



SACRAMENTO POLICE DEPARTMENT

OFFICE OF INVESTIGATIONS



523.04 FILING ADDITIONAL CHARGES 09-16-91

PURPOSE

To establish procedures for filing additional charges against arrested persons.

POLICY

To seek prosecution on all crimes for which the defendant is responsible, and where there exists probable cause to support an arrest.

PROCEDURE

A. IN-CUSTODY RE-ARRESTS

1. Additional bookings shall be placed against in-custody suspects where the new charges are:
 - a. for a more serious felony nature than the original arrest, or
 - b. where it may increase the bail, or
 - c. provide for greater punishment.
2. Where the new charges are more-of-the-same, or even lesser crimes, generally it is more appropriate to submit the cases to the District Attorney for review.

B. ON BAIL/O.R. RE-ARRESTS

1. Considerable judgment and discretion is employed by investigators and supervisors in charging additional crimes. The following is a list of variables to be considered when deciding whether to: re-arrest; submit for a warrant; amend the original complaint; or hold the charges in abeyance.
 - a. Are the crimes part of pattern or series?
 - b. Are there victims and/or witnesses in any danger from the suspect?
 - c. Where the suspect/s have posted bail, or have been released on their own recognizance, is there a risk of flight to avoid prosecution?
 - d. Are the additional charges high grade felonies that provide for greater punishment?
 - e. Is there property yet to be recovered?
 - f. Is there sufficient evidence to support a prosecutable case?
 - g. Will the District Attorney amend the original complaint to include the new charges?
2. Hard-and-fast rules do not exist in this area. In fact, arrest and prosecution decisions are often the result of a collaborative effort between the Police Department and the District Attorney.
3. Investigators shall confer with their supervisors for approval of any decision to file additional charges.