

**TYLER POLICE DEPARTMENT
GENERAL ORDER
[CALEA 1.2.6]**

05.400

CLASS "C" CITATION PROCESS

REVISED 02/04/13

EFFECTIVE 08/04/06

05.401 PURPOSE [CALEA 1.2.6]

This general order provides guidelines and procedures for the handling of Class "C" offenses that are witnessed or that are not witnessed by officers and for maintaining accountability for citations.

05.402 CLASS C VIOLATIONS NOT WITNESSED BY AN OFFICER

The following procedures shall be used when investigating Class "C" complaints not witnessed by an officer:

1. An Incident Report will be completed including all elements of the offense. Supervisors will review these reports to ensure all necessary information has been included.
2. Reports will include the personal identification information of all witnesses to the offense and what they can testify to regarding the offense.
3. The officer shall normally obtain the following items from the complainant:
 - a. Sworn written statement signed by the complainant.
 - b. Complaint form signed by the complainant.
4. If a sworn written statement and signed complaint form cannot be obtained at the time of the initial report, the officer will advise the complainant that he/she has 3 working days to complete the statement and sign a complaint at the main Police Station between the hours of 9 a.m. and 5 p.m., Mon-Fri. The officer will place a copy of the report in the folder marked CLASS C COMPLAINTS in the file in the patrol briefing room. A patrol supervisor will check the folder each morning for any cases. Once the complaint and statement are completed, the patrol supervisor will place the copy of the report, statement, and complaint in the briefing folder of the reporting officer.
3. The officer will complete the follow up investigation of the incident and issue a citation, if warranted.
4. The officer will write the case number on the top of the citation. A narrative must be submitted that fully describes the event, either on the citation or in an electronic narrative. Victim and witness statements, confessions, property sheet(s), a copy of the complaint form, and any other necessary documentation will be attached to the copy of the citation and submitted to Data Management prior to the end of duty.
5. The officer will then forward only the original citation to Municipal Court.
6. Officers will also have the discretion to obtain a statement and signed complaint from the complainant at the scene and issue a citation to the suspect, if warranted.
6. Officers will not sign the complaint on offenses that they do not witness. The person who witnessed the offense and is making the complaint must sign the complaint form.
7. If the case involves a juvenile, the parents or guardian will normally be notified. If the investigating officer is unable to contact the parent or guardian, the reason will be noted in the report.

5.403 CLASS "C" ASSAULT CONSIDERATIONS

According to the District Attorney's office, the following shall be used as criteria for the determination for filing assaults as a Class C offense. This includes Family Violence situations.

1. In cases where there is claimed injury only (no visible injuries, and no medical attention requested),

and there are no credible witnesses present, the officer will file the case as a Class C. On assault cases with complaint of pain only, if there are credible witnesses present that can attest to the assault (the assigned officer shall determine witness credibility), the officer may file as a Class A assault. If the case is involving Family Violence, the officer may make an arrest for Family Violence. If the case is filed as a Class C Assault, an arrest for Family Violence can be made if the assault did not occur in the officer's view or presence.

2. There may be situations involving Family Violence where the victim has claimed injury only, there are no credible witnesses to the assault, and the suspect is still at the scene. If for some reason the officer believes the victim would be in danger of further assault if an arrest were not made, the officer may arrest for Family Violence assault. These reasons for the danger of a possible future assault must be articulated by the arresting officer in the report.
3. On cases filed as Class C, make sure all statements and complaints are completed before submission to Municipal Court. On cases where there are visible injuries, such as Class A Assaults, make sure photographs are taken and submitted.
4. On cases where there are questions about whether it should be filed as a Class A or C, a Crimes Against Persons Investigator will be assigned and will review the case with the District Attorney's Office. The District Attorney's Office will make the final decision for prosecution purposes. If the District Attorney's Office determines the case should be filed as a Class C assault, it will be flowed back to the original officer for follow-up.

05.404 CLASS C THEFT CONSIDERATIONS

The following procedures shall be used when investigating Class "C" Thefts not witnessed by an officer:

1. Cite and Release reporting requirements:

When a person is going to be issued a citation for Class C Theft and then released at the scene, the officer will document the event on an arrest report or citation.

- a. The officer will have the complainant complete a sworn written statement and complaint at the scene. Once the complaint has been signed, the officer will issue the defendant a citation for theft and direct the defendant to Municipal Court within twenty (20) working days. The officer will write the case number on the top of the citation. Prior to the end of duty, the officer will make a copy of the front and back of the citation and submit it to Data Management along with all associated documentation. A narrative must be submitted to data management that fully describes the event, either on the citation or on the electronic narrative. The original citation only will be sent to City Court.
- b. The officer shall make certain a detailed listing of the stolen property that includes the quantity and value of each item shall be included on a property page. Victim and witness information will be documented.
- c. Victim and witness statements, confessions, property sheet(s), a copy of the complaint form, and any other necessary documentation will be attached to the copy of the citation and submitted to Data Management.
- d. Those personnel that have received training in the use of the electronic ticket books shall complete the required fields consistent with the training. A copy of the electronic citation and all associated documentation is to be routed to Data Management in the same manner as described above.

2. Take to jail reporting requirements:

The above procedure cannot be used if the officer books the subject into the jail on the theft charge. The arrest report must be completed for those situations.

- a. Officers will have the complainant complete a sworn written statement and complaint prior to transporting the defendant(s) to the Smith County Jail.
- b. The officer will write the case number on the top of the citation and then issue the defendant a citation for Class C theft. The defendant's copy of the citation will be left at the jail. Prior to the end of duty, the officer will make a copy of the front and back of the citation, sworn statements, and the signed complaint for submission to Data Management.
- c. The officer will complete an arrest report detailing the event. The original citation and original complaint will be sent to City Court along with copies of any other documents associated with the case.
- d. The officer shall make certain a complete description of the stolen items and the value taken in the theft is documented on a property page. If the stolen property is released back to the owner, a photograph of the stolen/recovered property must be placed in property on those cases in which the suspect is transported to jail. Victim and witness information will be documented in the report.
- e. Victim and witness statements, confessions, property sheet(s), a copy of the citation and complaint form, and any other necessary documentation will be attached to the arrest report and submitted to Data Management.
- f. Those personnel that have received training in the use of the electronic ticket books shall complete the required fields consistent with the training. A copy of the electronic citation and all associated documentation is to be routed to Data Management in the same manner as described above.

05.405 CLASS "C" VIOLATIONS WITNESSED BY AN OFFICER

- A. When a person is going to be issued a citation for a Class C offense other than traffic that an officer witnesses such as *Curfew Violation*, *Disorderly Conduct*, *Drug Paraphernalia possession*, any *Liquor Law Violation* (Class C Group B offenses) or Class C Theft and then released at the scene, the officer will document the arrest in an arrest report or citation. The officer will request a case number and issue the citation. The officer will write the case number on the top of the citation. Prior to the end of duty, the officer will make a copy of the front and back of the citation and submit it to Data Management. A narrative shall be submitted that fully describes the event, either on the citation or on the Form 5. The original citation and original complaint, when needed, will be sent to City Court along with copies of any other documents associated with the case. A property sheet(s) must be completed for any property tagged into the Police Department. If the officer takes the arrested to the jail, an arrest report must be completed in addition to the citation.
- B. Victim and witness statements, confessions, property sheet(s), a copy of the complaint form if needed, and any other necessary documentation will be attached to the copy of the citation/arrest report and submitted to Data Management.
- C. ELECTRONIC CITATIONS – Those personnel that have received training in the use of the electronic ticket books shall complete the required fields consistent with the training. A copy of the electronic citation and all associated documentation is to be routed to Data Management in the same manner as described above.

05.406 FOLLOW-UP INVESTIGATIONS FOR CLASS C OFFENSES

- A. Uniformed officers assigned to follow-up Class C cases in which the suspect has been identified are to try to make arrangements to meet the suspect in the city to issue a citation. If the suspect cannot be contacted in the city or refuses to meet with the uniformed officer in the city, the case will be forwarded to the criminal investigations division for additional follow up. All actions taken by the investigating officer shall be documented in a supplemental report. Uniformed officers will not mail a citation to the suspect.

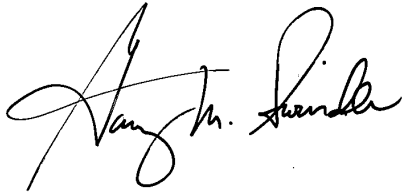
- B. When an investigator has been assigned to follow-up on a Class C offense and has determined the identity of suspect in the case and there is a need to issue a citation, the investigator will attempt to contact the suspect and issue any required citation in person. An investigator may not mail a citation to a suspect involved in the case. An investigator may request supervisor approval to forward a completed citation to Municipal Court, provided the suspect has spoken with the investigator and confirmed their involvement in the case and this involvement is documented in a supplemental report. If the suspect cannot be located or the suspect (s) involvement in the case cannot be confirmed, the case may be suspended. An investigator may request supervisor approval to forward a completed citation to Municipal Court when contact has not been made with the suspect, however, the case must have corroborating witnesses and / or evidence. .
- C. Investigators may travel outside the city limits to issue a citation with supervisor approval.

05.407 CITATION ACCOUNTABILITY

- A. All un-issued citation books will be stored in a locked security box / safe located in the Patrol Armory. Only authorized personnel will have access into the armory. All other individuals will be escorted by an authorized person when inside the armory. The armory will remain locked at all times except when in actual use.
- B. Only sworn supervisors will issue citation books to officers. The supervisor will complete the appropriate information in the Citation Forms Log Book. This logbook will remain in the locked security box / safe with the un-issued citation books. Each month the day shift patrol Lieutenant will forward to the Municipal Court via the Municipal Court lock box a photocopy of the Citation Forms Log Book, showing the citation books issued and retired since the last report was sent to Municipal Court.
- C. When the existing citations are replaced with a newly amended version or the employee no longer is in need of the citations due to reassignment or resignation, the un-used citations will be returned to a supervisor. If the employee does not have the un-used citations, the employee may be issued the new citations upon explanation to the issuing supervisor the reason for not having the un-used citations and be required to return the un-used citations as soon as practical. The supervisor will forward the un-used citations to Municipal Court once the return is noted in the Citation Forms Log Book.
- D. No officer will void a citation form for Any Reason without justification to the officer's supervisor. The officer will document the reason for voiding, on the back of the Court's copy. The officer's supervisor will review the reason(s) given and approve by signing if valid. The supervisor will ensure that all copies (Court, Department, and Violator) are forwarded to Municipal Court. All issued Citations will be turned in to Municipal Court via the Municipal Court Lock Box at the end of an officer's tour of duty.
- E. If a citation has been submitted to Municipal Court, the citation cannot be dismissed without first submitting a recommendation to the Chief of Police through the Chain of Command. A memo explaining the reason(s) for the recommendation is to be reviewed by the Chain of Command. If approved by the Chief of Police, the City Legal Department will be forwarded the recommendation to dismiss the citation.
- F. If an officer loses a single citation form or any portion of a citation book, the officer is to report it immediately via the chain of command to Municipal Court. The officer's supervisor will conduct an inquiry to learn what happened to the citation form(s). This written inquiry is to be forwarded through the officer's chain of command to the appropriate Division Commander.

- G. In order to account for missing citation forms, the Traffic Sergeant will make an annual request to Municipal Court for a computerized citation audit. The audit will include a sequential listing of the traffic and parking citation forms and include information denoting the citations that have been issued to a violator, that were voided, that are missing from the sequential listing of citations and those not yet issued or otherwise submitted to Municipal court. The Traffic Sergeant will review the audit and determine the reason(s) the citation forms are missing from the sequential listings. A report will be submitted through the chain of command to the Chief of Police that contains the findings of the audit and review.

Approved: 02/04/13

A handwritten signature in black ink, appearing to read "Anthony M. Sherrill". The signature is written in a cursive style with a large initial 'A' and 'S'.