

**GEORGIA BUREAU OF INVESTIGATION
INVESTIGATIVE DIVISION**

DIRECTIVE 8-8-26

TITLE: Cold Case Reviews and Reinvestigations Pursuant to the Coleman-Baker Act

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AUTHORITY: Christopher E. Hosey
Director

Cynthia Adkins
Division Director of Investigation

PURPOSE: To provide policies and procedures for the review and reinvestigation of cold case murders pursuant to the Coleman-Baker Act.

I. BACKGROUND INFORMATION

Effective on July 1, 2023, Georgia House Bill 88, the Coleman-Baker Act, provides certain designated persons a process under the Official Code of Georgia Annotated (“O.C.G.A.”) to seek the review and reinvestigation of cold case murders by Georgia law enforcement agencies. The Coleman-Baker Act (“Act”) is codified at O.C.G.A. § 17-21-1, *et seq.*

The Act provides that no later than July 1, 2024, each Georgia law enforcement agency shall develop procedures to ensure compliance with the provisions of the Act. *See* O.C.G.A. § 17-21-3(e)(2). This Investigative Division Directive serves as the Georgia Bureau of Investigation’s (“GBI”) compliance with the above cited obligation.

Effective on May 5, 2023, Georgia House Bill 19, Georgia Fiscal Year 2024 Budget, provides state appropriations to establish and operate a GBI cold case specialty unit. *See generally* O.C.G.A. § 17-21-3(m) (the provisions of the Act are subject to the availability of funds specifically appropriated by the General Assembly for its purpose).

As a result, the GBI's Investigative Division ("ID") established the Cold Case Unit ("CCU") within its Office of Special Investigations ("OSI"). Pursuant to the Director's designation, the review and reinvestigation of cold case murders under the provisions of the Act are the responsibility of the GBI's OSI CCU. *See* O.C.G.A. § 17-21-3(a), (e)(2), and (g)(2) (authorizing the head of the agency or their designee to perform under the Act).

II. APPLICABILITY OF THE COLEMAN-BAKER ACT

A. General Applicability

Cold case murders initially investigated by the GBI's ID, independently or in coordination with another law enforcement agency, as a criminal offense under O.C.G.A. § 16-5-1 are subject to the provisions of the Act. *See generally* O.C.G.A. § 17-21-3(1).

Criminal investigations where the GBI's Division of Forensic Sciences ("DOFS") provided forensic services, but the GBI's ID was not initially involved, are not subject to the provisions of the Act. *Id.*

The Act does not expand the GBI's original jurisdictional authority relating to criminal offenses under O.C.G.A. § 16-5-1, but instead, allows for the review of cold case murders for which the GBI's ID previously acquired jurisdiction and investigated. *See generally* O.C.G.A. § 17-21-1, *et seq*; O.C.G.A. § 35-3-4 (providing for GBI's original jurisdiction authorities).

As a result, all requests for the review and reinvestigation of cold case murders for which the GBI's ID did not initially investigate must originate from an appropriate entity as authorized by law. *See* O.C.G.A. § 35-3-8.1 (listing the authorized entities as the governing authority or chief law enforcement officer of a municipality, sheriff of any county, chief of a county police force, Superior Court judge, Governor of Georgia, or District Attorney).

B. Performance Under The Act

Subject to the provisions of Section II.A., the legal obligations under the Act are only initiated upon GBI's receipt of a complete, accurate, and verified written application by certain designated persons. *See* O.C.G.A. § 17-21-3(a), (e)(1).

The GBI, as an assisting agency, shall make best efforts to aid the law enforcement agency that conducted the initial investigation in complying with their obligations of the Act when –

1. The GBI, in its sole discretion, accepts an authorized entity's request for the review and investigation of a cold case murder, and
2. The law enforcement agency that conducted the initial investigation is in receipt of an accurate, complete, and verified written application by certain designated persons as provided by the Act. *See generally* Section III.A.2.

III. PROCEDURES

A. Applications By Designated Persons

1. Application Forms

The CCU 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 (e.g., e-mail 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 (e.g., the victim's birth certificate identifying the parent 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. *Id.*

- c. The victim's name and date of birth.
- d. The date and location of the crime (*if known*).
- e. The GBI case number (*if known*).

2. Application Verification

The CCU 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 CCU 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 –
 - i. Criminal offense under O.C.G.A. § 16-5-1; and

- ii. Committed more than three (3) years prior to the date of the application; and
 - iii. For which all probative leads have been exhausted; or
 - iv. For which no likely perpetrator has been identified.
- d. The initial investigation was completed by the GBI's ID. *See generally* O.C.G.A. § 17-21-1, *et seq*; O.C.G.A. § 35-3-4.
 - e. In the case of initial joint investigations, the initial requesting law enforcement agency is not conducting an independent cold case file review or full reinvestigation under the Act. *See* O.C.G.A. § 17-21-3(d)(2), (1)(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 CCU 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 Office of Professional Standards ("OPS") and include information on how to submit a complaint alleging misconduct by a GBI employee. *Id.*

a. Acceptance of a Cold Case Review

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

The CCU 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 CCU shall decline the application under the provisions of the Act. *See* O.C.G.A. § 17-21-3(g)(1).

The CCU 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 a part of the case file review, the CCU shall document in writing its findings in response to each of the above requirements. *Id*; *See generally* O.C.G.A. § 17-21-3(c)(3).

2. Time Period for Review

The CCU 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, CCU shall conclude whether a full reinvestigation is warranted. *Id*.

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 CCU 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 CCU shall send a written notification of the extension to the designated person that filed the application and an explanation for the extension. *Id*.

C. Full Reinvestigations

1. Authorization

At the conclusion of the case file review and in consideration of its findings, the CCU 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 CCU shall document in writing its findings in response to each of the above criteria. *Id*; *See generally* O.C.G.A. § 17-21-3(c)(3).

2. Notification to Designated Persons

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

Notifications under this Section shall occur as soon as reasonably possible after the CCU 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 leads 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. *See* 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 CCU shall submit the entirety of the investigatory case file to the relevant prosecuting authority for charging decisions and to determine whether prosecution is warranted.

4. Administrative and Judicial Review

a. Applicability

Whether the CCU complied with the provisions of the Act in determining whether a full reinvestigation is unwarranted pursuant to O.C.G.A. § 17-21-3(c)(1) is subject to judicial review in accordance with the Georgia Administrative Procedure Act. *See* O.C.G.A. § 17-21-3(c)(3); *see generally* O.C.G.A. § 17-21-3(b)(1)-(4) (listing the requirements for a case file review under the Act); O.C.G.A. § 17-21-3(c)(1) (criteria considerations for a full reinvestigation).

b. Written Notification

If the CCU, in consultation with the Legal Division, determines in its sole discretion that a full reinvestigation is unwarranted under O.C.G.A. § 17-21-3(c)(1), the CCU shall notify the designated person that filed the application in writing.

The written notification shall include the appeal procedure, including a deadline for appeal, as described in Section III.C.4.c.

Notifications under this Section shall occur as soon as reasonably possible after the CCU concludes a full reinvestigation is unwarranted.

c. Initial Agency Decision

If, after notification under Section III.C.4.b., the designated person that filed the application contests the conclusion of the review made in the agency's sole discretion that a full reinvestigation is unwarranted, the designated person shall file an appeal in accordance with Ga. Comp. Rules & Regs. 92-1-.03, in uncontested cases, and Ga. Comp. Rules & Regs. 92-1-.05, in contested cases.

d. Final Agency Decision

If, following the issuance of the Initial Agency Decision pursuant to Section III.C.4.c., the designated person that filed the application seeks to secure a review of the Initial Agency Decision, the designated person shall request such review in accordance with Ga. Comp. Rules & Regs. 92-1-.05(e) and the GBI shall make its determination in accordance with Ga. Comp. Rules & Regs. 92-1-.05(f).

e. Superior Court Review

Following the issuance of the Final Agency Decision, the designated person that filed the petition may seek a judicial review of the conclusion of a review of a cold case file in accordance with Chapter 13 of Title 50, the Georgia Administrative Procedure Act, and pursuant to O.C.G.A. § 17-21-3(c)(3).

IV. TRAINING

The CCU shall develop a course of training regarding this Directive, and its responsibilities and obligations under the Act. *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 as provided by O.C.G.A. § 35-8-8 to all appropriate employees within the GBI. *Id.*

V. STATISTICAL RECORD KEEPING

A. Reviews and Reinvestigations Under the Act

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

The CCU shall maintain a database providing the number of –

1. Written applications received by GBI 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 generally 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 CCU 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 GBI.
- 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. GENERAL ASSEMBLY APPROPRIATIONS

Performance under the Act is limited to the availability of funds specifically appropriated by the General Assembly for its purpose. *See* O.C.G.A. § 17-21-3(m).

In the event the CCU is unable to meet its obligations under the Act due to the availability of funds, the OSI Special Agent in Charge (SAC), through the appropriate chain-of-command, shall provide written notice to GBI's Finance Department.

The GBI Command Staff, in consultation with the Finance Department and Legal Division, will determine what requests, if any, should be made to ensure CCU can meet its obligations under the Act.

VII. EXCEPTIONS TO THIS DIRECTIVE

Upon written request and in consultation with the Legal Division, exceptions to this Directive may be made at the discretion of the Director, Assistant Director, or Investigative Division Director. All approved exceptions to this Directive shall be made in writing.