

Columbus Police Division Directive	EFFECTIVE	NUMBER
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Summons and Misdemeanor Citations		



Cross Reference: [3.01](#), [3.03](#), [3.04](#), [3.07](#), [3.08](#), [3.12](#), [5.06](#), [5.07](#)

Field Report Manual: [2.04](#)

I. Introduction

This Directive outlines the procedures for requesting or issuing summonses and misdemeanor citations for both misdemeanor and felony violations. For juveniles or adults being charged through juvenile court, refer to the "Handling of Juveniles" directive.

II. Policy Statements

- A. No complaint/affidavit shall be signed and no summons shall be issued except upon probable cause.
- B. Sworn personnel requesting a summons shall complete a case report; Arrest Information, form U-10.100; and any additional applicable paperwork and shall forward the completed documentation electronically to the city prosecutor's office (via Matrix).

Note: The probable cause affidavit and complaint do not need completed at this time.

C. New Non-Violent Misdemeanor Charges

1. **Requesting** a summons be issued in lieu of an arrest for non-violent misdemeanors **is the preferred course of action** when the identity of the violator is known or can be determined and the violator's appearance in court is reasonably assured. **However, sworn personnel may use discretion to arrest and slate or issue a summons to an individual for non-violent misdemeanor offenses when warranted based on the totality of the circumstances.**
2. **Sworn personnel should issue a summons directly to violators who do not have a mailing address.**
3. 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.

D. Sworn personnel may use discretion to request a summons be issued for violent misdemeanors, such as assault when the identity of the violator is known or can be determined and the violator's appearance in court is reasonably assured, with the following exceptions:

1. Domestic violence
2. Violation of a protective order
3. Resisting arrest (unless ordered by a Division supervisor)

E. Sworn personnel issuing a misdemeanor citation shall complete a case report, probable cause affidavit, and an Arrest Information form and shall forward all paperwork to the Court Liaison Section.

F. Release on Summons

1. A Division supervisor may cause the issuance of a summons to an individual arrested for a misdemeanor offense. The individual shall be notified, issued the summons, and released as soon as practical.

Note: Sworn personnel should contact the Clerk of Courts office on individuals with non-violent court order-ins to determine eligibility for a summons.

2. Sworn personnel shall not release an individual on a summons arrested for a felony offense without authorization by a Division supervisor, and:
 - a. The correctional facility refuses to accept or slate the person; or
 - b. 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; or
 - d. The arresting officer(s) addresses any ID alerts and any required bureau interviews.
3. A sworn division supervisor may cause the release on a summons of an individual arrested for a felony offense after considering **the following**:
 - 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 current medical condition of the individual.
4. The supervisor shall ensure that the summons and all pertinent information is forwarded to the appropriate unit within the appropriate 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 victims, witnesses, or persons at a medical facility) and shall document this notification in the narrative section of the Arrest Information form or within the case report.
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 or within the case report 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 Fiscal Operations.

G. 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.

H. 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 where a court appearance is required.
 - b. Arrests may be made for minor misdemeanor violations with supervisor approval 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; or
 - (4) Violators have previously been issued a citation for the same type offense and have failed to properly respond to the citation.

Note: Hazmat and commercial vehicle offenses should be treated as all other traffic offenses as outlined in the "Arrest and Warrants" directive and issued a summons or new court date.

- I. For arrest procedures, refer to the "Arrest and Warrants" directive.

III. Procedures

A. Sworn Personnel Issuing a Misdemeanor Citation

1. Complete the applicable electronic report(s).
2. Complete an Arrest Information form in electronic or paper form. If a paper form is completed, the arresting officer also needs to complete an electronic form.

3. Complete the misdemeanor citation, case report, and a probable cause affidavit.
 - 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 a.m. For OVI violators, refer to procedures in the “OVI Violators” directive.
 - b. Check Notice #2 on the violator’s copy when issuing a misdemeanor citation.
 4. Swear/Affirm to the affidavit before a notary public or another police officer prior to issuing. Forward the original to the Court Liaison Section.
- B. Sworn Personnel Requesting a Summons **for New Charges**
1. Verify the suspect’s identity and current address. **Do not submit a request for a summons if the suspect has no mailing address or the address used is “Streets of Columbus.”**
 2. Complete the applicable electronic report(s), the Arrest Information form, and any additional paperwork.
 3. Upon supervisory approval, submit all paperwork electronically to the city prosecutor’s office (via Matrix).
 4. Inform the suspect that you are requesting a summons and the suspect will be notified by mail.