
PRISONER HANDLING AND TOWING OF VEHICLES

CITATIONS - CRIMINAL

Purpose: The purpose of this policy is to establish procedures for the issuance of a criminal citation in lieu of arrest or continued custody.

Policy Statement: It is the policy of the North Little Rock Police Department that a law enforcement officer acting without a warrant who has reasonable cause to believe that a person has committed any misdemeanor may issue a citation in lieu of arrest or continued custody. Maximum use of citations is encouraged in circumstances where issuance of a citation is consistent with effective law enforcement. Officers having grounds to make an arrest should detain persons further only when necessary to carry out legitimate law enforcement functions, to protect the accused or others where the accused's continued liberty would constitute a risk of harm to any person, or where there is reasonable grounds to believe the accused will fail to respond to the citation.

Summary of Changes:

Procedures

1 General

- 1.1 Officers will use discretion in determining whether to continue custody or issue a citation. The officer will inquire into facts about the accused and will consider those facts prior to releasing the accused on a citation. The accused will not be released on a citation if a physical arrest is warranted. Factors constituting reason to continue custody include, but are not limited to, the following:
 - 1.1.1 There is a reasonable likelihood that the offense would continue or resume,
 - 1.1.2 There is a reasonable likelihood that persons or property would be harmed by the accused if released,
 - 1.1.3 The accused has outstanding warrants,
 - 1.1.4 The accused is intoxicated and unable to care for himself/herself.
 - 1.1.5 The accused is unable or refuses to provide satisfactory identification
 - 1.1.6 The accused refuses to sign the citation, fails to comply with the arresting officer's inquiries, or is verbally resistant to the officer or store employees.
 - 1.1.7 There is a reasonable likelihood the accused will fail to appear in court. Officers may consider ties to the community such as place and length of residence, employment status, references, criminal record (ie: previous charges for the same offense), previous failures to appear or other relevant facts.
 - 1.1.8 The offense involves use of or threatened use of a firearm
 - 1.1.9 Citations will not be used in lieu of physical arrest in offenses involving acts of domestic abuse.

2 Procedure

- 2.1 The arresting officer will complete a citation form once the determination to release on a citation is made. An incident report will be completed and the same report number will be used on the report and all associated arrests.
- 2.2 The officer completing the citation will verbally notify the accused of the date and time to appear in court and record the date and time on the citation. The date set will be a court date at least seven days after the date of the arrest. The accused person will be notified that failure to appear will result in a warrant of arrest for failure to appear.
- 2.3 The officer will give the accused the blue copy of the completed, signed citation, and will turn in the white and yellow copies along with the incident report to a shift supervisor. The pink copy will remain in the ticket book. Completed ticket books will be handled in the same manner as completed traffic ticket books.
- 2.4 Any evidence collected will be handled in accordance with established procedure. Shoplifted merchandise may be photographed and the merchandise returned to stock at the option of the merchant.
- 2.5 A warrant check will be run on all persons cited prior to release.
- 2.6 Persons mentally or physically unable to care for themselves will be transported to an appropriate medical facility.
- 2.7 The Support Services Division will be responsible for filing the citation with the court clerk and prosecutor's office.
- 2.8 Juvenile citations will be processed in accordance with PD 45-01.
- 2.9 Upon request, officers will assist store management in escorting the accused from store property.

3 Lawful Searches

- 3.1 The issuance of a citation in lieu of arrest or continued custody does not affect the authority of a law enforcement officer to conduct an otherwise lawful search or any other investigative procedure incident to an arrest.

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