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| Summons and Misdemeanor Citations | | |



I. Introduction

This Directive outlines procedures for issuing summonses and misdemeanor citations to adults for misdemeanor and felony violations.

II. Policy Statements

A. No complaint/affidavit shall be signed and no summons shall be issued except upon probable cause.

B. Sworn personnel shall complete and forward an Arrest Information form, U-10.100, to the Court Liaison Section when issuing either a summons or misdemeanor citation.

Note: For individuals released on a summons, Division personnel shall not provide any information contained in the Arrest Information form other than identification information, to anyone other than law enforcement personnel.

C. Release on Summons After Arrest

1. Sworn personnel may release a person arrested for a misdemeanor offense on a summons issued by the arresting officer, the officer in charge of the detention facility, or a supervisor.

Note: Court order-ins (COI) are excluded from the summons process.

2. When sworn personnel determine an individual should be issued a summons after being arrested, the individual shall be notified, issued the summons, and released as soon as practical.

Note: When an individual is arrested for a COI, either by itself or in addition to a new charge, sworn personnel shall slate the individual. If medical treatment is needed, sworn personnel shall slate the individual (after treatment is given) unless the assigned judge gives permission to issue a summons on the COI.

3. Sworn personnel shall not release an individual on a summons arrested for a felony offense **without authorization by a Division supervisor and:**

- The correctional facility refuses to accept or slate the person, or
- The person will be taken or admitted to a medical or mental health facility, and a Prisoner Hospital Transport **report** will be taken and attached to the Arrest Information form, or

- c. A sworn Division supervisor determines there are exceptional circumstances.
4. For any of the reasons in Section II,B, a sworn Division supervisor may cause the release on a summons, an individual arrested for a felony offense after considering:
 - a. The type of crime; most offenses of violence and first, second, and third degree felonies require continued custody.
 - b. The likelihood the person will appear in court.
 - c. The potential harm to the public or the victim.
 - d. The likelihood of recurrence of the criminal act prior to trial.

Note: Capias warrants are excluded from the summons process as they can only be set aside by a judge.

- e. The supervisor shall ensure that the summons and all pertinent information is forwarded to the appropriate unit within the Investigative Subdivision to be prepared for direct indictment.
5. Sworn personnel shall attempt to notify any affected person(s) when an individual under arrest is released on a summons (this includes, but is not limited to, the victim, witnesses, or persons at a medical facility) and shall document this notification in the narrative section of the Arrest Information form.
6. When an individual is to be released on a summons to receive medical **or mental health** attention, sworn personnel shall issue the summons before admittance to the medical facility if practical. Sworn personnel shall also document in the narrative section of the Arrest Information form the circumstances surrounding the issuance of the summons and when **and to which facility** the individual was released. Sworn personnel shall forward a copy of the Arrest Information form to the **Fiscal Operations Section**.

D. Release on Summons In Lieu of Arrest

1. Sworn personnel may issue a summons in lieu of an arrest when the identity of the violator is known and the violator's appearance in court is reasonably assured, with the following exceptions:
 - a. Assault on a police officer
 - b. Resisting arrest
 - c. Domestic violence
 - d. Violation of a protection order
 - e. Individuals displaying persistent violent or turbulent behavior after a reasonable warning to desist
 - f. Offenders who are unable to care for themselves due to a mental or physical condition
 - g. Nonresidents of Franklin County

- h. A warrant is written as a Capias, COI, Traffic Order-In (TOI) or when provisions of a warrant prohibit release.
2. Sworn personnel executing a warrant by the issuance of a summons shall note this on the return on the back side of the warrant.

E. ID Processing

In order to adequately document the identity of felons and certain misdemeanants before release on a summons, **refer to the Identification Processing section of the “Arrest and Warrants” directive to determine which offender charges shall require processing** through the ID Unit.

F. Issuance of Misdemeanor Citations

1. Sworn personnel shall issue misdemeanor citations for minor misdemeanor violations, unless one of the following apply:
 - a. A summons shall be issued for minor misdemeanor violations of possession of marijuana, and a court appearance is required.
 - b. Arrests may be made for minor misdemeanor violations when:
 - (1) Violators require medical treatment or are unable to provide for their own safety
 - (2) Violators cannot or will not provide satisfactory proof of identity
 - (3) Violators refuse to sign the citation
 - (4) Violators have previously been issued a citation for the same type offense, and have failed to properly respond to the citation

G. For arrest procedures, refer to the “Arrest **and Warrants**” directive.

III. Procedures

A. Sworn Personnel

1. Complete **the** applicable **electronic** report(s).
2. Complete an Arrest Information form in electronic or paper form.
3. Complete the summonses and/or misdemeanor citations.
 - a. Assign a court date for all charges arising out of the same incident, at least 7 but no more than 12 calendar days from the date of violation, at 9:00 am. For OVI violators refer to procedures in the “OVI Violators” directive.
 - b. Check Notice #1 on the violator’s copy when issuing a summons.
 - c. Check Notice #2 on the violator’s copy when issuing a misdemeanor citation.
4. Swear/Affirm to the affidavit before a deputy clerk of court, notary public, or another police officer.
 - a. If the affidavit is sworn to in the Clerk of Court’s office, leave the original at the clerk’s office.

- b. If the affidavit is sworn to before a notary public, forward the original to the Court Liaison Section.
- c. If the affidavit is sworn to before another police officer:
 - (1) And the affidavit is a summons, forward the original to the Clerk of Court's office
 - (2) And the affidavit is a misdemeanor citation, forward the original to the Court Liaison Section