

# SPECIAL ORDER



DISTRICT OF COLUMBIA

Title  
**PD Form 168 (Court Case Review),  
Prosecutor's Form 168-A  
(Prosecutor's Case Review Form),  
and PD Form 140 (Court Attendance  
Record)**

Topic/Number  
**SO-03-17**

Effective Date  
**September 15, 2003**

Distribution  
**B**

Rescinds  
SO 98-13 [PD Form 168 (Court Case Review) and  
Prosecutor's Form 168-A (Prosecutor's Case  
Review Form)]

## I. BACKGROUND

The PD Form 168 (Attachment A) and Prosecutor's Form 168-A assist the Metropolitan Police Department, United States Attorney's Office (USAO), and the Office of the Corporation Counsel in the preparation of Court Assisted Notification System (CANS) notifications.

The PD Form 168 is used as the Department's mechanism for identifying members who participate in the investigation and/or arrest of specific defendant(s) and are considered to be involved police witnesses.

The Prosecutor's Form 168-A is designed for the exclusive use of prosecutors and is intended to identify additional members not listed on the PD Form 168.

## II. REGULATIONS

- A. AUSAs may visit a crime scene or a witness with an officer checked in to court and Department policy permits the officer to leave court briefly for the purpose of locating a witness (for reasons other than to simply serve that witness with a subpoena).
- B. An officer may leave court briefly, for the purpose of locating a witness, for reasons other than to simply serve that witness with a subpoena.
- C. The PD Form 168 shall be prepared at the time an arrest is made and shall be included in the arrest report package.

## III. PROCEDURAL GUIDELINES

- A. Preparation of the PD Form 168
  - 1. The member most knowledgeable of the facts surrounding the case shall complete the PD Form 168 and submit it to a supervisory official for review and approval, together with all other arrest-related reports.

2. The preparing/arresting officer shall be, in most cases, the Primary Case Officer, and shall be listed in the designated space on the PD Form 168. Each PD Form 168 shall identify a Primary Case Officer and a Secondary Case Officer in the same manner, if appropriate. In the absence of the Primary Case Officer, the Secondary Case Officer shall prepare the PD Form 168.
3. The Primary Case Officer shall complete all spaces on the PD Form 168. If the information requested is not applicable to a particular case, the letters "NA" (not applicable) shall be written in the designated space.
4. All documents pertaining to an arrest, including the PD Form 168, shall be presented to a supervisory official for approval. The supervisor shall review the entire package and affix his/her signature to all approved documents. Document(s) that are not approved shall be returned to the preparing officer for immediate correction. The corrected document(s) shall be returned to the original reviewing official, whenever possible, for final review and approval.
5. The preparing officer shall assign at least one (1) two-character code to each officer/detective listed on the PD Form 168. Members listed on the form may be assigned up to three (3) codes when they have multiple roles in an arrest. The list with definitions and descriptions of codes is provided on the reverse side of the PD Form 168. The preparing officer shall select only from this list when assigning codes to the members listed on the form.

**B. Identifying Officer Case Involvement**

1. The Primary Case Officer shall determine that the following conditions are met before listing other officers/detectives on the PD Form 168:
  - a. The member participated in the investigation leading to the arrest, and/or participated in the actual arrest of the defendant(s); or
  - b. The member is an involved police witness, e.g., a Crime Scene Search Officer.
2. The member preparing the PD Form 163 (Prosecution Report) shall include in the narrative section, an accurate and complete description of the case-related activities of each member listed on the PD Form 168. Police reports such as the PD Form 119 (Complainant/Witness Statement), PD Form 252 (Supplemental Report), or other police reports included in the arrest package may be used to establish an officer's case involvement.

### C. Papering Arrest Cases

1. During the papering process, the member presenting the case shall provide the papering attorney with a PD Form 168, listing each member needed for the successful prosecution of the case. All PD Form 168s shall be signed by a district/unit supervisor, prior to the officer/detective responding for papering.
2. In certain instances, the preparing/arresting officer and/or the reviewing official may not be aware of every member involved in a particular arrest at the time the PD Form 168 is completed.
3. If, in the opinion of the screener (case reviewer), the PD Form 168 does not include all officers necessary for the case, the screener shall request the papering officer to add the additional officers and obtain approval from the appropriate MPD official.
4. Any case that does not contain all of the essential MPD witnesses may be no papered.
5. If an Assistant United States Attorney (AUSA) determines that the officers/investigators and/or detectives officially assigned to a case are unable or unwilling to perform the investigative tasks, which the AUSA deems necessary for the successful prosecution of the case, the AUSA shall immediately notify a supervisory AUSA.
6. Whenever practicable, supervisory AUSAs should contact the appropriate MPD officials to report those officers/detectives who are failing to perform necessary tasks and will request another officer/detective be assigned to the case.
7. Supervisory AUSAs may approve the addition of an officer/detective to the PD Form 168 only after being satisfied that the additional member is necessary to the successful investigation and prosecution of the case.
8. Supervisory AUSAs also may approve the addition of needed officers to a case when those officers have participated in relevant subsequent investigations or other arrests.

### D. Procedures for issuing CANS for Officers/Detectives

The PD Form 168 shall be used to CANS members to court or other case related matters. Attorneys shall **not** issue CANS for officers/detectives for the below listed matters:

1. For one case with the intention of having the officer perform work on a different case.
2. A Grand Jury, in order to conduct a witness conference in an indicted case.
3. For non-trial appearances, AUSAs shall only CANS an officer for the time the attorney reasonably expects to be available to handle the matter for which the officer has been CANS.
4. For the purpose of serving subpoenas while checked in to court.
5. An evidence technician, crime scene search officer, or mobile crime lab officer for any appearance solely for the purpose of obtaining photographs, diagrams, reports and other related materials. However, an evidence technician, crime scene search officer or mobile crime lab officer may be CANS prior to receiving reports, photographs, etc., in order to further an investigation.
6. AUSAs shall not CANS any of the officers in Paragraph 5, above, for a second appearance until all necessary reports, photographs, diagrams, etc., have been provided.

E. Reviewing/Approving Officials

The supervisory official reviewing/approving the PD Form 168 shall:

1. Be at least one rank above the highest-ranking member of the investigating/arrest team listed on the form.
2. Ensure that the narrative of the PD Form 163 accurately and completely describes the case activities and involvement of each member listed on the PD Form 168.
3. Review the entire arrest package, ensuring that all spaces on the PD Form 168 are completed.
4. Make every effort to be available for final review and approval of reports returned for correction.
5. "Line-out" all spaces on the PD Form 168 used to identify officers involved in an investigation/arrest that do not contain a name. The official shall place his/her initials at the end of each line for authenticity.

EXAMPLE: Six members are involved in an arrest and their names and other identifying information are entered on lines 1 through 6 on the PD Form 168. The unused lines 7 through 9 are blank and shall be crossed-out and initialed by the reviewing official.

6. If the official concludes that a particular member's inclusion on the PD Form 168 is not justified by the member's level of participation in the investigation or arrest, void that member's name by drawing a single line through the name and placing his/her initials at the end of the line for authenticity.
7. Approve and sign the PD Form 168 and all other reports contained in the arrest package. The complete arrest package shall be returned to the preparing officer as soon as possible after approval.

F. Court Liaison Division Officials

1. The PD Form 168 shall be the official notice accepted by the Department for generation of CANS notifications. A CLD official shall verify that the PD Form 168 is included in the arrest report package prepared for the papering prosecutors, before the package is delivered to the prosecutor's office.
2. Should the CLD official discover that the PD Form 168 is not included in an arrest report package, the Primary Case Officer shall be directed to complete a PD Form 168 before the arrest package is delivered to the prosecutor's office. The CLD official shall review the PD Form 168 for completeness, and sign the form noting approval. A written report shall be forwarded to the Primary Case Officer's commanding officer in every instance when a PD Form 168 is not included in the arrest report package.
3. When a PD Form 168 is forwarded by the Prosecutor's office to the Court Liaison Division, a CLD Official shall:
  - a. Ensure that the PD Form 168 submitted by the prosecutor's office is the original copy of the PD Form 168, signed by the reviewing official;
  - b. Verify that the prosecutor's office has completed all appropriate boxes on the PD Form 168; and
  - c. Return the form to the prosecutor's office for corrections when errors or omissions are discovered on the PD Form 168.

4. A CLD official shall review each Prosecutor's Form 168-A for accuracy and completeness. If the reviewing official determines that required information is not provided, the official shall notify the representative of the prosecutor's office who signed the form of the omission or error.

NOTE: A CANS notification shall be generated only after all errors or omissions on the PD Form 168 and/or the Prosecutor's Form 168-A are corrected/resolved.

5. A CLD official shall ensure that officers listed on the Prosecutor's Form 168-A are not duplicated on the PD Form 168.
6. In order to expedite the review of the Prosecutor's Form 168-A, a CLD official shall accept a Form 168-A only when one of the following conditions is met:
  - a. The Prosecutor's Form 168-A must be attached to the PD Form 168 prepared for the same arrest.
  - b. The Prosecutor's Form 168-A must be attached to the Court Notification Form (CNF) prepared for the same arrest.
7. A CLD official shall conduct an investigation, for instances in which the arresting/preparing member failed to include a PD Form 168 in the arrest report package, to determine whether the omission was a result of negligence.
8. In cases of negligence, the CLD official shall forward a copy of the investigative report, with recommendations, through channels to the member's organizational element commanding officer for a final disposition.
9. A report of the commanding officer's final disposition shall be returned to the Director, Court Liaison Division.

G. Signing of PD Form 140 by Attorneys

Except as provided below, only supervisory AUSAs may sign out an officer on a PD Form 140 (Attachment B) for another AUSA. Supervisory AUSAs are permitted to excuse an officer by writing a note stating the reason why the requesting AUSA is unable to sign out the officer, with the time, at the top of the PD Form 140.

1. When signing an officer's PD Form 140, AUSAs shall note the actual arrival time the officer appeared in the AUSA's office.

2. AUSAs shall not sign an officer out for a time, which is later than the time that the AUSA actually signs the PD Form 140.
3. AUSAs are expected to sign out officers promptly when their work in court is completed.
4. AUSAs are encouraged to sign their names legibly (or print their names in addition to signing them).
5. AUSAs who are responsible for handling a matter on a given day may sign out an officer using the normal rules, regardless of whether the AUSA is the person who authorized the issuance of the CANS.
6. AUSAs who are covering calendar assignments and are asked to sign out an officer on a PD Form 140 on behalf of another AUSA, may **only** sign out the officer if the matter already has been resolved on the calendar. The AUSA shall only initial the case on the top portion of the PD Form 140 and shall note his/her own name and the time the officer is being signed out.

This special order shall remain in effect until officially rescinded or its contents are incorporated into the appropriate General Order.

// SIGNED //  
Charles H. Ramsey  
Chief of Police

CHR:NMJ:MAR:rsk