
	GAITHERSBURG POLICE DEPARTMENT		
	Notification of the State's Attorney's Office		
	GENERAL ORDER	607.4	
Effective Date	04/30/2015		
Authorized by:	Mark P. Sroka CHIEF OF POLICE	SIGNATURE	DATE

I. PURPOSE

The purpose of this directive is to set guidelines for sending notification to the State's Attorney's Office in the instance of certain arrests. Early notification and consultation often aids in the successful prosecution of these offenses.

II. POLICY

It is the policy of the Department to support the most effective prosecution of criminal and serious traffic offenders by securing prompt legal advice and interpretation of procedures. Members of the Department will notify and/or consult with the State's Attorney's Office as directed herein and as necessary to enhance case preparation.

III. DEFINITIONS

This directive does not contain any terms deemed to require special definition.

IV. PROCEDURE

A. General Provisions

1. Investigators will alert the State's Attorney's Office early in the investigation of major offenders and certain enumerated offenses, unless relieved of that responsibility by the appropriate MCP investigative unit.
2. Habitual Offenders
 - a) The goal of identifying habitual and repeat offenders is to reduce the incidence of specific criminal offenses by identifying and targeting career criminals for prosecution and incarceration.
 - b) An officer arresting a habitual or repeat offender will notify the Gaithersburg/Montgomery Village Community (6th District) Prosecutor as soon as practical.

B. Notification Methods

1. The following incidents require prompt and direct contact, by either the investigating officer or appropriate MCP investigative unit:
 - a) Homicide - from the scene, notify one of the Deputy State's Attorneys, who will then respond;
 - b) Rape, 1st degree and 2nd degree sex offenses - notify SAO within 24 hours of incident, even if suspect is not known;
 - c) Child Abuse - notify SAO within 24 hours, for incidents resulting in death or serious injury; and
 - d) Fatal Traffic Collisions - are handled by the Collision Reconstruction Unit (CRU), who will make the appropriate notification.

2. The following notifications are made by completion of the referenced notification forms, which are promptly faxed to the numbers listed on the forms and/or those listed in this directive:
 - a) Gang Related Offenses – resulting in the arrest of any confirmed gang member for commission of a felony or serious misdemeanor, no matter what crime has occurred.
 - 1) A Gang Prosecution Special Alert form is completed by any officer who arrests a known gang member.
 - 2) The form will be completed in its entirety following the arrest and faxed, to the attention of the Gang Prosecution Unit, at the number listed for them in the General Orders Phone Number WIP.xlsx.
 - 3) Use of the form is mandatory in cases where a known gang member is arrested for the commission of a crime.
 - 4) A copy of the form will be maintained with the station copy of the report.

 - b) Bond Alert
 - 1) A Bond Alert form is completed by an officer who, for good cause, wishes to recommend to the State's Attorney's Office that the State oppose the release of a defendant on bond at a bond review hearing

because, among other reasons, the offender is a habitual offender.

- 2) The form will be completed in its entirety, listing clear reasons why the defendant is unsuitable to be released on bond and will either be given directly to the prosecutor(s) at CPU, scanned and emailed to the State's Attorney's Office or faxed upon arrest (and supervisory approval) to the number listed for them in the General Orders Phone Number WIP.xlsx.
- 3) Use of the form is mandatory in cases where a firearm was used in the commission of a crime.
- 4) A copy of the form will be maintained with the station copy of the report.

c) DUI/DWI Repeat Offenders

- 1) Officers will use a DUI Repeat Offender Notification form to notify the State's Attorney's Office of an individual who was convicted on a previous occasion for a DUI offense, to include probation before judgment.
- 2) When the form is prepared by the arresting officer it must accompany the officer's report.