



Criminal Investigation's On Sight Guidelines



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Goal



The purpose of the listed guidelines is to establish processes and protective barriers to insure cases involving the arrests of suspects in developed cases get filed within a timely manner to the Smith County District Attorney's Office. As a result, the District Attorney's Office will have an adequate amount of time to present the cases to the Grand Jury.

Established Time Frames

- All on sight Class A misdemeanor arrests should be filed within 20 days after arrest.
- All on sight Class B misdemeanor arrests should be filed within 10 days after arrest.
- All on sight felony arrests should be filed within 45 days of arrest.
- You have a maximum of 60 days to file a felony case with the District Attorney's Office in which a defendant has been incarcerated.
- If you foresee issues with the case not being filed within the 60 days, you shall bring this to the attention of your supervisor immediately and have a documented reason for the delay.*

*Should a case not be filed within the above described 60 day period and the defendant remains incarcerated, notification shall also be made to the Chief Deputy and Sheriff via email with an explanation and reason the case has not been filed. The Chief Deputy and Sheriff will be notified on a daily basis of the status of the investigation until the case has been filed with the District Attorney's Office.

Notification shall also be made at this time to the District Attorney's Office.

- Do not let a case exceed 60 days without notifying your supervisor. The case **shall** not exceed an additional 10 days before having been filed with the District Attorney's Office for a total of 70 days.



Routing Cases from Patrol to Criminal Investigations

****Patrol Response/No Arrest/No Follow-Up Needed:***

-A Patrol Deputy completes an investigation / no arrest has been made / no follow up investigation is needed / all additional supporting documents and Spillman case report will be sent to supervisor for approval (proper entry into Spillman, complete report, complete paperwork).

-Once the case report is approved, any supporting documents will be sent to Patrol support staff where they will be scanned into the Spillman case file.

-Only the approving supervisor can close out a case entered into the Spillman system and this should be done **only** if there is no need to forward the case to CID for followup.

****Patrol Response/Arrest/No Follow-Up Needed:***

-A deputy completes an investigation / an arrest has been made (class B misdemeanor) / no follow up investigation is needed / paperwork, **DA Presentation form/CCH**, attached **911 call, Watchguard Video** and Spillman case report will be sent to supervisor for approval.

Once approved, paperwork and Spillman case report will be sent to Patrol support staff to be scanned and prepared for the District Attorney's Office submittal. (proper entry into Spillman, complete report, complete supporting documentation will be entered by support staff).

****Patrol Response/No Arrest/Follow-Up Needed:***

-A deputy completes an investigation / and no arrest has been made / a CID follow up investigation is needed / supporting documentation is needed, **CID Follow-Up Request** form, attached **911 call, attached Watchguard Video if applicable** and Spillman case report will be sent to supervisor for approval.

-The supporting documentation (proper entry into Spillman, complete report, complete supporting documentation) will be sent to Patrol support staff to be scanned into Spillman and forwarded to CID.

-Once approved, the report will be forwarded to CID supervisor for assignment to a detective for further investigation.

-The assigned detective will investigate and manage the case to completion.



****Patrol Response/Arrest/Follow-Up Needed:***

-A deputy completes an investigation / an arrest has been made (class A misdemeanor or above) / a follow up investigation is needed / supporting documentation, **DA Presentation form/CCH**, attached **911 call**, and Spillman case report to supervisor for approval (proper entry in Spillman, complete report, complete support documentation).

-Once approved, the support documentation will be scanned into Spillman by Patrol support staff and the report will be forwarded to CID supervisor and then assigned to CID support staff personnel.

-CID support staff personnel will complete the preparation of the case for the District Attorney's Office.

-Any follow up investigation (supplemental statements, surveillance video, forensic interviews, grand jury subpoenas) needed, will be assigned to a detective.

Spillman Case Management

-If a case is assigned to a detective in **Case Management**, then an arrest is made, it is the detective's responsibility to insure the **Current Status** of the case in **Case Management** is changed from **Assigned (ASN)** to **On Sight Arrest (OSA)**. After changing the current status, the **Next Action** shall be changed to **File with DA (FDA)**, and the **Date Due** section shall be completed with the established time frames for filing misdemeanors and felonies (10/20/45).

-If the arrested suspect is released from jail and the "in jail clock" stops, the case will still be filed within allotted time frames (10/20/45), unless there are extenuating circumstances and approval by your supervisor has been given. Supervisor approval must be documented in Spillman Notes.

-Document all requests and filing attempts with the District Attorney's Office within Case Management in the notes section of the case file



Warrants Division

-When a detective is investigating a case and probable cause is developed to obtain an arrest warrant on a suspect the detective **shall always** enter the warrant with the Warrants Division. **No exceptions.**

-Once the warrant is executed, the Warrants Division personnel shall email a served confirmation to the detective and all investigative supervisors regarding the warrant service. Once the confirmation has been received, the detective and the detective's immediate supervisor will insure the **Current Status** of the case in **Spillman's Case Management** is changed to **On Sight Arrest (OSA)** and the **Next Action** changed to **File with DA (FDA)** with the appropriate **Date Due** reflected.

Filed with DA Listing

-Once an arrest has been made, the case will be assigned to the detective or support staff personnel, with the **Current Status** designated as **On Sight Arrest (OSA)** and the **Next Action** designated as **File with DA (FDA)** with the appropriate **Date Due** reflected. As arrest cases are compiled in this manner, all cases with the **Next Action** of **File with the DA (FDA)** can be specifically compiled, searched and monitored in **Spillman's Case Management System**.

-An example of a compiled list of cases with the **Current Status** listed as **File with DA (FDA)**

Incident	Detl	Date Detai	Officer Assigne	Aqen	Assn. Date	Next	Due Date	Sta
14-27178	GI	11/19/14	MCDONALD T	SCSO	11/19/14	FDA	04/25/15	OSA
14-27276	GI	11/20/14	TURNER D	SCSO	11/20/14	FDA	03/10/15	ASN
14-30535	GI	01/05/15	SMITH T	SCSO	01/05/15	FDA	04/13/15	DAF
15-00264	GI	01/05/15	HINTON A	SCSO	01/05/15	FDA	04/07/15	OSA
15-00936	GI	01/16/15	BALLINGER R	SCSO	01/16/15	FDA	04/13/15	OSA
15-02246	GI	02/03/15	SMITH T	SCSO	02/03/15	FDA	04/18/15	OSA
15-02602	GI	02/09/15	STOCKWELL J	SCSO	02/09/15	FDA	05/01/15	OSA
15-03073	GI	02/17/15	GRAY J	SCSO	02/17/15	FDA	04/24/15	OSA
15-03315	GI	02/19/15	WHITAKER E	SCSO	02/19/15	FDA	04/17/15	OSA
15-04040	GI	02/26/15	HEAD S	SCSO	02/26/15	FDA	05/01/15	OSA
15-05310	GI	/ /	WHITAKER E	SCSO	03/16/15	FDA	05/01/15	OSA
15-03487	GI	02/17/15	TURNER D	SCSO	/ /	FDA	/ /	DAF

User: cb4120 Rec 1 of 12



-To further facilitate the process of filing cases within the specified time limits an external Excel spread sheet will be maintained by each detective under their unique tab within the document as a secondary precaution and compiled by support staff as a Sheriff's Office summary. This cumulative "summary" spread sheet of all individual detective's cases will be maintained on the server by support staff personnel. All supervisors and detectives will have access to the documents. This list will be posted and distributed to all relative detectives and support staff personnel who are assigned on sight arrest cases.

Warrant Issued Pending Arrest

-When a case is developed and a warrant is issued on a suspect, the detective shall submit the warrant to the Warrants Division. After the warrant is issued and the warrant is not immediately served, the detective will change the **Current Status** of the case in **Case Management** to **Warrant Issued (WI)**. This **Current Status** option may be searched and compiled to retain cases where a warrant is pending, but not served. Once the warrant served notification is received from the Warrants Division, the **Current Status** will be designated as **On Sight Arrest (OSA)** and the **Next Action** will be designated as **File with DA (FDA)** with the appropriate **Date Due** applied.

-If for any reason a warrant hasn't been served in an extended amount of time, a case with the current status of **Warrant Issued (WI)**, may be taken off of the detective's case load and assigned in the **Officer** option as **Warrant Hold – 884**, in **Case Management**. This assignment can be searched and compiled to monitor how many cases are pending an arrest of a suspect when the case is assigned to **Warrant Hold – 884**.

-To monitor the filing limitation (Code of Criminal Procedure Chapter 12) for indictments on pending cases where the warrant hasn't been served, and the case's **Current Status** option is **Warrant Issued (WI)**, the **Next Action** will be listed as **Present to Grand Jury (GJ)**. When the **Next Action** is designated as **Present to Grand Jury (GJ)**, the **Due Date** shall reflect **three months** before the filing limitation expires. If the designated limitation is within **three months** of expiring, the case shall be filed with the District Attorney's Office for submission to the grand jury.



Ableterm Mining

-Until the Ableterm system is replaced with Odyssey, the database can be mined for information to facilitate the process of timely filing cases with the District Attorney's Office. On a weekly basis, a search of the Ableterm database will be completed to obtain information on all suspects arrested and placed into the Smith County Jail by the Smith County Sheriff's Office. To complete this act, the following steps will be taken:

*Log in

*Access: **5. Smith County Judicial System**

*Complete another log in (with Criminal Case Management Module Login credentials)

*Access: **L. Local Functions Menu**

*Access: **J. Automated Jail List**

The Print Automated Jail List Report will be shown at this time.

1. Court Codes allows you to choose applicable courts. 7th is 007 separated by a semicolon (;) then 114; semicolon then 241. If you would like to pick all courts, including County Courts at Law, simply enter ALL for number 1.

2. Show Unindicted Case: **Yes**

3. Printer: Slave [Customers Office]

4. Number of Copies: **1**

Then under Selection enter: **F2**

The Data will appear on the screen once it is processed.

Go to File and select Print with prompt

You will see an icon flashing in your lower computer screen. Click on the  icon.



It will prompt you to save the pdf file. Save it under whatever name and location you prefer.

Once you save it, the file will open up on your screen.

Under Printer Name Select “Adobe pdf” for your printer and select ok

Select Properties and then Layout, Change Orientation to Landscape.

Then select Advanced at the bottom right. Go to Scaling and change from 100% to 70.

Then select ok 3 times

Select a name and location for your document and select Save.

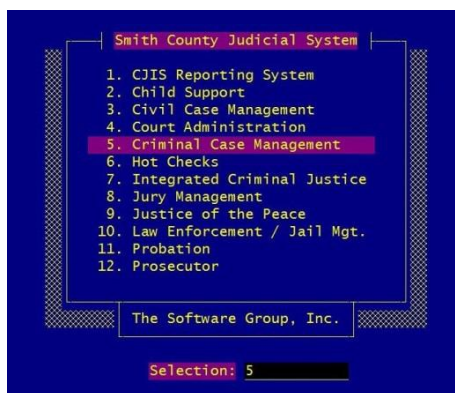
Your document will appear.

You can now view the document and search the document.

If you are searching for a specific name, hit control F on your keyboard and a Find box will appear in your upper right screen. Type in the name you are looking for and select Next.

If you are searching for Sheriff’s Office only cases, do control F and type Sheriff into the box and hit next. The next inmate file word will be highlighted.

-The next screen will appear as follows:

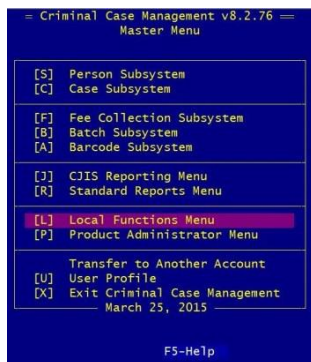


-Enter in the appropriate fields as follows (enter 01 / Smith Co. Sheriff’s Office for Arrest Dept.) :



-Enter User ID & Password for Ableterm Criminal

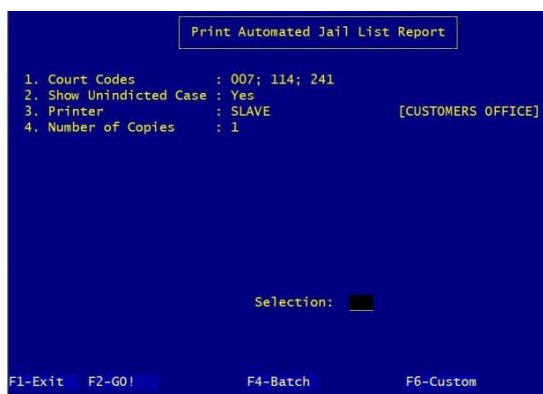
-The following compiled list will be the result of the entered search criteria. This list can be mined for all **On Sight** bookings from the Smith County Sheriff's Office:



-Select L for Local Functions Menu



-Select J for Automated Jail List



-Make sure in # 1 to select the proper courts or enter ALL for all courts.

#2 enter Yes to select unindicted cases.

#3 Make sure printer is set to SLAVE [CUSTOMERS OFFICE]



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(OU (s0p16.66h7v0s0b8T
&d0D
SMITH                C R I M I N A L   C A S E   M A N A G E M E N T                02:17pm  25 Mar 2015
&d0DThe Software Group, INC.
Jail List for 03/25/2015
Court : Unindicted
Page 1
SO #..... Inmate Name..... Hgt  Wgt  Sex  Race  DOB..... Arr. Date  Arr. Department..... Days Confined
BATES, LESLIE                n/a

Case #..... Warrant #..... Off. Code  Charge..... Bond Amt..... Attorney..... Iss. Auth.....
-                               $ 10,000.00

=====
SO #..... Inmate Name..... Hgt  Wgt  Sex  Race  DOB..... Arr. Date  Arr. Department..... Days Confined
CAMPBELL, TABOR LEE        n/a

Case #..... Warrant #..... Off. Code  Charge..... Bond Amt..... Attorney..... Iss. Auth.....
-                               $ 500.00

=====
SO #..... Inmate Name..... Hgt  Wgt  Sex  Race  DOB..... Arr. Date  Arr. Department..... Days Confined
77672 CLARK, RODRICK LAMAR      602 195  M   B    03/10/1980  Arr. Date  Arr. Department..... Days Confined
6551

Case #..... Warrant #..... Off. Code  Charge..... Bond Amt..... Attorney..... Iss. Auth.....
-                               $ 0.00
-DISORD/CONDUCT

=====
SO #..... Inmate Name..... Hgt  Wgt  Sex  Race  DOB..... Arr. Date  Arr. Department..... Days Confined
76415 CORNEY, PATRICK LAMAR      511 145  M   B    12/29/1978  Arr. Date  Arr. Department..... Days Confined
n/a

Case #..... Warrant #..... Off. Code  Charge..... Bond Amt..... Attorney..... Iss. Auth.....
-                               $ 500.00

=====
SO #..... Inmate Name..... Hgt  Wgt  Sex  Race  DOB..... Arr. Date  Arr. Department..... Days Confined
126538 CRUZ, ESTEBAN SEGURA      507 160  M   W    12/27/1967  02/08/2015 SMITH CO. SHERIFF'S 46

Case #..... Warrant #..... Off. Code  Charge..... Bond Amt..... Attorney..... Iss. Auth.....
077860503 FED F*-ICE HOLD $ 0.00

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Excel Spreadsheet

-To further facilitate the process of filing cases within an appropriate time frame, an external Excel spread sheet should be maintained as a secondary precaution. This spread sheet will be maintained on the server and all supervisors and support staff will have manipulation access to the document. This list may also be posted and distributed to all detectives and support staff personnel who are assigned on sight arrest cases.

Detective Monthlies and Self Audit

-At the end of each month, a detective is required to complete an audit of their assigned cases in Spillman and generate a compiled monthly to turn in to their immediate supervisor. The monthly reflects all Assigned (ASN), On Sight Arrest (OSA) cases, all Warrant Issued (WI) cases assigned to the detective. In the monthly, the detective also calculates how many cases have been closed (for various reasons) and how many cases have been filed with the District Attorney's Office during the given month.



**TEXAS CRIMINAL CODE § 17.151 : Article 17.151
RELEASE BECAUSE OF DELAY**

Sec. 1. A defendant who is detained in jail pending trial of an accusation against him must be released either on personal bond or by reducing the amount of bail required, if the state is not ready for trial of the criminal action for which he is being detained within:

- (1) 90 days from the commencement of his detention if he is accused of a felony;
- (2) 30 days from the commencement of his detention if he is accused of a misdemeanor punishable by a sentence of imprisonment in jail for more than 180 days;
- (3) 15 days from the commencement of his detention if he is accused of a misdemeanor punishable by a sentence of imprisonment for 180 days or less; or
- (4) five days from the commencement of his detention if he is accused of a misdemeanor punishable by a fine only.

Sec. 2. The provisions of this article do not apply to a defendant who is:

- (1) serving a sentence of imprisonment for another offense while the defendant is serving that sentence;
- (2) being detained pending trial of another accusation against the defendant as to which the applicable period has not yet elapsed;
- (3) incompetent to stand trial, during the period of the defendant's incompetence; or
- (4) being detained for a violation of the conditions of a previous release related to the safety of a victim of the alleged offense or to the safety of the community under this article.

Sec. 3. Repealed by Acts 2005, 79th Leg., Ch. 110, Sec. 2, eff. September 1, 2005.

Added by Acts 1977, 65th Leg., p. 1972, ch. 787, Sec. 2, eff. July 1, 1978.

Amended by: Acts 2005, 79th Leg.