

CITATION AND COMPLAINT

1. **PURPOSE:** To establish guidelines for the issuance of the Citation and Complaint.
2. **SCOPE:** This Directive is applicable to all sworn personnel.
3. **RESPONSIBILITY:** All sworn personnel will comply with this Directive.
4. **AUTHORITY:** City Ordinances and State Codes provide for the non-custodial arrest of violators of certain laws.
5. **DEFINITION:** For the purpose of this directive, “Citation and Complaint” refers to the multi-purpose citation titled *Notice and Complaint* (commonly referred to as an arrest citation) currently in use.
6. **ISSUANCE:** Citation and Complaint books will be issued consecutively by number and the issuance will be recorded in a chronological log, bearing the date, beginning and ending numbers, and the signature and employee number of the Officer receiving the book. The person issuing the book will account for the presence of each form in the book, prior to issuance. Any book found to be deficient in content will be marked “DEFICIENT” and destroyed according to current guidelines.
7. **LOSS TO BE REPORTED:** Officers will be responsible for the Citation and Complaint Book issued to them. If a Citation and Complaint Book is lost, the responsible Officer will immediately notify his/her supervisor and forward a written report, via chain of command, to his Bureau Commander, explaining the circumstances surrounding this loss.
8. **VOIDED CITATIONS:** If it becomes necessary to void a Citation and Complaint, the officer will clearly mark all copies “VOID” and record an explanation in the narrative section of the form. The Officer will also forward a brief memorandum, via chain of command, to their Precinct or Division Commander explaining the reasons for voiding the citation attaching the voided form to the memorandum. The Commander will forward the memo and attached citation to the HPD Court Liaison Officer. The Court Liaison Officer will ensure the citation is properly voided by Municipal Court.
9. **CRITERIA FOR ISSUING:** Prior to issuing a Citation and Complaint, the Officer must:

- A. Determine that the defendant is not intoxicated or otherwise incapacitated to the point that he or she is unable to understand the action being taken.
- B. Be certain that the offense is a misdemeanor and that it occurred in the Officer's presence.

Note: A Citation and Complaint shall not be used to cite a drug possession, alcohol possession, or drug paraphernalia possession offenses.

- C. Obtain positive identification of the defendant.
 - D. Determine that it appears reasonable the defendant will appear at the time and place stated to answer the charge(s) and is willing to sign the Citation and Complaint.
 - E. Be certain that the defendant is not a juvenile.
 - F. Be certain that the event which prompted the issuance of the Citation and Complaint has concluded and will not resume upon the departure of the Officer.
 - G. WARNING: Prior to issuing a Citation and Complaint, the Officer will read the warning to the defendant, as it appears on the form.
10. INSTRUCTIONS: One Citation and Complaint form per violation will be issued. The form will be completed by printing the information clearly, using a ballpoint pen containing black ink. Officers will also review the form for accuracy and completeness.
- A. RELATED POLICE INCIDENT NUMBER: Enter the complaint, case, accident, or other report number related to the Citation and Complaint.
 - B. DATE AND TIME: Enter the date and time the offense occurred.
 - C. NAME: Enter the defendant's name, (last, first, and middle).
 - D. ADDRESS: Enter the street number and the street name of the defendant's home residence. This entry must include the designation of the street name (e.g., St., Ave., Blvd., etc.).
 - E. CITY, STATE, ZIP: Enter the city, state and zip code of the defendant's home residence.

- F. TELEPHONE NUMBER: Enter the telephone number at the home residence of the defendant. If none, enter “none.”
- G. DATE OF BIRTH: Enter the defendant’s date of birth in the order of month, day and year (e.g., “12-20-52”).
- H. HEIGHT: Enter the defendant’s height in feet and inches. Each entry requires three digits (e.g., “5 06”).
- I. WEIGHT: Enter the defendant’s weight in pounds.
- J. HAIR: Enter the defendant’s hair color according to the standard NCIC abbreviations.
- K. EYES: Enter the defendant’s eye color according to the standard NCIC abbreviations.
- L. SEX: Enter the defendant’s gender according to the standard NCIC abbreviations.
- M. RACE: Enter the standard NCIC abbreviation.
- N. DRIVER’S LICENSE INFORMATION: Enter the defendant’s driver’s license number and state of issuance. If no driver’s license, enter “NONE.”
- O. SOCIAL SECURITY NUMBER: Enter the defendant’s social security number. If no social security number, enter “NONE.”
- P. PLACE OF EMPLOYMENT: Enter the business name where the defendant is employed. If unemployed, enter “UNEMP.”
- Q. EMPLOYMENT TELEPHONE NUMBER: Enter the telephone number at the place of business where the defendant is employed.
- R. AT LOCATION: Enter the location of occurrence, including street address, along with any intersecting street, if applicable.
- S. BUSINESS NAME: If the Citation and Complaint was issued at a business, enter the name of that business.
- T. OFFENSE: Enter the offense of which the defendant is accused.
- U. IN VIOLATION OF SECTION: Enter the applicable offense code or statute number.

V. **NARRATIVE:** Record the circumstances surrounding the issuance of the Citation and Complaint, including all relevant details pertaining to the offense.

W. **OFFICER'S SIGNATURE AND EMPLOYEE NUMBER:** The issuing Officer signs here, attesting that the statements contained within the citation are true and correct to the best of the officer's knowledge and belief.

X. **AGREEMENT:** The issuing Officer enters the date and time at which the defendant is to appear in court.

Y. **SIGNATURE OF DEFENDANT:** The defendant signs the form in this block.

Z. **CO-DEFENDANT(S) NAME(S):** Enter up to two other persons arrested or cited with the defendant, for cross reference purposes only.

11. **FAILURE OR REFUSAL TO SIGN CITATION AND COMPLAINT:** If the defendant refuses to sign the form, agreeing to appear in court as specified, the issuing Officer will then place the person under arrest and transport him/her to the Madison County Jail. An arrest report will be completed, and the original Citation and Complaint form must be voided per listed guidelines. The issuing Officer will write "REFUSED TO SIGN" on the signature line of the Citation and Complaint.

12. **DISTRIBUTION:** Under normal circumstances, where it is not necessary to arrest the defendant for refusal to sign the Citation and Complaint, the defendant will be given the appropriate copy of the citation. The original form shall be delivered to the Warrant Magistrate. Officers may retain the copy designated for their use.