

TRAINING TASK: MINOR MISDEMEANOR AND MISDEMEANOR CITATIONS

TASK # 33

Purpose

The officer will recognize offenses where summons can be issued in lieu of physical arrest.

Preceding Task:

Laws of Arrest

I. Statute and City Ordinances

- A. ORC 2935.26 Issuance of Citation for Minor Misdemeanor

II. Policy and Procedure

- A. G.O. 1.2.6 Alternatives to Arrest and/or Pre arraignment Confinement
- B. Training Bulletin: Police Procedure #11, Misdemeanor Citations

III. Operational Procedure

- A. When a law enforcement officer is authorized to arrest a person for the commission of a minor misdemeanor, the officer shall **NOT** physically arrest the person, unless one of the following applies:
 - 1. Offender cannot provide satisfactory evidence of his identity
 - 2. Offender refuses to accept the citations
 - 3. Offender has previously been issued a citation for the commission of that misdemeanor and has failed to either appear at the time and place stated on the citation or failed to pay fine and costs after being found guilty
- B. Officer may also issue misdemeanor citations instead of physical arrest
 - 1. The offender requires medical care.
 - 2. The following is a list of offenses in which an officer may issue a misdemeanor citation with no additional paperwork
 - a. Violations of all sections of Liquor Control Laws in ORC Chapter 4301 and City Ordinances in Chapter 612
 - b. A violation of any other minor misdemeanor or misdemeanor of the fourth degree committed in the officer's presence where the city is the complainant

1. Officers may only issue misdemeanor citations to Theft, Domestic Violence, or Offense of Violence suspects when extenuating circumstances exist and where supervisory approval is obtained
 - a. It is the arresting officer's responsibility to arrange for the suspect to be fingerprinted and photographed before initial court appearance
- C. Paperwork for non traffic minor misdemeanors consist of filling out the Misdemeanor Citation, Adult Arrest, and Incident report unless one of the situations under (B)(1) above
- A. Adult paperwork
 1. The narrative should be equally thorough
 2. Use Misdemeanor Citation Narrative Supplemental form if additional space is need
 - B. Juveniles
 1. Officers need to only fill out a Juvenile Arrest form for the following offenses:
 - a. M-4's and MM's committed in the officer's presence where the City is the complainant.
 2. Juvenile Violations of Tobacco, Alcohol and Marijuana Laws a summons can be used along with a Juvenile Court handout. Tobacco court date is the 2nd Tues of month at 5:30 PM
 3. All other offenses involving juveniles, officers need an Incident Report

I acknowledge that I received training in the skills and knowledge necessary to perform in the above Training/Task Topics, and I am able to perform at an acceptable level.

Probationary Officer Date

Supervisor Date

FTO Date