

ALBUQUERQUE POLICE DEPARTMENT
* PROCEDURAL ORDERS*

Effective: 07/16/01; Replaces 05/15/96

2-39 SUBMISSION OF CASES TO THE DISTRICT ATTORNEY

POLICY:

- * Department policy is to present the District Attorney's Office with a felony case that is complete, legible and contains all the necessary documentation for prosecution. Review of cases submitted to the District Attorney is a requirement and a function of the first line supervisor. Cases prepared for the District Attorney will be completed using Department approved formats.

PROCEDURE:

REVIEW AND APPROVAL OF FELONY CASES

- [6] * A. All cases submitted to the District Attorney for prosecution will be reviewed and approved by a supervisor. Acting Sergeants may NOT approve these cases. The supervisor will ensure that the reports, complaints, statements and other parts of the case match the elements of the crime. Any deficiencies, illegible, or incomplete items and/or problems with the case will be addressed by the supervisor and returned to the officer/detective for correction.
- * B. Any supervisor who signs off as approving the case will use the Case Preparation Check List (PD Form 3081) as a guide for needed items in a case. The name of the submitting officer and the approving supervisor's name will be printed on the form. Completed cases will be sent through the DAL Unit for presentation to the District Attorney's Office.
- [7] * C. Copies of submitted handwritten cases will be sent to the Area Command investigative supervisors and/or appropriate investigative unit within the Department.

HANDWRITTEN CASE FORMAT

- [6] * A. In certain cases, officers may elect to use handwritten documents in a case prepared for the District Attorney's Office. In these circumstances, the case will be reviewed for completeness and legibility by a supervisor. The initial report, supplemental report(s) and complaint will be done only using a BLOCK PRINT style of writing. Copies of the complaint and other documents sent to the District Attorney's Office will be reviewed for legibility by the supervisor. Supervisors will not approve and forward cases to the District Attorney's Office that contain illegible documents.

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- [7] * B. **The only felony cases that may be submitted in the format addressed in section 2-39-2 A. are as follows:**

Shoplifting
Larceny Over \$250.00
Domestic Violence without Great Bodily Harm
Criminal Damage
Felon in Possession of a Firearm
Possession of Narcotics
Forgery/Fraud (in custody only)
Breaking and Entering
Firearm in a liquor Establishment
Bringing Contraband into a jail

2-39-3 FELONY SUPPLEMENTAL REPORT FORMAT

The Felony Supplemental Report format has been developed for use in non-violent crimes cases. The Violent Crimes Supplemental Report format will only be utilized for violent crimes cases.

- A. For all non-violent crimes, where a supplemental investigation and report is required, officers/detectives will use the Felony Supplemental Report format.
- B. The supplemental report will be printed up on the yellow and/or white State of New Mexico Supplemental Narrative Report forms. A Narrative Supplemental Report User Manual is available for directions on how to type and print up the reports.
- C. The header or the top portion of the first page of the Felony Supplemental Report will be done using the provided formats. See section 2-39-5 for examples.
- E. A conclusion and the status of the completed case needs to be included in the last paragraph in the supplemental report. An example is:

This case should be considered (case status is inserted here) and is being sent to the Bernalillo County District Attorney's Office for review and possible prosecution.

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The options for case status are as follows. For descriptions on what each option is, look in section 2-10 of the Departmental SOP:

- **CASE UNFOUNDED -**
- **CASE CLEARED BY ARREST -**
- **CASE EXCEPTIONALLY CLEARED -**
- **CASE OPEN: PENDING ARREST OF PERSON -**

- F. Sergeants will review and properly sign each page of the completed Felony Supplemental Report. All additional documentation deemed pertinent to the case will be included with the completed supplemental report.
- G. The sergeant assigned to each unit that is tasked with completing follow-up investigations will be responsible for maintaining an automated case tracking system.

2-39-4 SUBMISSION OF FELONY SUPPLEMENTAL REPORTS

- A. All original documents, including the Felony Supplemental Report, will be sent to APD Records. As with all reports, they need to be logged before being sent to Records.
- B. For cases involving adult offenders, the officer/detective that completes the Felony Supplemental Report will ensure that a copy of the entire completed case is sent to DAL, along with a DAL sign off cover sheet. All copies will be sent through the Department's inter-office mail system, or they can be hand carried directly to DAL. The officer/detective who completed the case will also retain a copy.
- C. For cases involving juvenile offenders, the officer/detective that completes the Felony Supplemental Report will ensure that copies of the entire completed case are sent to both the Juvenile Probation office and to the Juvenile District Attorney's Office. All copies will be sent through the Department's inter-office mail system, or they can be hand carried directly to probation or the DA's Office. The officer/detective who completed the case will also retain a copy of the case.

2-39-5 SAMPLE FORMS FOR FELONY SUPPLEMENTAL REPORT FORMAT

- A. Insert a copy of the first page of a "supp out" involving one offender.
- B. Insert a copy of the first page of a "supp out" involving multiple offenders.

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2-39-6 VIOLENT CRIMES SUPPLEMENTAL REPORT FORMAT

For all violent crimes cases, the Violent Crimes Supplemental Report format will be utilized.

VIOLENT CRIMES SUPPLEMENTAL REPORT CONTENTS

A. Cover/Title Sheet: This will be completed on plain bond paper. All entries will be centered (sample attached).

1. Offense or offenses
2. Case number
3. Victim and address
4. Offender and address
5. Case prepared by
6. Approved by

B. Index: Table of contents and page number

C. Order of Content

1. Supplementary Report or Reports
2. Offense Report
 - a. List case offense report first, then all supplemental reports pertaining to the case
Then list the next offense report and supplemental reports

pertaining to that report, etc.

3. Supplemental offense reports need to be in chronological order

4. Statements - list in the following order:

a. Victim Statement: List all victim statements in the same order as the offense report(s) are listed, and/or in the order of importance in a single offense report case.

b. Witness Statement: The same sequence applies to witness statements as it does to victim statements.

Offender Statement: The same sequence applies to offender statements as it does to victim statements.

5. Case documents and forms: The order or types of documents will vary with each case. Examples:

- a. Field investigator worksheet
- b. Criminalistics return sheets
- c. Formal documents
- d. Search warrants
- e. Permission to Search forms
- f. Evidence tag copies
Photo array

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6. All other information not listed above.
7. Offender's arrest sheet:
 - a. Photo copy of offender(s) index card and photograph
 - b. F.B.I. rap sheet

2-39-7 CASE PREPARATION CHECK LIST FORM

- A. The Case Preparation Check List needs to be included with each completed Violent Crimes Supplemental Report. The purpose of this form is to assist the supervisor and officer/detective with the review of the supplemental report.

See Section 2-39-8 for a copy of the form.

1. In the review, the supervisor will determine if a required item is included, needed or not applicable to the case, utilizing the Case Preparation Check List.
2. If an item(s) is found to be missing from a case, the supervisor will check the "NEEDED" box and return the form and case to the investigating officer/detective. The requested material will be added to the case and returned to the supervisor, along with the Case Preparation Check List.
3. If an item's requirements have been fulfilled, or it is not applicable, the supervisor will mark a check in the "INCLUDED" or "NOT APPLICABLE" box, whichever is appropriate.
4. The supervisor will initial each row, and on completion of the review, the officer/detective and supervisor will sign the form. The form will then be added to the completed Violent Crimes Supplemental Report.

2-39-8 SUBMISSION OF VIOLENT CRIMES SUPPLEMENTAL REPORTS

- A. All original documents, including the Violent Crimes Supplemental Report, will be sent to APD Records. A copy will be forwarded to the investigative sergeant. As with all reports, they need to be logged before being sent to Records.
- B. For cases involving adult offenders, the officer/detective that completes the Violent Crimes Supplemental Report will ensure that a copy of the entire completed case is sent to DAL, along with a DAL sign off cover sheet. All copies will be sent through the Department's inter-office mail system, or they can be hand carried directly to DAL. The officer/detective who completed the case will also retain a copy.

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- C. For cases involving juvenile offenders, the officer/detective that completes the closeout supplemental report will ensure that copies of the entire completed case are sent to both the Juvenile Probation office and to the Juvenile District Attorney's Office. All copies will be sent through the Department's inter-office mail system, or they can be hand carried directly to probation or the DA's Office. The officer/detective who completed the case will also retain a copy.

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2-39-9 SAMPLE FORMAT FOR VIOLENT CRIMES SUPPLEMENTAL REPORT

A. Cover or Title Page

OFFENSE

TITLE OF THE OFFENSE

LIST ADDITIONAL OFFENSES INSIDE THE SUPPLEMENTARY REPORT

CASE NUMBER

ONLY ONE CASE NUMBER FOR THE COVER/TITLE PAGE

LIST ADDITIONAL CASE NUMBERS INSIDE THE SUPPLEMENTARY REPORT

VICTIM

VICTIM'S NAME AND ADDRESS

LIST ADDITIONAL VICTIMS INSIDE THE SUPPLEMENTARY REPORT

OFFENDER

OFFENDER'S NAME AND ADDRESS

LIST ADDITIONAL OFFENDERS INSIDE THE SUPPLEMENTARY REPORT

APPROVED BY: _____
SERGEANT SIGNATURE

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cont'd C. Format for the Supplemental Report

ADDITIONAL OFFENSES

If you have additional charges, list them here. An example is:
Reference: Burglary (2 counts) Auto Theft Larceny

ADDITIONAL CASE NUMBERS

If there are additional case numbers, list them in the same order as they appear in your offense report(s). Always list the specific agency who wrote the report with each entry. An example is:

Reference: APD 96-123456 & 95-167098 BCSO 96-559987

PERSON INFORMATION

If there is more than one victim, witness or offender, then list them as outlined below. The sequence will be: All Additional Offenders Listed First; All Additional Victims Listed Second; All Additional Witnesses Listed Third.

REF: Offender's Full Name (Last, First, Middle)
AKA: Any Alias
ADD: Full Address, Both Old and New, If Any
AGE:
DOB:
SSN:
POB: City and State Where The Person Was Born
EDU: Number of Years
OCC: Type of Work, Name of Employer, Address of Employer
PHO: **HOME:** **WORK:**
APD:
FBI:
DES: **HT:** **WT:** **HAIR:** **EYES:** **OTHER:**

REF: Victim's Full Name (Last, First, Middle)
AKA: Any Alias **ADD:** Full Address, Both Old and New, If Any
AGE:
DOB:
SSN:
POB: City and State Where The Person Was Born
EDU: Number of Years
OCC: Type of Work, Name of Employer, Address of Employer
PHO: **HOME:** **WORK:**
APD:
FBI:

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REF: Witness's Full Name (Last, First, Middle)
AKA: Any Alias
ADD: Full Address, Both Old and New, If Any
AGE:
DOB:
SSN:
POB: City and State Where The Person Was Born
EDU: Number of Years
OCC: Type of Work, Name of Employer, Address of Employer
PHO: **HOME:** **WORK:**
APD:
FBI:

PERSONNEL ASSIGNED:

All personnel involved in the investigation, i.e., officers, detectives, medical personnel, arson investigators, personnel from other departments, etc., need to be listed in the violent crimes supplemental report. An example is:

Officer John Doe, #0000, Northeast Area Command, Watch II, Sector 44
Assisted in securing the crime scene

EVIDENCE:

All of the evidence for the case needs to be listed. When doing so, describe the item, where it was found, who found it and the present disposition of the piece of evidence, i.e., returned to the victim, tagged into Evidence, etc. Also, list any supporting documents, i.e., doctor reports, etc., unless the evidence is already documented in a Criminalistics report.

VEHICLE:

All vehicles that were involved with the case need to be listed. Make sure to describe each vehicle in detail (i.e., make, model, year, VIN number, license plate, etc.).

SYNOPSIS OF THE CRIME:

A synopsis is a brief explanation of the circumstances of the case, which includes the elements of the crime. Do not just quote the state statutes.

INVESTIGATION:

The entire investigation needs to be detailed. All facts, events, and incidents relating to the investigation need to be listed in chronological order.

SUMMARY:

The summary should be brief and highlight the major points of the investigation.

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CASE STATUS AND CONCLUSION:

A conclusion and the status of the completed case needs to be included in the last paragraph of the supplemental report. An example is:

This case should be considered (case status is inserted here) and is being sent to the Bernalillo County District Attorney's Office for review and possible prosecution.

For descriptions on what each option is, look in section 2-10 of the Departmental SOP: The options for case status are as follows:

- **CASE UNFOUNDED -**
- **CASE CLEARED BY ARREST -**
- **CASE EXCEPTIONALLY CLEARED -**
- **CASE OPEN: PENDING ARREST OF PERSON -**

2-39-10 **SAMPLE FORM FOR THE CASE PREPARATION CHECK LIST**

Insert a copy of the case preparation check list form here. A copy of the check list is on the back of this page.