

The Rap Sheet

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1 April 2009

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

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A Second Training Session on the
New Search Warrant Form
has been added.
It will be held on

Thursday, April 16, 2009 at 1:00 p.m.
in the 4th floor training rooms
in the Graham Building

Please call Mayra Odio at (305) 547-0186
to reserve a space for this training session

Summary of PPCC Meeting March 20, 2009

Agencies represented: State Attorney's Office, Aventura PD, North Miami PD, Sunny Isles Beach PD, Hialeah PD, Miami-Dade PD, North Miami Beach PD, Miami-Dade Schools Police, Coral Gables PD, Miami Beach PD, Miami Springs PD

Agenda Items

Miami-Dade Crime Lab – Investigative Cost Recovery:

Jeff Johnson, Miami-Dade Crime Lab (305-471-2092) advised that effective immediately, all lab tests will incur investigative costs. He provided a schedule of these costs for the various types of testing the lab provides, including narcotics, biology, firearms and toolmark testing. He advised that the Investigative Cost Recovery forms would be provided to the submitting officers for cases from other agencies and to Miami-Dade Court Services for their own cases

IMPORTANT!

Next PPCC meeting, **Wednesday, April 15, 2009, 1:00 p.m.**
State Attorney's Office • 1350 NW 12 Avenue • Miami FL 33136
All are invited to attend

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Kristi Bettendorf advised that any such cost recovery forms need to be provided to the State Attorney's Office as soon as possible because a number of cases, particularly narcotics cases, may be closed by a plea on the arraignment date and if the costs were not documented in the State's file, the ASAs would not know to request them. Kristi also suggested that perhaps in the Property and Evidence Tracking System could be modified so that when the State Attorney's Office receives the lab results on drug cases we could also get the cost recovery form.

ID Theft Crimes:

Although there were no new issues raised on this topic, officers were reminded that residence of the victim is one of the statutory venues for jurisdiction. This means that department personnel with jurisdiction in these venues should be completing the initial report for the victim, even if further investigation into the offense takes place elsewhere.

New Search Warrant Form:

Assistant State Attorney David Sherman presented the new search warrant form. This form was created so that all agencies could access and use it, and allow for consistent and legally sufficient search warrants. David did a short presentation demonstrating how the form is used, going from field to field within the form, including drop-down boxes, to make completion of the form easier. In addition, once the information is completed on the affidavit portion of the form, it will automatically be included in the appropriate place on the warrant part of the form, eliminating the need to "cut and paste". Search warrants can also be done for misdemeanors cases.

The form was created in the format used by the State Attorney's Office, which may or may not be compatible with other agency's document formats. It will therefore be necessary for each agency's technical staff to adapt the form for use with their computer system. David requested those present to provide an email address so he could email the search warrant form to them, to be forwarded on to their technical staff.

The longer training session on the use of the new form scheduled for April 9th is now full. A second training session has been scheduled for Thursday, April 16th at 1:00 p.m. If you would like to reserve a space at this training session, please contact the SAO Training secretary, Mayra Odio, at 305-547-0186.

Domestic Shelters and Privacy Issues:

To follow up on this issue raised at last month's meeting, Assistant State Attorney Leah Klein, Division Chief of the SAO Domestic Crimes Unit, addressed the issue at hand. ASA Klein stated that there was a situation identical to the one raised at last month's meeting in a different jurisdiction. The mother had threatened to kill herself and the child and fled with the child. The mother's car was later found in front of a domestic shelter. When police officers arrived and asked if the mother and child were there, the shelter would not provide this information.

Domestic Violence shelters are considered a "safe haven" for victims of domestic violence and for this reason, they will not divulge this information and are not required to do so. Florida Statute 39.908 governs the confidentiality of information that a shelter receives and/or provides. There are a few exceptions wherein the information may be divulged, pursuant to statute, such as a court order for an arrest warrant, a search warrant, or if fire rescue needs to attend to someone inside. Otherwise, law enforcement officers will not be allowed to enter nor will they be told whether someone is at the shelter. DCF will also not be allowed in.

Due to the close working relationship between the State Attorney's Office and the shelters, a warrant will not be issued except in extreme circumstances. ASA Klein provided her contact information should officers find themselves in an emergency situation and think they may need a warrant and/or guidance. However, if there are any concerns that a child is in danger, officers should make a report documenting their efforts to find out if the child is safe. In the meantime, the SAO and domestic shelters are working together to authorize the release of information to law enforcement during the initial screening, when a victim arrives at a shelter.

Bond Hearing Issues:

In order to sustain a probable cause determination on a charge of Battery on a Pregnant Victim, the fact that the victim is visibly pregnant or that the defendant knew that the victim is pregnant must be included in the narrative portion of the A-form.

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Writing Witnesses on the Back of the A-Form:

Kristi distributed an example of the problem encountered when the witness information on the back of the pink copy of an A-form is written when the pink copy is resting on the white (first) page of the A-form packet. This can make portions of the front of the pink copy totally unreadable. It is therefore important that the pink copy of the A-form packet be isolated from all other pages when completing the victim/witness information on the back.

Issues from the Floor:

- **eNotify:** A question was raised regarding whether SAO staff notes when an officer enters a comment in the conflict field in eNotify. This question applies more to court appearances than pre-filing conferences. Miriam Martinez, Supervisor of the Felony Division stated she will follow-up to see what the tracking procedure is. The officer stated that he was concerned because they don't receive a response to these comments in return. The officer also asked when misdemeanor cases would be included in the eNotify system. That is unknown at this time; we still have more departments to add to the system.
- **Issues Regarding A-forms:** Laurie Collins, MDPD, advised that there has been a marked increase in the number of cases being scheduled for probable cause hearings by the first appearance hearing judge on felony cases. It was mentioned that the judge had indicated he would dismiss cases where A-forms fail to state probable cause. Actually, the remedy for a finding of no probable cause is the release of the defendant on recognizance, not a dismissal of the case. Officers expressed concern that some of the issues being considered go beyond the determination of probable cause. Officers with concerns on this issue were encouraged to contact the ASA who handles felony first appearance hearings Monday through Friday, Chiara Juster, at 305-547-0200. Officers may also contact Kristi Bettendorf with any concerns in this area.
- **Booking Defendants into the Jail:** Officers stated there have been some problems with booking defendants into DCJ where the charges are not in the jail's offense listings. If the charge is not there, DCJ is refusing to book the defendant. First of all, make sure that the correct statute number and subsection, if applicable, is being used. During regular business hours, the officers can contact Cindy Kryder at the State Attorney's Office (305-547-0629) to have a charge entered that is not in the offense listing. During the evening hours and on weekends, however, the defendant will have to be booked on a charge that is listed. Contact Cindy Kryder on the next business day to have the charge added to the offense listing.
- **Misdemeanors A-forms:** Yvonne O'Cana, Supervisor of the Case Screening Unit, stated that there has been an increase recently in the number of original misdemeanor A-forms being received by the State Attorney's Office. These should be filed with the Clerk's Office.
- **Misdemeanor Vandalism (Tagging):** Melissa DeJong, Coral Gables PD, stated that their jurisdiction is experiencing a lot of vandalism in their city, costing thousands of dollars to remove. Assistant State Attorneys have advised that these cases are very difficult to prove, absent an admission or an eyewitness to the offense. While this assessment is, for the most part, accurate, each case must be judged on its own facts. The standard of proof in these cases is no different than the standard in any criminal case; we must be able to prove that the defendant committed the crime beyond and to the exclusion of a reasonable doubt. The fact that the graffiti is one particular person's "tag", without more, will not be enough to prove such a case. Assistant State Attorney David Sherman suggested that if they know the individuals are part of a gang, officers may want to contact the SAO Gang Unit. Major Kathy Katerman, North Miami Beach PD, advised of a new technology that enables an officer to detect vandalism with a camera activated by the sound of the aerosol can being used, but it is very costly. It was suggested that if the crimes are being committed in the same location, a camera with night vision capability could be a less expensive alternative.

The next PPCC meeting will be held on **WEDNESDAY, April 15, 2009 at 1:00 p.m.** All are welcome to attend.

All PCCC 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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