



THE COMMONWEALTH OF MASSACHUSETTS
EXECUTIVE OFFICE OF THE TRIAL COURT
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Paula M. Carey
Chief Justice of the Trial Court

Jonathan S. Williams
Court Administrator

To: Paul C. Dawley, Chief Justice of the District Court Department
Roberto Ronquillo Jr., Chief Justice of the Boston Municipal Court Department

From: Paula M. Carey, Chief Justice of the Trial Court

Date: June 27, 2019

Re: *Trial Court Standing Order No. 2-19*

I. Scope

- (a) This standing order shall govern the Electronic Application for Criminal Complaint (EACC) in Massachusetts Trial Court departments that process criminal complaints.
- (b) This standing order shall apply to all law enforcement agencies in Massachusetts that apply for criminal complaints.

II. Definitions

“Clerk” shall refer to a clerk-magistrate or any of his or her assistant clerk-magistrates.

“Conventional method” shall refer to the practice governing the application for a criminal complaint that would apply in the absence of EACC.

“Electronic Application for Criminal Complaint” or “EACC” shall refer to the electronic submission of an application for criminal complaint to a court clerk’s office from a software program that is compatible with the Judicial Information Systems Department to a clerk’s office through the Department of Criminal Justice Information Services (“DCJIS”) information broker system.

“Law enforcement agency” shall mean a local police department, the office of environmental law enforcement, the University of Massachusetts, a state university, a community college, a Sheriff’s Office, local hospital police departments the Department of Corrections, and state police or an officer appointed as a special state police officer under G.L. c. 22C, § 63.

III. Procedure

(a) All applications for criminal complaint and any supporting documents, including police reports, probable cause statements, shall be submitted to the clerk's office in the court having jurisdiction over the matter by EACC.

(b) During the court's business hours, the clerk shall promptly docket and process all applications for criminal complaint received by EACC.

If the clerk determines that an application submitted by EACC is incomplete or is otherwise unacceptable for filing, he or she shall alert the complaining officer or agency as soon as is practicable. The clerk shall have the discretion to permit the applicant to correct the already-filed incomplete or otherwise erroneous application or to submit a corrected application by EACC.

(c) Before a complaint is authorized, the complainant must subscribe to it under oath before an appropriate judicial officer, as required by G.L. c. 276, § 22, and Mass. R. Crim. P. 3(g)(1).

IV. Exceptions

(a) A law enforcement agency may request, for good reason, a waiver of compliance with this standing order from the Chief Justice of a Trial Court Department. An example that may constitute a good reason is that the law enforcement agency does not have access to the DCJIS broker system. Such request shall be in writing, and shall state the reasons for the request. The Chief Justice may waive the requesting agency's compliance with this standing order for a defined or indefinite period of time. If the Chief Justice approves a waiver of compliance with this standing order, the submitting law enforcement agency must submit all criminal complaints by the conventional method.

(b) In the event of a technical failure in a law enforcement agency's computer application software, the DCJIS broker system, or the Trial Court's electronic docketing system, which makes submission, docketing, and processing of the application by EACC impossible, a law enforcement agency may submit an application for criminal complaint by the conventional method.

(c) A law enforcement agency may submit a written request for a waiver of compliance with this standing order in an individual matter to the clerk of the court having jurisdiction over the matter upon a showing that deviation from the standing order is necessary. If the clerk determines that a waiver of compliance with this standing order is warranted, the clerk shall make a record of such a waiver on the docket.

(d) Any existing process beyond the procedures set forth in Standing Order 2-19 relative to the processing of an Electronic Application for Criminal Complaint that is in effect in a Trial Court Department as of the effective date of this standing order shall continue in effect at the discretion of the Departmental Chief Justice.