

Germantown Police Department

Policies and Procedures

Number: 2-5
Effective Date: January 1, 2003
Subject: City Ordinance Summons
Previous Revisions:

I. PURPOSE

The purpose of this policy is to establish guidelines and procedures for the use of the City Ordinance Summons in accordance with Section 12-104 of the Germantown Code.

II. POLICY

It is the policy of the Germantown Police Department for officers to issue a City Ordinance Summons, in accordance with established departmental procedures, when the officer has probable cause to believe that a person(s) has violated a city ordinance.

III. PROCEDURE

An Ordinance Summons is a ticket issued to an offender by a police officer to appear in the City Court, City of Germantown, for any City ordinance violation other than traffic, showing the offense charged and signed by the offender agreeing to appear at the place and time indicated.

- a. White and Yellow Copy - This is the Court Complaint.

The white and yellow copies of the Ordinance Summons will be filed with the City Court Clerk's office and shall be deemed to be a lawful complaint for the purpose of prosecution. Only police officers acting within the scope of their authority will be empowered to issue said summons.

- b. Blue Copy - This is the officer's copy.
- c. Hard Copy - This is the summons copy (Defendant's copy).

The hard copy is given to the defendant to advise him/her of the date, time, and division and location of court. The court date is assigned by the officer issuing the summons at the time the summons is issued. Officers will set the court date and time on their REGULAR SUMMONS DAY, as is now being done with long traffic

tickets wherein the court date is assigned a minimum of two weeks from the date of issuance.

IV. PHYSICAL ARREST

- A. City Ordinance Summons should not be issued under the following circumstances:
- a. The person arrested requires medical examination or medical care, or if that person is unable to care for his/her own safety.
 - b. There is a reasonable likelihood that the offense would continue or resume, or that persons or property would be endangered if the person is not arrested.
 - c. The person cannot or will not offer satisfactory evidence of identity.
 - d. The prosecution of the offense for which the person was arrested or if another offense would thereby be jeopardized.
 - e. A reasonable likelihood exists that the arrested person will fail to appear in court (i.e., previous warrants for failure to appear).
 - f. The person demands to be taken immediately before a Magistrate or refuses to sign the summons.

Officers should run a check on the individual for warrants prior to issuing the City Ordinance Summons. If the check is positive, officers should make a physical arrest.

V. EVIDENCE

If evidence is seized during the issuance of a City Ordinance Summons, all departmental guidelines, policies and procedures regarding the handling of evidence shall be followed.

VI. ISSUANCE

Before issuance, a supervisor will review the Summons, and the white and yellow copies will be forwarded to the City Court Clerk's Office. There will be no need to fingerprint the defendant at the time of issuance, as is done with the misdemeanor citations.

Whenever any person is served with a City Ordinance Summons, said person shall appear at the date and time set forth therein in court for a hearing of said cause. If said person fails to appear on the date and time, a warrant may be issued.

VII. OTHER CHARGES

In the event an officer feels it is necessary to charge a defendant with both a state charge and a city ordinance violation, the officer should issue the City Ordinance Summons for the city violation and either make a physical arrest or issue a misdemeanor citation for the state charge. However, officers are not encouraged to use this double charging procedure unless absolutely necessary.

VIII. DISTRIBUTION OF CITY ORDINANCE SUMMONS BOOKS

City Ordinance Summons books will be distributed to supervisors who will meet the officer on the scene. Blue copies will be retained by the supervisors.

IX. REVIEW PROCESS

An annual review of this policy shall be conducted to determine if it should be revised, cancelled or continued in its present form.

This order shall remain in effect until revoked or superseded by competent authority.

