

Rules and Procedures

Rule 320B

August 28, 1980

Rule 320B - THE APPLICATION FOR COMPLAINT FORM

This rule is issued to establish the Police Department procedures which shall be adhered to when sworn personnel are applying for criminal complaints in the various courts within the City of Boston.

It is effective immediately and replaces all written directives issued previously concerning this subject and is a supplement to the Department Rule No. 320, entitled Courts.

General Considerations: The Application for Complaint Form is a Court document, it is not a Boston Police Department Form.

The form, and a slightly different version to be used when juvenile offenders are involved, shall be utilized by department personnel in accordance with the provisions of this rule.

Sec. 1 WHO COMPLETES THIS FORM: Generally, officers making arrests for offenses committed within the jurisdiction of a Court will not appear in court to seek the original complaint. Area or Unit Commanders shall assign an officer to perform this function. The arresting officer will complete the Form.

Exceptions to this principle will be situations where the arresting officer charges an arrestee with assault and battery upon the arresting officer. Upon rare occasions there may be an incident, other than an assault and battery upon a police officer, which in the opinion of an Area/Unit Commander necessitates the appearance of the arresting officer in court to seek a complaint. In these exigent circumstances, the approval of such appearance must be obtained from the Area Commander in advance.

Sec. 2 ARRESTED PERSONS SHALL BE TAKEN TO THE AREA OF OCCURRENCE: All city-wide units, such as M.O.P. and the Mounted Unit, shall take their prisoners to the station house of the area where the arrest was made. The arresting officer(s) shall fill out the Application for Complaint Form; area personnel will seek the complaint.

Sec. 3 COMPLETION OF THE FORM: An Application for Complaint Form shall be filled out by the arresting officer for each arrest at the time of booking the prisoner or when a citation is issued.

A separate form shall be completed for each offense charged and for each person arrested.

Every form shall be completed by typewriter or be hand-printed.

The original copy must be complete and legible; checked by the Duty Supervisor who shall initial it; after which four copies shall be made on a duplicating machine.

Sec. 4 DISTRIBUTION OF THE FORM:

A. The original copy will be retained by the Clerk of Court.

B. One copy will be retained by the Supervisor of Cases, with a copy of the 1.1 and the 2.1, and an attached sheet of paper on which are the names, addresses and telephone numbers of victims or complainants. In serious felony cases the names, addresses and telephone numbers of witnesses should not be put on the 1.1 Incident Report in order that their identity may be protected prior to court action.

C. One copy shall be retained by the arresting officer.

D. One copy shall go to the Commander of the Area where the incident occurred.

E. One copy shall be filed at the area or unit where the arresting officer is assigned.

Sec. 5 ARRESTING OFFICERS RESPONSIBILITIES: When the arresting officer has filled out an Application for Complaint Form, he shall sign it and shall then attach to it copies of the 1.1 Incident Report and the 2.1 Arrest Record and a sheet of paper containing the names, addresses and telephone numbers of the victims or complainants (or the number of a telephone where they can be contacted). This will enable the Supervisor of Cases to contact these people, if necessary.

Sec. 6 CRIMINAL COMPLAINT BOOKS: Criminal Complaint Books, which contain the proper wording for complaints, offenses and also the Chapters and Sections of the Massachusetts General Laws have been distributed throughout the department. These books shall be kept at the front desk for reference. (Planning and Research has additional books.)

Sec. 7 COURT APPEARANCE ROSTER: Department Form No. 2046, Court Appearance Roster, shall be utilized by all areas and units so that personnel will know in advance when they are scheduled to appear in court.

Each officer shall sign the Court Appearance Roster when his name is posted, signifying he is aware of the date he is to appear.

A roster, in chart form, shall be posted in each area and unit guard room. An 8-1/2" x 11" roster shall be maintained at each Duty Supervisor's desk.

Sec. 8 The Supervisor of Cases shall prepare a Court Appearance Roster for each area or unit having officers applying for complaints every day that such applications are made. Two copies

of this roster shall be prepared and sent to each area or unit whose officers have appeared for complaints before that particular court.

Sec. 9 COURT PROCEDURES WITH APPLICATION FOR COMPLAINT AFTER AN ARREST:

ARRESTING OFFICER:

- A. Take the prisoner to the area station to be booked and then complete a 1.1 Incident Report.
- B. Complete the arrest form of the suspect.
- C. Complete an Application for Complaint Form in its entirety.
- D. Notify the victim(s) to appear in court of jurisdiction and report to the Supervisor of Cases at 9:00 A.M.

DUTY SUPERVISOR:

- E. Book the prisoner and complete a 2.1 Arrest Record.
- F. Check the Application for Complaint Form to insure that it is properly filled out and includes the proper wording of the criminal offense charged, the Chapter and Section of the Statute Law and a concise narrative of the incident, explaining the circumstances which generated the arrest.
- G. The Duty Supervisor shall initial the Application for Complaint Form, signifying his approval of form and substance.
- H. Forward to his Commanding Officer a copy of the Application for Complaint Form and the accompanying 1.1 Report.

COMMANDING OFFICER:

- I. Shall review the Application for Complaint Form and the 1.1 Incident Report and assign a day officer to process the complaint application(s) in court.

SUPERVISOR OF CASES:

- J. Shall review the Application for Complaint Form together with the 1.1 and 2.1, submitted by the day officer (complainant) to insure that the three forms are in order and shall insure that a separate sheet of paper has been submitted containing the names, addresses and telephone numbers of the victim(s) or complainants. If this is a victim type of incident the subject victim(s) will meet the complainant officer at the desk of the Supervisor of Cases.

DAY OFFICER, SEEKING A COMPLAINT:

K. Shall proceed to the District Attorney's screening unit in courts where said unit is operational with or without the victim(s). The screening unit will evaluate the complaint for form and substance. Victim, if any, will be interviewed.

L. Following the screening of the complaint application, the complainant will appear before the Clerk or Assistant Clerk of Court to obtain the complaint itself. The complainant will sign the complaint and request that the name of the arresting officer be noted on the official complaint, said name to be in brackets below that of the complainant.

M. Upon receipt of the complaint, the complainant will appear before a Justice of the Court sitting in the arraignment session. During the arraignment of the defendant the complainant will notify the Justice of the dates on which the arresting officer is available for trial purposes; said dates shall be mentioned in conformity with department policy relative to court appearances of arresting officers.

N. After arraignment the complainant will provide the Supervisor of Cases with the docket number of the case and the continuance date set for trial purposes. This information shall be inserted in the proper spaces set forth in the Court Appearance Roster.

SUPERVISOR OF CASES:

O. Shall prepare a separate Court Appearance Roster for each area and unit having officers applying for complaints each day. He shall prepare two copies of the roster form and send them to each area and unit whose officers appeared for complaints before the particular court which he is assigned.