



## MYRTLE BEACH POLICE DEPARTMENT

### ADMINISTRATIVE REGULATIONS AND OPERATING PROCEDURES

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**Subject:** *Municipal Court Jury Trial Case Files*

**Number:** *404-A*

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**Effective Date:** *January 1, 2001*

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**Dated:** *September 22, 1998*  
*January 1, 2001*

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Approved By:

#### PURPOSE

The purpose of this regulation is to establish guidelines for Municipal Court Jury Trial case files.

#### REGULATION

1. The following circumstances will require an officer to complete a municipal court case file:

- A. Notification from the court liaison officer of receipt of a Rule 5 (Discovery Motion). Note: This request may not always be associated with a jury trial. It may also be used for a bench trial. The requirements do not change.
- B. Notification by the municipal court or the court liaison officer that a particular defendant has requested a jury trial.
- C. Notification by the municipal court in the form of a Jury Trial Roster that a case has been scheduled for a jury trial.

2. Officers will have ten (10) days to complete a case file, have it approved by their immediate supervisor, and submitted to the Police Department Court Liaison officer. The court Liaison officer will be responsible for transmitting the completed case files to the clerk of court within the prescribed time limit (10 days).

3. The Police Department Court Liaison officer will be responsible for collecting Rule 5 Motion documents, and jury trial requests documents from the Clerk of Court daily and making proper written notification to the arresting/citing officer. The court liaison officer will maintain documentation of notification to comply with

the municipal court order, and copy to the case file all pertinent notification documents before submitting the file to the municipal court, clerk of courts office.

4. Division Lieutenants will review pending case files for compliance and render applicable assistance to strengthen case file contents.

5. Case files are kept in the office of the Clerk of Court and are available to the officers. A completed file should include but not limited to the following:

## **PROCEDURE**

### **1. CASE FILE**

A. Listed below are documents required to be in the case file, if applicable to the case:

- 1) Uniform Crime Report/Traffic Accident;
- 2) Booking Reports;
- 3) Certified Driving Records;
- 4) Miranda Warnings;
- 5) Related Datamaster reports and/or urine and blood results;
- 6) Criminal History;
- 7) List of other related evidence (i.e., photos, copy of property/evidence reports, tapes etc.);
- 8) Marijuana Testing Request form and results;
- 9) List of witnesses (including officers);
- 10) Municipal Jury Trial Report (attached with this policy);
- 11) Other case-related paperwork (search warrants, tow slips, consent to search, warrant, ticket, or summons, victim's paperwork, etc.)
- 12) Officer's arrest notes

B. It will be the City Prosecutor's responsibility to decide what documents and/or evidence is subject to release under the rules of discovery. All case files must be complete.

### **2. ROSTER MEETING**

A. Each shift will have a representative at the Roster Meeting. He/she will review the files so that they are familiar with the case(s) and can provide information to the City Prosecutor if needed.

B. Following the Roster Meeting, the representative will advise the shift what cases are scheduled for trial. Within 24 hours the arresting officer will submit to the Clerk of Court a list of victim(s) and witness(es) to be subpoenaed for each case. A copy of the request will be placed in the case file. Each request must include a complete mailing address.

### 3. PRE-TRIAL PREPARATION

- A. It is the responsibility of the officer's immediate supervisor to make sure the case file is complete and ready for trial. Pre-trial preparation with the officer(s) and supervisors is encouraged.

## MUNICIPAL JURY TRIAL REPORT

1. DEFENDANT \_\_\_\_\_

ADDRESS \_\_\_\_\_

2. ARREST: DATE \_\_\_\_\_ TIME \_\_\_\_\_ LOCATION \_\_\_\_\_

3. INVESTIGATING/ARRESTING OFFICER(S) \_\_\_\_\_

4. VICTIM(S) \_\_\_\_\_

ADDRESS \_\_\_\_\_

5. CASE SUMMARY \_\_\_\_\_

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6. INVESTIGATING/ARRESTING OFFICER(S) EVALUATION OF CASE

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7. COMMENTS OF CITY PROSECUTOR \_\_\_\_\_

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