



Tulsa Police Department

This policy statement and the procedures thereunder are intended for Police Department use only. The policies, procedures, and regulations are for internal Police Department administrative purposes and are not intended to create any higher legal standard of care or liability in an evidentiary sense than is created by law. Violations of internal Police Department policies, procedures, regulations, or rules form the basis for disciplinary action by the Police Department. Violations of law form the basis for civil and/or criminal sanctions to be determined in a proper judicial setting, not through the administrative procedures of the Police Department.

Policy # 114B

Policy Name Violation of Criminal Ordinances

Approved by *Wendell Franklin, Chief of Police*

Effective Date 08/23/2018

Approved Date 08/22/2018

Previous Date 05/27/2009

PURPOSE OF CHANGE:

To update the policy format.

POLICY:

Per State law, if a resident or nonresident of a municipality served by a municipal court is arrested by a law enforcement officer for the violation of a non-traffic ordinance, the officer shall immediately release the subject if they acknowledge receipt of a citation by signing it. However, if it reasonably appears to the officer that the subject may cause injury to self or others or damage to property if released, or that the person will not appear in response to the citation, or the person is arrested for an offense against a person or property, the officer need not release the subject.

SUMMARY: Procedures for issuing criminal ordinance citations.

APPLIES TO: All sworn personnel

DEFINITIONS:

WILL-FILE – the process used when making a citizen's arrest.

PROCEDURES:

1. Determine whether the violation qualifies for a citation in lieu of physical arrest.
2. Conduct a brief background investigation to determine that the citation and the release procedures are appropriate. This investigation should include:
 - a. Adequate proof of identity.
 - b. Previous criminal record.
 - c. Length of time the violator has resided at the present address.
 - d. Occupation, employer, and length of service with the present employer.
 - e. Adequate proof of residency within the City of Tulsa that will allow service of an arrest warrant if the violator does not honor the citation.
3. For violations not requiring arrest, issue a citation. However, an officer may make an arrest if any of the following conditions exist:
 - a. The violator may cause injury to self or others.
 - b. The violator may cause damage to property.
 - c. The violator is arrested for an offense against a person or property.
 - d. The violator will not appear in response to the citation.

4. If a violator is arrested in lieu of a citation, document the circumstances in the Arrest and Booking Data Sheet or in the Incident Report.
5. Complete the citation in the same manner as outlined in Policy 114A, *Violation of Traffic Ordinances*.
6. When a person commits both citable and non-citable municipal violations, arrest the violator on all charges. Do not issue citations.
7. An *Incident Report* must be completed for all non-traffic citations.
8. For all Municipal weapons offenses, including citations, confiscate the weapon and turn it in to the Property Room as evidence.
9. If a person is arrested on State felony warrants along with open Municipal violations, book the suspect into David L. Moss Criminal Justice Center (DLMCJC) on the State warrants and issue citations for the municipal offenses. However, do not write a citation for a 1st offense misdemeanor DUI. If you arrest a suspect for a misdemeanor DUI, book the suspect into DLMCJC on the State warrants and file the DUI, and any other open offenses, on the respective State charges.
10. Will-file situations will be handled in the following manner:
 - a. When the complainant and the violator are both present, a citation may be issued unless the release of the violator would be a threat to public peace.
 - b. List the complainant as a witness on the citation along with all other witnesses. Include their names and addresses.
 - c. Have the complainant sign and swear to the citation below the space marked INFORMATION CONTINUATION on the back of the citation. The issuing officer will complete the date section and sign on the space marked ISSUING LAW ENFORCEMENT OFFICER.
 - d. Complete an *Incident Report* and include the citation number, the violator's name, DOB, address, and telephone number. Turn in the hard copy of the citation and a records clerk will attach it to the *Incident Report*.
 - e. A police officer is never obligated to arrest, imprison, or otherwise instigate criminal proceedings against someone merely at the direction of a private citizen, particularly where the police officer is satisfied that insufficient grounds existed for making the arrest.
11. Turn in the hard copies of all citations by the end of the shift.
12. If the officer makes an arrest on a will-file violation, the officer will ensure that the complainant is transported to or follows the officer to the main station/records. The officer will then ensure that the complainant signs the information prior to leaving booking and going back into service.

REGULATIONS: NONE

REFERENCES:

11 O.S. 28-114
114A, *Violation of Traffic Ordinances*
142, *City of Tulsa Municipal Jail*