

RENO POLICE DEPARTMENT GENERAL ORDER

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Chief of Police: Jim Weston /s/		
Legal Advisor: Karen Fraley /s/		
Approving Deputy Chief:		
General Order No: P-280-04	Issued: July 29, 2004	Supersedes: 3/241.000, 3/233.000
General Order Title: WARRANT, MISDEMEANOR AND TRAFFIC CITATION ARRESTS AND RELEASES		

POLICY

Members of the Reno Police Department will make every effort to issue misdemeanor or traffic citations, in lieu of custodial arrest, to offenders who qualify for a citation.

PROCEDURE

PERSONS ELIGIBLE FOR CITATION RELEASES

In cases where subjects meet the criteria set forth in this general order, officers will issue citations in lieu of physical arrest for violations of Reno Municipal Ordinances, and in lieu of arrest on qualifying misdemeanor warrants. Exceptions will be detailed in the officer's arrest report.

Under certain circumstances a citation may be issued when the subject does not meet set criteria. Such cases may include defendants with small children who would have to be placed, medical problems, lengthy treatment at a hospital, or during times when jail crowding is acute.

The following criteria will be used to determine the eligibility of suspected offenders:

MISDEMEANOR CITATIONS

- The crime is a misdemeanor.
- The person is eight years old or more. (There must be clear proof that children between the ages of eight and fourteen knew the wrongfulness of the act at the time it was committed before they can be arrested or cited.)
- The misdemeanor crime is non-violent in nature.
- The person presents satisfactory evidence of identity. (Satisfactory evidence of identity is

the degree of evidence required to reasonably assure the officer that the person is who they claim to be.) Whenever practical, the officer may use police and DMV records to establish a person's identity.

TRAFFIC CITATIONS

Persons detained by officers for traffic violations are normally issued citations in lieu of custodial arrest. Exceptions to this may include, but are not limited to, DUI, reckless driving, revoked driver's license, and other offenses where an arrest is required by statute or the person does not qualify for a citation release per criteria in this general order.

The Nevada Supreme Court has ruled (*State v. Bayard*, 119 Nev. Adv. Op. No. 29) that N.R.S. 484.795 must be followed when an officer decides whether or not to make an arrest or issue a citation based on a traffic violation. Absent one of the four criterion listed in this Statute, the officer must exercise discretion and must be reasonable. This requires probable cause to believe a traffic offense has been committed and the circumstances require immediate arrest under N.R.S. 484.795 **or** when an officer has probable cause to believe that other criminal misconduct has occurred.

DUI Traffic Citations

Persons charged with DUI are normally arrested and booked into Washoe County Jail. However, traffic citations may be issued for misdemeanor DUI in the following situations:

- The driver is injured and is being examined or treated at a medical facility, and is capable and willing to sign the citation, or
- The driver is injured, and is being admitted to a medical facility, and is capable and willing to sign the citation.

PERSONS NOT ELIGIBLE FOR CITATION RELEASE

Persons who do not meet the criteria for citation release that fall into one or more of the categories listed below will be subject to custodial arrest and will be booked for the charge at Washoe County Jail. Officers will include in their report narratives reasons the person was booked rather than cited for the offense. Criteria for custodial arrest include the following:

- The person is intoxicated to the extent that they could be a danger to themselves or others if released;
- A felony charge accompanies the misdemeanor charge;
- The person refuses to sign the citation;
- The person demands an immediate appearance before a magistrate;
- The person is physically combative or belligerent and the officer has to use physical force to subdue the person;
- A person is being charged with a companion or accompanying charge which does not qualify for a misdemeanor citation release;
- There is a reasonable likelihood that the offense will continue or resume;
- The person does not furnish satisfactory evidence of identity;

- The officer has probable grounds to believe the person will disregard a written promise to appear in court;
- A citation will not be issued in lieu of failure to appear warrants;
- Persons who have warrants for crimes of a violent nature will not be issued citations; *i.e.*, assault and battery, domestic violence, harassment and stalking; or
- Persons who have FTA warrants or that reflect Mandatory Booking requirements will not be issued misdemeanor citations.

REPORTING PROCEDURES

Citation Reporting to Court Clerk's Office

The narrative of the elements of misdemeanor and traffic offenses will be completed on the reverse side of the City Attorney's copy of the citation. The citation will then be sent to the Municipal Court Clerk's office for processing and filing.

Citation Reporting to Records Section

Misdemeanor and traffic citations that require more space for the officer's narrative than is available on the citation will be processed in the following manner:

- The officer will obtain the case number from communications.
- A copy of the citation will serve as a face sheet for the case. The narrative will then be completed in the Tiburon system. The case number will be written on the upper right corner of the citation copy.
- A sergeant will be required to approve the report.

Signature on Citations

The complainant (officer or citizen) will sign the misdemeanor or traffic citation in the admonishment section of the citation. Arrestees will be instructed to give their written promise to appear in court by signing their name in the appropriate space provided on the citation.

Multiple Defendant Citations

When more than one person is being cited for the commission of a misdemeanor or traffic violation resulting from one incident, each defendant will be cited to appear in court at the same date and time. Court dates and times are determined by the Reno Municipal Court and are posted on the daily briefing log.

CITATIONS IN LIEU OF ARREST ON MISDEMEANOR WARRANTS

The issuing officer will:

- Request warrant confirmation via Communications or Records, then advise them that a citation will be issued in lieu of arrest and provide the citation number.
- Obtain the date, time, and court for the individual's appearance and enter this

information on the citation.

- Enter on the face of the citation the following: "Citation issued in lieu of arrest" on (warrant number), for the offense of (violation).
- Submit the misdemeanor citation to the Records Section pursuant to existing reporting policy and procedure.

Records Section personnel will:

- Confirm the warrant.
- Obtain the date, time, and court for the individual's court appearance.
- Advise Communications, or the officer, of the information.
- Enter the following information on the back of the original warrant (when RPD is the holding agency), then return the original warrant to the issuing court: Citation number, date citation issued, issuing officer, issuing agency, and date of the scheduled arraignment.

Outside jurisdiction warrants require that the individual be arrested and booked into Washoe County Jail.

Work Applicant Unit Warrants

A sign will be posted in the Work Applicant Unit to inform applicants a warrant inquiry will be completed when applying for a permit.

When a misdemeanor warrant is located that was issued for a crime of a non-violent nature (including FTA, FTC or FTP warrants issued for crimes of non-violent nature) or one which does not reflect Mandatory Booking, Do Not O.R., or Cash Bail Only, while completing the applicant or registration process the Work Applicant Unit personnel will:

- Not issue a work permit;
- Complete the convicted person registration, if applicable;
- Advise the applicant or registrant of the misdemeanor warrant and advise him/her to resolve the matter immediately with the appropriate court;
- Require proof that the warrant is no longer active by completing a computer inquiry or reviewing the applicant's court receipt before issuing a work permit to a returning applicant.

When a misdemeanor warrant is located for a crime of a violent nature, *i.e.*, assault and battery, domestic violence, harassment and stalking, or any which reflect "Mandatory Booking, Do Not O.R., or Cash Bail Only" while completing the applicant or registration process, or when a felony or gross misdemeanor warrant is located, the Work Applicant Unit personnel will:

- Confirm the warrant with the appropriate agency;
- Advise an officer from the appropriate unit to which the warrant corresponds, *e.g.*, Burglary warrant to Burglary unit, Harassment to Domestic Violence Unit, etc., who will detain the subject away from the Work Applicant Office; the officer will complete the necessary paperwork and contact Emergency Communications personnel for a unit to

- transport the subject to the booking facility;
- Advise Records Section personnel and follow the procedures for completion of associated arrest documents.