



STATEMENT OF CHARGES

FC No.: 511

Date: 09-28-18

If a provision of a regulation, a departmental directive, or rule conflicts with a provision of the contract, the contract prevails except where the contract provision conflicts with State law or the Police Collective Bargaining Law. (FOP Contract)

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I. *Correction and Rehabilitation Information Management System CRIMS*

- A. The ***Correction and Rehabilitation Information Management System (CRIMS)*** is an on-line identification and booking system where law enforcement officers complete computer-generated Statements of Charges and Probable Cause for criminal arrests. The Maryland Department of Public Safety and Correctional Services is the agency responsible for the statewide installation and operation of ***CRIMS***.
- B. Instructions for using ***CRIMS*** will be maintained at the Central Processing Unit (CPU) and assistance can be provided by the CPU personnel. In the event of planned outages for ***CRIMS*** maintenance or system failure, officers will be required to complete Statements of Charges/Probable Cause following the guidelines of the directive.

II. Statement of Charges (DC/CR2)

- A. When an officer makes a physical arrest without an arrest warrant, the DC/CR 2, "Statement of Charges," (SOC) will be used in conjunction with the DC/CR 4, "Statement of Probable Cause" (SPC). The SOC will contain the wording of the specific statute the suspect is charged with. If more than two charges are made, the DC/CR 2A, "Statement of Charges Continuation," will be used. The SPC will contain the probable cause and outline the circumstances of the arrest. The narrative must contain all the information that is contained in the statute. If more space is required, the DC/CR 4A, "Statement of Probable Cause Continuation," will be used. All forms will be clearly typed or neatly printed.
- B. Officers will complete the SOC according to the following guidelines:
 - 1. Court address – "Montgomery County, MD"
 - 2. Defendant's name - Last name, first
 - 3. MAFIS name - Name used during prior arrests
 - 4. Primary charge - Charge of highest classification
 - 5. Date/time - Date/time officer is completing the SOC
 - 6. Related cases (CR, tracking, or citation number) - Examples:

- a. Defendant #1 is arrested for theft; the co-defendant #2 is also charged with theft. In the related cases block of defendant #1, place tracking number of defendant #2. In the related cases block of defendant #2, place the tracking number of defendant #1.
 - b. Used for recording a traffic citation number when the traffic violation is related to the arrest.
 7. Complainant blocks
 - a. Complainant's name - Last name, first
 - b. Title - rank for a police officer, or Mr., Mrs., Jr., etc., for a citizen
 - c. Agency - MCP
 - d. Sub-agency - R-15, WG-15, SS-15, B-15, G-15, M-15, HQ-15
 - e. ID Number - police officer's ID number
 - f. Complete remainder of section, not including the home phone number.
 8. Defendant blocks
 - a. Name of defendant - Last name, first
 - b. Title - Mr., Mrs., Jr., etc.
 - c. I.D. Number - Montgomery County ID number (obtain from *R.A.F.I.S.*)
- C. If the charge is a result of domestic violence or a hate crime, check the appropriate block.
- D. When the officer has completed the SOC and SPC, the officer will keep the appropriate copy and turn all other copies over to the CPU personnel.
- E. Assistant States Attorney's are assigned to CPU and are available to counsel officers concerning legal questions and their statement of charges.*
- F. Statements of Charges Lacking Probable Cause
 1. SOCs that are determined to lack probable cause or are not deemed acceptable by the on-duty district court commissioner at CPU prevent the assignment of bond on those charges. These SOCs will be forwarded to the district court commissioner supervisor for additional review.
 2. *The District Court Commissioner supervisor will notify the officer, at his/her District station, who may return to CPU and amend the SOC. SOC's with no probable cause will result in the defendant being released, O.R, own recognizance.*
 3. *The District Court Commissioner Supervisor will forward a copy of the SOC lacking probable cause to the PSB Administrative Lieutenant for review.* Officer, defendant, and document identifiers (to include names, identification numbers, signatures, tracking and booking numbers) will be obliterated from the SOC prior to transferring *the document* to the *PSB Administrative Lieutenant*.
 4. *The PSB Administrative Lieutenant may forward* a copy of the SOC *lacking probable cause* to the Training and Education Division. The Training and Education Division will review the SOC and incorporate identified problems into appropriate training programs.
- III. Application for Statement of Charges (DC/CR1)**
- A. The Application for Statement of Charges (DC/CR1) shall be utilized by officers applying for an arrest warrant or summons. It should be clearly typed or neatly printed.
- B. If a computer-generated DC/CR1 or 1A is used, the format must have been approved by the Coordinator of Commissioner Activities in Annapolis, MD. If the format has not been approved, the DC/CR1 or 1A will not be accepted.
- C. Officers will complete the Application for Statement of Charges according to the following guidelines:
 1. Insert the word Montgomery after "District Court of Maryland for" on the top line.
 2. Include the CR number on the application.

3. The applying officer must complete all information requested on the application to include the victim's and the defendant's full name.
4. When filing an Application for Statement of Charges for all misdemeanor/felony cases tried in the District Court, officers must indicate to the commissioner whether they are requesting that the defendant be returned if arrested outside Montgomery County. A request for the defendant's return should only be made if it would substantially enhance the investigation.
5. When requesting a warrant, supporting information must be documented as to why a warrant should be issued (*e.g.*, number of FTAs).

- D. If additional room is needed for probable cause, use the continuation form DC/CR 4A.
- E. Officers will complete an MCP 72, "Warrant/DCS Control," and attach it to the Application for Statement of Charges along with a copy of the event/supplemental report.
- F. Officers *may* remain present while a commissioner reviews the Application for Statement of Charges in the event more information is required.
- G. Distribution
All copies of the application will be submitted to the commissioner. When a warrant is issued, the commissioner will forward all but the State's Attorney's copy of the application with the warrant to the Warrant Control Unit, unless the officer requests to personally serve the warrant (refer to FC 534, "Montgomery County Computer Warrant Index System"). When a District Court Summons (DCS) is issued, the commissioner sends the DCS directly to District Court.
- H. ***Submit the Witness Information on the E-Justice Incident Report, at the top of the narrative, when obtaining a DCS warrant.*** The *witness information* may be updated when the warrant or DCS is served, if necessary. The District Court case number will be used as the tracking number on the ***E-Justice Incident report.***

IV. Commissioner's Issuance of Charging Documents

- A. A charging document prepared by a commissioner after application by an officer, will be distributed as follows:
1. For a warrant:
 - a. Officer - Original (to be returned to the commissioner after service), defendant copy, and law enforcement copy
 - b. Forwarded to the court - State's Attorney's copy and applicant copy
 2. For a DCS:
 - a. Officer - Applicant copy
 - b. All other copies forwarded to the court
- B. Once the charging document has been completed by the commissioner, the commissioner will issue either a Criminal Summons on a Charging Document or Arrest Warrant on a Charging Document.

V. Defendants with Multiple Charges

When multiple charges are made against a defendant arising out of the same set of circumstances (e.g., companion cases), there will be one tracking number for all charges (i.e., defendant is charged with first degree rape, first degree sex offense and second-degree sex offense with the same tracking number for all three charges).

VI. Traffic Charges

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- A. If an individual is arrested on traffic charges and taken before a commissioner for an initial appearance, the officer must present an SPC along with the traffic citation.
- B. If an on-scene criminal arrest is made and there are accompanying traffic charges, the SPC must include both the criminal and traffic charges. No traffic charges will be made on the SOC form.
- C. If applications for both a criminal warrant and a traffic warrant are being made, one Application for Statement of Charges may be used for the traffic charges and for the criminal charges. The narrative must contain both the probable cause for the criminal charges as well as for the traffic charges.

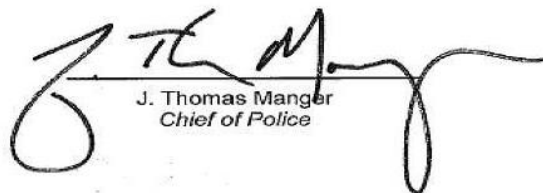
VII. Fugitive Warrants

- A. When a defendant incarcerated at the Montgomery County Detention Center *or the Montgomery County Correctional Facility* is to be charged as a Fugitive from Justice, and all local charges have been cleared, the defendant will be processed/charged by CPU personnel.
- B. When it is determined that an individual is a Fugitive from Justice and the individual is not currently incarcerated, the following documentation will be submitted by the arresting officer:
 - 1. DC/CR 30, "Charge Against Fugitive"
 - 2. A copy of the hit confirmation
 - 3. A copy of the teletype confirming extradition
 - 4. A copy of the *incident* report
- C. If an individual is arrested based on a criminal warrant issued by another Maryland agency, the defendant will be processed but no SOC is necessary. Refer to FC 521, "Arrest Procedures for Fugitives."

VIII. CALEA Standards: 1.2.5, 33.1.5, 61.1.2, 70.1.6, 74.3.1, 74.3.2

IX. Proponent Unit: Records *Management* Division

- X. Cancellation: This directive cancels Function Code 511, effective date *02-10-02* and HQ Memorandum 01-14, effective date 09-07-2001.



J. Thomas Manger
Chief of Police