

**ORLANDO POLICE DEPARTMENT POLICY AND PROCEDURE
1202.8 FILING CRIMINAL CASES**

EFFECTIVE:	8/28/2018
RESCINDS:	1202.7
DISTRIBUTION:	ALL EMPLOYEES
REVIEW RESPONSIBILITY:	POLICE LEGAL ADVISOR
ACCREDITATION CHAPTERS:	NONE
CHIEF OF POLICE:	ORLANDO ROLÓN

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POLICY: This policy is established to ensure that quality case files are completed and properly routed to the State Attorney's Office in a timely manner.

PROCEDURES:

1. CASE FILES

Filing packages will be completed on all felony and misdemeanor arrests. This will include all warrants, at-large affidavits, and notices to appear with the exception of misdemeanor traffic arrests. All cases must be filed within the prescribed time limits regardless of availability of items on the checklist.

The Filing Cases Checklist form (Attachment A) must be attached as a cover sheet for all filing packages.

Officers shall ensure that whenever an employee's name is initially listed in an official police document, i.e. Incident Report, Charging Affidavit, Uniform Traffic Citation, or Notice to Appear, the employee number shall be listed immediately following every employee name. For example, the entry would appear as follows: Officer John Doe 9999. The employee number would be required for the first entry only of the employee name in the document.

The arresting officer shall make a photocopy of the Charging Affidavit and supplemental documents, and then put the package together marking the appropriate blocks on the cover sheet. Officers are reminded that original reports and documents are not sent outside the Department, except sworn statements.

Officers shall obtain sworn statements from victims and witnesses of a crime. Officers shall be responsible for the quality and the content of the sworn statement. Whenever possible victims and witnesses should write their own statements. Statements written in foreign languages must be translated to English prior to the submission of the case package. The statements can be translated by having a friend, relative, or person that is translating at the scene complete the statement for the victim/witness. If the statement is completed by the victim in a foreign language, the submitting officer can locate an officer within the Agency that is able to translate the statement. Statements translated by an officer should include the following: "I Officer (name) speak and understand (language). This is my interpretation of the statement but it is not a certified translation." A list of foreign languages spoken by OPD employees will be kept at the Communications Center.

It is imperative that all relevant evidence is provided to the State Attorney's Office to ensure the integrity of the prosecution. Relevant evidence is that which tends to prove or disprove the defendant's guilt. The State Attorney's Office must disclose to the defense all relevant evidence known to law enforcement; it is particularly important that

the State disclose all statements made by a defendant, including any oral statements made by the defendant. A failure to disclose a defendant's statement is likely to result in case dismissal or conviction reversal. Officers and assisting investigative personnel must disclose all statements made by a defendant relating to case, regardless of the form of the statement (e.g., oral statement, audio recording, voice or text message, email, written statement, spontaneous utterance, etc). Officers have an ongoing obligation to disclose any known statement made by the defendant throughout prosecution. Officers must list the name of every known witness, including police officers who participated in the case. The State Attorney's Office is required to disclose a full witness list to the defense in discovery. This includes officers who only had a small role in the case.

In non-arrest misdemeanor cases, the victim's, witnesses', and defendant's nearest relative's name, address (P.O. boxes, R.R. boxes and "transient" are not sufficient) shall be included with the filing package.

In accordance with the requirements of s. 943.325, Fla. Stat., any person convicted in this state of any felony offense, or attempted felony offense or convicted of any misdemeanor violation of Florida Statutes s. 784.048 (Stalking), s. 810.14 (Voyeurism), s. 847.011 (Prohibition of certain acts in connection with obscene, lewd, etc., materials), s. 847.013 (Exposing minors to harmful motion pictures, shows, presentations, or representations), s. 847.0135 (Computer pornography; traveling to meet minors), or s. 877.26 (Direct observation, videotaping, or visual surveillance of customers in merchant's dressing room), or an offense that was found, pursuant to s. 874.04, to have been committed for the purpose of benefiting, promoting, or furthering the interests of a criminal gang as defined in s. 874.03 must submit a DNA sample (a buccal or other approved biological specimen capable of undergoing DNA analysis) FDLE will conduct a DNA analysis and maintain the individual's DNA profile. For the purposes of this section, the term "any person" means juveniles and adults who are committed to or under the supervision of the Department of Corrections or the Department of Juvenile Justice. Officers completing a filing package for cases involving the above-listed offenses shall complete Attachment B and submit the form with the filing package.

Officers shall submit all case files to their immediate supervisor for review and approval before any case is forwarded to the State Attorney's Office.

Officers shall submit adult felony case files to their immediate supervisor within seven calendar days, including the date of arrest. All juvenile felony case files, except cases filed at-large, must be submitted to the officer's immediate supervisor within 24 hours of the time of arrest.

Officers shall submit adult misdemeanor case files to their immediate supervisor within three calendar days, including the date of arrest. Officers should submit all juvenile misdemeanor case files, except cases filed at-large, to their immediate supervisor within 24 hours of the time of arrest.

Adult at-large cases shall be submitted within seven calendar days from the date that probable cause for an arrest was established, unless prior supervisor approval is given. Juvenile at-large cases shall be submitted within 48 hours from the time that probable cause for an arrest was established, unless prior supervisor approval is given. Warrant packages must be submitted within seven calendar days from the date the court case number was obtained.

All follow-up or supplemental information must be submitted to the officer's immediate supervisor. The supervisor will submit the information to the Criminal Intake Unit to forward to the State Attorney's Office. The information must be submitted with the Filing Cases Checklist.

In the event of a late case file submission, the officer is responsible for contacting his or her immediate supervisor and the Criminal Intake Unit prior to the deadline for an extension of time but in no event to exceed ten calendar days, including the date of arrest for felonies and five days including the date of arrest for misdemeanors. Except in domestic violence cases, if the victim decides not to prosecute, prior to case submission, the officer shall have the victim complete the declination to prosecute statement section of the Statement form.

Any officer filing a case directly must, as soon as possible, contact Criminal Intake personnel with the case number, arrestee's name and charge so that the Criminal Intake Unit log is kept up-to-date for statistical purposes and tracking the case.

In all cases, the officer will indicate on the Filing Cases Checklist whether a Defensive Tactics Form was completed. This will alert the State Attorney's Office that the form exists and, if the intake or trial prosecutor feels that this public record is relevant to the particular case, they may request a copy of the Defensive Tactics Form and related documents directly from the Internal Affairs Section.

2. SUPERVISORS' RESPONSIBILITIES

After receiving a case file from the officer, the immediate supervisor shall review the case file for completeness and accuracy, to include probable cause and the quality of the arrest. Supervisors shall return case files to officers for corrections, if necessary. The supervisor will sign and date the checklist and shall place the case file in the Criminal Intake Unit receptacle for processing within ten calendar days for adult felonies, 24 hours in all juvenile cases, and five calendar days for adult misdemeanors, including the date of arrest. When placed in the receptacle, the case file log is to be completed by the supervisor.

Should the due day fall on a weekend or a holiday, the case file shall be submitted prior to 1100 hours on the last workday before the weekend or holiday.

Supervisors are responsible for assuring that arrests meet the proper criteria and that case files are properly completed and submitted within the proper time frames to the Criminal Intake Unit. Supervisors shall also ensure that at-large cases are submitted when probable cause has been established and prosecution is appropriate. The Criminal Intake Unit shall generate an email when at-large cases have not been received in accordance with this policy.

3. TASKING SHEETS

Tasking sheets from the State Attorney and in-house tasking sheets from the Criminal Intake Unit shall be directed to the lieutenant or civilian manager in charge of the employee indicated on the tasking sheet.

The employee shall complete the task specified on the tasking sheet and return the package to the immediate supervisor within 72 hours of receipt (including weekends, holidays, and RDOs). The supervisor shall verify the specified task has been completed, and place the package in the Criminal Intake box. If the employee is unable to comply with the task specified, the employee shall notify his or her lieutenant or civilian manager prior to the deadline for obtaining the information or documents requested. The immediate supervisor shall take appropriate disciplinary action when tasking sheets are not completed as directed.

It is the responsibility of the immediate supervisor to ensure tasking sheets are returned to the Criminal Intake Unit within the time frame dictated by the tasking sheet.

CITY OF ORLANDO POLICE DEPARTMENT

August 15, 2018

M E M O R A N D U M

TO: Assigned Assistant State Attorney

Felony Misdemeanor Juvenile Division

FROM: ID # Orlando Police Department

SUBJECT: Orlando Police Department Case #
State v. R/S / DOB
§943.325, Florida Statutes: Blood Specimen Collection and Submission for
DNA Testing

In accordance with the requirements of s. 943.325, Florida Statute (Chapter 95-283, s. 52, at 2106, Laws of Florida), *any* person convicted in this state of any felony or attempted felony offense, or any misdemeanor violation of Florida Statutes 784.048 (Stalking), s. 810.14 (Voyeurism), s. 847.011 (Prohibition of certain acts in connection with obscene, lewd, etc., materials), s. 847.013 (Exposing minors to harmful motion pictures, exhibitions, shows, presentations, or representations), s. 847.0135 (Computer pornography; traveling to meet minors), s. 877.26 (Direct observation, videotaping, or visual surveillance of customers in merchant's dressing room, etc.), or an offense that was found, pursuant to Florida Statute s. 874.04, to have been committed for the purpose of benefiting, promoting, or furthering the interests of a criminal gang as defined in Florida Statute s. 874.03 *must* submit a DNA sample to FDLE, where they will conduct DNA analysis and maintain the individual's DNA profile. For purposes of this section, "any person" means juveniles and adults who are committed to or under the supervision of the Department of Corrections or the Department of Juvenile Justice. Moreover, a "conviction" includes a formal adjudication of guilt or delinquency or the entry of a plea of nolo contendere or guilty, regardless of adjudication.

Pursuant to Florida Statute s. 943.325, the court shall include in the judgment of conviction an order stating that the blood specimens are required to be drawn by the appropriate agency and, unless the convicted person lacks the ability to pay, the person shall reimburse that agency for the cost of drawing and transmitting the blood specimens to FDLE.

This memorandum is to advise that, if a conviction is secured in this case, it is the desire of this Agency that the court comply with the mandates of s. 943.325, Florida Statute. Please remind the sentencing judge of those requirements. Our hope is to severely impact recidivism in the area of violent offenses.

It is our intention that this memorandum be made a permanent part of the case file.

We sincerely appreciate your cooperation and assistance.

ADULT <input type="checkbox"/>	ORLANDO POLICE DEPARTMENT		JUVENILE <input type="checkbox"/>
	FILING CASES CHECKLIST		
FELONY <input type="checkbox"/>	MISDEMEANOR <input type="checkbox"/>	CITY ORD. <input type="checkbox"/>	JCC <input type="checkbox"/>
AT LARGE <input type="checkbox"/>	NTA <input type="checkbox"/>	WARRANT <input type="checkbox"/>	FSS _____
			SUPPLEMENT <input type="checkbox"/>

OPD CASE NUMBER	DATE OF ARREST	OFFICER
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DEFENDANT(S) NAME _____
 LIST ALL CHARGES _____

DATE OF OFFENSE (AT LARGE ONLY) _____ DEFENSIVE TACTICS FORM? YES NO

VICTIM(S) NAME _____

ALL FELONY ARREST PACKAGES MAY CONTAIN	ALL FELONY AT LARGE PACKAGES MAY CONTAIN
<input type="checkbox"/> COPY OF CHARGING AFFIDAVIT	<input type="checkbox"/> ORIGINAL CHARGING AFFIDAVIT
<input type="checkbox"/> STATEMENTS (WHITE COPIES) <input type="checkbox"/> VICTIM <input type="checkbox"/> WITNESS <input type="checkbox"/> DEFENDANT <input type="checkbox"/> OTHER	<input type="checkbox"/> STATEMENTS (WHITE COPIES) <input type="checkbox"/> VICTIM <input type="checkbox"/> WITNESS <input type="checkbox"/> DEFENDANT <input type="checkbox"/> OTHER
<input type="checkbox"/> OFFENSE/PAGE REPORT	<input type="checkbox"/> OFFENSE/PAGE REPORT
<input type="checkbox"/> EVIDENCE INFO <input type="checkbox"/> EVIDENCE RECEIPTS <input type="checkbox"/> TEST FIRE RESULTS <input type="checkbox"/> CRIME SCENE PHOTOS	<input type="checkbox"/> EVIDENCE INFO <input type="checkbox"/> EVIDENCE RECEIPTS <input type="checkbox"/> TEST FIRE RESULTS <input type="checkbox"/> CRIME SCENE PHOTOS
<input type="checkbox"/> CRIMINAL HISTORY (Complete Secondary Dissemination Log)	<input type="checkbox"/> CRIMINAL HISTORY (Complete Secondary Dissemination Log)
<input type="checkbox"/> DEFENDANT PHOTO	<input type="checkbox"/> DEFENDANT PHOTO

ALL MISDEMEANOR ARREST PACKAGES MAY CONTAIN	ALL MISDEMEANOR AT LARGE PACKAGES MAY CONTAIN
<input type="checkbox"/> COPY OF CHARGING AFFIDAVIT	<input type="checkbox"/> ORIGINAL CHARGING AFFIDAVIT (ONLY REQUIRED IF DEFENDANT IS A JUVENILE WITH 5 COPIES)
<input type="checkbox"/> STATEMENTS (WHITE COPIES) <input type="checkbox"/> VICTIM <input type="checkbox"/> WITNESS <input type="checkbox"/> DEFENDANT <input type="checkbox"/> OTHER	<input type="checkbox"/> STATEMENTS (WHITE COPIES) <input type="checkbox"/> VICTIM <input type="checkbox"/> WITNESS <input type="checkbox"/> DEFENDANT <input type="checkbox"/> OTHER
<input type="checkbox"/> OFFENSE/PAGE REPORT	<input type="checkbox"/> OFFENSE/PAGE REPORT
<input type="checkbox"/> CRIMINAL HISTORY (Complete Secondary Dissemination Log)	<input type="checkbox"/> CRIMINAL HISTORY (Complete Secondary Dissemination Log)
<input type="checkbox"/> DEFENDANT PHOTO	<input type="checkbox"/> DEFENDANT PHOTO

ALL PACKAGES MAY ALSO CONTAIN APPLICABLE ATTACHMENTS

<input type="checkbox"/> RECOVERING COST OF INVESTIGATIONS FORMS <input type="checkbox"/> SUPPLEMENT REPORTS (i.e.: Narrative Supplements, PSRs, copy of original Trespass Warning, Juvenile Release Agreement, etc.) <input type="checkbox"/> PHOTO LINE-UP <input type="checkbox"/> ARREST WARRANT <input type="checkbox"/> SEARCH WARRANT (AFFIDAVIT, EXHIBIT and RETURN) <input type="checkbox"/> CERTIFIED COPY OF JUDGMENT AND SENTENCE FOR CONVICTED FELON CHARGES (407.836.2056) <input type="checkbox"/> DNA COURT ORDER FOR BLOOD SPECIMEN re: FSS 943.325	VIDEO INCLUDED IN CASE PACKAGE: BODY WORN <input type="checkbox"/> SURVEILLANCE <input type="checkbox"/> AUDIO <input type="checkbox"/> IN-CAR <input type="checkbox"/> <input type="checkbox"/> NAME OF ATTENDING PHYSICIAN
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A CHECKLIST SHALL BE COMPLETED ON ALL PACKAGES (FELONY/MISDEMEANORS/AT LARGE/ADULT/JUVENILE).

<p>Officers will submit packages to their supervisor within the following deadlines:</p> <p>Adult Felony - within 7 calendar days, including date of arrest. Juvenile arrests - within 24 hours of the time of arrest. Adult Misdemeanor - within 3 calendar days, including date of arrest. At-large packages – within 7 calendar days of established PC. Warrant Packages – within 7 calendar days from the date court case number obtained.</p> <p>_____ SUPERVISOR'S SIGNATURE</p>	<p>Supervisors will review and deposit packages in the designated Criminal Intake Box within the following deadlines:</p> <p>Adult Felony – within 10 calendar days, including date of arrest. Juvenile arrests – within 24 hours of the time of arrest. Misdemeanor – within 5 calendar days, including date of arrest. At-large packages – within 10 calendar days of established PC. Warrant Packages – within 10 calendar days from the date court case number obtained.</p> <p>_____ DATE</p>
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