

# GENERAL ORDER



Title  
**Preservation of Potentially  
Discoverable Material**

Topic/Number  
**GO-SPT-601.02**

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Distribution  
**B**

Rescinds:  
**General Order 601.2 (Preservation of  
Potentially Discoverable Material)**

DISTRICT OF COLUMBIA

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## I. BACKGROUND

To ensure the integrity of any criminal investigation, all potentially discoverable material that comes into the possession of the Metropolitan Police Department (MPD) must be properly maintained and preserved, so that the prosecuting authority may disclose such material in a criminal judicial proceeding. D.C. Superior Court Criminal Rule 16 (SCR-Crim. Rule 16) states that the Government must disclose certain material to a defendant in a criminal judicial proceeding upon request.

## II. POLICY

The policy of the Metropolitan Police Department is to preserve all material, which may constitute evidence, or may otherwise be pertinent in a subsequent criminal judicial proceeding.

## III. DEFINITIONS

For the purpose of this directive, the following term shall have the designated meaning:

Potentially Discoverable Material – includes, but is not necessarily limited to, such items as tangible documents, reports, video/audio tapes, transcripts of video/audio tapes, and photographs. The following are examples: (CALEA 42.1.1-c)

- a. Any written statement made by a witness, defendant, or co-defendant and signed or otherwise adopted or approved by him/her.
- b. Any mechanical, electrical, or other recording, or transcription thereof, which is a substantially verbatim recital of an oral statement made by a prospective witness, defendant or co-defendant, which is recorded contemporaneously with such oral statement.

- c. Any notes taken by a member of the Department, which are a substantially verbatim recital of an oral statement made by a prospective witness, defendant or co-defendant, which is recorded contemporaneously with the making of the oral statement, which includes a member's rough notes of the description of the perpetrator of a crime given by the victim or witness prior to the arrest of a suspect.
- d. Any results or reports of physical or mental examinations or scientific or medical tests made in connection with a particular case, or copies thereof, which are in the possession of or have been turned over to a member of the Department. Members of the Department who request outside agencies to conduct any such tests shall request that the results of such tests be turned over to the Department, and if they are, shall preserve such results in accordance with the terms of this directive.

#### **IV. REGULATIONS**

- A. Members of the Department shall preserve all potentially discoverable material, including any such material, which may prove favorable to an accused, in a manner prescribed in this directive. (CALEA 42.1.3)
- B. Any discoverable material written in a member's field notebook shall not be removed from such notebook. The notebook shall be preserved with all original pages numbered and intact. The material shall either be photo copied or the entire notebook shall be turned over to the Office of the Superintendent of Detectives (OSD) or the Office of Professional Responsibility (OPR), whichever is applicable.
- C. Members shall maintain their field notebook for a period of three years and shall have their name on it along with the start and end date of the notebook.

#### **V. PROCEDURAL GUIDELINES**

- A. Maintaining All Potentially Discoverable Material
  - 1. All potentially discoverable material shall be maintained in an investigative jacket or case folder, when practicable.
  - 2. Each investigative jacket or case folder shall be preserved in a secure file cabinet.
  - 3. Any potentially discoverable material, which cannot practicably be maintained in an investigative jacket or case folder, or if no investigative jacket or case folder exists, shall be turned over to OSD or OPR, whichever is applicable, then placed in an envelope or other appropriate container. The envelope/container shall be logged in a control book kept for that purpose and the entry in the book shall be

given a control number. This number shall be placed on the envelope/container and shall be noted in the investigative jacket or case folder, if any, along with the location of the envelope/container. The envelope/container shall be maintained in a secure file cabinet kept for this purpose.

**B. Preservation of All Potentially Discoverable Material**

1. To ensure the integrity of investigative jackets and case folders, potentially discoverable material that becomes part of an investigative jacket or case folder shall be preserved until the entire investigative jacket or case folder is disposed of, as prescribed in GO-OMA-205.03 (Records Retention and Disposition). (CALEA 82.1.2)
2. If no criminal judicial proceeding has been initiated, the material shall be preserved for a period of three years from the date such material was first obtained.
3. Exception to the above shall be the Public Safety Communications Center magnetic radio recording tapes, and all tape recordings of 911 and administrative calls. This material shall be preserved for a period of two years from the date such tapes are recorded.

- C. Commanding Officers shall ensure that all potentially discoverable material is preserved in the manner prescribed in this directive, so that such material may be readily located and produced if necessary.

**VI. CROSS REFERENCES**

1. GO-OMA-205.03 (Records Retention and Disposition)
2. D.C. Superior Court Criminal Rule 16 (SCR-Crim. Rule 16)

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

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