


The Tarrant County College District Police Department

GENERAL ORDER

	SUBJECT	GENERAL ORDER NUMBER
	CITE & RELEASE (CITATIONS)	308.00
	CALEA STANDARDS	EFFECTIVE DATE May 1, 2015
	APPROVAL Shaun Williams, Chief of Police	REVISION DATE PAGES 3

Purpose - *Texas Code of Criminal Procedure art. 14.06* permits law enforcement agencies to use citation release procedures in lieu of arrest for Class A, B and C misdemeanor offenses with certain exceptions.

308.01 – STATUTORY REQUIREMENTS

- A. Citation releases are authorized by *Texas Code of Criminal Procedure art. 14.06*. Release by citation for misdemeanor offenses can be accomplished in two separate ways:
1. A field release is when the violator is released in the field without being transported to a jail facility.
 2. A jail release is when a violator is released after being transported to the jail and booked.

308.01.01 – DISCRETION TO ARREST

- A. While this department recognizes the statutory power of peace officers to make arrests throughout the state, officers are encouraged to use sound discretion in the enforcement of the law. On-duty arrests will not generally be made outside the jurisdiction of this department except in cases of hot and/or fresh pursuit, while following up on crimes committed within the District, or while assisting another agency. On-duty officers who discover criminal activity outside the jurisdiction of the District should, when circumstances permit, consider contacting the agency having primary jurisdiction before attempting an arrest.
- B. Off-duty officers observing criminal activity should generally take enforcement action only when it reasonably appears that imminent risk to life or property exists and the reasonable opportunity does not exist to contact the law enforcement agency with primary jurisdiction. In such situations the involved officer shall clearly identify him/herself as a police officer.
- C. Officers are authorized to use **WRITTEN** warnings to resolve minor traffic and criminal violations when appropriate.

308.02 – FIELD CITATIONS

- A. Upon obtaining satisfactory identification and verifying that there are no outstanding warrants for the individual, officers may issue citations for certain Class C misdemeanors to all persons 17 years of age or older. With the exception of an offense under *Texas Penal Code § 49.02*,

officers may issue a citation to all persons for Class C misdemeanors (*Texas Code of Criminal Procedure art. 14.06(b)*). Officers may also release subjects who were taken into custody on a private person's arrest for a misdemeanor offense, whenever appropriate.

- B. Officers may issue a citation in place of taking a child into custody for public intoxication (*Texas Penal Code § 49.02*), but only if the officer releases the child to the child's parent, guardian, custodian or other responsible adult in accordance with *Texas Code of Criminal Procedure art. 45.058*. The officer should receive supervisor approval prior to making such a release.

308.03 – JAIL RELEASE

- A. In certain cases, it may be impracticable to release a person arrested for misdemeanor offenses in the field. The person arrested may instead be released after booking at the jail, with Shift Commander approval.
- B. Any person arrested for a misdemeanor offense shall be released on his/her written promise to appear after the booking procedure is completed, unless disqualified for reasons below.

308.04 – DISQUALIFYING CIRCUMSTANCES

- A. A person arrested for a misdemeanor shall be released on a notice to appear unless one of following situations is present:
 - 1. The person arrested is so intoxicated that he/she could be a danger to him/herself or to others. Release may occur as soon as this condition no longer exists.
 - 2. The person arrested requires medical examination or medical care or is otherwise unable to care for his/her own safety.
 - a. An arrestee shall not be released from custody for the sole purpose of allowing that person to obtain medical care and with the intention of immediately re-arresting the same individual upon discharge from the hospital unless it can be determined that the hospital can bill and collect from a third party payment source.
 - 3. There are one or more outstanding arrest warrants for the person.
 - 4. The person could not provide satisfactory evidence of personal identification.
 - 5. The prosecution of the offense or offenses for which the person was arrested or the prosecution of any other offense or offenses would be jeopardized by the immediate release of the person arrested.
 - 6. There is a reasonable likelihood that the offense or offenses would continue or resume, or that the safety of persons or property would be imminently endangered by the release of the person arrested.
 - 7. The person arrested demands to be taken before a magistrate or has refused to sign the notice to appear.
 - a. Contact Shift Supervisor
 - 8. There is reason to believe the person would not appear at the time and place specified in the notice to appear. The basis for this determination shall be specifically stated.

- B. When a person is arrested on a misdemeanor offense and is not released by criminal citation, the reason for non-release shall be noted on the booking form. This form shall be submitted to the Shift Commander for approval and included with the case file.

308.05 – OTHER REASONS FOR NON-RELEASE

- A. If the person arrested is not released for one or more of the disqualifying circumstances listed above, the Shift Commander shall state specifically on the booking form the reason for non-release. Such reasons for non-release may include:
 - 1. Previous failure to appear is on record.
 - 2. The person lacks ties to the area, such as a residence, job or family.
 - 3. Unusual circumstances lead the officer responsible for releasing the prisoner to conclude that he/she should be held for further investigation.

308.06 – INSTRUCTIONS TO CITED PERSON(S)

- A. The citing officer shall, at the time he/she asks the defendant to sign the notice to appear, call attention to the time and place for appearance and take any other steps he/she deems necessary to ensure that the defendant understands his/her written promise to appear (*Texas Code of Criminal Procedure art. 14.06*).

308.07 – JUVENILE CITATIONS

- A. Completion of criminal citations for juveniles is generally not appropriate with the following exceptions:
 - 1. Misdemeanor traffic violations of the Texas Transportation Code.
 - 2. Violations of Class C misdemeanors, other than an offense under *Texas Penal Code § 49.02*, if the child resides in the county where the offense occurred (*Texas Code of Criminal Procedure art. 14.06(b)*).
- B. All other misdemeanor violations for juveniles shall be documented with a case number and the case should be referred to the Detective Section for further action including diversion.

308.08 – CAD NUMBERS REQUIRED

- A. ALL citations issued by Tarrant County College personnel are required to have a CAD number prominently displayed on the citation.