

3.04-4

DAYTON POLICE DEPARTMENT
GENERAL ORDER
REQUESTING SUMMONS IN
MISDEMEANOR CASES



RICHARD S. BIEHL – DIRECTOR AND CHIEF OF POLICE

REV. 12/12

POLICY STATEMENT

The Summons procedure will continue to require police officers to make a DIBRS Incident Report. The Prosecutor, Court Detail Sergeant, or Complainant all share a role in this procedure. When the summons procedure is used, police officers should indicate summons on the appropriate line of the DIBRS report.

I. WHEN TO USE THE SUMMONS ALTERNATIVE

Cases often arise in which the expensive and time-consuming process of arresting, transporting and booking a suspect seems unwarranted to an officer. Although their discretion must govern what they do, an officer may want to consider the Summons procedure in the following Misdemeanor situations:

- A. When removing the suspect from the scene serves no useful purpose.
 - 1. When no immediate threat of violence exists (i.e., shoplifting).
 - 2. Regulatory violations; no complainant, offense not witnessed by a police officer.
 - 3. Offender already in the care of a social agency
- B. When physical arrest places undue hardship on the suspect.
 - 1. Suspect has a physical disability, which would make jail a particular hardship.
 - 2. Suspect requires medical care or attention from injuries received prior to the officer's arrival.
- C. When physical arrest places undue hardship on others.
 - 1. No one available to care for suspect's children.
 - 2. Suspect operating a vehicle and his arrest would strand his passengers.
- D. When arrest makes the situation worse than it is.
 - 1. During a civil disturbance or disorder and arresting a participant could result in further violence.
 - 2. Arrest would force officers to reveal their cover (i.e., surveillance, plain-clothes operations, etc.).
 - 3. Arrest would cause a disturbed or intoxicated suspect to resist arrest, when suspect poses no immediate danger to himself or others.
- E. When suspect is a transient who may leave Dayton, but **appears responsible** enough to return to trial.
- F. When suspect is not a habitual offender.
- G. When suspect has a home, family, and employment in Dayton and is likely to appear in Court.

II. FIELD OFFICER'S RESPONSIBILITY

- A. Obtain vital statistics information from the suspect.
 - 1. Obtain TWO valid identification documents (i.e., driver's license, employee ID card, etc.) from the suspect, unless the officer or complainant knows suspect.



2. Advise the suspect of the following:
 - a. A Summons is being requested in lieu of arrest.
 - b. They will receive a Summons from the Court by certified mail.
 - c. If they fail to appear in Court on the date indicated in the Summons, they will be arrested.

B. Reporting Procedure - Initial Investigation

1. Make a DIBRS Incident **Report**.
2. The following information **MUST** appear in the **Narrative**:
 - a. Detail all provable elements of the offense to establish probable cause. What is said here may determine whether a Summons is **issued or denied**.
 - b. Finish the narrative with a statement listing what identification documents were accepted from the suspect.
3. The following **suspect** information **must** appear:
 - a. Social Security Number
 - b. Date and place of birth
 - c. Place and hours of employment (If unemployed, say so.)
 - d. Color of hair and eyes
 - e. Driver's License or State Identification Card number and State of issue (if they possess one).
4. PHCs, and other **SPECIALIZED** reports, resulting from an investigation where a Summons has been requested, **are necessary**, just as with a physical arrest.

C. Signing The Complaint

1. COMPLAINANT

Advise complainants to appear in the Prosecutor's office at 0930 hours on the **THIRD BUSINESS DAY** after the offense is reported. The delay is necessary because of the "lag time" in getting paper work to the Prosecutor's office.

- If it is necessary to order-in both the complainant and suspect, order one in at 0930 hours and one at 1330 hours.
2. Police Officer as Complainant
- The Court Sergeant will sign ALL complaints when ON-DUTY police officers are the complainants.
 - **OFF-DUTY** police officers, working as private security guards and filing charges, must appear in the Prosecutor's Office like any other complainant.

III. COURT SERGEANT'S OR OFFICER'S RESPONSIBILITY

- A. If the complainant is a police officer; the Court Detail Sergeant will sign the complaint.
- B. Obtain a copy of the DIBRS Incident Report from the Prosecutor. If the Summons has been issued, place the Incident Report in the file to be used in making a statement to the Court at the time of the hearing or trial.
- C. Bring the Incident Report copy to the defendant's hearing or trial.