



Bureau of Corrections

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01/05/2018

DISCIPLINE PROCEDURE: FILING OF CRIMINAL CASE

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REVISION HISTORY AND APPROVAL

Rev.	Date	Nature of Changes	Approved By
0		Original issue.	Supt. Roberto R. Rabo

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1. PURPOSE


The purpose of this procedure is to ensure that any wrongful or criminal acts of a Person Deprived of Liberty shall be dealt with accordingly to serve as deterrence in committing crimes while serving sentence.

2. SCOPE

This procedure applies to all PDL who commits crime while in incarceration.

3. DEFINITION OF TERMS

Crime	<ul style="list-style-type: none"> An action or omission that constitutes an offense that may be prosecuted by the state and is punishable by law.
PDL	<ul style="list-style-type: none"> Person Deprived of Liberty
Superintendent	<ul style="list-style-type: none"> The highest official designated to head a specific operating Prison and Penal farm.
Investigator	<ul style="list-style-type: none"> A member of the Custodial Force who carries out a formal inquiry or investigation.
Apprehending Officer	<ul style="list-style-type: none"> A member of the Custodial Force who take in effects the arrest.
Seizing Officer	<ul style="list-style-type: none"> A member of the Custodial Force who confiscates items that use or possession of which is prohibited by law.
NPS Form	<ul style="list-style-type: none"> National Prosecution Services document stamped with docket number by the Prosecutor's Office.
Case Referral	<ul style="list-style-type: none"> A cover letter addressed to the Prosecutor's Office required in the filing of a criminal complaint.
Transmittal	<ul style="list-style-type: none"> A document submitted to the Crime Laboratory that serves as endorsement for the turnover of specimens for examination purposes.
BOD	<ul style="list-style-type: none"> Refers to the prison's Board of Discipline tasked to conduct administrative proceedings against a PDL.

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4. RESPONSIBILITIES

Superintendent	<ul style="list-style-type: none"> • Directs the Chief, Investigation Section to conduct an investigation and to file necessary criminal and administrative charges if evidence warrants.
Apprehending Officer	<ul style="list-style-type: none"> • To make corresponding written report on the arrest effected against the erring PDL; • To execute an Affidavit of Complaint for of filing criminal case against the apprehended PDL; • To act as witness of the case.
Seizing Officer	<ul style="list-style-type: none"> • To make a corresponding written report on the illegal items confiscated from PDL; • To submit seized specimen to the crime laboratory. • To execute an Affidavit of complaint for filing criminal case on the confiscated illegal items from PDL; • To act as witness of the case.
Investigator	<ul style="list-style-type: none"> • To conduct investigation based on the confiscated/apprehension made by apprehending/seizing officer directed by the Superintendent for investigation; • To assist the apprehending/seizing officer in collating all pertinent forms and documents for the filing of criminal as well as administrative complaint against the erring PDL; • To submit investigation report.
Chief, Investigation Section	<ul style="list-style-type: none"> • To ensure that criminal cases be filed within the prescriptive period provided for by law; • To assign cases forwarded by the Superintendent; • To review investigation report submitted by the Investigator; • To recommend appropriate disciplinary measure against the PDL; • To transmit a copy of the case filed against PDL to IDPS and BOD for appropriate action.



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5. PROCEDURE DETAILS

Activity	Person Responsible	Details/Functions	References
<pre> graph TD START([START]) --> Arrest[Arrest / Confiscation] Arrest --> Investigation[Investigation] Investigation --> Filing[Filing of Appropriate Charges] Filing --> END([END]) </pre>	<ul style="list-style-type: none"> Arresting / Seizing Officer 	<ul style="list-style-type: none"> To effect the arrest of or confiscation of a contraband from a PDL; To collate, document and preserve evidence; To execute a written report of the incident 	<ul style="list-style-type: none"> Spot Report Inventory Report of Seized Items
	<ul style="list-style-type: none"> Investigator 	<ul style="list-style-type: none"> To prepare transmittal letter for turnover of illegal items subject of crime lab testing; To probe the incident and establish culpability. Execute an Investigation Report for approval of the Superintendent; To assist the Arresting/Seizing Officer in the facilitation of filing appropriate charges against the PDL. 	<ul style="list-style-type: none"> Investigation Report Complaint Affidavit Affidavit of Witness/es Transmittal
	<ul style="list-style-type: none"> Arresting / Seizing Officer Investigator 	<ul style="list-style-type: none"> To file the criminal case before the Prosecutor's Office; To furnish IDPS of case folder with docket number; To furnish the BOD with case record for conduct of administrative proceedings. 	<ul style="list-style-type: none"> NPS Form Complaint Affidavit Affidavit of Witness Crime Lab Test Result Case Referral Inmate Profile