

City of Johns Creek Police Department

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| <i>Subject:</i> | Notice to Appear/Traffic Citations Release On Charges | <i>Number:</i> | 04-13 |
| <i>Reference:</i> | | <i>Amends:</i> | |
| <i>Effective:</i> | 04/08 | <i>Review Date:</i> | Annually |
| | | <i># of Pages:</i> | 1 |

PURPOSE:

Establish guidelines for issuing a Notice to Appear.

POLICY: (04-13)

In lieu of physical arrest, an offender should be issued a “Notice to Appear” if the necessary criteria outlined in this procedure is met. This notice to appear, or written order, requires a person accused of violating the law to appear in court at a specific date and time.

PROCEDURES:

Conditions for Use (04-13-01)

If a person is arrested for an offense which is a misdemeanor or is arrested for violation of a municipal ordinance which may be tried in the municipal court, and the person does not demand to be taken before a magistrate, the offender should be issued a notice to appear *unless*:

- A. The defendant fails or refuses to sufficiently identify himself/herself or supply the required information.
- B. The defendant refused to sign the copy of the charges.
- C. The officer has reason to believe that continued liberty of the accused constitutes an unreasonable risk of bodily injury to himself or another.
- D. The accused has no ties with the jurisdiction reasonably sufficient to assure his/her appearance, or there is substantial risk he/she will refuse to respond to the charges.
- E. The officer has any suspicion the accused may be wanted in another jurisdiction.
- F. It appears the accused has previously failed to respond to a notice or a summons, or has violated the conditions of any pretrial program.

The notice to appear can be issued at the scene or place of violation, or at the police station before or after booking of the defendant.

Recordkeeping Procedures (04-13-02)

The original of the notice to appear will be submitted to the courts. Other copies will be

distributed as follows:

- A. Records Division
- B. Defendant
- C. Officer