

WINONA POLICE DEPARTMENT

NUMBER: 103-10 PAGES: 3

EFFECTIVE DATE: July 27, 2004

SUBJECT: FELONY AND GROSS MISDEMEANOR CHECKLIST

1.0 PURPOSE:

It is the purpose of this general order to establish policy and procedures for the preparation of cases in a felony or gross misdemeanor arrest situation, where the subject of the arrest is held in the County Jail.

2.0 POLICY:

It is the policy of this department, in accordance with guidelines set forth by the County Attorney, that whenever a suspect is arrested on a felony or gross misdemeanor charge, without a warrant, a complete copy of the case file shall be prepared and shall be ready to be taken to the office of the County Attorney first thing the morning after the arrest, or in the case of a weekend or holiday arrest, on the first morning that the County Courthouse is open for business.

3.0 PROCEDURE:

3.1 A complete case file for all felony or gross misdemeanor arrests shall include the following:

3.1.1 Separate reports from each officer involved in the case.

3.1.2 Interviews of the victim and all witnesses.

3.1.3 Statements of the defendant provided:

3.1.3.1 If the statements are done on tape, on a Friday or Saturday night, the secretary can be called in to transcribe them during the day on Saturday or Sunday.

3.1.3.2 If the taped statement is taken on a Sunday or other weekday night and the statement needs to be transcribed immediately, the secretary can be called in to transcribe the taped statement right away.

3.1.3.3 A copy of the taped statement is given to the defendant. This can be done by making the original on the dual copy recorder or by the Evidence Technician making a copy of the original tape on the high-speed copier. Be sure to punch out the tabs on the back of the cassette and obtain a receipt from the defendant for his copy.

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3.1.3.4 As soon as the taped statement is transcribed, have the defendant read and sign the statement, making sure that any corrections, as well as each page of the statement, are initialed by the defendant. The signing of the statement should be witnessed by a police officer, and his/her signature should also appear on the typed statement.

3.1.4 Be sure to include a criminal history of the defendant, in the State of Minnesota, in his/her state of residence if not from the State of Minnesota, or from any state that you may have knowledge of where the defendant may have resided in the past. Also check for any outstanding wants or warrants.

3.1.5 Check the local records files and make a copy of any local record found on the defendant. If no local record is found, be sure to note this in the written reports.

3.1.6 Be sure that the defendant is fingerprinted and photographed, and be sure that this is noted in the written reports. Be aware of State Statutes in regards to fingerprinting and photographing any juvenile defendant.

3.1.7 See that a complete and legible machine copy of the entire file is made so that it can be taken to the County Attorney on Monday (for weekend arrests) between 0730 and 0800 hours. For weekday or holiday arrests, the copy should be ready by this time on the next available workday for the County Attorney.

3.1.8 An arrest transmittal form for each person charged must accompany the case file to the County Attorney. This form will be completed by the Commander of the Criminal Investigation Bureau (Deputy Chief) or the investigator in charge of the case. A copy of the arrest transmittal form is attached as an appendix item to this general order.

3.2 Also accompanying the file copy of the entire case should be a list of items still pending completion that have been identified by the Supervisor, the Investigator, or the CIB Commander.

3.3 Remember the 36-hour time limit on warrantless arrests. Friday arrests must be in court by Monday noon, and Saturday arrests must be in court by Tuesday noon. Sundays and holidays are the only free days.

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4.0 RESPONSIBILITY:

4.1 It shall be the final responsibility of the CIB Commander (Deputy Chief) to review all cases prior to their being sent to the County Attorney.

4.2 Additionally, the Shift Supervisor in charge of the particular case prior to the involvement of CIB personnel shall assist in the completion of as many of these procedural steps as possible.