

Police Department Policy and Procedure Manual

Chapter 4 — Operations

Section Number: 4-3-1
Section Title: Issuance of Citations and Complaints
Most Recent Update: 07/01/2015

I. Policy

- A. Iowa Uniform Citations and Complaints (traffic) and Iowa Police Citation and Complaint (non-traffic) shall be used when it is lawful to make an arrest for a simple misdemeanor under the Code of Iowa or the City of Clive Ordinances and Procedures.

II. Procedures

- A. Arrest or Release. Criteria to determine whether a person issued a citation, shall be arrested and required to post a bond, or shall be released to appear, shall be contingent upon the following criteria.
 - 1. If in the Officers opinion, the violator will appear in the prescribed Court on the time and date noted by the officer, and does sign the promise to appear, plus the unsecured appearance bond, no posting of bond or custodial arrest shall be initiated.
 - 2. If the officer does not feel that the violator will appear in Court and the complaint is for a scheduled violation, the violator may be released by the officer upon the officer observing the defendant mail the citation and/or fine or bond to the Traffic Violations Office.
 - 3. If the violator fails or refuses to sign the citation's unsecured bond or the promise to appear, or if in the officers opinion, the violator will not make a Court appearance, and the violator does not have adequate monies available to cover the scheduled bond or fine, the violator will be placed under custodial arrest and taken before the closest magistrate.
 - a. If the Court is not in session (i.e., weekends, holidays, etc.) the violator will be brought to the Clive Police Department and allowed to make a phone call or phone calls as are necessary to secure the needed amount of bond or fine money.

If bond monies are taken, the required bond forms shall be completed by the officer taking the bond, and a copy shall be furnished to the violator.

4. If items 1, 2, and 3, above, are not applicable and conducive to the best interests of the violator or the Department, then as a last resort, the violator will then be taken to the proper County Jail, (Polk or Dallas County) depending on the location of the offense and Court jurisdiction, to await arraignment before a Judge or Magistrate.
5. Officers of the Clive Police Department shall keep in mind that the right to post a bond is provided each person by the code of Iowa and officers of this Department shall not deny any person this right.

B. Iowa Police Citation and Complaints (non-traffic)

1. Iowa Police Citation and Complaints (AC or M series) shall not be issued to Juveniles for simple misdemeanors, other than for curfew violations and for illegal possession of beer. Juvenile's committing a public offense shall be issued a Notice of Juvenile Offense which shall be signed by the Juvenile and one of their parents or guardians, with a clear understanding to all, regarding the conditions of the temporary release.

C. Procedure for Handling Citations, Bonds, and Preliminary Complaints

1. Citations-Copies of all citations, whether voided, or executed, shall be placed on file in the appropriate Police Department files in numerical order. The citation's hard copy and other appropriate copies of executed citation shall be forwarded to the appropriate Court after the Officer has recorded or logged each citation issued, in numerical order on forms prescribed by the Department, and after all necessary paper work is completed, to include the citation being notarized as to the Officers signature.
2. Each officer shall have the responsibility of assuring that a copy of any citation involving an arrest is placed in the appropriate tray in the dispatch room when the original is either mailed or left at the Court.
3. Bond Money-When bond money is taken by any member of this Department, a copy of the Citation or Preliminary Complaint (for which the bond was taken), the appropriate bond forms and the counted and verified amount of bond money, shall be placed into a Departmental envelope and sealed.
4. The envelope shall then be placed into the appropriate and secured locker provided for bond money. One other copy of the signed bond receipt shall be placed into the

appropriate tray in the dispatch office, along with a copy of the citation or preliminary complaint for which the bond was taken. A notation of the receipt of the bond shall be made in the bond entry book.

5. Preliminary Complaints

- a. All Preliminary Complaints shall be made out and executed in compliance with the Code of Iowa, and a copy of the Preliminary Complaint, signed by the Judge, shall then be attached to any bond receipt for which the bond was taken, based upon such Preliminary Complaint. If the Preliminary Complaint is for a non-scheduled violation, the Judge will set the amount of bond on the bench warrant and that amount shall be noted on the Preliminary Complaint.

D. Serious or Aggravated Misdemeanors and All Felony Arrests

1. Arrest for a serious or aggravated misdemeanor or arrest for a felony shall be made with minimum force necessary to affect the arrest, with the following criteria applicable to each arrest.
 - a. All persons shall be searched for weapons and/or contraband by a person of the same gender, unless a male officer arrests a female, without a female matron being readily available. When a male officer is searching a female prisoner, he shall have in his presence, another officer or summon and wait for a matron to conduct the pat down search. When a male officer is conducting a pat down search upon the person of a female, he shall only use the back of his hand and the search shall be performed in a precursory manner. A complete search of a female prisoner will only be conducted by a female matron.
 - b. All adults arrested for these types of offenses shall be handcuffed before being transported in any police vehicle, and before transporting to the Polk County or Dallas County Jail for booking.
 - c. If the offender is brought to the Olive Police Station, after all forms and booking procedures are completed, the offender shall then be transported to the proper jurisdictions County Jail or the closest magistrate (if available) with the completed information and/or complaint forms and the probable cause form.
 - d. After completion of the booking procedure the defendant shall then be allowed a telephone call and the arresting officer shall note the number called and the name of the person to whom the defendant spoke, along with the exact time of the call. If the defendant is a juvenile or is in an intoxicated state, the arresting officer shall be responsible for making and placing the telephone call for the defendant.
 - e. No form of threat and/or use of coercion shall be instigated in order to obtain any

information from a defendant regarding any crime or activity bearing in mind the Supreme Court decision, on Williams v. City of Des Moines.

2. After the fact arrests for crimes involving serious or aggravated misdemeanors and all felony offenses.
 - a. Before an arrest is contemplated for a serious or aggravated misdemeanor and on all felony cases, the officer shall first contact and have the approval of the County Attorney or his representative before filing any charges and shall secure a warrant for the arrest of the individual.
 - b. Arrest after the fact may also be effected in accordance with and as prescribed by Chapter 804.7 of the Code of Iowa.

E. Procedures for Handling of Juveniles

1. A child shall have the right to legal counsel and the right to legal counsel shall not be waived by a child, less than sixteen years of age, without the written consent of the parent, guardian, or custodian of the child in advance to an officers questioning. Chapter 232.11 of the Code of Iowa.
2. When a child or juvenile is taken into custody, the officer taking the juvenile into custody shall notify the child's parents, guardian, or custodian as soon as possible and the officer shall not place bodily restraints (i.e., handcuffs) on the child unless the child physically resists or threatens physical violence when being taken into custody. Chapter 232.19 of the Code of Iowa.
3. A juvenile in confinement shall be held in a room separate from adult prisoners and AT NO TIME will be placed in a detention cell, if under the age of 14 years. Further any Juvenile arrested for intoxication due to substance abuse shall be personally observed on a continuous basis throughout the period of detention.
4. Fingerprints and Photographs, Chapter 232.148 of the Code of Iowa.
 - a. A child shall not be fingerprinted or photographed by a criminal justice agency after the child is taken into custody, except as provided Chapter 232.148 of the Code of Iowa.
 - b. Fingerprints and photographs of a child who has been taken into custody who is 14 years of age or older, may be taken by a criminal justice agency investigating the commission of a public offense constituting a felony. However, if no

comparison is made, the prints must immediately be destroyed.

- c. If a peace officer has reasonable grounds to believe that latent fingerprints developed during an investigation of the commission of a public offense, are those of a particular child, fingerprints of the child may be taken for immediate comparison with the latent prints, regardless of the age of the child or the nature of the offense. If the comparison is negative, the fingerprint card and all other copies of the fingerprints taken shall be immediately destroyed. If the comparison is positive and the child is referred to the Court, the fingerprint card and other copies of the fingerprints taken shall be delivered to the Court for disposition. If the child is not referred to the Court, the fingerprints card and all copies of the fingerprints shall be immediately destroyed.

F. Jurisdiction of Juveniles

1. The Juvenile Court shall have exclusive jurisdiction of juveniles in proceedings concerning any child who is alleged to have committed a delinquent act, unless otherwise provided by law, and shall have exclusive original jurisdiction in proceedings concerning an adult who is alleged to have committed a delinquent act prior to becoming an adult, provided that the taking of the person into custody for the alleged act or the filing of a delinquency petition alleging the commission of the act occurs:
 - a. Less than one year after the alleged commission of an act which would be a simple misdemeanor if committed by an adult, or
 - b. Less than two years after the alleged commission of an act, which would be an offense other than, a simple misdemeanor if committed by an adult, or as provided by the-Code of Iowa.

- #### G. Violations by a child of provisions of Chapters one hundred six (106), one hundred six A (106A), one hundred nine (109), one hundred nine A (109A), one hundred ten (110), one hundred ten A (110A), one hundred ten B (110B), one hundred eleven (111), three hundred twenty one (321), or three hundred twenty one G (321G), of the Code of Iowa, which would be simple misdemeanors if committed by an adult, violations of county or municipal curfew or traffic ordinances, and violations by a child of the provisions of Section one hundred twenty three point forty seven (123.47) of the Code, are excluded from the jurisdiction of the Juvenile Court and shall be prosecuted as simple misdemeanors as provided by law. Chapter 232.8, of the Code of Iowa.

A handwritten signature in blue ink, appearing to read "Michael G. Venema". The signature is fluid and cursive, with a prominent vertical stroke at the end.

Michael G. Venema
Chief of Police