

GENERAL ORDER, OPERATIONS, NUMBER 17  
JULY 3, 2002  
WATERLOO POLICE DEPARTMENT

A. SUBJECT:

Citations in Lieu of Arrest

B. PURPOSE:

To establish policy and procedure for officers of the Department in the issuance of Citations in lieu of physical arrest.

C. POLICY:

It is the policy of the Department that officers may issue a Citation instead of physically arresting and taking a person into custody, according to the following guidelines.

D. PROCEDURE:

1. Definitions

- a. Citation - A form known as the "Iowa Police Citation and Complaint", which contains name and address of the person cited, nature of offense, time and place defendant is to appear in court and the penalty for nonappearance.
- b. Complaint - A form known as the "Complaint", which is filed in court by the officer issuing the Citation, charging the crime stated.
- c. Simple Misdemeanor - A public offense punishable by a fine not to exceed five hundred (\$500) dollars and/or imprisonment not to exceed thirty (30) days.

2. Officers may issue a Citation in lieu of arrest if all of the following conditions exist.

- a. The defendant is an adult.
- b. The occurring offense is classified as a simple misdemeanor according to Code of Iowa or City Ordinance. (Citations may be issued for other offenses up to, and including felonies, when authorized by a Supervisor, except for offenses for which the defendant would not be eligible for bail under Section 811.1, Code of Iowa.)

- c. The defendant is cooperative prior to and throughout the Citation issuance procedure.
  - d. The offense for which the Citation is to be issued is not of a physical, violent or threatening nature.
  - e. The defendant, prior to the receipt of the Citation, agrees that similar offense and/or offenses related to the original public offense will not occur.
  - f. The defendant, if in a public place during the commission of the public offense, prior to receipt of the Citation, agrees to immediately leave the premises after issuance.
3. Once the officer decides to issue a Citation, the following format shall be followed prior to issuance.
- a. A local and NCIC 10-29 inquiry on the defendant shall be requested to determine wanted status.
  - b. A local record check shall be requested to determine the defendant's past criminal activity, if any.
  - c. Determine if the defendant is a resident of Black Hawk County and/or employed within Black Hawk County.
4. If the defendant is not wanted, does not have a local history of considerable criminal activity and is a resident of Black Hawk County, and/or employed in Black Hawk County, the officer may then issue the Citation.
5. The officer shall issue a citation in lieu of arrest to a person under eighteen (18) years of age if:
- a. The occurring offense is a violation of provisions of Iowa Code chapter:
    - 106-106A - Water Navigation Regulations
    - 109-109A - Wildlife Conservation, Endangered Plants
    - 110-110A - Fishing, Hunting, Related
    - 110-B - Licenses, Seized property, and guns, Game Breeding, Migratory Waterfowl
    - 111 - Public Lands and Waters
    - 321 - Motor Vehicles and Law of the Road
    - 321-G - Snowmobiles

County or City municipal curfew or traffic ordinances or a

local ordinance not subject to the jurisdiction of the juvenile court, and shall not detain or confine the juvenile in the Waterloo Jail Facility.

- b. Possession of Alcohol Underage (18, 19, & 20 Year Olds Only)
  - 1. Shall be issued a summons only (use the traffic citation form).
  - 2. An incident report shall be initiated and the incident number shall be written at the top of each citation issued. Make sure to write hard enough and legible enough for the information to register on all copies. As per usual, run 10-29s prior to issuing.
  - 3. The names and pertinent information of **all persons cited as well as any witnesses** must be included in the report. Keep in mind that all sealed containers and any kegs must be seized and tagged. All open containers should be disposed of properly.
  - 4. All citations should be issued under the city ordinance. This charge is a scheduled violation and should be listed as follows:

**3-2-9 C**

Scheduled Vio/Fine	\$100
Surcharge	30
Court Costs	15
Total Fine/Costs	\$145

Issue just like you would a traffic citation by giving the defendants their two copies and turning the remaining copies (original, disposition, and officer) in to the Watch Commander, who will then notarize it and break it down like a normal citation.

- c. A juvenile under the age of 18 who refuses to sign a citation, who persists in engaging in the conduct for which the citation was issued, who refuses to provide proper identification or refuses to identify himself/herself, or who constitutes an immediate threat to their own safety or the safety of the public may be arrested in the manner provided in (c.) below.
  - 1. In addition, or alternatively, the officer may seize the juvenile's motor vehicle operator's license until the time of the juvenile's initial court appearance. The officer making the arrest shall immediately send the seized operator's license and a copy of

the unsigned citation to the Clerk of District Court.

- d. A juvenile arrested under (b.) above shall only be held for the limited purpose of detaining the juvenile in a non-secure area while waiting for transfer to court or an appropriate juvenile facility, for booking, for implied consent testing, for contact and release to the juvenile's parent(s) or for other administrative purposes.
6. The Citation must be completed in its entirety by the officer and signed by the defendant as a written promise to appear in court at the time and place specified. The blue copy of the Citation shall be given to the defendant, the pink copy sent to the prosecutor, the yellow copy to Records Section and the white copy to the court.
    - a. Following the issuing of a Citation in lieu of an arrest, officers shall notify Communication employee of the disposition of the offense.
    - b. Communication employee shall enter disposition Code #15 (Citation Issued) in Field 21 for CFS Module.
  7. The officer, during the same watch and before release from duty, shall complete the Offense Form and the Complaint Form. The Department Incident Number shall be recorded on the Citation, Complaint and the Offense Form by the reporting officer.
  8. Records Section shall perform all required data entry using the Offense Form, Citation and Complaint.
    - a. Offense report data shall be entered in the appropriate modules.
    - b. Citation data shall be entered into the on-line booking system.
    - c. The defendant shall then be assigned a Department arrest identification number and the Citation copy shall be placed in the criminal history folder along with the standard "Waterloo Police Arrest Records", if the defendant has not been previously arrested.
    - d. If the defendant has previously been arrested by the Department and has an assigned arrest number/criminal history file, the Citation shall be placed in the file and the information from the Citation entered on the "Waterloo Police Arrest Record".
    - e. The "Final Disposition Report" shall be completed and submitted to the County Attorney. Once the disposition is recorded on the "Report" and returned to the Department, the disposition shall be entered on the "Waterloo Police Arrest Record".

BY ORDER OF:

Thomas J. Jennings  
Chief of Police