

# THE RAP SHEET

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MIAMI-DADE STATE ATTORNEY



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### **How to Bring an Issue to the Attention of the Police-Prosecutor Coordinating Committee**

If you have a matter that you would like to bring before the PPCC, for resolution or perhaps simply for discussion, there are a couple of ways you may do this. You may contact Kristi Bettendorf at the State Attorney's Office (305-547-0220), who will then put the item on the following month's agenda. You may also contact one of the co-chairs of the subcommittee that would deal with your particular matter. The last page of each issue of the Rap Sheet contains a listing of the co-chairs and members of the various subcommittees, with contact information for the co-chairs.

### **Summary of PPCC Meeting October 20, 2005**

#### **Agenda**

#### **Presentation by SAO Community Outreach Division**

Administrator Leslee Landau began the presentation by explaining that this unit operates under the guidance of State Attorney Katherine Fernandez Rundle. Specifically, it provides a conduit between our office and the community through the establishment of programs addressing key issues such as child safety, education and protection from crime. The Community Outreach Division staff, along with the State Attorney and SAO prosecutors, develops programs that have a positive impact on life issues of the citizens of Miami-Dade County. Investigators Luis Martinez and Ulises Martinez described some of the programs and resources offered. Packets containing detailed information were provided.

Investigator Luis Martinez called attention to several programs aimed at helping the citizens of Miami-Dade County become familiar with the services available to them through this office and understanding how to obtain them.

*Continued next page*

### **IMPORTANT!**

NEXT PPCC MEETING, THURSDAY, NOVEMBER 17, 2005 - 10:00 A.M.  
State Attorney's Office • 1350 NW 12 Avenue • Miami FL 33136  
All are invited to attend

*Continued from previous page*

**"Child Fingerprinting Program"** - Consists of issuing a fingerprint card to parents to be used as a tool for law enforcement should a child go missing or be abducted. The card will contain the child's fingerprints, name, date of birth, eye and hair color and a DNA identification tool such as a used bandage.

**"SAO Kids Smart Program"** - Will provide some tools to help children be better prepared to handle different situations they may encounter, including child abduction. It will be offered in elementary schools and other locations in Miami-Dade County and may include issuing an information card and/or fingerprinting card.

**"Child Information Program"** - The State Attorney has organized this program because of her deep concern for crimes being perpetrated against our children. Through this program a wallet sized photo information card will be issued to elementary school students in Miami-Dade County. The card will contain the following information: child's picture, name, date of birth, parent's name, contact number, name of school and medical information, including allergies.

All services and documentation provided by these programs are free of charge. For further information about these and other programs, including those addressing Identity Theft and Domestic Violence, please call the Community Outreach Division at (305) 547-0724. Interested parties may also access the SAO website provided in the Rap Sheet and click on Justice in Motion (J.I.M.)/Community Outreach to access the events calendar. To fax an Event Coordinator please use the PDF form provided in the website, (Community Request for J.I.M.) to (305) 547-0534.

#### **Issues from the Floor:**

Detective Melissa DeJong, Coral Gables P.D., raised the issue of electronic A-forms. Those present were advised that the county is pretty far along with this project and officers will soon be testing it. The format is ready to present to the Dade Chiefs. Detective DeJong also requested that the SAO research the issue of whether an officer can arrest a subject for a trespass after warning when the subject is no longer on the premises. Information on these matters will be provided in a future Rap Sheet.

Detective Orlando Sanchez from Sunny Isles Beach asked if other departments were experiencing a marked increase in the number of requests for officers' personnel files.

Major Kathy Katerman, North Miami Beach P.D., indicated that her department is still receiving some subpoenas with less than 5 days notice. It would be best to have specific examples of these instances so that the circumstances can be ascertained.

Major Katerman also inquired whether departments' SOPs are ascertainable as public records, pursuant to s. 119 of the statutes, or if this information should be sought pursuant to the discovery rules. A review of section 119 reveals that police departments' standard operating procedures (with the exception of emergency operations or plans) are not exempt from 119 and may, therefore, be requested as a public record. It is suggested, however, that all of these requests be made through one designated source in each department and that a record of the request be kept.

With regard to corrections to statute numbers on citations, officers are occasionally receiving citation corrections where they have written the statute numbers correctly on the citation and the Clerk's Office has transposed the numbers when entering data. These errors should be brought to the attention of personnel at the Clerk's Office so that they might correct their data entry errors.

ASA Bettendorf again addressed the issue of the low attendance by police representatives at the monthly PPCC meetings. She inquired of those present if they felt that having the meetings quarterly instead of monthly would generate more interest. The unanimous response was no, that the meetings were needed on a monthly basis to maintain a continuous flow of information. It was suggested that, in the future, attendance be taken by department or agency, to insure that at least one representative from each department is present. Follow-up on this issue will be addressed to all agency chiefs.

Next meeting will be held on Thursday, November 17, 2005.

### **TRESPASS ARRESTS**

A question was asked at the October PPCC meeting regarding trespass arrests: Under what circumstances can a trespasser be arrested without a warrant when they are no longer actually trespassing (on the property in question) when police arrive and the offense, therefore, is not committed in the officer's presence?

Section 901.15 lists circumstances under which an officer can make an arrest without a warrant. Subsection (14) lists trespass in the secure area of airport, specifying that the arrest may be made on or off airport property. Section 812.015 deals with retail and farm theft and transit fare evasion. Subsection (4) provides that an officer can make an arrest, on or off the premises, without a warrant, for several offenses, including trespass. However, since this subsection is contained in this very narrowly defined area, statutory construction would dictate that this refers only to trespass involving retail establishments, farm property, or transit facilities.

Current and back issues of the *Rap Sheet* are posted on the State Attorney's Office web site:

<http://www.MiamiSAO.com>

Subscribe online by sending an e-mail to: [RapSheet@MiamiSAO.com](mailto:RapSheet@MiamiSAO.com)

## Lab Testing in Drug Cases

An old problem seems to have reared its ugly head, so this article is being published to clarify any misconceptions.

Whenever you have arrested a defendant for any type of narcotics offense, the drugs must *immediately* be sent to the Miami-Dade Police Department Crime Lab for testing! This applies to **ALL** drug cases with the exception of misdemeanor marijuana cases. (As a side note here, if you have seized marijuana that is in some sort of packaging, the total weight of which, including packaging, is less than 50 grams, and you want the case filed as a felony, this will need to go to the lab to ascertain the *net weight* of the marijuana. You'd be amazed how much plastic bags and rolling papers weigh!)

**Cases cannot be filed based on field test results;** a lab analysis is required. As you are aware, all felony cases are automatically scheduled for arraignment 21 days after the arrest. If we do not have a laboratory test result by arraignment, these cases cannot be filed. There is no "paraphernalia exception", a common misconception. **All narcotics paraphernalia containing residue must be sent to the lab for testing.** You should complete a lab request form at the time you impound the narcotics; if you do not, the chances are great that the drugs will not get to the lab in time to be tested and ready for arraignment.

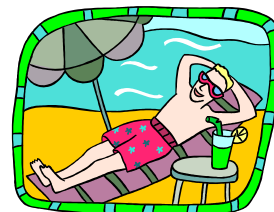
If you have any questions about this procedure, please call Kristi Bettendorf at the State Attorney's Office at (305) 547-0220.

### This is your Defendant:

With a laboratory analysis:



Without a laboratory analysis:



**ALL DRUGS MUST GO TO THE MDPD LAB!**

**PLEASE SUBMIT YOUR LAB REQUESTS  
WHEN YOU IMPOUND YOUR EVIDENCE.**

All PPCC Sub-Committees, Chairs and members are listed below. Please contact any of the Co-Chairs or members if you have an issue to be addressed.

**CASE INTAKE SUBCOMMITTEE****CO-CHAIRS:**

Marie Jo Toussaint, ASA, SAO (305) 547-0255;  
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**Committee Members:**

Sandy Roberts, SAO  
Det. Paul Manzella, SIBPD

Sgt. Ray Santiago, UMPS  
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Lt. Kathy Katerman, NMBPD  
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Sgt. Danny Formosa, Coral Gables PD  
Captain Luis Bazo, M-DPD, Cutler Ridge

Abbe Rifkin, ASA, SAO  
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