



# RICHMOND POLICE DEPARTMENT GENERAL ORDER



Subject: <b>CASE FILE PREPARATION</b>		Chapter 7	Number 2	# Pages 8
References: CALEA: 42.1.3a, 42.1.3b, 42.1.3c, 42.1.3d, 42.1.3e	Related Orders: 07-03 & 09-06		Effective Date: <b>11/030/2023</b> Revised By: <b>Review</b> Prv. Rev. Date: <b>05/12/2020</b>	
Chief of Police:				

I. PURPOSE

The purpose of this directive is to establish the policy and procedure for the management and control of the Department’s Case Files.

II. SUMMARY OF CHANGE

*This document is due for review. All changes are bold and italicized throughout the document.*

III. POLICY

It is the policy of the Richmond Police Department to work very closely and in full cooperation with the Commonwealth’s Attorney’s Office. Both agencies’ general purpose *is* to ensure that justice is served in the criminal justice system. The Department’s goal is to have uniformity in the process of creating case file. In order to accomplish this goal, the Department shall provide complete, detailed and fully prepared case file to assist the Commonwealth’s Attorney’s Office in prosecuting suspects. All reports and other documents that are placed within *case management* will be organized in a standard format using the guidelines set forth in this General Order. [CALEA 42.1.3a]

III. ACCOUNTABILITY STATEMENT

All employees are expected to fully comply with the guidelines and timelines set forth in this general order. Failure to comply will result in appropriate corrective action. Responsibility rests with the Division Commander to ensure that any violations of policy are investigated and appropriate training, counseling and/or disciplinary action is initiated.

This directive is for internal use only, and does not enlarge an employee’s civil liability in any way. It should not be construed as the creation of a higher standard of safety or case in an evidentiary sense, with respect to third party claims. Violation of this directive, if proven, can only form the basis of a complaint by this Department, and then only in a non-judicial administrative setting.

#### IV. DEFINITION

EXILE – Cases adopted for prosecution involving an arrest for possession of a firearm/ammunition by a convicted felon under Code of Virginia §18.2-308.2, wherein the arrested party is (a) an adult with a felony conviction as an adult; (b) a juvenile who has been adjudicated as a delinquent for murder, kidnapping, robbery or rape; or (c) an adult, under the age of 29, who has been adjudicated as delinquent for any felony as a juvenile.

#### V. PROCEDURE

- A. Case Files– Officers and detectives assigned to investigate criminal offenses are responsible for all pertinent documentation and will submit this information to their respective supervisors in a timely manner. Assigned detectives shall ensure that each case file contains, at the very minimum, the detective’s name and code number assigned to the case, date assigned, case number and follow-up history. Detective *Sergeants* shall also assign an initial screening to each case based upon established criteria and reclassify each case as significant circumstances change.  
[CALEA 42.1.3b, 42.1.3c]

NOTE: All case files, including officer or detective’s personal files, are the property of the Richmond Police Department and are subject to policy and procedures noted in this directive for maintenance, dissemination, retention, and destruction.

Case Files shall be prepared and an electronic and/or hard copy shall be maintained by the arresting officer to ensure that confidentiality is maintained and carefully disseminated to the public for the following types of arrests:

1. All felony cases;
  2. Narcotics;
  3. Domestic assaults;
  4. DUI/DUID; and,
  5. Project EXILE cases.
- B. When completing Case File for *Project EXILE cases*, the following procedures must be followed:
1. Each officer making or significantly participating in (*i.e.* taking a statement, entering into the chain of evidence, etc.) an arrest that requires a Case File will be required to compile the appropriate reports. These reports will be provided to the assigned officer/detective for each arrest. Personnel shall refer to General Order 7-3, Crime Scene Protection, regarding the guidelines, procedures and responsibilities for handling Crime Scene Integrity Rosters.
  2. The assigned officer/detective will be required to compile the Case File.

3. The assigned officer/detective must complete the Case File within four (4) working days of the date of arrest, unless circumstances justify a delay. A supervisor must authorize the delay.
4. The assigned officer/detective will submit all Case Files to a supervisor.
5. The supervisor will review the Case File with the officer and sign the Case File Folder Checklist (PD-136). The supervisor will make one copy of the signed PD-136 and include it along with the original PD-136 in the Case File.
6. Where applicable, the supervisor will enter the Case File into the Case File Folder Log Book (see section F in this general order).
7. Case Files shall be maintained in a secure location with due regard for confidentiality of the information contained therein. Only the assigned officer, assigned detective, immediate supervisor or other personnel having a legitimate need to review a case file shall have access to the contents of case files. In addition, records or reports relating to active vice, drug and organized crime investigations shall be maintained in a secure location separate from the central records system.

C. All Case File EXCEPT FOR NARCOTICS ARRESTS shall contain the following information:

NOTE: Commonwealth's Attorneys have access to [REDACTED] Records Management System (RMS) records and, therefore, it is not necessary to include a copy of the Incident Based Report (IBR) and Arrest Record (CCRE) in Case Files.

1. The original PD-136 and one copy; (Both shall be signed by the supervisor reviewing the file. After the Commonwealth's Attorney's Office representative has signed and initialed behind each box checked on the PD-136, the original shall remain with the file and the copy returned to the assigned officer).
2. The Felony Arrest Synopsis (PD-66);
3. A copy of the Request for Witness Subpoena Form (PD-7);
4. A copy of the Property Voucher;
5. A copy of the Request for Laboratory Examination (RFLE);
6. A copy of the Court Conflict Dates & Witnesses Form (PD-67);
7. A copy of the Request for NCIC-VCIN or VCIN Only Entry (PD-126), when applicable; and,
8. Any other necessary information, i.e. photos, audio/visual evidence, etc.

D. The Narcotic Arrest Case File shall contain the following information:

NOTE: Commonwealth's Attorneys have access to [REDACTED] Records Management System (RMS) records and therefore, it is not necessary to include a copy of the Incident Based Report (IBR) and Arrest Record (CCRE) in Case Files.

[CALEA 42.1.3d]

1. The original PD-136 and one copy; (Both shall be signed by the supervisor reviewing the file. After the Commonwealth's Attorney's Office representative has signed and initialed behind each box checked on the PD-136, the original shall remain with the file and the copy returned to the assigned officer).
2. The Felony Arrest Synopsis (PD-66);
3. The Property Seizure Report Form for asset forfeiture (PD-30);
4. One copy of the arrest warrant;
5. Rights Waiver Form (PD-75), when applicable;
6. Property Voucher;
7. Request for Laboratory Examination (RFLE);
8. Two copies of the Drug Analysis report;
9. Search warrant with attached affidavit, when applicable;
10. Itemized recovery list of seized items;
11. Court Conflict Dates & Witnesses Form (PD-67); and,
12. Any other related information, including, but not limited to photos, interview videos, consent to search forms (PD-83), etc.

E. Delivery of Case Files:

[CALEA 42.1.3d]

1. All Case Files resulting from both criminal arrest and direct indictments for the types of cases listed in Section IV (A). shall be hand delivered to the Commonwealth's Attorney's Office within (5) working days of the arrest.

NOTE: For any case warranting consideration for adoption by the Drug Enforcement Administration (DEA) for federal prosecution, in addition to the requirements in Section E.1. above, officers shall contact assigned Special Investigation Division (SID) personnel within five (5) working days for review. This does not pertain to Project EXILE cases. For Project EXILE procedures, see Section G in this general order.

2. Case Files will be delivered to the Commonwealth's Attorney's Offices at the following locations:
  - a) Cases south of the James River will be taken to the Manchester Courthouse located at 920 Hull Street;

- b) Cases north of the James River will be taken to the John Marshall Courts Building located at 400 N. 9<sup>th</sup> Street; and,
  - c) Juvenile cases will be taken to the Oliver Hill Courts Building located at 1600 Oliver Hill Way.
3. All Case Files INCLUDING PROJECT EXILE cases shall be delivered to the Commonwealth's Attorney's Offices as follows:
- a) Major Crimes Division and Special Investigative Division (SID): Each detective shall be responsible for completing and hand delivering his/her own Case File Folders. Each detective shall also be responsible for obtaining a Commonwealth's Attorney's Office representative's initials beside each checked box and signature on both copies of the PD-136;
  - b) Special Operations Division (SOD): The lieutenant or designee shall hand carry and be responsible for obtaining a Commonwealth's Attorney's Office representative's signature and initials behind each checked box on the two (2) copies of the PD-136. He/she shall also obtain the Commonwealth's Attorney's Office representative's signature on the Case File Folder Log (PD-63);
  - c) Operations Area I & II (including Property Crimes Detectives): A day-time supervisor designated by the Executive Officer shall hand carry the Felony Case File Folders to the Commonwealth's Attorney's Office. The designated supervisor shall be responsible for obtaining a Commonwealth's Attorney's Office representative's initials beside each box checked and signature on both copies of the PD-136. He/she shall also obtain the Commonwealth's Attorney's Office representative's signature on the PD-63. The Focus Mission Team (FMT) shall turn in their Felony Case File Folders on a daily basis to the designated location within the precinct out of which they operate.

F. The Case File Folder Log (PD-63): [CALEA 42.1.3a]

- 1. Operations Area I & II and SOD supervisors: The supervisor will record the Case File Folder in the PD-63.
- 2. It is the responsibility of each supervisor of Operations Area I & II and SOD to ensure that his/her individual site has a log available for inspection and review utilizing the PD-63.
- 3. The Supervisor shall indicate in the appropriate column on the PD-63 when the file is an EXILE case.
- 4. The following locations must maintain Case File Folder Logs:
  - a) All Precincts; and,
  - b) SOD.

5. The Case File Folder Log Book will document the following information:
  - a) The name of the defendant being charged;
  - b) Case files that meet qualifications for Project EXILE (refer to section IV - DEFINITION of this general order);
  - c) The date of the offense/arrest;
  - d) The officer's name;
  - e) The name of the supervisor reviewing the folder and entering the information on the log;
  - f) The date the case file was entered in the log book;
  - g) The name of the Precinct's Executive Officer or designee delivering the case file to the Commonwealth's Attorney's Office;
  - h) The signature of the Commonwealth's Attorney's Office representative who signed for the case file folder; and,
  - i) The date of delivery to the Commonwealth's Attorney's Office representative.
6. The officer shall be held accountable for completing and submitting the Case File Folder to his/her supervisor. The officer's supervisor shall be held accountable for checking the Case File Folder to ensure completion of the PD-63.
7. On a daily basis, the Precinct's Executive Officer or designee will:
  - a) Check the Case File Folder Log;
  - b) Hand-carry Case File Folder(s) to the Commonwealth's Attorney's Office;
  - c) Obtain the Commonwealth's Attorney's Office representative's signature on the PD-63 and on the PD-136 in the appropriate section as well as his/her initials behind each checked box on both copies of the PD-136,
  - d) Return one signed copy of the PD-136 to the assigned officer.
8. The logs and PD-136's are subject to audit and staff inspections and must be routinely reviewed by supervisors.

G. Project EXILE Cases:

1. Supervisors shall indicate in the appropriate column on the PD-63 when the file is an EXILE case.

2. EXILE cases shall be logged, maintained and delivered in the same manner as other Case File Folders being sent to the Commonwealth's Attorney's Office.
  3. Officers completing an EXILE Case Folder shall also include an EXILE ARREST SYNOPSIS (PD-171) form located on the Department's Server.
- H. Retention and Purging of Case File Folders: [CALEA 42.1.3c, 42.1.3e]
1. All Case File Folders and all information prepared by officers and detectives in furtherance of their official duties are the property of the Richmond Police Department.
  2. Case files, including Internal Affairs and Investigative (serious and non-serious), must be retained pursuant to the Commonwealth of Virginia Records Retention and Disposition Schedule, General Schedule 17 (Law Enforcement Records) which is available online at :  
[http://www.lva.virginia.gov/agencies/records/sched\\_local/GS-17.pdf](http://www.lva.virginia.gov/agencies/records/sched_local/GS-17.pdf)
  3. The Department's Records Management Officer will be the point of contact for personnel regarding questions and concerns on records retention and methods of destruction. (For guidelines and procedures, refer to General Order 9-6, Records Retention Protocol.)
  4. Personal files shall be shredded or burned, in accordance with General Schedule 17, by the assigned officer or his/her immediate supervisor upon separation from the Department or completion of the case.
  5. Officers shall not purge any file before all possible criminal appeals have been adjudicated.
  6. Officers shall not take any Case File Folders with them when they separate from the Department. Case File Folders shall be submitted to the officer's immediate supervisor.
  7. Officers shall purge NCIC/VCIN inquiries and criminal histories from case file folders prior to retaining any case file folders.

## VI. FORMS

- A. Copy of search warrants with affidavit
- B. Property Voucher
- C. Request for Laboratory Examination (RFLE)
- D. PD-7, Request for Witness Subpoena
- E. PD-30, Seizure Report for Asset Forfeiture
- F. PD-63, Case File Folder Log
- G. PD-66, Felony Arrest Synopsis

- H. PD-67, Court Conflict Dates and Witnesses List
- I. PD-75, Rights Waiver Form (English and Spanish)
- J. PD-126, Request for NCIC-VCIN or VCIN Only Entry
- K. PD-136, Case File Folder Checklist
- L. PD-171, EXILE ARREST SYNOPSIS