

The Rap Sheet

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APRIL 2016

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Against Law
Enforcement Officers
Subcommittee are listed
on the back page**

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Summary of the March 17th, 2016 PPCC Meeting

Agencies represented: : SAO, Miami-Dade PD, City of Miami PD, Miami Beach PD, Sunny Isles Beach PD, Homestead PD; Miami Gardens PD, University of Miami PD, Pinecrest PD and Doral PD

Agenda Items

Lead Officers – A lead officer is the officer who has the most direct information about a case. However, quite frequently, we find that the designated lead is the officer with the least seniority who knows next to nothing about the facts of the case, but was tasked to write the arrest affidavit and call in the pre-filing conference. This slows down the process considerably as we are working with a 21-day time limit and we may not have sufficient time to set the officer who has relevant information more than once. Ultimately, this can lead to cases being no-actioned.

Handling of officers' attendance slips at the Graham Building – Near the entrance of the SAO reception area is a table where officers appearing for pre-filing/pre-trial conferences or depositions clock in. Above the table is a bin which contains blank attendance slips for officers from the City of Miami PD and Miami Beach PD only. **This bin is not a depository for completed attendance slips.** It is not checked by anyone and therefore any completed attendance slips left in the bin will not reach an officer's police department.

Miami-Dade Officers are to turn in their completed attendance slips to SAO reception staff. These slips are sent daily to Miami-Dade liaison.

DNA Collection from defendants on probation – Probation officers can assist in locating wanted subjects who are on probation, but if a DNA sample is needed from such a subject, it must be done either with the consent of the subject or with a search warrant. DNA samples obtained through deceptive means are suppressible.

Automated A-Forms – **93.3%** of all arrest affidavits were submitted electronically in February, a 2% increase from January's stats.

IMPORTANT!

Next PPCC meeting, **Wednesday, May 18, 2016**
State Attorney's Office • 1350 NW 12 Avenue • Miami FL 33136
All are invited to attend

ELECTRONIC ARREST FORM
Procedures to correct Incorrect Police Case Numbers (PCN's)

Provided by Mayte Chang Quiros

Senior System Analyst Programmer
Information Technology Department (ITD)

- LAW ENFORCEMENT OFFICERS SHOULD IMMEDIATELY CONTACT THE STATE ATTORNEY'S OFFICE (SAO) AT:
 - (305) 547-0200
 - OFFICERS SHOULD ASK TO SPEAK TO:
 - Yvonne O'Cana (YvonneOCana@MiamiSAO.com) OR
 - Tara Jones (TaraJones@MiamiSAO.com)
 - THE SAO REPRESENTATIVES WILL EMAIL THE OFFICER WITH SPECIFIC INFORMATION ON HOW TO MAKE THE CORRECTION. THEY WILL ALSO TRACK THE CASES AND MAKE SURE ALL SAO COPIES ARE UPDATED.

TO ASSIST IN THE PROCESS, BELOW IS AN IDEA OF SOME OF THE BASIC STEPS THAT WILL BE PROVIDED SO OFFICERS MAY PREPARE PRIOR TO RECEIVING THE ACTUAL EMAIL. PLEASE UNDERSTAND THESE ARE NOT ALL THE NECESSARY STEPS, BUT THEY DO PROVIDE OFFICERS WITH AN IDEA OF WHAT WILL BE EXPECTED OF THEM:

- MAKING CORRECTIONS AT THE CLERK OF COURTS (COC):
 - LOCATION: 9th FLOOR OF THE CLERK'S OFFICE
 - ONLY THE OFFICER OR THEIR SUPERVISOR (SERGEANT) WHO SIGNED THE A-FORM WILL BE ALLOWED TO MAKE THE CORRECTION.
 - THE OFFICER/SERGEANT WILL NEED TO MANUALLY MAKE THE CHANGE ON THE OFFICE COURT COPY. THE COC WILL THEN MAKE THE CORRECTION IN THE CRIMINAL JUSTICE INFORMATION SYSTEM (CJIS).
- OFFICERS WILL NEED TO ACCESS THEIR ORIGINAL A-FORM VIA THE A-FORM MANAGER (AFM) APPLICATION <https://aformprd.miamidade.gov/afm/> ONCE THEY LOCATE THEIR A-FORM, OFFICERS MUST ADD A NOTE TO THEIR A-FORM ADVISING THAT THE PCN WAS CHANGED AT THE COC AND SAO.
 - THE CORRECTED PCN AND THE DATE MUST BE INCLUDED IN THE NOTE.
 - OFFICERS MUST NOTIFY ANY OTHER AGENCIES INVOLVED IN THE ARREST.
 - THEY MUST ALSO NOTIFY THEIR DEPARTMENT RECORD UNIT AND MDPD RECORDS BUREAU OF THE CHANGES.
 - FINALLY, IF ANY EVIDENCE WAS SEIZED (I.E. NARCOTICS) THE OFFICER MUST NOTIFY PROPERTY AND EVIDENCE AS WELL AS THE CRIME LAB.

Recent Case Law**Compiled by Felony Screening Unit Chief Joe Robinson****• JONES v. STATE, 41 Fla. L. Weekly D608c**

How long may an officer detain a motorist in order to conduct a dog sniff?

The officer stopped the defendant for not wearing a seatbelt. The defendant appeared “excessively nervous” to the officer, and refused to consent to a search of the vehicle. The officer then, instead of proceeding to write the citation, conducted a dog sniff of the vehicle. The dog alerted; the officer searched and found 20 oxycodone tablets. The officer estimated the time between stopping the vehicle and conducting the dog sniff was three minutes.

The 4th DCA decided this case on the basis of the U.S. Supreme Court ruling in *Rodriguez v. United States*, 135 S.Ct. 1609 (2015). In *Rodriguez*, the Court held “*the tolerable duration of police inquiries in the traffic-stop context is determined by the seizure’s ‘mission’ -- to address the traffic violation that warranted the stop, ... and attend to related safety concerns. ... Because addressing the infraction is the purpose of the stop, it may ‘last no longer than is necessary to effectuate th[at] purpose.. .. The officer’s “[a]uthority for the seizure thus ends when tasks tied to the traffic infraction are -- or reasonably should have been -- completed. ...When determining the reasonable time to complete the required tasks, the court must also consider “whether the police diligently pursue their investigation. ... The critical question, then, is not whether the dog sniff occurs before or after the officer issues a ticket . . . but whether conducting the sniff ‘prolongs’ -- i.e., adds time to -- ‘the stop’.*”

The 4th DCA found that when the officer decided against writing the citation, the reason for the traffic stop ended as well and the justification for the stop also ended at that point. The dog sniff extended the time it took the officer to complete the tasks which justified the detention (the traffic stop), and thus violated the 4th Amendment.

• STATE v. CARABALLO, 41 Fla. L. Weekly D641a

This case interprets Florida Statute 934.06 which prohibits the recording of oral communications without a person's consent or knowledge and the disclosing of such recordings.

The defendant was suspected by her employer of embezzling money from the store. The employer spoke with her about the theft in a sales area in the front of the store. The facts indicate the defendant knew of the presence of visible cameras recording images and sound in that area of the store, which was open for business at that time. Signs were also posted stating “Notice. This business is under 24-hour video and audio surveillance”.

Quoting the Florida Supreme Court, the 2nd DCA held “*for an oral conversation to be protected under section 934.03 the speaker must have an actual subjective expectation of privacy, along with a societal recognition that the expectation is reasonable. ... In determining whether the speaker’s expectation of privacy is reasonable, courts should examine the location of the conversation, the type of communication at issue, and the manner in which the communication was made.*” The court found that under these facts the defendant could not demonstrate a reasonable expectation that her statements would be private and not subject to interception.

All opinions of the Third District Court of Appeal (3d DCA) and the Supreme Court are binding in our Circuit. All other DCA opinions are binding in this District only if there are no contrary opinions in the 3d DCA.

All PPCC Subcommittees, 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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