

Policy: 1202.12, Filing Criminal Cases

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I. PURPOSE

The purpose of this policy is to ensure criminal cases are filed in compliance with all Florida laws and department procedures.

II. POLICY

This policy is established to ensure quality case files are completed and properly routed to the State Attorney's Office.

III. DEFINITIONS

"At-large cases" are cases which are referred to the State Attorney's Office for possible prosecution without first making an arrest or without first obtaining an arrest warrant. The SAO may refer to these cases as nonarrest submissions.

“Exculpatory information” is any information which tends to suggest that the defendant is not guilty of the crime or crimes investigated.

IV. 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 except for misdemeanor traffic arrests. All cases must be filed within the prescribed time limits regardless of the 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 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’s 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. The arresting officer should not include any hardcopies (CDs, USBs, etc.) containing videos, photographs, or audio recordings in the case package. Instead, any videos, photographs, or audio recordings obtained during the investigation should be directly uploaded to Evidence.com for digital submission to the State Attorney’s Office or other prosecuting agency. For cases where large uploads are not practical for the arresting officer, the digital evidence should be brought to the Forensic Video Unit (FVU) for uploading into Evidence.com. The arresting officer is responsible to verify that the video, photograph, or audio recording fully and properly uploaded to Evidence.com. Once the video, photograph, or audio recording has been uploaded, that shall become the “record copy” pursuant to Chapter 119 and Rule 1B-26.003, Fla. Admin. Code. If the duplicate hardcopy was obtained from a business or individual as evidence of a crime, the physical medium shall be placed in Property and Evidence under the corresponding OPD Case Number and retained through the duration of the case.

Officers shall obtain sworn statements from victims and witnesses of a crime. Officers shall be responsible for the quality and content of the sworn statement. Whenever possible victims and witnesses should write their statements. Statements written in foreign languages must be translated into English before 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 can 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.

All relevant evidence must be 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; the State must 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 the 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 the 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, and address (P.O. boxes, R.R. boxes, and "transient" are not sufficient) shall be included with the filing package.

Under 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 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 the 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 the arrest.

Adult at-large cases shall be submitted within seven calendar days from the date 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 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. Officers shall include the original copy of the Victim Request for Confidentiality ("Marsy's Law") form (Attachment C), if completed/requested by the victim, in their at-large case packages.

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 their immediate supervisor and the Criminal Intake Unit before 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, before 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 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 force was used. This will alert the State Attorney's Office that the form exists and, if the intake or trial prosecutor feels 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. AT-LARGE SUBMISSIONS TO THE STATE ATTORNEY'S OFFICE

Under their policy, the State Attorney's Office generally will not accept most felony and misdemeanor cases as at-large submissions. The State Attorney's Office will accept at-large case packet submissions for the following types of cases: homicide, sex crimes, human trafficking, child abuse, drug trafficking offenses, traffic homicide, animal cruelty, economic crimes cases, and firearms cases arising at the airport.

The State Attorney's Office will sometimes make exceptions and accept other cases as at-large submissions. When officers wish to submit other cases without first making an arrest or obtaining an arrest warrant, the SAO policy requires the officer to discuss the matter with appropriate representatives of the State Attorney's Office prior to submitting the case package. Officers wishing to submit a case which does not fit into any of the categories described above must email the State Attorney's Office at NAinquiries@sao9.org to make an appointment with the appropriate SAO supervisor to discuss submitting the case at-large. The SAO will reject any at-large case packet that is submitted without first discussing the case with an SAO supervisor.

Some judges will not sign misdemeanor-only arrest warrants unless a summons has first been issued and returned unserved. If a judge declines to sign an arrest warrant for this reason, the SAO will accept the case as an at-large submission. When submitting such cases as at-large submissions, a copy of the rejected arrest warrant and a supplemental report documenting the rejection of the arrest warrant must be included in the case packet submitted to the SAO.

Note: When submitting an at-large case to the State Attorney's Office (SAO), the reporting officer shall ensure proper documentation and authorization are included in the case submission package. Officers shall include a copy of the email correspondence from the State Attorney's Office depicting the **name and title of the SAO Manager who reviewed and approved the case** for submission to the **Criminal Intake Unit**. The email confirmation must clearly

indicate that the SAO Manager has authorized the case for at-large processing. This documentation shall be attached to the case file and submitted along with all required reports and supporting evidence to ensure proper case acceptance and processing by the Criminal Intake Unit. Failure to include the required SAO approval documentation may result in the case being returned for correction or additional review.

3. SUPERVISOR RESPONSIBILITIES

After receiving a case file from the officer, the immediate supervisor shall review the case file for completeness and accuracy, including 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 before 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 per this policy.

4. TASKING SHEETS

Tasking sheets from the State Attorney and in-house tasking sheets from the Criminal Intake Unit shall be directed to the officer, who shall copy their sergeant, or civilian supervisor in charge of the employee indicated on the tasking sheet. All subsequent tasking sheets sent to the employee on the tasking sheet as a result of non-compliance with the initial request or a lack of response shall include the employee's lieutenant.

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 their lieutenant or civilian manager before 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.

5. EXCULPATORY INFORMATION OBTAINED SUBSEQUENT TO CLOSE OF INVESTIGATION

Officers have an ongoing obligation to bring any exculpatory information that comes into their possession to the prosecution in a timely fashion. This obligation exists regardless of whether the officer believes the exculpatory information is credible.

When a defendant has already been arrested for the crime and the officer later obtains or receives exculpatory information from a defendant, victim, or witness, the officer shall provide this information to the prosecutor assigned to the case as soon as is practicable. Examples of exculpatory information that must be provided to the prosecutor include, but is not limited to, emails from defendants which provide information concerning alibis or other defenses to the crime.

The officer should document the fact that this information has been provided in an email to the prosecutor whenever possible.

6. CASE DISPOSITION

If a member receives notification of case disposition regarding one of their cases the member may contact the office of the prosecuting authority to understand the resolution of a matter. If a member is not satisfied with the decision of the prosecuting attorney, members shall contact the Police Legal Advisor's office before any further discussion of the decision.

V. FORMS AND APPENDICES

ATTACHMENT A-Filing Cases Checklist Form

ATTACHMENT B-Blood Specimen Collection and Submission for DNA Testing

ATTACHMENT C-Victim Request for Confidentiality

VI. REFERENCES

This policy rescinds Policy and Procedure 1202.11

Related Policies: Not Applicable

Related Laws: Florida Statute [943.325](#)