

# THE RAP SHEET

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1 December, 2005

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## Summary of PPCC Meeting November 17, 2005

### Police Photography:

The meeting began with a discussion of police photography: Which personnel in the departments had access to a camera and how any photographs taken were provided to the State Attorney's Office. It seems most, if not all, of the departments represented at the meeting obtained Polaroid cameras in connection with a Domestic Violence project a few years ago, but the high cost of the film (someone quoted \$1.10 per photo) has been a problem to some departments. Based upon the information from the various departments represented, it is a common practice for sergeants to have access to a camera, either 35mm or digital. Through their sergeants, the uniform officers then have access to photography should the need arise. All Crime Scene Units, obviously, include photography along with their other evidentiary procedures.

We discussed the fact that photographic evidence could be very compelling in presentations at trial and officers were encouraged to take photographs to document injuries, crime scenes, or pieces of physical evidence.

With regard to how these photographs are then provided to the State Attorney's Office for use in prosecution, a number of departments indicated that they provide them in response to requests from the SAO. It was suggested that officers might document the existence of photographs on the back of the pink copy of the A-form, so that the SAO would know that there were photographs to request. Others talked about actually stapling them to the A-form. Two suggestions were made with regard to this practice: First, do not staple them to the entire packet (all copies) of the A-form; staple them

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### IMPORTANT!

NEXT PPCC MEETING, THURSDAY, DECEMBER 15, 2005 - 10:00 A.M.  
State Attorney's Office • 1350 NW 12 Avenue • Miami FL 33136  
All are invited to attend

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directly to the pink copy of the A-form where they are less likely to be un-stapled as the A-forms are being processed through the jail and Clerk's Office. Secondly, any photos so attached should be identified with at least the police case number being written on them; more information including the defendant's name and the subject of the photograph would always be helpful. Without this identifying information on the photographs, it is often impossible to match them up with the correct A-form when they have become un-attached (which does, unfortunately, happen sometimes during processing).

#### **Sending Drugs to the Lab:**

As a follow-up to the article in the November *Rap Sheet* regarding the testing of drugs, it was reiterated that misdemeanor amounts of cannabis are the *only* exception where drugs do not have to be sent to the Miami-Dade Crime Lab immediately.

#### **Police Training:**

Susan Dechovitz, SAO Co-chair of the Training Subcommittee, asked for input regarding areas police would like to see presented in joint law enforcement/SAO training in the coming months. Please contact ASA Susan Dechovitz via e-mail at [susandechovitz@MiamiSAO.com](mailto:susandechovitz@MiamiSAO.com) with any suggested topics.

#### **Court Notify:**

Captain Mike Hernandez from Miami-Dade Court Services Bureau gave us an update on the CourtNotify system. Purchase of the system for all Miami-Dade police agencies has been before the County Commission twice. Thus far, it looks promising.

#### **Juvenile Subpoenas:**

An issue was raised with regard to juvenile subpoenas. While the subpoenas are pre-printed with a 9:00 a.m. time, someone is crossing off 9:00 a.m. and hand-writing in 8:30 a.m. Problems with wasting this half hour and increased overtime minimums were discussed. This issue was brought to the attention of the Division Chief of the Juvenile Division and will be addressed at the December PPCC meeting.

#### **Midnight Officers in Court:**

A request was made to re-visit the issue of midnight officers being called first on County Court calendars. The issue was raised in particular with regard to DUI cases, but should be addressed across the board. A "reminder" of this policy will be brought to the attention of the chief judge in County Court, with a request that it be forwarded to the other County Court judges.

The next PPCC meeting will be held on December 15, 2005 at 10:00 a.m.

## **Arresting Officers Should Transport Juveniles to the JAC**

The Juvenile Assessment Center is now staffed by State Attorney's Office paralegals 24 hours a day, 7 days a week. We do this for one reason: to be available at any hour to take the testimony of the arresting officer when a juvenile is brought to the JAC for processing, so that the appropriate charges can be filed.

It has become increasingly frequent for officers other than the arresting officer to transport the juvenile arrestee to the JAC. This obviously delays the filing of charges, which can become critical when a juvenile is detained and our filing deadline is shortened. It can often be quite difficult to reach an officer by phone, to speak with him or her about the arrest. The State Attorney's Office requests that in every case where it is possible that the officer who will be providing the testimony in support of the charge(s) be the one to take the juvenile to the JAC. In those cases where this is impossible, we ask that the officer call the JAC at (305) 755-6235 and speak with one of the SAO paralegals or, at the very least, write a *good* contact number where the officer can be reached on the back of the pink copy of the arrest affidavit. If you have any questions about this procedure you may contact Ellen Skidmore, the administrator of the Juvenile Division at (305) 637-1371.

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)

## Fingerprinting PTA Defendants

As you may or may not know, we have an "Identity Theft" unit in the State Attorney's Office that assists individuals who are victimized by defendants providing someone else's name and identifying information when they are arrested. We have been having increasing difficulties with regard to cases where officers are allowing defendants to sign a PTA in lieu of arrest without affixing a thumbprint to the arrest affidavit. The result is that when people come to our office claiming that someone else has used their name when arrested, the only means we have of verifying this claim is relying on the officer's identification of this individual as not being (or perhaps being) the person charged. This system has not been working effectively and many such cases have had to be dismissed for lack of positive identification of the correct defendant. The following is an article which appeared in the July, 2002 issue of *The Rap Sheet*. Please ensure that you are following this procedure.

## Promises to Appear

Procedures have recently been instituted providing for the placing of the thumbprint of the defendant on an arrest affidavit when the defendant has been permitted to sign a promise to appear. At the May meeting of the Police-Prosecutor Coordinating Committee, it was suggested that an article be published regarding when a promise to appear in lieu of an arrest was appropriate.

Florida Rule of Criminal Procedure 3.125 deals with "Notices to Appear". It states that notices to appear may be issued by arresting officers when the offense involved is a first or second degree misdemeanor or a municipal or county ordinance violation. The rule goes on to state that notices to appear may *not* be issued when

- The defendant fails or refuses to sufficiently identify himself,
- The defendant refuses to sign the notice to appear,
- The officer has reason to believe that the continued liberty of the defendant poses a risk of bodily harm to the defendant or to others (e.g., domestic cases),
- The defendant has no ties to the jurisdiction (e.g., lives outside of the county, state or country),
- There is substantial risk that the defendant will refuse to respond to the notice,
- The officer has any suspicion that the defendant may be wanted in any jurisdiction,
- The defendant has previously failed to respond to a notice or summons, or
- The defendant has violated the conditions of any pretrial release program.

There are also certain charges which, for one reason or another, cannot be handled by a notice to appear. Persons arrested for **DUI** (316.193) cannot be released from custody until certain requirements are met (dealing with sobriety) so that the practical effect of meeting these requirements prevents an officer from issuing a notice to appear. Florida statute 741.29(6) states that an individual who has **violated a condition of pretrial release** provided in s. 903.047, **when the original arrest was for an act of domestic violence**, shall be held in custody until his first appearance; this precludes release on a notice to appear.

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.

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