



DISCOVERY/DISCLOSURE SUBMISSION POLICY FOR MISDEMEANOR DWIS

I. SCOPE

This policy applies to misdemeanor driving while under the influence of intoxicating liquor/drugs (DWI) cases investigated and charged via criminal complaint or arrest warrant by Santa Fe law enforcement agencies. With all local law enforcement agencies shifting to electronic discovery, this policy is necessary to ensure that there is continuity in the workflow of cases coming into the DA's office. This policy is also necessary to ensure that the DA's office is prosecuting cases that adhere to investigatory standards and to the standards of evidence collection, retention and submission. This policy does not apply to general felonies, violent felonies or enumerated crimes.

II. EFFECTIVE DATE: August 1, 2020 (revised February 1, 2021)

III. DURATION: Permanent (subject to revision)

IV. PROCEDURE

The District Attorney's Office opens cases in its internal Case Management System (CMS) upon receipt of the criminal complaint or the return of an arrest warrant. If the case is a misdemeanor DWI case, the District Attorney's office dismisses the case out of Magistrate Court and places the case into IFI status pending receipt of complete discovery.

For these misdemeanor DWI cases, upon opening the case, the Intake Coordinator submits two documents to the originating agency: (1) a letter to the arresting officer; and (2) a discovery request.¹ The letter and discovery request includes the case name, the agency case number, the Magistrate Court case number, and the DA case number. The letter and discovery request sets a sixty (60) day deadline for misdemeanor DWIs. The sixty-day deadline is calculated as 60 calendar days from the date the DA's Office opens the case in its case management system (CMS).

Complete discovery must be organized and submitted in a single and case specific file. Complete discovery includes, but is not limited to all police reports and records including property, inventory, evidence and chain of custody documents, and all digital discovery including photographs, recorded statements, and the body worn camera and dash cam evidence for each

¹ It is the charging agency's responsibility to disseminate the letter to the arresting officer.

officer and agency involved (the DA's office will only accept BWC and dash cam video that is identified by the officer).

Unless the DA's office and law enforcement agency have agreed on another format for discovery, the discovery must be sent to the DA's office using the email address assigned to the law enforcement agency. Law enforcement agency personnel must sign the certification and submit the receipt along with the complete discovery.

The subject line of the email must identify the case type, the agency number, and the DA number as follows:

Subject: DR: Defendant's Name, LEA Number, DA Number

The DA's office may decline any case that does not adhere to this policy.