



General Order 5.1 - Criminal Justice Improvements

PURPOSE: Describe procedures for the major offender identification and case review; define the department's involvement in diversion programs and pretrial release procedures; and set the priority service of outstanding arrest warrants.

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ISSUED BY : Sheriff Jeffrey Easter

REVIEWED BY: Investigations Division Commander

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5.1.1 MAJOR OFFENDER IDENTIFICATION

- A. The Sedgwick County Sheriff's Office identifies perpetrators of crime who have had previous contact with the criminal justice system. The focus of the major offender program is to aid in the prosecution of career criminals, and/or dangerous offenders to ensure that enhanced penalties are applied.
- B. The criteria to be used in identifying a major offender is based on [K.S.A. 21-3401](#) and [K.S.A. 21-4504](#), which specify enhanced penalties for conviction of felonies under certain circumstances:
 1. Any offender who is facing a second or subsequent conviction of a felony;
 2. Any defendant charged with first-degree murder where any of the following aggravating circumstances exist;

- a. The defendant was previously convicted of a felony in which the defendant inflicted great bodily harm, disfigurement, dismemberment, or death to another;
 - b. The defendant knowingly or purposely killed or created a great risk of death to more than one (1) person;
 - c. The defendant committed the crime for the defendant's self or another for the purpose of receiving money or any other thing of monetary value;
 - d. The defendant authorized or employed another person to commit the crime;
 - e. The defendant committed the crime in order to avoid or prevent a lawful arrest or prosecution;
 - f. The defendant committed the crime in an especially heinous, atrocious, or cruel manner;
 - g. The defendant committed the crime while serving a sentence of imprisonment on conviction of a felony;
 - h. The victim was killed while engaging in, or because of the victim's performance or prospective performance of, the victim's duties as a witness in a criminal proceeding.
- C. In all investigations, suspects will have a thorough background check completed and included in the case file.
- D. When a major offender has been identified as a principal in any case, the deputy/detective investigating the case will notify his/her supervisor.
- E. The deputy/detective should inform the assistant district attorney to whom the case is presented, of the suspect's major offender status.
1. Liaison with the district attorney's office is very important in ensuring the successful prosecution of a major offender

5.1.2 CASE REVIEW

- A. A case brought by the office, which the office of the district attorney declines to prosecute or dismisses due to law enforcement error or misconduct, will be referred to the commander of the Investigations Division if criminal in nature, or the Patrol Division commander if traffic related.
- B. The deputy/detective will notify his/her immediate supervisor of the prosecutor's refusal to charge or of the dismissal, citing the prosecutor's reasons for not charging or of the reasons given for dismissal. These reasons will be recorded in the cases tracking notes.
- C. On cases that are not prosecuted at the option of the district attorney's office, the deputy/detective assigned will complete the Case Clearance Property Report/Property Update Information form (89D19) and forward it to the supervisor that he/she reports to.
1. The supervisor shall initial the form, indicating approval and forward it to the records and identification update clerk for entry into the computer system and filing in the appropriate case jacket.

- a. If the supervisor does not approve the form, the supervisor will make suggestions to the deputy/detective to complete the investigation.
 2. Upon completion of the suggestions for the investigation, the supervisor will review the case with the deputy/detective.
 3. Upon the supervisor's review, the case may be resubmitted to the District Attorney.
 4. The supervisor will accompany the detective/deputy at the DA appointment to discuss the case.
 5. If after that meeting there is no acceptable conclusion, the supervisor will meet with the next in his/ her "chain of command" and discuss the case.
 6. Criminal cases will be reviewed by the supervisory staff of the Investigations Division; traffic cases will go through the Patrol Division.
- D. The purpose of case review is to improve case preparation and establish accountability for a deputy/detective to prepare a case effectively for successful prosecution.
- E. This directive does not pertain to misdemeanor traffic violations, excluding driving under the influence or traffic accidents that result in serious injury or death.

5.1.3 DIVERSION PROGRAMS

- A. The Sedgwick County Sheriff's Office is not directly involved with any social service diversion programs.
- B. The State of Kansas confers upon the judicial system the authority for administering formal diversion programs.
 1. Statutory authority can be found in [K.S.A. 22-2908](#) through [K.S.A. 22-2911](#).
- C. It is the policy of the department to cooperate with any diversion program as authorized by Kansas State Statute.

5.1.4 PRETRIAL RELEASE PROCEDURES

- A. Release on recognizance procedures are regulated by state statute and administered by the district court under [K.S.A. 22-2814](#).
 1. Procedures are specified in [K.S.A. 22-2815](#).
- B. The office will cooperate with the state's release on recognizance programs.

5.1.5 PRIORITY SERVICE OF OUTSTANDING ARREST WARRANTS

- A. Refer to [Section 74.3.1 E](#) regarding priority of service of arrest warrants.