



CONCORD POLICE DEPARTMENT STANDARD OPERATING PROCEDURE

FELONY CASE REPORTING

GENERAL ORDER: 05.07

CREATED: December 1, 2000

ISSUE DATE: April 15, 2020

ACTION: Amends original dated December 1, 2000

EFFECTIVE DATE: May 1, 2020

05.07.0 **PURPOSE**

The purpose of this standard operating procedure is to establish a process concerning the preparation and presentation of felony cases to the district attorney's office for prosecution, in conjunction with N.C.G.S. 15A-501(6).

05.07.1 **POLICY**

It shall be the policy of the Concord Police Department that all felony cases, in which an arrest has been made, shall result in the compilation of a complete felony case report. Coworkers shall preserve and make available to the district attorney's office, on a timely basis, all material and information acquired in the course of felony investigations. All coworkers shall fulfill their continuing affirmative duty to make this information available to the district attorney's office throughout the investigation and prosecution of the case.

05.07.2 **DEFINITIONS**

A. CASE OFFICER

The case officer is identified as the assigned officer/detective in the records management system. The case officer is responsible for ensuring the law enforcement file and any other discoverable material is compiled and submitted.

B. CRIMINAL DISCOVERY UPLOAD (CDU)

A component of the discovery automation system (DAS), which is a computer application designed to streamline and simplify the criminal discovery process among law enforcement, prosecutors, and defense attorneys. CDU allows law enforcement agencies to submit discovery documents securely and electronically to the district attorney's office via NCAWARE.

C. EX PARTE MOTION AND ORDER

A motion filed by the district attorney seeking an order from the court that investigative material not be released to the defendant. The basis for the district attorney's motion includes, but is not limited to: the existence of a substantial risk to any person of physical harm, intimidation, bribery, economic reprisals, or unnecessary annoyance or embarrassment.

D. LAW ENFORCEMENT FILE

Includes defendant statements, co-defendant statements, witness statements, investigating officers' notes, body camera recordings, in-car camera recording, results of tests and examinations, or any other matter or evidence obtained during the investigation of the offenses alleged to have been committed by the defendant. Victim, witness, and suspect/defendant statements given verbally or recorded must be reduced to writing.

05.07.3 PROCEDURE

A. PRESERVATION OF INFORMATION

1. Coworkers shall save and maintain all information relating to a felony case, including but not limited to: handwritten notes, emails, and correspondence.
2. Coworkers are prohibited from destroying any notes regarding a felony offense or case.
3. The case officer shall gather and preserve all information regarding the felony offense. This includes but is not limited to:
 - a) Electronically recorded or written statements.
 - b) Notes.
 - c) Diagrams.
 - d) 911 recordings.
 - e) Photographs.
 - f) Any and all video recordings.
 - g) Lab results.
 - h) Computer-aided dispatch reports.
 - i) Incident reports.
 - j) Arrest reports.
 - k) Emails.
 - l) Any other document generated as a result of the case being investigated.
4. Coworkers shall provide the case officer all original copies of any handwritten notes as soon as practicable and shall maintain a copy of the notes. The handwritten notes shall include the coworker's name who recorded the notes, persons present, date, and time. For any Class A or B1 felony (ie. murder, rape, etc), the case officer will be responsible for submitting all original documents, including handwritten statements, notes, etc. to property control for retention.

B. COMMUNICATIONS WITH DISTRICT ATTORNEY'S OFFICE

1. Felony case reports should be submitted to the district attorney's office within 10 calendar days of the date of arrest. If an arrest of a defendant is made by another agency on warrants for arrest, the felony case report should be prepared and submitted to the district attorney's office within 10 calendar days of the notification of the arrest to the case officer.
2. Requests for extensions for submittal of a felony case report to the district attorney's office should be done via email. A copy of the email, from the prosecuting assistant district attorney, authorizing an extension for the deadline of the felony case report shall be retained by the case officer.
3. Requests for further or additional follow-up work by the district attorney's office shall be completed no later than 20 calendar days from the date of the request. The reviewing supervisor will ensure all further follow-up is completed within the 20 calendar days. Exceptions to this provision are lab reports and transcripts which will be forwarded as soon as practicable and for complex cases such as sex crimes or financial crimes requiring significant auditing. Follow-up work will be submitted to the district attorney's office via a supplemental report.
4. Coworkers should schedule appointments with the prosecuting assistant district attorney for multiple or complex cases. This will allow an opportunity for the prosecuting assistant district attorney to review the case and offer feedback and suggestions for necessary case follow-up, if needed.

C. FELONY CASE REPORT

1. The felony case report shall consist of a cover page, table of contents, crime scene description, and details of investigation. Reports, statements, notes, and other documents shall be included in the packet following the initial felony case report. Audio or verbal statements shall be summarized and included in the report. Body worn camera evidence will be submitted via Evidence.com, however, critical moments of the investigation or specific events of evidentiary value should be noted in the body of the details of investigation. (ie. "As the interview progressed, Smith admitted to possessing the firearm." [Interview video - 14:25:34] or "As I advised Smith he was under arrest for domestic assault, he proceeded to flee from the front porch of the residence." [Officer XXXXX Body Worn Camera - 09:05:15]) Each page following the table of contents shall be numbered (ie. 1 of 20, 2 of 20, 3 of 20 etc.)
2. The case officer will complete a certificate of compliance with law enforcement discovery duties. In the event the case officer, or any supervisor, determines that a case should be considered for an Ex Parte Motion and Order, the case officer should indicate so on the certificate of compliance beside the entry "If I believe a Protective Order is warranted as to any of the information contained in the investigative file, then an envelope containing additional copies of the information, and marked "Request for Protective Order" has been submitted along with the above two (2) or more copies of the investigative file(s)."

3. When a case involves an investigation that utilizes a tactical or operational plan that would jeopardize future investigations or law enforcement tactics if included in the felony case report, coworkers should complete a special certification of compliance in addition to the certificate of compliance completed for all cases. The case officer will indicate which report exists, however, is not included in the felony case report by placing a check mark on the line next to the applicable report. **Accident injury reports, use of force reports, and pursuit reports are administrative reports conducted by supervisors and are not subject to discovery.**
4. The entire felony case report, except video recordings, will be reduced to a portable document format (PDF), including page numbers. The PDF will be named with the last name of defendant (comma) first name of defendant and file number (ie. Doe,John20CRS001251). No spaces are to be used.
5. All video, audio, and photographic data will be imported to Evidence.com, if possible. In the event the case involves a video recording that cannot be uploaded to Evidence.com due to media player requirements specific to a particular software, the video will be submitted via DVD to the District Attorney's Office. Those videos will be transferred to a digital video disc (DVD) or compact disc (CD). Larger and/or more complex cases may require larger storage devices (ie. External hard drives).
6. The case officer will present the felony case report, in its entirety, to his/her direct supervisor for review, at least 24-hours before the summary is due to the district attorney's office. In the event that his/her immediate supervisor will not be working until after the due date to the district attorney's office, he/she shall submit the felony case report to another supervisor for review. The supervisor is responsible for reviewing the felony case report, ensuring any corrections are made by the case officer, and ensuring submittal of the felony case report by the date the case file is due to the district attorney's office.

D. SUBMITTAL OF FELONY CASE REPORTS

1. Felony case reports will be submitted to the district attorney's office via the criminal discovery upload (CDU), the Administrative Office of the Courts law enforcements component for discovery via NCAWARE. The district attorney's office will access the file via the discovery automated system (DAS) which is the district attorney's office NCAWARE component to receive felony case reports. The felony case report must be submitted in a portable document format (PDF) and include the certificate of compliance, the felony case report, and all other evidence related to the offense except video recordings.
2. Juvenile felony case reports will not be submitted electronically. Any case summary involving a juvenile defendant will be submitted by paper copy or a CD/DVD containing a PDF of the case file. All other felony case reporting protocols should be followed.

3. Video recordings, audio recordings, and photographs will be submitted to the district attorney's office via Evidence.com. The following process will be followed for creating a case in Evidence.com:
 - a. The case officer's supervisor will create the case in Evidence.com for the incident.
 - b. The supervisor will share the Evidence.com case with the case officer.
 - c. The case officer will review the Evidence.com case and ensure all necessary videos are included. The case officer will use resources such as CAD reports and other videos to ensure all body worn camera recordings are included in the case. It is ultimately the case officer's responsibility for compliance with the discovery law.
 - d. If any videos are missing from the Evidence.com case the supervisor will need to access the video(s) and add them to the Evidence.com case.
 - e. Once the case officer has ensured that all videos are included in the Evidence.com case, they will inform their supervisor and provide all case summary documents for supervisor review. The felony case report should include the CR or CRS number for the case and any co-defendant's, if applicable.
 - f. The supervisor will review the case file, to include the felony case report, and rename the Evidence.com case in the following format: last name of the defendant (comma) first name of the defendant and file number (ie. Doe,John20CRS001251.) If a case has multiple defendants, an Evidence.com case shall be created for each defendant and the Evidence.com case shall contain all Evidence.com videos related to the case in the following format: Doe,John20CRS001251 Doe,Jane20CRS0012152.
 - g. Once the supervisor approves the felony case report in its entirety, the supervisor shall share the Evidence.com case with the district attorney's office. The supervisor will utilize the provided contact list to determine the correct legal assistant to share the case with.
 - h. To share the case in Evidence.com, locate the case to be shared under cases. Click on the hyperlink for the case. At the top of the screen chose "share entire case." Chose the bottom option "share with partner agency." Type the intended recipient's name, beginning with the last name. The recipient will auto populate. Select the intended recipient. Chose share audit trails, clips, markers, and notes by selecting the boxes. Click share.

In the event the case involves a video recording that cannot be uploaded to Evidence.com the video will be submitted via DVD to the District Attorney's Office. Case officers will place the digital video discs (DVD) or compact discs (CD), or other media storage devices in an envelope, with a certificate of compliance attached, designating the number of each type of discs enclosed and listed by title on the back of the certificate.

4. Any supplemental information will be submitted to the district attorney's office in the same manner. Each time a PDF will be generated, complete with a certificate of compliance, and all new related documents to the offense.
5. The PDF generated for the felony case report will be transferred to a digital video disc or compact disc. The digital video disc (DVD) or compact disc (CD) will be placed in an envelope, labeled with identifying case information. All original handwritten statements, notes, diagrams, video recordings and other documents shall be placed in the envelope and turned into the Records Division for retention. The receipt of case report submittal, generated by the CDU system, will also be delivered to records with the felony case report DVD or CD.

APPENDIX I:

[Certificate of Compliance with Law Enforcement Discovery Duties
\(CPD Form FCS-1\)](#)

APPENDIX II:

Special Certificate of Compliance with Law Enforcement Discovery Duties
(CPD Form FCS-2)



GARY J. GACEK
CHIEF OF POLICE