

General Order

Houston Police Department



ISSUE DATE:

October 4, 2019

NO.

500-14

REFERENCE: Supersedes all prior conflicting Circulars and Directives, and General Order 500-14, dated July 25, 2016

SUBJECT: CLASS C MISDEMEANORS

POLICY

Unless otherwise directed by policy, persons who commit serious Class C misdemeanors (e.g., offenses involving or related to violence, narcotics, vice, breaches of the peace, or criminal mischief) shall normally be incarcerated. If extenuating circumstances make incarceration unwarranted, officers shall seek approval from a field or station supervisor before issuing a citation to a serious Class C violator.

Persons who commit less serious Class C misdemeanors (e.g., traffic violations and regulatory offenses) shall normally be issued citations. In some circumstances, it may be necessary to incarcerate a violator to accomplish the police mission. A decision to do so shall be consistent with the department's values and principles. For department policies and procedures regarding parking violations, see General Order 600-29, **Parking Citations**.

This General Order applies to classified employees only.

DEFINITIONS

Abbreviated Incident Report. An incident report that lacks property information and a narrative and that is entered into the Automated Reporting System (ARS) within the department's Records Management System (RMS) for statistical or historical data purposes or for capturing an incident in the *FBI's National Incident-Based Reporting System (NIBRS)*. An abbreviated incident report shall be generated instead of a complete incident report for only certain incidents specified by the department.

Citation. A ticket issued for a Class C misdemeanor.

Citation Book. A book containing Class C misdemeanor citation forms.

Citation Pack. A correspondence package for dismissing a citation and that contains the following:

- a. A letter addressed to the Chief of Police from an officer requesting a citation dismissal.
- b. A letter written by a requesting officer addressed to the Municipal Courts Chief Prosecutor for the Chief of Police's signature.
- c. A copy of the pertinent citation.

E-Citation. A citation issued for a Class C misdemeanor generated on an electronic citation writing machine. To book an arrestee in jail on a new Class C municipal charge the e-citation device must be used.

Identifying Information. Data useful in identifying and locating an individual:

- a. Name
- b. Date of birth
- c. Social security number
- d. Driver license or identification number
- e. Addresses: home and work
- f. Telephone numbers: home, other
- g. Any other pertinent information that would help to identify and locate an individual

Ticket Supply. The Ticket Supply Office of the City's Municipal Courts Department.

1 CITATIONS

Except as otherwise noted herein, officers may issue citations by using either a citation book or an electronic citation writing machine (e-citation device).

When using a citation book, officers shall print all information on citations completely and accurately to ensure their names and employee numbers are legible on the court's copies of the citations. All blank lines on the citation form shall have the appropriate information entered on them. Officers shall ensure the incident number, any complainant and witness *identifying information*, and any other information necessary to process a municipal complaint is documented on the *front* (never the back) of the court's copy utilizing the available blank space on the citation. Any remaining information along with the citation number may be written on an additional piece of paper and attached to the citation. Officers shall submit all citations at the end of their shift.

Officers using an e-citation device shall ensure that information for all required fields and any complainant and witness *identifying information* are entered into the e-citation device. Officers shall upload e-citations prior to the end of their shift on the day the e-citations were created or following an arrest. Officers shall confirm that the e-citations successfully transferred into the e-citation system.

Citation Books

Officers shall complete a checkout slip for each citation book they obtain. Officers shall return the checkout slip to Ticket Supply or to the designated location in their division. All citations in a book shall be issued or returned to Ticket Supply within three months.

Officers who lose, damage, or misplace any part of a citation book shall write a letter via their chain of command to the Chief of Police explaining the circumstances. Procedures outlined in the *Houston Police Department Corrective Action Manual* shall be followed.

Traffic Citations

Violators who agree to sign the citation and who are operating a Texas licensed vehicle shall not be booked on a speeding charge if it is the only violation for which they are charged. Violators who agree to sign the citation and who are operating a Texas licensed vehicle shall not be booked on a failure to show proof of financial responsibility charge if it is the only violation for which they are charged.

Violators charged with speeding only and whose state of residence is part of the Nonresident Violator Compact of 1977 shall not be booked on the charge.

Violators charged with both speeding and failure to show proof of financial responsibility or other violations, regardless of residence, may be booked on the charges in accordance with section 4 of this General Order.

Violators driving another state's licensed vehicle or a resident of another state that is not participating in the Nonresident Violator Compact of 1977 may be booked on any citation in accordance with section 4 of this General Order.

Officers writing citations within the incorporated areas of Houston, but outside of Harris County, shall place the name of the county in which the violation occurred in parentheses on the same line as the location of the violation.

Refused or Unable to Sign

Officers shall advise violators who refuse to sign a citation that signing the citation is not an admission of guilt, but rather an acknowledgment of receiving a citation and a promise to appear in court at the designated time.

If a violator still refuses to sign the citation, the officer shall print *Refused to Sign* on the line set aside for the violator's signature. Refusal to sign a citation shall not be a basis for taking a violator into custody. The officer shall release the violator if there are no other charges.

After releasing the violator, the officer shall complete a *Refused or Unable to Sign Affidavit* form and attach it to the citation. The affidavit is available on the department's Intranet Portal. The affidavit must be notarized immediately. The citation and affidavit shall be forwarded to the officer's immediate supervisor for review by the end of the officer's shift.

If a violator is unable to sign a citation as a result of severe injury, the officer shall print *Unable to Sign Due to Injury* on the line provided for the violator's signature. The officer shall complete a *Refused or Unable to Sign Affidavit* form and attach it to the citation. The affidavit must be notarized immediately. The citation and affidavit shall be forwarded to the officer's immediate supervisor for review by the end of the officer's shift.

Class C Theft Citations

Citations shall be issued for Class C theft cases (including, but not limited to, shoplifting incidents) when the value of the stolen items is under \$100 and when the suspect's identity is verifiable (e.g., valid identification). Arrests for thefts under \$100 shall be made only with proper supervisory authorization.

When issuing a citation for Class C theft, officers shall document the following information on the e-citation or on the *front* of the court's copy of the citation form.

- a. Incident number
- b. All stolen items – listed on the citation directly after where the violation is written
- c. Complainant and witness *identifying information*
- d. Who has care, custody, and control of the stolen items
- e. Who initially detained the suspect
- f. Retail value of the stolen items

Officers are required to conduct a federated query in the department's Records Management System (RMS) on all suspects prior to issuing a citation or generating an incident report. Any data returned from the query on the suspect will also be available for import into the Automated Reporting System (ARS) within RMS.

In addition to the citation, officers shall complete an *abbreviated incident report* so the theft can be included in the department's statistical and historical data and NIBRS information. It is not necessary to enter property or a narrative in an *abbreviated incident report*. When entering an *abbreviated incident report*, officers shall adhere to the following procedures:

- g. Complete the *Incident* tab. If it is a shoplifting incident, use the report title "Theft-Shoplifting (Cited & Released)."
- h. Complete the *Persons* tab. For the suspect, use involvement "CIT" to indicate cited and released. For a business complainant, use involvement "CAB."
- i. Complete the *Modus Operandi* tab.
- j. Complete the *RCS* tab to owner approve the report.

Complete incident reports shall continue to be generated for theft cases for which no citation is issued.

For shoplifting cases, officers are also to document whether or not a trespass warning was given to the suspect by the place of business. This may be documented in the complete incident report if one is generated, or it may be documented in the call slip when only an *abbreviated incident report* is generated.

2 VOIDING OR DISMISSING CITATIONS

Citations may be voided or dismissed. Requests for citations to be voided or dismissed shall be allowed only for one or more of the following reasons:

- a. Error in writing the citation

- b. Other charges filed in county or district court
- c. Inappropriate charge

Voiding Citations

To void a citation (except parking citations), all copies of the citation must be gathered and the word *VOID* shall be written across the entire front of all copies. The issuing officer shall write the reasons for voiding the citation on the back of the number 2 copy and then place it on the bottom of all gathered copies. The issuing officer and each supervisor in the officer's chain of command through the assistant chief shall sign the number 2 copy. The assistant chief's office shall send all copies of voided Class C citations to Ticket Supply for filing.

For procedures regarding voiding parking citations, see General Order 600-29, **Parking Citations**.

Dismissing Citations

A citation (except parking citations), that has been forwarded to Municipal Courts cannot be voided and may be dismissed only by an official request from the Chief of Police and agreement of the Municipal Courts Chief Prosecutor or by other process of law.

The officer requesting the dismissal shall complete a *citation pack* and forward it to the Chief of Police through the requesting officer's chain of command. Letters for dismissal of citations shall include:

- a. Violator's name
- b. Citation number
- c. Docket number
- d. Court number
- e. Appearance date and time

The letter from the Chief of Police shall conclude by requesting the Municipal Courts Chief Prosecutor to make a recommendation to the court for dismissal of the citation.

Upon the determination of the Chief of Police that the dismissal is justified, the *citation pack* shall be sent to the Municipal Courts Chief Prosecutor.

3 SPECIAL SITUATIONS

Trespassing on School Property

Unless otherwise authorized by a supervisor, officers shall handle trespassing on school property incidents by incarcerating the violator and filing the appropriate trespassing complaint. Officers shall include the complete name and address of the school as well as the complainant and

witness *identifying information* in the detail or notes section of the complaint. Officers shall initiate an incident report and list the incident number on the e-citation.

If a supervisor authorizes an officer to write a citation for trespassing on school property without making an arrest, the officer shall list the incident number and complainant and witness *identifying information* on the e-citation or on the *front* of the court's copy of the citation.

For all trespassing on school property citations, the name of the school shall be listed on the citation following the appropriate charge (e.g., Trespassing on school property – Smith Elementary School).

Towing Vehicles When Drivers Fail to Produce a Driver License

If an officer determines a vehicle should be towed and the sole reason is that the driver does not have a driver license, the officer shall seek a supervisor's permission prior to towing the vehicle. Officers are not required to tow a vehicle if the sole reason for the tow is that the driver does not have a driver license and the officer is not making a custodial arrest. The officer's decision to seek a supervisor's permission to tow a vehicle in situations described above shall be reasonable and based on the principles of sound judgment, taking into consideration whether further operation of the vehicle would constitute a danger to the public to warrant towing the vehicle.

Municipal Courts Houston Homeless Court (HHC) Program

Officers shall not arrest individuals participating in the Houston Homeless Court (HHC) program solely for their outstanding municipal warrants. An individual claiming to be a participant in the HHC program should possess and provide officers with appropriate documentation. Individuals should at least possess a *Promise to Appear* form or officers can confirm their participation by calling the Coalition for the Homeless of Houston/Harris County at 713-739-7514.

4 AUTHORIZATION FOR INCARCERATION

Field supervisors, when present at an arrest scene, shall review the arrest of a violator who has committed a less serious Class C misdemeanor. Except as noted below, if a field supervisor is not at the arrest scene, a supervisor from the arresting officer's division shall, prior to booking, review the arrest of a violator who has committed a less serious Class C misdemeanor.

Officers shall obtain the authorization of a supervisor prior to booking a person who has committed a less serious Class C misdemeanor unless one or more of the following circumstances exist. The violator:

- a. Does not possess sufficient identification.
- b. Has outstanding warrants.
- c. Shall be charged with more serious offenses.

In all cases, jail HPD supervisors have the authority to divert officers and their prisoners to other locations due to the medical condition of the prisoners or jail overcrowding. Officers shall

generate an incident or supplement report if jail personnel or a jail HPD supervisor rejects a suspect for medical reasons.

A supervisor's review and approval is not required to incarcerate a person who commits a serious Class C misdemeanor. If extenuating circumstances make incarceration unwarranted, officers shall seek approval from a field or station supervisor before issuing a citation to a serious Class C violator.

The following options are available to supervisors when considering officers' requests to book or charge a violator:

- d. Approve the request for incarceration.
- e. Order a citation issued to the violator.
- f. Order the violator released without action being taken.

5 ENFORCEMENT OF TEXAS EDUCATION CODE

The Texas Education Code grants broad powers to local school district trustees to establish rules and regulations that address disruptive behavior in schools. However, under no circumstances shall officers issue a citation for disruption of classes, disruptive activities, or possession of cellular telephones using the Texas Education Code as the basis for the complaint. This policy does not preclude officers from enforcing other applicable laws or ordinances.

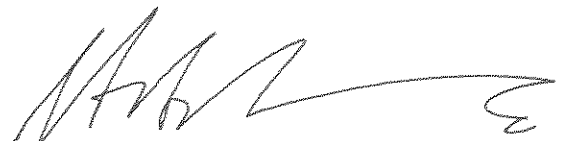
6 MUNICIPAL WARRANTS

To check whether a person has a municipal warrant, officers shall provide all of the following information to the Municipal Courts Warrants Verification Section:

- a. Whether or not the person is in custody.
- b. The person's name, race, gender, date of birth, and driver license or identification number.

The Municipal Courts Warrants Verification Section will advise the officer if there are any outstanding warrants on the person in question, the number of such warrants, and if the warrants are *capias pro fine* (cash only) warrants. Docket numbers and the amount of bond will not be given over the telephone.

If it is determined that a person has a municipal warrant, officers shall record this information in ARS during the "jail initialization" process by indicating the municipal warrant in the charge section. Officers shall refer to General Order 500-08, **Required Booking Information and Procedures**, regarding booking prisoners into jail.



Art Acevedo
Chief of Police