



APPEARANCE TICKETS		
new: rescinds: ✓ amends: All previous		cross-reference:
effective date: February, 2020		accreditation standards: NYSLEAP Standard(s): 8.2, 8.5 & 47.1
amend date: September, 2022		

I. DEFINITIONS

An appearance ticket is a written notice issued by a Police Officer directing a person to appear in a local criminal court at a future time, in connection with such person’s alleged commission of an offence. This notice is issued in connection with offenses of the New York State Penal Law, Alcohol Beverage Control Law, Local Ordinances or Vehicle and Traffic Law.

II. POLICY

A. Pursuant to Criminal Procedure Law section 150.20 (1) (a), an appearance ticket **cannot** be issued for the following offenses and an **arraignment must** be done:

1. All Class “A”, “B”, “C”, or “D” Felonies;
2. Rape 3rd degree (Penal Law 130.25);
3. Criminal Sexual Act 3rd degree (Penal Law 130.40);
4. Escape 2nd degree (Penal Law 205.10)
5. Absconding from temporary release 1st degree (Penal Law 205.17);
6. Absconding from a community treatment facility (Penal Law 205.19); and
7. Bail Jumping 2nd degree (Penal Law 215.56).

B. For all remaining offenses (UTTs, violation, misdemeanors, and E felonies), appearance tickets shall be issued unless the circumstances present in section C below are present, in which case an arraignment **may** occur.

C. Even though an offense falls under section B above, otherwise requiring the issuance of an appearance ticket, an **arraignment may** be done in the following circumstances (CPL 150.20 (1)(b)):

1. The defendant has one or more outstanding local criminal court or superior court warrants;
2. The defendant has failed to appear in court proceedings in the last two years;

3. The defendant has been given a reasonable opportunity to provide their verifiable identity and a method of contact, and has been unable or unwilling to do so, so that a custodial arrest is necessary to subject the individual to the jurisdiction of the court;
4. The defendant is charged with a crime between members of the same family or household, as defined in subdivision one of section 530.11 of this chapter (domestic violence/family offense);
5. The defendant is charged with a crime defined in Penal Law Article 130 (sex offenses);
6. It reasonably appears the defendant should be brought before the court for consideration of issuance of an Order of Protection, pursuant to CPL section 530.13, based on the facts of the crime or offense that the officer has reasonable cause to believe occurred;
7. The defendant is charged with a crime for which the court may suspend or revoke the defendant's driver's license;
8. It reasonably appears to the officer, based on the observed behavior of the defendant, and facts regarding the defendant's condition, that there are signs of distress to such a degree that the defendant would face harm without immediate medical or mental health care, or that bringing the defendant before the court would be in the defendant's interest in addressing that need; provided, however, that before making the arrest, the officer shall make all reasonable efforts to assist the defendant in securing appropriate services;
9. The defendant is eighteen years or age or older and charged with criminal possession of a weapon on school grounds as defined in section 265.01-a of the penal law; *Updated 9/2022*
10. The defendant is eighteen years of age or older charged with a hate crime as defined in section 485.05 of the penal law; *Updated 9/2022*
11. The offense is a qualifying offense pursuant to paragraph (t) of subdivision four of section 510.10 of this chapter, or pursuant to paragraph (t) of subdivision four of section 530.40. *Updated 9/2022*
12. If one of the above expectations applies, at the discretion of the officer, an arraignment may be done and that arraignment can include pre-arraignment detention prior to the defendant being brought before an arraignment court. The purpose of doing an arraignment if one of these exceptions apply is to ensure that the issue present in the exception is adequately addressed; thus, intending to prevent, to the extent possible, regrettable catastrophes from the improvident release of a defendant. The officer should consult with their on-duty supervisor.

D. The NY State bail statute imposes an obligation on law enforcement when issuing an appearance ticket as follows:

1. CPL Section 150.10 (3) states that before issuing an appearance ticket a police officer or other public servant *must* inform the arrestee that they may provide their contact information for the purposes of receiving a court notification to remind them of their court appearance date from the court or a certified pretrial services agency.

2. The contact information may include one or more phone numbers, a residential address or address at which the arrestee receives mail or an email address.
3. The contact information *shall* be recorded and transmitted to the local criminal court as required, pursuant to CPL section 150.80 and within 24 hours of issuance, CPL 150.10 (3).

III. PROCEDURES

- A. The issuing officer will complete all the applicable parts of the Incident Report.
- B. The arresting officer will fingerprint and photograph the defendant if appropriate
- C. Defendants issued appearance tickets will be scheduled for arraignment (return date) in the court or jurisdiction and shall be returnable 20 days from issuance or next scheduled local court scheduled session if more than 20 days from issuance. *Updated 8/2020*
- D. Three (3) copies of the *Arrest Report & Appearance Ticket* will be completed. The copies of the Appearance Ticket are distributed as follows:
 1. The original copy will be given to the defendant and the officer will instruct the defendant when and where to appear. The defendant should be warned that failure to appear will result in a warrant being issued.
 2. A second copy will be submitted with the court paperwork.
 3. The third copy will be submitted with the Sheriff's Office paperwork. This copy will also be submitted to the District Attorney's with the case file via Laserfiche.
- E. The Sheriff's Office **cannot** set or accept pre-arraignment bail.
- F. A highly intoxicated person shall not be released on their own recognizance. They will be released to the custody of a sober friend or relative.
- G. Persons who are arrested in Tompkins County, by a participating law enforcement agency of the Centralized Arraignment Program (CAP), pursuant to summary arrests, arrest warrants, bench warrants, and fugitive complaints, who are in need of an arraignment will be transported by the arresting agency to the Tompkins County Sheriff's Office where they will be held in the Tompkins County Jail pursuant to Corrections Law 500-C (26). *See G.O. 708 Centralized Arraignment Program (CAP) for further details. Updated 9/2022*
- H. When an arraignment is held, the court will not be able to set bail unless the crime is a Qualifying Offense found in CPL section 510.10 (4), listed below:
 1. A felony enumerated in section 70.02 of the penal law, other than robbery in the second degree as defined in subdivision one of section 160.10 of the penal law, provided, however, that burglary in the second degree as defined in subdivision two

- of section 140.25 of the penal law shall be a qualifying offense only where the defendant is charged with entering the living area of the dwelling;
2. A crime involving witness intimidation under section 215.15 of the penal law;
 3. A crime involving witness tampering under section 215.11, 215.12 or 215.13 of the penal law;
 4. A class A felony defined in the penal law, provided that for class A felonies under article two hundred twenty of the penal law, only class A-I felonies shall be a qualifying offense;
 5. A sex trafficking offense defined in section 230.34 or 230.34-a of the penal law, or a felony sex offense defined in section 70.80 of the penal law, or a crime involving incest as defined in section 255.25, 255.26 or 255.27 of such law, or a misdemeanor defined in article one hundred thirty of such law;
 6. Conspiracy in the second degree as defined in section 105.15 of the penal law, where the underlying allegation of such charge is that the defendant conspired to commit a class A felony defined in article one hundred twenty-five of the penal law;
 7. Money laundering in support of terrorism in the first degree as defined in section 470.24 of the penal law; money laundering in support of terrorism in the second degree as defined in section 470.23 of the penal law; money laundering in support of terrorism in the third degree as defined in section 470.22 of the penal law; money laundering in support of terrorism in the fourth degree as defined in section 470.21 of the penal law; or a felony crime of terrorism as defined in article four hundred ninety of the penal law, other than the crime defined in section 490.20 of such law;
 8. Criminal contempt in the second degree as defined in subdivision three of section 215.50 of the penal law, criminal contempt in the first degree as defined in subdivision (b), (c) or (d) of section 215.51 of the penal law or aggravated criminal contempt as defined in section 215.52 of the penal law, and the underlying allegation of such charge of criminal contempt in the second degree, criminal contempt in the first degree or aggravated criminal contempt is that the defendant violated a duly served order of protection where the protected party is a member of the defendant's same family or household as defined in subdivision one of section 530.11 of this title;
 9. Facilitating a sexual performance by a child with a controlled substance or alcohol as defined in section 263.30 of the penal law, use of a child in a sexual performance as defined in section 263.05 of the penal law or luring a child as defined in subdivision one of section 120.70 of the penal law, promoting an obscene sexual performance by a child as defined in section 263.10 of the penal law or promoting a sexual performance by a child as defined in section 263.15 of the penal law;
 10. Any crime that is alleged to have caused the death of another person;

11. Criminal obstruction of breathing or blood circulation as defined in section 121.11 of the penal law, strangulation in the second degree as defined in section 121.12 of the penal law or unlawful imprisonment in the first degree as defined in section 135.10 of the penal law, and is alleged to have committed the offense against a member of the defendant's same family or household as defined in subdivision one of section 530.11 of this title;
12. Aggravated vehicular assault as defined in section 120.04-a of the penal law or vehicular assault in the first degree as defined in section 120.04 of the penal law; (m) assault in the third degree as defined in section 120.00 of the penal law or arson in the third degree as defined in section 150.10 of the penal law, when such crime is charged as a hate crime as defined in section 485.05 of the penal law;
13. Aggravated assault upon a person less than eleven years old as defined in section 120.12 of the penal law or criminal possession of a weapon on school grounds as defined in section 265.01-a of the penal law;
14. Grand larceny in the first degree as defined in section 155.42 of the penal law, enterprise corruption as defined in section 460.20 of the penal law, or money laundering in the first degree as defined in section 470.20 of the penal law;
15. Failure to register as a sex offender pursuant to section one hundred sixty-eight-t of the correction law or endangering the welfare of a child as defined in subdivision one of section 260.10 of the penal law, where the defendant is required to maintain registration under article six-C of the correction law and designated a level three offender pursuant to subdivision six of section one hundred sixty-eight-l of the correction law;
16. A crime involving bail jumping under section 215.55, 215.56 or 215.57 of the penal law, or a crime involving escaping from custody under section 205.05, 205.10 or 205.15 of the penal law;
17. Any felony offense committed by the principal while serving a sentence of probation or while released to post release supervision;
18. A felony, where the defendant qualifies for sentencing on such charge as a persistent felony offender pursuant to section 70.10 of the penal law;
19. Any felony or class A misdemeanor involving harm to an identifiable person or property, or any charge of criminal possession of a firearm as defined in section 265.01-b of the penal law, where such charge arose from conduct occurring while the defendant was released on his or her own recognizance, released under conditions, or had yet to be arraigned after the issuance of a desk appearance ticket for a separate felony or class A misdemeanor involving harm to an identifiable person or property, or any charge of criminal possession of a firearm as defined in section 265.01-b of the penal law, provided, however, that the prosecutor must show reasonable cause to believe that the defendant committed the instant crime and any underlying crime. For the purposes of this subparagraph, any of the underlying crimes need not be a qualifying offense as defined in this subdivision. For the purposes of this paragraph,

"harm to an identifiable person or property" shall include but not be limited to theft of or damage to property. However, based upon a review of the facts alleged in the accusatory instrument, if the court determines that such theft is negligible and does not appear to be in furtherance of other criminal activity, the principal shall be released on his or her own recognizance or under appropriate non-monetary conditions; or *Updated 9/2022*

20. Criminal possession of a weapon in the third degree as defined in subdivision three of section 265.02 of the penal law or criminal sale of a firearm to a minor as defined in section 265.16 of the penal law. *Updated 9/2022*

Attachment:

A. *Arrest Report & Appearance Ticket*

By Order Of

A handwritten signature in black ink, appearing to read "Derek Osborne".

Derek Osborne
Sheriff