



NEW ORLEANS POLICE DEPARTMENT OPERATIONS MANUAL

CHAPTER: 42.15

TITLE: ARREST CASE MANAGEMENT AND DISTRICT ATTORNEY SCREENING

EFFECTIVE: 10/01/2017

REVISED: 06/27/2021

PURPOSE

The purpose of this Chapter is to outline the responsibilities for the delivery of arrest reports, and consulting with the Orleans Parish District Attorney's Office in adult arrest cases which involve a violation of the Revised Statute(s) of the State of Louisiana.

POLICY

1. The New Orleans Police Department shall strive to present the best and most complete investigations possible in a timely manner for review by the Orleans Parish District Attorney's Office so an accurate and timely assessment can be made as to the correctness and appropriateness of the criminal charges filed, so sufficient evidence exists to establish probable cause for the charges, and so the subject(s) arrested are afforded due process and held responsible.

DEFINITIONS

701 – The status of a case indicating a defendant has been or will be released from incarceration or relieved of a bail obligation because the prosecution has not been instituted within the time limits set by article 701 of the Code of Criminal Procedure.

A-Case—Adult state criminal charge arrest case.

A-Case Officer—A commissioned member of the NOPD assigned to a District or Division of the Field Operations Bureau who is responsible for ensuring that a complete investigative case file is compiled and presented for all adult State arrests made by officers assigned to that District / Division.

Buck Sheet / Buck Slip—Form used by an A-Case officer and the Orleans Parish District Attorney's Office to document the status of a case through the screening process.

Case File – the singular repository of all reports and associated attachments and documentation related to a criminal case. It includes, but is not limited to, all items listed on the Case File Index Sheet (see: **Appendix "B"**) that pertain to that case. It includes the completed and signed Orleans Parish District Attorney's Office Case File Certification Form. (see: **Appendix "A"**).

Incident Report – A thorough and comprehensive written report detailing the facts and circumstances surrounding an incident or event, or the commission or discovery of a crime which gives rise to criminal charges.

Supplemental Report – A thorough and comprehensive written report detailing all events and investigative activity transpiring since the filing of the incident report. It may include the arrest of the defendant or a description of any investigative procedures, the recovery of any evidence, or the interview of any witness to an event,

Arrest Report – A thorough and comprehensive written report detailing the circumstances surrounding the arrest of a person accused of a crime. It may be a contemporaneous incident report or a supplemental report of a follow up investigation which describes the arrest and booking of a criminal defendant for a crime. It shall include: (1) if the defendant was adequately advised of his constitutional rights (and by whom); (2) any statements made by the defendant at the time of arrest; (3) any evidence recovered at the time of arrest and by whom it was recovered; and (4) the current disposition of that evidence.

Gist – A sworn statement of probable cause by the arresting officer, submitted upon arrest of a person accused of a crime at booking. It is not an incident report, supplemental report, or arrest report.

Principal Case Investigator, Lead Investigator or Case Agent – terms used to describe the primary individual (commissioned member generally) who is responsible for the preparation, conduct, administration and completion of a criminal investigation, usually as part of a team of investigators or working with support units.

Screening Action Form (SAF) —The form the Orleans Parish District Attorney's Office uses to track the process of case screening for a prosecutorial determination of suitability of charges.

Screening division—The section of the Orleans Parish District Attorney's Office responsible for reviewing arrest case reports presented by NOPD officers for prosecution.

DUTIES AND RESPONSIBILITIES

Arresting Officer(s)

2. It is the responsibility of the officer(s) who makes an adult state arrest to complete the arrest report and submit it to his/her supervisor prior to the conclusion of the officer's tour of duty. (Refer to **Chapter 1.9 – Arrest** and **Chapter 82.1 – Incident Report/Field Report Writing Manual**).
3. If the arrest report is disapproved and returned for correction, the officer shall complete and correct the noted deficiencies and submit the corrected report to the reviewing supervisor prior to the conclusion of the officer's tour of duty.
4. For purposes of this Chapter, arresting officers include all on duty commissioned members who make an arrest, as well as any officer working a police secondary employment assignment when an incident occurs that requires a police report to be written.

Patrol Supervisor(s)

5. The arresting officers' supervisors shall review and approve or disapprove each arrest

report made by officers under their command, within 12 hours of submission (Refer to **Chapter 1.9 – Arrest**).

6. If the arrest report is disapproved, the reviewing supervisor must ensure the officer completes and corrects the noted deficiencies and submits the corrected report to the supervisor prior to the conclusion of the officer's next tour of duty.
7. Once the supervisor approves the arrest report, he/she shall immediately forward the report to the District / Division A-Case Officer for processing.

A-Case Officer(s)

8. The District / Division A-Case Officer shall create a case file for each state arrest. The case file shall include:
 - (a) A Case File Index Sheet.
 - (b) A tracking sheet to document the delivery and receipt of the arrest report from the platoon level, to the Arrest Case Officer, to the District Attorney's Office.
 - (c) The dates and times for all actions the District A-Case officer takes in presenting the case file to the District Attorney's Office.
 - (d) All relevant reports, including incident reports, supplemental reports, arrest reports and all attachments including but not limited to:
 - i. All warrants (including the application, affidavit, order and return) whether approved or not, whether executed or not;
 - ii. Crime Lab reports;
 - iii. NIK test reports,
 - iv. Crime Scene tech reports (including digital photographs),
 - v. Scientific analysis reports,
 - vi. CE&P receipts,
 - vii. Incident recalls,
 - viii. 911 recordings,
 - ix. copies of photographic line ups,
 - x. recorded statements, or outside video evidence retrieved from any source. (See Appendix A of Chapter 1.2)
 - (e) Additionally, the police reports and case files should clearly delineate the location of BWC, In-Car Camera, or RTCC footage relevant to the case.
 - (f) The completed Investigative File Certification form. (See Appendix "A" attached).
9. A separate buck sheet shall be generated for each A-Case.
10. The completed case file, including the completed Case File Index Sheet and all ~~existing~~ supplemental reports and required documentation, shall be submitted to the District Attorney's Office within seven (7) days from the date of arrest, excluding weekends and holidays, with the buck sheet attached.
 - (a) In the event that the A-Case Officer is aware that the case file is deficient in any regard, the A-Case Officer shall submit a written supplemental report identifying any deficiencies in the case file and detailing all efforts to collect and submit the required attachments to the District Attorney's Office with the case file.
 - (b) The A-Case Officer shall submit to the District Attorney's Office additional supplemental reports detailing efforts to correct deficiencies of the case file as

required by Paragraph 8(b) above **every 7 days** until the deficiencies are resolved.

- (c) Within 7 days of the submission of a completed case file to the District Attorney's Office, the Assistant District Attorney reviewing that file will notify the A-Case Officer of either the disposition of the charges or the need for additional investigative efforts by the NOPD.
 - (d) Within 7 days of being notified of the need for additional investigative efforts, the A-Case Officer shall submit to the District Attorney's Office a supplemental report addressing all deficiencies identified by the Assistant District Attorney.
 - (e) With the presentation of additional reports or addressed deficiencies at each stage of the screening process, the District Attorney's Office shall provide a written acknowledgement of the materials delivered. Upon presentation of a completed case file, the District Attorney's Office will issue a receipt for the completed case file submitted.
 - (f) Upon a screening disposition being entered, the District Attorney's Office will issue a buck slip for the case file submitted.
11. When the District Attorney's Office completes and signs the buck sheet form, the A-Case Officer should obtain the buck sheet and retain it in the case file.
 12. When the District Attorney's Office completes and signs the receipt, the A-Case Officer shall place the complete case receipt from the District Attorney's Office in the case file along with the Buck Sheet.
 13. A copy of the receipt and Buck Sheet shall be forwarded to the A-Case Officer's District / Division Commander for the NOPD case disposition classification.
 14. Once the A-Case Officer's Commander completes the NOPD case disposition classification of the case file, a copy of the case receipt and Buck Sheet shall be forwarded to the A-Case Officer and retained in the case file.
 15. The A-Case Officer is required to collect the Screening Action Form (SAF) from the District Attorney's Office and maintain it in the case file. If the SAF for an A-Case cannot be located within the District Attorney's Office, the A-Case Officer shall notify the Chief of Screening in writing of this fact. A copy of this notifying correspondence shall be placed in the case file. Once the SAF is obtained it shall be placed in the case file. (See also: **Chapter 1.2 – Disclosure Obligations.**)
 16. In the case of either suppression of evidence or declination of prosecution based on an NOPD officer's alleged misconduct, a constitutional violation, or credibility, the A-Case Officer or member who learns of the ruling shall notify his/her Captain or PIB. The informed Captain shall initiate a formal disciplinary investigation (see **52.1.1 – Misconduct Intake and Complaint Investigation**) if not already initiated.
 17. Upon a refusal of a case due to a Law Enforcement issue, the District Attorney will alert NOPD PSAB, the A-Case Officer, the Arresting Officer, the Arresting Officer's rank, the District Commander, the First Assistant, the Chief of Case Management, and the designated Department of Justice Officer via email with the pertinent information regarding the refusal. The Assistant District Attorney who screened the case will be available to discuss the case with the NOPD upon request.

NARCOTICS CASES AND SCIS (CRIME LAB)

18. All suspected narcotic evidence submitted to CE&P shall be forwarded to the Crime Lab for scientific analysis when requested.
19. The Crime Lab shall test the suspected drugs upon request by the District Attorney's office.
20. The A-Case Officer shall include all Crime Lab reports in the case file.

ISB AND SPECIALIZED INVESTIGATIONS

21. All arrest cases made by the Investigations and Support Bureau (ISB) and specialized investigations cases (i.e. homicide, sex crimes, child abuse, etc.) shall be presented for screening with the District Attorney's Office by the principal case investigator.
22. The principal case investigator shall submit a completed case file within 28 days of arrest to the District Attorney's Office. Thereafter, they shall follow the guidelines set forth in paragraph 10 above.

Case Investigators are required to follow the guidelines of **Chapter 1.2 – Disclosure Obligations**.

DELINQUENT CASES

23. If an arrest case has not been completed and receipted by the District Attorney's Office within (30) days of the arrest, the principal case investigator or A-Case Officer shall notify his District / Division Commander and Bureau Chief by departmental email or interoffice correspondence (105) no less than (15) days prior to the case's 701 date. (See: **La. C. Cr. P. Art. 701**).
24. The District Attorney's Office will notify PSAB and PIB via email when a complete case file is not received within 28 days of an arrest.

Appendix "A" -

Orleans Parish District Attorney's Office Investigative File Certification Form –

INVESTIGATIVE FILE CERTIFICATION

Defendant: _____ Item Number: _____

I HEREBY CERTIFY that I am the "lead investigator" or "case agent" with regard to the referenced matter and that I have reviewed this case prior to presentation to the Office of the District Attorney.

I further certify that the files, reports, and other materials which I am this date submitting to the Office of the District Attorney for prosecution represent all of the materials disclosed, discovered, and/or generated by the law enforcement agency which I represent and/or any other agency which was involved in the investigation of the incidents upon which this matter is premised. Furthermore, I certify that I do not have any knowledge of any other investigative data, except for possible crime lab reports and/or autopsy reports which remain outstanding and/or other forensic analysis which may not have been completed.

I acknowledge my duties to disclose the existence of all evidence or information which is exculpatory or favorable to the accused, either tends to negate the guilt of the accused, or which mitigates the severity of the offense(s) which is/are the subject of this matter. As such, I specifically certify that all such information is contained within the investigative materials this date being submitted to the Office of the District Attorney.

I certify that present in the case file is all information known to my agency relative witnesses, including law enforcement officers, which may undermine the credibility of those witnesses. This includes information which undermines the credibility of the witness or individual themselves or information which may be inconsistent with statements made by those witness.

I acknowledge that the failure to submit a complete investigative file may have an adverse effect on the outcome of this case and may result in prosecution being declined.

CASE AGENT

DATE

Printed Name of Case Agent

Appendix "B" – Case File Index Sheet

Item	Name	Date Included	Not Applicable	In File (initial of provider)	Verifying Supervisor (initial)
1	MORF (all)				
2	Major Crime Scene Sign-In Form				
3	Incident Report (all)				
4	Supplemental Report (all)				
5	Reports from or by other agencies (all)				
6	Other issued violation documentation (traffic citations, summons, other citations)				
7	CE&P Reports & receipts				
8	911 Audio / OPCD recordings				
9	NOPD Incident Recall				
10	Arrest Warrants (all, whether signed or not, executed or not)				
11	BWC recordings				
12	ICC recordings (including interior of unit)				
13	CEW discharge recordings				
14	Any crime camera recordings viewed or copied which may record activity of evidentiary value				
15	Search Warrants (all, whether signed or not, executed or not)				
16	Return of Search				
17	L3 log entry of any Victim, Witness statements noting exactly where / when taken and duration in report.				
18	(CD/DVD) Victim Statement(s)				
19	(CD/DVD) Witness Statement(s)				
20	(CD)/DVD Suspect(s) Statement(s)				
21	(CD)/DVD Crime Scene Photos				
22	E.P.R. Crime Bulletins, NOPDAll / BOLO's				
23	Crime Scene Tech Report				
24	Crime Lab Submittal Forms (any lab)				
25	Miranda Rights N.O.P.D. Form 153 or video marker and copy of card read				
26	Composite Sketch				
27	Castnet (Defendant)				
28	Castnet of Victim or Witnesses if prior relationship with Defendant				
29	Hospital / Medical Records (Victim, Witnesses by consent)				
30	Cell phone records				
31	Forensic Reports (all, any lab)				
32	NIK test reports				
33	DNA Requests				
34	C.O.D.I.S. Hit Letter				
35	Louisiana State Police DNA Letter				
36	Internal reports (i.e. Canine, SOD, etc.)				

37	Media Files				
38	Officer / Investigator Notes				
39	Crime stoppers bulletins and information				
40	L-3 Entry Form				
41	L-3 Room recordings				
42	Any other video recorded statements				
43	Any other audio recorded statements				
44	Written statements of any person				
45	Photo Lineups /277/277b (all attempts)				
46	Forensic Interview				
47	Social Service Intake Form				
48	Other case documentation (notes, handwritten recordings, interim reports, drafts, morphs, dailies, logs, etc.)				
49	Completed & Signed OPDA Investigative File Certification Form				

NOTE: the officer / investigator shall initial each category which applies to their case. This sheet shall be included as the first document in the detective's case file.

Investigator (Print/Sign)

Date

--	--

A-Case Officer (Print/Sign)

Date

--	--

Notes:

It is the responsibility of NOPD (the investigator and A-Case Officer) to present a complete case file that substantiates the charges to the Office of the District Attorney for screening and review for the OPDA to perform their functions under the law. There is no obligation or duty on the part of the OPDA to assist in the investigation or the compilation of the case file. They shall base their screening decision on the case file, as presented by the NOPD. If the case file is incomplete or lacks critical information, the OPDA shall refuse the case based on the inadequacy of the investigation presented.

The case file and reports must indicate exactly where relevant information, contained in other sources may be found. For example, all officers on the scene shall be listed along with all BWC information noting the officer's name, item number of cases, date, time, location, video label name and exact time marker where the noted information is found. The OPDA is not required and will not search for information. If the source (Evidence.com, BWC, L3, ICC, etc.) files are available to the OPDA, the reference to exactly where it can be found, stated in the police report, will be enough rather than burning a copy of the video file.

It is the NOPDs obligation to ensure the OPDA has access to any referenced data in electronic form if it is to be referenced rather than provided a copy (i.e. G Drives, BWC, ICC, L3, CEW discharge recordings, RTCC, etc.).

The OPDA will not "look" request items from outside sources if part of the investigation (i.e. 911 audio recordings, incident recall from OPCD), it must be part of the case file.