

## **402.6 REQUEST FOR PROSECUTION BY COMPLAINANT**

**I. DISCUSSION:** The Request for Prosecution by Complainant form (SAO 177) is used to refer misdemeanor law violations committed by an adult to the State Attorney's Office for prosecution when an officer does not make an arrest or direct file charges related to the misdemeanor charge for which a complainant may request to have pursued. These forms are typically used when the crime is not committed in the officer's presence and a victim is uncertain as to whether he or she wishes to prosecute at the time of the complaint or otherwise unable to cooperate. When utilized, the form is left for victim to file with the State Attorney's Office, 419 N. Pierce St., Tampa, FL 33602. In these cases, neither a physical arrest nor the issuance of a notice to appear is affected. The State Attorney's Office will decide whether any charges should be filed by a "direct information". See SOP 307, 307.2, 314.1 and 314.2.

## **II. PROCEDURES:**

1. In the section headed "**To Be Filled In By Officer**", enter the agency name and case number.
2. Complete the defendant's information in the defendant information blocks.
3. Enter the co-defendant(s) name in the appropriate block. Complete a separate form for each defendant.
4. If a cross complaint is issued, mark a (X) in the "yes" block and complete a separate form for the other complainant.
5. Circle the "City of Tampa" and enter the location in the location of offense block.
6. Enter the offense, date of offense and the state statute violated.
7. Complete information on the complainant in the appropriate blocks.
8. Complete the witness information in the witness blocks.
9. Enter probable cause information in the section titled "State Facts To Establish That A Crime Was Committed."
10. State the facts to establish that the defendant committed the crime in the designated area.
11. Enter your name, badge number, district, squad, sign your name, and enter the date.

12. Give the original (white copy) of the form to the complainant.
13. Instruct the complainant to write a brief statement about what happened, list any additional witnesses not listed above, and the address of the witnesses, in the section titled "**To Be Filled Out By Complainant.**"
14. Instruct the complainant to sign the form and print their name.
15. Instruct the complainant to mail the form to the State Attorney's Office between ten and twenty-one days.
16. Submit the yellow copy of the form to be imaged into the report.
17. Any case where a Request for Prosecution by Complainant is completed must be referred for latent investigation.

Supersedes SOP 402.6, dated 12/20.