
ADMINISTRATIVE DIRECTIVE – 104.002
CASE REVIEW FOR PROSECUTION / DISMISSAL

EFFECTIVE DATE: January 2, 1986
REVIEW SCHEDULE: Annual
AFFECTS: All Personnel

REVISION DATE: September 28, 2017

I. PURPOSE

This Administrative Directive outlines the procedures for the filing, review, and disposition of criminal cases which result in an arrest.

II. POLICY

In order to avoid detaining any person unnecessarily and to ensure all cases that can be prosecuted are complete, the Department has established a system to review criminal cases with an arrest.

III. PROCEDURES

A. Arrest Review

1. All arrest reports and associated documentation will be completed in the proper format either written or via Automated Field Reporting (AFR) and turned in at the time of the arrest.
2. Arrest reports and documentation shall be reviewed by a supervisor prior to the end of the officer's tour of duty. The review will be conducted to determine:
 - a. If there is probable cause for filing,
 - b. All elements of the offense are present, and
 - c. The arrest report is complete.
3. If the reviewing sergeant determines the arrest report lacks probable cause, or the required elements of the offense:
 - a. The reviewing supervisor will contact the arresting officer for clarification and/or additional details.
 - b. If, after discussing the incident with the arresting officer, the reviewing supervisor determines that probable cause and/or statutory authority does not exist for an arrest, he/she will notify the on-duty Watch Commander. The on-duty Watch Commander will make a determination as to releasing the prisoner. If possible, the on-duty Watch Commander should consult the Department Legal Advisor prior to dropping charges against an individual under arrest.
 - c. Unless circumstances dictate otherwise, the reviewing supervisor will contact the arresting officer's sergeant and/or lieutenant. The reviewing supervisor will provide details of the incident, as well as the resolution. Possible remediation available to the arresting officer's sergeant includes counseling, training, and/or discipline.

Note: If at any time the detention staff determines overcrowding is potential within Plano's Jail, the on-duty Watch Commander shall be notified in order to review all cases.

4. If requested by the Criminal Investigative Services Division, the arresting officer shall place a transfer hold on the prisoner to be interviewed.

B. Case Investigation Follow-up and/or Disposition

1. Arrests Initiated by the Criminal Investigative Services Division

Upon completion of the investigation, the assigned investigator shall:

- a. Complete a case report and forward the completed documents to the CISD Administrative Assistant. The CISD Administrative Assistant will ensure all necessary documents are included in the report packet so it can be filed with the District Attorney's Office.

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- b. If the arrest lacks probable cause and/or all the elements of the offense, the assigned investigator shall request dismissal of the case. Request for dismissal is initiated by completing a "Request for Case Dismissal Form" (FM601.103) and forwarding this form with the case file through his/her chain-of-command to the Department Legal Advisor.
- 2. Arrests initiated by Patrol Services Division
 - a. Upon completion of the arrest, the arresting officer shall complete a case report and enter it into AFR to be reviewed by a supervisor and forwarded to the Records Unit.
 - b. The supervisor will research the arrestee to determine if he/she is a habitual or serious offender. For purposes of this Administrative Directive, a habitual offender is defined the same as outlined in the Texas Penal Code Section 12.42, 12.425 and 12.43.
 - c. The appropriate field on the case report cover sheet (FM601.024) will be answered 'yes' to reflect habitual or serious offender status.
 - d. The case report cover sheet (FM601.024) will serve as identification and notification to the District Attorney that a habitual offender is a party to the offense and will be accompanied by any request for assistance in further case preparation.
 - e. Upon approval by the arresting officer's supervisor, the case report is forwarded to the Records Unit where the case file is prepared for presentation for the District Attorney's office.
- C. District Attorney's Office
 - 1. The District Attorney's office may choose to either prosecute a case or refuse a case with cause.
 - 2. The CISD Administrative Assistant shall forward all cases returned by the District Attorney's Office to the officers or detectives that submitted the cases and their supervisor to determine if further investigation is warranted to refile the cases.
 - 3. The CISD Administrative Assistant shall maintain a SharePoint database of all cases refused by the District Attorney's Office
- D. Dismissal of Court Cases
 - 1. Departmental members will not contact any agency or department to request dismissal of a case except at the direction of a Division commander, a Bureau commander, or the Chief of Police.
 - 2. If an employee would like to request dismissal of any charge, including Class C misdemeanors, a "Request for Case Dismissal" form (FM601.103) is completed and forwarded through the chain of command to the Support Operations Bureau Assistant Chief and the Department Legal Advisor for approval.
 - 3. If any person other than the arresting officer instigates a request for dismissal, the arresting officer and his supervisor will receive a copy of the completed "Request for Case Dismissal" form.
 - 4. If the suspect is in the Plano City Jail at the time the request for dismissal is made, refer to SOP 506.005 (Jail Releases Pending Dismissal of Charges).