence information: 28 CFR Part 23, the United States Department of Justice's National Criminal Intelligence Sharing Plan (NCISP), any federal or state laws governing agencies participating in and providing information to the TCSG law enforcement agency, and all applicable policies of the TCSG.

2. Dissemination (GLECP 6.23c)

a. Criminal intelligence information will be disseminated to law enforcement officials, public officials, and other individuals who need to know and have a right to know the information in performing their duties.

b. Nothing in this policy shall limit the dissemination of an assessment of criminal intelligence information to a government official or any other individual when necessary to avoid imminent danger to life or property.

c. Information gathered and records retained by the Agency will not be sold, published, exchanged, or disclosed for commercial purposes or disseminated to the public.

d. Criminal intelligence information in the Criminal Intelligence System will be disseminated only by the Chief of Police or their designee.

e. Capturing certain mandatory information regarding requests for intelligence information will provide an audit trail to analyze criminal activity and inspection purposes. For these reasons, the Agency will maintain a record indicating who has been provided information, the reason for releasing the information, and the date of dissemination. Therefore, the request for criminal intelligence information must be documented and include the following information:

- i. Date of request
- ii. Name of requester
- iii. Requesting agency/work unit
- iv. Requesting agency/work unit telephone number
- v. Criminal activity

3. RETENTION AND PURGING OF INFORMATION (GLECP 6.23d)

- a. All applicable information will be reviewed for record retention (validation-retention or purge) every five years, as provided by 28 CFR Part 23. Obsolete, misleading, or otherwise unreliable information will be purged, destroyed, deleted, or returned to the submitting source. Permission to destroy or return information or records will be presumed if the applicable information is not validated within the specified time period. Notification of proposed destruction or return of records may or may not be provided to the contributor, depending on the relevance of the information and any agreement with the providing agency.
- b. Criminal intelligence information and requests for information will be purged from the criminal intelligence system periodically if no updated criminal activity has been documented after holding the information for five years.

V. PRELIMINARY INVESTIGATIONS

Except in those cases where the presence of a uniformed officer would hinder a proper investigation or specific expertise is required, the responding officer at an incident shall be responsible for conducting the preliminary investigation of an incident.

The responding patrol officer is to initiate and complete as many of the activities listed below as are necessary. The circumstances of the incident will determine how many of the activities are required.

The responding officer is responsible for contacting the Chief of Police (or designee if the Chief of Police is unavailable) when Investigative assistance is needed from an outside agency. The Chief of Police or designee will contact those agencies whose assistance is requested.

The steps to be followed in conducting the preliminary investigation shall include, but not be limited to:

- A. Observation of All Conditions, Events, and Remarks/Statements Made (**GLECP**

6.19a)

This shall include observation of time, date, day of the week, weather, chronological order of events, remarks/statements of victims/witnesses/suspects, etc.

B. Location and Identification of Witnesses and Victim(s) (GLECP 6.19b)

The responding officer must identify and/or locate as many witnesses and victims as possible and obtain the necessary information. This shall include names, addresses, phone numbers (home and work), dates of birth, social security numbers, and any other information deemed necessary by the officer.

C. Maintenance and Protection of Crime Scene (GLECP 6.19c)

The responding officer must secure the crime scene, if one exists, to prevent potential contamination of the scene. All officers shall carry "crime scene" tape in their vehicle, which should be used to cordon off the area of the crime scene.

D. Arranging for the Collection of Evidence

If an investigator is called to the scene, the responding officer shall keep all parties away from the scene/area to preserve evidence. Suppose the responding officer will handle the entire case, including the evidence collection. In that case, this officer is responsible for collecting, packaging, and transporting the evidence to the Evidence Custodian.

E. Initial Interviewing of Victims, Witnesses, and/or Suspects (GLECP 6.19d)

The responding officer will interview individuals involved to gather information regarding the incident. This information, if applicable, shall be placed in the narrative section of the incident report and/or on witness statements attached to the report.

F. Victim/Witness Assistance (GLECP 7.13 a, b, c, and d)

Victim/witness assistance services to be rendered during the preliminary investigation will include, at a minimum:

1. giving information to the victim/witness about applicable services, e.g., counseling, medical attention, compensation programs or emergency financial assistance, and victim advocacy;
2. advising the victim/witness about what to do if the suspect or the suspect's companions or family threatens or otherwise intimidates them
3. informing victims/witnesses about the case number, if known by the agency, and subsequent steps in the processing of the case; and
4. providing a telephone number that the victim/witness may call to report additional information about the case or to receive information about the case.

VI. FOLLOW-UP INVESTIGATIONS

- A. The follow-up investigation is an extension of the activities of the preliminary and

immediate investigation, not a repetition of it. The follow-up investigation aims to build upon available evidence and information to prove the elements of a particular crime.

B. 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; **(GLECP 6.20a)**
2. Recording information obtained during follow-up investigations;
3. Reviewing records for investigative leads;
4. Scheduling lineups, interviews, and other required appearances at the convenience of the victim/witness and, at the option of the agency, providing transportation, if feasible; **(GLECP 6.20i)**
5. Interviewing victims, witnesses, and suspects; **(GLECP 6.20b)**
6. Seeking additional information (patrol officers, etc.); **(GLECP 6.20c)**
7. Arranging for the dissemination of information as appropriate (roll call, teletype, BOLOs);
8. Planning, organizing, and conducting searches; **(GLECP 6.20d)**
9. Collecting physical evidence;
10. Recovering stolen property;
11. Arranging for the analysis and evaluation of evidence;
12. Reviewing results from laboratory examinations; **(GLECP 6.20a)**
13. Identifying and apprehending suspects; **(GLECP 6.20e)**
14. Checking for suspect's criminal history; **(GLECP 6.20g)**
15. Determining if the suspect may have committed other crimes; **(GLECP 6.20f)**
16. Returning victim promptly/witness property taken as evidence (except for contraband, disputed property, and weapons used during the crime), where permitted by law or rules of evidence, if feasible. **(GLECP 6.20j)**
17. Consulting with the appropriate prosecutor's office in preparing cases for court; and **(GLECP 6.20h)**
18. Attending all court proceedings as required.

C. **Victim/Witness Assistance (GLECP 7.14 a, b, and c)**

Victim/witness assistance services to be provided during the follow-up investigation, if any, will include, at a minimum:

1. re-contacting the victim/witness to determine whether needs are being met if, in the opinion of the agency, the impact of a crime on a victim/witness has been unusually severe and has triggered an above-average need for victim/witness assistance;
2. explaining to victims/witnesses the procedures involved in the prosecution of their cases and their role in those procedures, if not an endangerment to the successful prosecution of the case; and
3. assigning a victim advocate, if needed, to the victim/witness during the follow-up investigation.

VII. SOLVABILITY FACTORS

A. A solvability factor may be determined when one or more of the following factors exist within the investigation:

1. First, the suspect or offender is known.
2. Personal injury or threat of injury occurred.
3. Significant data is available about the suspect(s) or accomplice(s), such as addresses or locations frequented.
4. A victim or witness could identify the suspect or accomplice from a photo or in-person lineup.
5. Traceable property is taken or recovered.
6. The suspect's or accomplice's vehicle license number is known completely or sufficiently known to be traceable.
7. A good description of the vehicle is known, or a distinctive description of part of the vehicle or its contents is known and traceable.
8. A suspect's fingerprint(s) is obtained.
9. Significant physical evidence (either traceable or uniquely distinctive) is developed.
10. An unusual, distinctive, or significant modus operandi pattern is identified.
11. Multiple occurrences with the same victim or events in the same geographic area.
12. The time frame of occurrence.

13. A case may also be investigated based on its public or political sensitivity.

VIII. CASE ASSIGNMENT

A. A College Chief of Police or designee may assign a case for follow-up investigation to an agency officer based on the officer's training and experience. If more than one officer is assigned to a particular case, one officer will be designated as the primary investigative officer.

B. Each College Chief of Police will establish a case file management system for criminal investigations. This management system will include, at a minimum, the following information: **(GLECP 6.24a)**

1. Case number.
2. Date of occurrence.
3. Date assigned.
4. Type of case.
5. The investigator assigned to the case.
6. Case status

An addendum will be attached to this policy describing the case file management system used by each individual TCSG agency.

IX. CASE STATUS AND CLEARANCE (GLECP 6.24a, b)

A. Case Status When Not Cleared

1. Active

This status is used at the conclusion of an investigative summary when an investigation is still active and possesses a degree of solvability.

Sworn personnel will not maintain a case report in "Active" status unless a continuing flow of information and leads are available to support the "Active" status.

2. Inactive

a. 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/or an insufficient degree of seriousness, and the case will be inactive pending the development of further information.

b. If new information is discovered on an inactive or unassigned case, the supervisor will assign the case to an Investigator.

c. A supervisor must approve clearing a case or move it to an "Inactive" status.

B. Cleared Case Status

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

1. Cleared by Arrest

a. An offense is cleared by arrest when one or more persons are arrested.

2. Cleared / Unfounded

a. An offense is considered unfounded when the investigation yields no evidence verifying 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) The handling of a juvenile offender, either by verbal or written notice to parents in instances involving minor offenses.
- (b) Suicide of the offender (the person responsible is dead)
- (c) Double murder (two persons killed each other)
- (d) Deathbed confession (the person responsible dies after confessing)
- (e) Offenders killed by law enforcement or citizen.
- (f) Confession by an offender already in custody or serving a sentence (this is a variation of a proper clearance by arrest - you would not "apprehend" the offender, but in most situations like this, the offender would be prosecuted on a new charge.
- (g) An offender prosecuted in another city for a different offense by state or local authorities or prosecuted in another city or state by the federal government for another offense (you attempt to return them for prosecution, but the other jurisdiction will not release them to you).

X. INVESTIGATIVE CASE FILES

A. Original incident, supplemental, and investigative reports will be filed and maintained in either paper or electronic format by each TCSG law enforcement agency. Retaining those records will follow, at a minimum, the Retention Schedule for State Government Records Retention Schedule Policy of the Georgia Archives. Materials of a confidential nature shall be marked CONFIDENTIAL in red ink so that the information will not be released to unauthorized personnel. **(GLECP 6.24c)**

Access to those files will be controlled physically or electronically (or both if applicable) and limited to agency personnel. Investigative Reports may be restricted to that person with a specific need to access them as designated by the College Chief of Police or designee. **(GLECP 6.24d)**

B. The investigating officer shall use a working copy of the case file. These case files will contain copies of all reports, supplemental reports, statements, crime lab reports, case status reports, and other reports and records used for investigative purposes. Statements, video or audio recordings, forged documents, and other items of an evidentiary nature will be placed into evidence and not maintained as part of the working copy.

C. Once a case file is completed, it shall be returned to the College Chief of Police or designee for review. All case files completed, leads exhausted, unfounded, or no prosecution are reviewed for completeness and accuracy.

D. Files will be purged after the time allocated in the Retention Schedule for State Records. Files may be designated to be retained indefinitely by the Chief of Police or designee. The Chief of Police or designee must authorize the purging of files with expired retention time. **(GLECP 6.24e)**

E. Any requests under the Open Records Act pertaining to law enforcement, including employee records of law enforcement personnel, incident reports, or other information deemed confidential, shall be reviewed by the college Chief of Police and TCSG General Counsel before release.

F. Exculpatory Evidence (**GLECP 6.37**)

Exculpatory Evidence is defined as evidence that is favorable to the accused; is material to the guilt, innocence, or punishment of the accused; and/or may impact the credibility of a government witness, including a law enforcement officer or another agency employee.

1. The agency must ensure the information and evidence are provided to the prosecuting authority when the agency becomes aware of the information. (**GLECP 6.37a**)

2. Post-conviction investigations involving claims of omitted exculpatory evidence must be thoroughly documented and include details about when information was received, who received it, and if it was provided to prosecuting authorities. (**GLECP 6.37b**)

3. Post-conviction investigations where claims of omitted exculpatory evidence are the result of the initial investigation by the agency should not be conducted by investigative personnel involved in the initial investigation. (**GLECP 6.37c**)

XI. SUSPECT IDENTIFICATION (GLECP 6.21)

A. DEFINITIONS

1. **Show up:** Identification procedure in which a witness is presented with a single individual.
2. **Photo Lineup:** Identification procedure in which a photograph of a suspect and photographs of fillers are displayed to a witness, either in hard copy form or via computer.
3. **Live Lineup:** An identification procedure in which a suspect and fillers are displayed in person to a witness.
4. **Fillers:** Individuals who are not suspects.
5. **Suspect:** An individual law enforcement believes to be the possible perpetrator of an alleged crime.
6. **Witness:** An individual who observes an alleged crime.

B. SHOW UPS (**GLECP 6.21a**)

Many courts have suppressed identification evidence based on the use of show-ups because of the inherent suggestiveness of the practice. Therefore, show-ups should be avoided whenever possible for the benefit of other identification techniques. However, the following guidelines should be followed when difficult circumstances require show-ups.

1. Show-ups will only be done when the suspect is close to the incident's time and location. Show-ups should not be conducted when the suspect is in a cell, manacled, or dressed in jail clothing.
2. Show-ups shall be conducted with up to one witness. The witnesses should not be permitted to communicate before or after the show-up regarding the

- identification of the suspect.
3. The same suspect shall not be presented to the same witness more than once.
 4. Show-up suspects shall not be required to wear clothing worn by the perpetrator, speak words uttered by the perpetrator, or perform other actions of the perpetrator.
 5. Words or conduct of any type by officers that may suggest to the witness that the individual is or may be the perpetrator should be scrupulously avoided.

XII. PHOTOGRAPHIC IDENTIFICATION (GLECP 6.21b)

In conducting photographic identifications, officers should adhere to the following procedures.

- A. Photographic identifications must use multiple photographs shown individually to a witness in a book, array, or via computer.
- B. Principles for conducting live lineups generally apply to photo identifications. In particular, officers should:
 1. Use at least six photographs of individuals who are reasonably similar in age, height, weight, and general appearance and of the same sex and race;
 2. Photographs utilized must be similar – color vs. black and white photos, same size and basic composition, and mug shots vs. 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 those used in the array;
 4. Show the photo array to only one witness at a time;
 5. Never make suggestive statements that may influence the judgment or perception of the witness. For example, the witness shall be told that the suspect may or may not be in the photo lineup.
 6. Preserve the photo array and full information about the identification process in evidence for future reference.
 7. An officer other than the primary investigator should conduct the photo lineup when possible.
 8. The photo lineup pictures shall be shown to the witness one at a time. If the witness identifies a suspect, they should indicate their choice by initialing the photograph.
 9. Obtain a written statement in the witness's own words expressing the confidence level of the identification made by the witness. A numeric reference is not necessary, but rather, a clear statement as to the witnesses' confidence level that the individual or photograph identified is the individual or photograph of the individual who committed the alleged crime.

XIII. LIVE LINEUPS (GLECP 6.21c)

- A. The primary investigating officer shall:
 1. Schedule 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;
 2. Fulfill the necessary legal requirements for the transfer of the subject to the lineup location should the subject be incarcerated at a detention center; make timely notice to the detention center concerning the pickup and make

- arrangements for picking up the prisoner; and
3. Arrange to have a minimum of four other persons act as fillers at the lineup who are the same race, sex, approximate height, weight, age, and physical appearance and are similarly clothed.

B. The officer in charge of conducting the lineup shall:

1. Ensure that the prisoner has been informed of their right to counsel if formal charges have been made against the prisoner, and also ensure that the prisoner has the opportunity to retain counsel or request that one be provided;
2. Obtain a written waiver on a Waiver or Rights form should the prisoner waive their right to counsel;
3. Allow counsel representing the accused sufficient time to confer with their client prior to the lineup and observe how the lineup is conducted;
4. Advise the accused that they may take any position in the lineup that they prefer and may change positions prior to summoning a new witness;
5. Ensure that all persons in the lineup are numbered consecutively and are referred to only by number;
6. Ensure that a complete written record and video recording of the lineup proceedings are made and retained;
7. Ensure that witnesses are not permitted to see nor are they shown any photographs of the accused immediately prior to the lineup;
8. Ensure that not more than one witness views the lineup at a time and that they are not permitted to speak with one another during lineup proceedings; and
9. Scrupulously avoid using statements, clues, casual comments, or providing unnecessary or irrelevant information that may influence the witnesses' decision-making process or perception.
10. A statement, as described in section III B9, will also be completed.
11. Another person, an officer or civilian employee, who does not know the suspect's identity, will conduct the live lineup.

XIV. POLYGRAPH/ COMPUTERIZED VOICE STRESS ANALYSIS

When an officer feels a polygraph or Computerized Voice Stress Analysis examination may be a useful tool for their investigation, the officer may request a polygraph examination of the person(s) involved with the permission of the College Chief of Police. The officer cannot force anyone to take the examination; it must be taken voluntarily. Only certified examiners may be used.

XV. USE OF INFORMANTS (GLECP 6.28 a-g)

Law enforcement agencies of the Technical College System of Georgia shall not develop, use, or compensate informants for investigative purposes. However, this allows agencies to use the information offered or received voluntarily.

Suppose a person wishing to become an informant contacts a TCSG agency or officer. In that case, the information shall be forwarded to a city/county/state agency that utilizes informants for investigative purposes.

XVI. CRIMINAL PROCESS SERVICE (GLECP 5.4)

A. Information regarding each item of the criminal process must be recorded to include the following elements:

1. date and time received

2. nature of the document
3. the source of the document
4. name of defendant
5. officer assigned for service
6. date assigned for service
7. court docket number; and
8. date process expires.

XVII. LEGAL PROCESS SERVICE (GLECP 5.5)

The agency shall maintain a record of the execution or attempted service of legal process documents, including criminal warrants and search warrants, that include:

1. date and time service were executed/attempted
2. name of officer(s) that executed/attempted service
3. name of the person on whom the legal process was served/executed
4. method of service/reason for non-service; and
5. address of service/attempt.

XVIII. CIVIL PROCESS FUNCTION (GLECP 5.7)

Though TCSG law enforcement agencies do not have a civil process function, per se, there may be times when the Agency comes into possession of property from a civil process, such as asset forfeitures, condemnations, and abandoned property proceedings.

A. Any property acquired through the civil process function that is not disposed of at the scene of acquisition or as otherwise specified by appropriate statute is accounted for in accordance with established agency property control procedures.

B. When the property is brought under the agency's control, the property's disposition shall be performed in accordance with the procedures prescribed in Chapter 8 - Property & Evidence of this manual.

SPECIAL INSTRUCTIONS: GEORGIA LAW ENFORCEMENT CERTIFICATION PROGRAM (GLECP) STANDARDS INCLUDED: 2.11, 5.2a, 5.4, 5.5, 5.7,6.19, 6.20, 6.21, 6.22, 6.23, 6.24, 6.26, 6.27,6.28, 6.34, 6.37, 7.13, 7.14, and 8.5.

This policy is for the Law Enforcement Agencies of the Technical College System of Georgia use only and does not apply to any criminal or civil proceeding. The policy shall not be construed as creating a higher standard of safety or care in an evidentiary sense with respect to third-party claims. *Violations of this policy will form the basis for departmental administrative sanctions only. Violations of law will form the basis for civil and criminal sanctions in a recognized judicial setting.*