

# Instructions for the Sample Criminal Complaint Template

## Instructions to User

### Background

In Minnesota, most criminal cases are initiated in court upon the filing of a criminal complaint or upon the return of an indictment. The required legal content of the complaint and indictment is set forth in Minn. R. Crim. P. 2.01, 2.02, 17.02, and 17.03, and serves the function of informing the court of the offense(s) charged, and the facts establishing probable cause. In addition to this legal information, the court requires administrative information to identify the defendant and the case, as well as additional factual information about the defendant or the status of the defendant's case to fulfill statutory obligations to provide such information to other agencies.

Minn. R. Crim. P. 2.03 requires prosecuting attorneys to use an appropriate criminal complaint form authorized and supplied by the State Court Administrator. On March 24, 2005, the State Court Administrator delegated her authority to authorize such form to the Steering Committee for the Minnesota Case Information System (the court's case management system). On May 12, 2005, the Steering Committee in turn issued Uniform Court Practice (UCP) #171 stating that the courts would no longer mandate the use of a particular complaint form. Instead, UCP #171 identifies the data elements that must be contained in any complaint or indictment regardless of its form and method of transmission to the court. The UCP also contains a sample template showing what the elements might look like in complaint form. These instructions are for the sample template shown in UCP #171. Prosecutors are free to develop their own template and to vary the location of the data elements so long as the data elements identified in UCP #171 are contained within the complaint or indictment.

**Please note that as of April 1, 2007, the State Court Administrator's Information Technology Division will no longer supply paper complaint forms.**

### How to Access UCP #171 and Sample Template

To view Uniform Court Practice #171 and to access this sample criminal complaint template (for either Microsoft Word users or WordPerfect users), please refer to <http://www.mncourts.gov/?page=1775>. **SJIS numbers are no longer required on complaint forms.**

### General Instructions

The sample criminal complaint template can be utilized for submitting charges to the court for all offense levels. At a minimum, any complaint or indictment submitted to the court must contain those data elements listed as "mandatory" in UCP #171.

**Tip:** *The template is a Microsoft Word or RTF document (depending on the version that you have downloaded). To complete the template electronically: 1) save to your computer, adjusting as necessary (and if using RTF version, adjust formatting); 2) making sure that form fields are "locked" or "protected", press Tab to fill out the form fields; 3) get form signed; 4) save and print for filing with the court.*

You should receive an Offender Tracking Form (OTF) from law enforcement. This form includes information that you will use on the complaint template. If the case will not be prosecuted for some reason, including circumstances such as diversion, you should complete the appropriate segment of the OTF and send it to BCA. The OTF form completes the charging cycle on those cases that will not be brought to court. Without the OTF, the criminal history on this case remains open without a disposition on record.

Please refer to "Completing Gross Misdemeanor & Felony Criminal Complaints" in the Prosecutors Manual, available at <http://www.mncourts.gov/?page=1642>, for instructions on completing the Offender Tracking Form in conjunction with the criminal complaint.

### Detailed Instructions

#### Caption.

- In the **County of Name** field, provide the name of the county.
- In the **Number of Judicial District** field, provide the district number.
- The **Court File Number** is the reference file number for the court. This field will be used by court staff who will assign a case number at time of filing (when the criminal complaint is received from the prosecutor's office).
- In the **Prosecutor File No.** field, provide the prosecutor file number. The Prosecutor File Number is the file number assigned by the prosecutor's office to identify a case for their office tracking purposes.
- In the **Name of Defendant** field, provide the defendant's name: Type in First, Middle, and Last Name. The defendant's name should be transferred from the OTF to the criminal complaint form. Ensure that this information is entered accurately. The name field is part of the master linking data information used by all criminal justice agencies and must be an exact match to be recorded correctly on the Computerized Criminal History file (CCH) for this defendant. This information must match the Fingerprint Card, the Offender Tracking Form, and the Criminal Complaint Form, to be linked to the CCH record. If there is an obvious misspelling of the name it would be appropriate to use the correct spelling on the complaint form, change that on the OTF, and inform the law enforcement agency of the correction. However, if the prosecutor believes the subject has a different name than the name on the OTF, that name should be added as an alias on the OTF. The court will apply all names included in the name field to the case and will designate the first listed name as the primary name on the case.

Do not use MNM to indicate that the defendant does not have a middle name or that there is not a middle name provided. If

NMN is entered in the Name field on the caption portion of the complaint form, it will be sent to the BCA but will not match the CCH record, and will not be included in the defendant's record. The BCA has requested we do not use NMN, as it errors out in their system as an alias. This error might cause the case to end up in a suspense file and not be applied to the correct CCH record. Bottom line: If there is no middle name, do not use NMN; instead, leave the field blank.

- In the **DOB: Defendant DOB** field, provide the correct date of birth for defendant. The defendant's date of birth should be transferred from the OTF to the criminal complaint form. Ensure that this information is entered accurately. This is part of the master linking data information for the defendant, and is needed for an exact match in the CCH system. This information must match the Fingerprint Card, the Offender Tracking Form, and the Criminal Complaint Form, to be linked to the CCH record. Inaccurate or missing DOB information may cause the charges to not be properly applied to the defendant's record. Occasionally, the DOB is not available at the time of the charging. If the information is obtained later, inform the courts of the correct DOB and they will correct their records, and the CCH records at the BCA will also be updated.
- In the **Defendant Address, City, and Postal Code** fields, provide the defendant's correct address. The defendant's address should be transferred from the OTF to the criminal complaint form. Ensure that this information is entered accurately.
- From the **Select Complaint Type** drop-down box, select the complaint type: Criminal Complaint or Indictment.
- From the **Summons, Warrant, or Order of Detention** checkboxes, select the appropriate complaint type if the complaint is intended to also serve any of those purposes.
- From the **Amended or Tab Charge Previously Filed** checkboxes, select the applicable box if appropriate.

**Select Amended if:**

- Select the **Amended** field when amending or adding charges to the original complaint.  
To AMEND Complaint Form in Court: You may supply a new statute number and amend on record in the courtroom. Notify the court staff that charges were amended so they will change and correct the statute in the court file record. Note that the court captures the MOC only at the time of charging so there is no need to submit a revised MOC if the charges are amended later.  
Amending or Adding Charges to the Original Complaint: Select the Amended field on the criminal complaint form when amending or adding charges to the original complaint. If new charges are determined you must provide the statute and subdivision and MOC so the court has accurate information in their case records. Forward the amended form to the court to process.  
Plea Negotiations, New or Additional Charges, Correction of an Error: Complete an amended (select Amended field) criminal complaint form and provide to court administration so the original case information can be corrected. If new charges are determined, you must provide the statute and subdivision and MOC so the court has accurate information in their case records.

**Select Tab Charges Previously Filed if:**

- Select the **Tab Charges Previously Filed** field if issuing a complaint for a case initiated by tab charge. Law enforcement may originate a case by completing a citation form, listing the statutes and charges it observed at the incident level, and forwarding to the court to initiate a case. Prosecutors may change the charges by adding or deleting a charge, or enhancing a charge because of previous convictions. Prosecution should indicate this is a previous Tab Charge to alert court staff that this case has been opened and the prosecutor is now filing a criminal complaint form. See Minn. R. Crim. P. 4.02 to determine when a formal complaint is required.

**Count(s).**

- In the row for each **Count** that you list,
  - In the **Charge Name** field, provide a textual description for the charge (e.g., 4<sup>th</sup> Degree Assault).
  - In the **Statutes Charge** field, provide the applicable charging statute(s) for each count, including the penalty or other charging modifier.
  - In the **Max Sentence Description** field, provide a description of the Maximum Sentence for each count (e.g., punishable by imprisonment for not more than 1 year or a fine of not more than \$3,000).

Rows are provided for up to three (3) counts. To add more rows for additional counts, please refer to the following instructions:

This template is a document in which "protection" may have been activated. This enables the user to press **[Tab]** to advance among fields without inadvertently changing the document format. If you wish to change the format (e.g., to add rows to the table of *Counts* or the *Statute and Offense Grid*), follow these steps:

1. To "unprotect" or "unlock" the document, within the document on the toolbar, click "unprotect" or "unlock" .  
**HINT:** In Microsoft Word if you cannot see this button, click **View > Toolbars**, then select the **Forms** option.
2. You can now add rows to the tables (e.g., to the table of *Counts* or the *Statute and Offense Grid*), or make other necessary changes to the format.
3. Save your changes, renaming the document if necessary.
4. To lock the document again before completing it/continuing to complete it, click "protect" or "lock" .

**NOTE:** Additional assistance can be found in the user help system for Microsoft Word or WordPerfect.

### Statement of Probable Cause.

- In the **Statement of Probable Cause** page-long field, provide your narrative statement.

### Complainant's Information.

- In the **Complainant's Name** field, provide the complainant's name.
- On the **Complainant's Signature** line, have the complainant sign.
- In the **Subscribed and sworn** fields, provide the day, month, and year of the sworn signing.
- In the **Name/Title** field, have the notary provide his/her name and title.
- On the **Signature** line, have the notary sign.

### Prosecutor's Information.

- On the **Date** line, provide the date of the prosecutor's approval of this complaint.
- On the **Prosecuting Attorney's Signature**, have the prosecuting attorney sign.
- In the **Prosecutor Name, Title, Address, Phone Number, and Attorney Registration #** fields, provide the requested information.

### Finding of Probable Cause.

Upon judicial review, this section is to be completed by the court.

### Defendant Data / Charge Sheet – Attachment A.

The goal of the defendant fact sheet is to separate most of the administrative information from the charging and probable cause statements to ensure that the complaint is readable and understandable to the defendant. Please provide all information available to you.

#### Defendant Name Information:

- In the **Defendant Name** field, provide the defendant's last name, first name, and middle name.
- In the **Defendant alias name(s)** field, provide the defendant's alias name(s).
- In the **Defendant DOB** field, provide the defendant's DOB.
- In the **Alias DOB(s)** field, provide the defendant's alias DOB(s).
- In the **Defendant last known address** field, provide the defendant's address, city, state, and postal code.
- In the **State ID** field, provide the defendant's SID number.

#### Other Defendant / Case Identifiers:

- In the **Fingerprinted** checkboxes, select the applicable box, Yes or No.
- In the **Handgun permit** checkboxes, select the applicable box. If you selected Yes, please provide the Issuing Agency, if known.
- In the **Location of Violation** field, provide the city and/or county where the incident occurred.

#### If Driving Offense:

- In the **Driver's License** fields,
  - Provide the driver's license **Number**.
  - Provide the driver's license **Issuing State**.
- In the **License Plate** fields,
  - Provide the license plate **Number**.
  - Provide the license plate **Issuing State**.
- In the **Accident Type** fields, select all that apply: **No Injury/no damage**; **Property Damage**; **Personal Injury**; or **Fatality**.
- In the **Blood Alcohol Concentration (BAC)** field, provide the BAC.

### Statute and Offense Grid.

Please follow these steps for completing this table. Complete this information for each count that is listed on the complaint. Each row in the table should contain all of the statutes (e.g., charge, penalty, and modifier) that combine to set forth a single count.

- In the **Statute Type** fields, indicate whether the statute is a Charge, Penalty, or Other. **Each count requires a charge statute.** Therefore, the Statute Type in the first line of each row is defaulted to Charge. List the Charge statute first. In addition, it may be appropriate to include a penalty and/or descriptive statute on a count, as described below.
  - Select **Penalty** if including a statute that identifies the punishment or level of the offense.
  - Select **Other** if including a descriptive or reference statute or other charging modifier.

- In the **Offense Date(s)** fields, provide the date or range of dates on which the offense occurred.
- In the **Statute Nbrs and Text Descriptions** fields, provide the applicable charging statute(s) and textual description.
- In the **Offense Level** field, provide the Offense Level (e.g., Felony, Gross Misdemeanor, etc.).
- In the **MOC** field, provide the applicable Minnesota Offense Code (MOC). Please refer to the “Minnesota Offense Codes Overview” in the Prosecutors Manual, available at: <http://www.mncourts.gov/?page=1642>. The courts capture the MOC code only at the time of charging and do not change that number if charges are amended later.
- In the **GOC** field, select the applicable GOC code. The General Offense Code (GOC) descriptions are used to further qualify the criminal act. This field offers additional information regarding the charge against the defendant, such as attempt, facilitation of, or aiding and abetting. Choose the most appropriate code to complete this field on the criminal complaint form.

N	Not Applicable	A	Attempt to Commit
X	Aid and Abet	C	Conspiracy to Commit

- In the **Controlling Agencies** fields (i.e., Book ORI Nbr and Arrest ORI Nbr), supply all numbers provided by law enforcement. Note that there will be two numbers if the defendant was arrested and booked by two different law enforcement agencies.
  - The **Book ORI Nbr** (i.e., Controlling Agency number) or the **Arrest ORI Nbr** (i.e., Controlling Agency number) is the law enforcement agency number that is assigned to them by the BCA/FBI. Most of the time the Controlling Agency numbers for Book ORI and Arrest ORI will be the same, but it is possible for one law enforcement agency to arrest the defendant and a different agency to actually perform the booking (i.e., fingerprints, etc.). For example, the St. Paul Police (MN0620900) arrests the defendant and Ramsey County Sheriff’s Dept. (MN0620000) books the defendant.

The controlling law enforcement agency should provide the county attorney with an Offender Tracking Form, along with the police reports, which contain the Controlling Agency number(s) (i.e., Book ORI Nbr and Arrest ORI Nbr). If the prosecutor initiates the case without the involvement of law enforcement, the suggested procedure is to call the law enforcement agency responsible for booking the defendant, to obtain the Controlling Agency number(s) and Control Number(s). For additional information about controlling agency numbers, refer to “Completing Gross Misdemeanor & Felony Criminal Complaints” in the Prosecutors Manual, available at: <http://www.mncourts.gov/?page=1642>.

**Examples of Agency ORIs**

MN0160000 - Cook County Sheriff’s Office  
 MN0160100 - Grand Marais Police Department  
 MN016013A - Cook County Attorney  
 MN016013C - Cook County Jail  
 MN016013G - Cook County Probation Office

- In the **Control Numbers** fields (i.e., Ctrl Nbrs for Booking or Arresting), supply all numbers provided by law enforcement. Note that there will be two numbers if the defendant was arrested and booked by two different law enforcement agencies.
  - The Control Number, **Ctrl Nbr** (Booking number) or the **Ctrl Nbr** (Arresting number), is the corresponding law enforcement’s version of a case number. It will always start with the current year followed by 6 numbers that identifies the sequential filing number for that year that has been assigned to that incident, for a total of 8 digits. Again, most of the time the number will be the same, but if one agency arrests and another one books then both agencies would be assigning their own number to the incident. **EXAMPLE:** 06004589

This 8 digit number is provided to the prosecutor on the Offender Tracking Form. The prosecutor may decide to combine several incidents (as noted by Control Numbers), on one complaint.

**How to File the Criminal Complaint**

File the criminal complaint with the court.

**Need Help?**

If you have any questions or problems regarding this new sample complaint template, please send an email to: [JJC Criminal Complaint Inquiries](mailto:JJC_Criminal_Complaint_Inquiries).