

5-07/020.00 - Obtaining of Felony and Misdemeanor Complaints

Branch and area offices of the district attorney are provided for the purpose of filing felony and misdemeanor complaints initiated by the Sheriff. The district attorney has the responsibility for determining the type of complaint to be issued.

Specialized deputy district attorneys are also available to designated investigators for the filing of cases that are particularly complex, or that involve specialized subject matter.

Deputy personnel seeking a felony and/or misdemeanor complaint shall supply the concerned deputy district attorney with a complaint filing package which shall have full and complete information, including:

- Sufficient copies of the original Incident Report (SH-R-49) for filing and one copy of all arrest and crime reports for each defendant;
- Two copies of the countywide warrant system initial case filing form for each defendant;
- Sufficient copies of all supplemental reports;
- Results of all record checks; and
- Information about existing additional evidence (e.g., recordings or statements, videos, photos, latent fingerprints, names, addresses and attitudes of witnesses, blood-alcohol test results, etc.).

When necessary to contact a deputy district attorney prior to completion of the supplemental report, the investigating officer shall arrange to supply copies of the report to the district attorney's office as soon as possible.

If an investigating officer disagrees with a filing deputy's charging decision, the investigator may appeal the decision to the assistant head deputy of the branch office or to the deputy-in-charge of the area office or section/unit. If that action fails to resolve the issue, the unit commander of the investigating unit may submit a written request, fully documenting the rationale for reconsideration, to the district attorney's head deputy.
