



SACRAMENTO POLICE DEPARTMENT GENERAL ORDERS



523.03

Misdemeanor and Infraction Offenses

07-27-16

PURPOSE

The purpose of this order is to establish procedures for handling misdemeanor reports and individuals arrested or cited for misdemeanor and infraction violations.

POLICY

It shall be the policy of the Sacramento Police Department to investigate circumstances relating to misdemeanor and infraction offenses.

PROCEDURE

A. GENERAL

1. Officers shall check subjects for warrants and verify their identity prior to issuing a citation or arrest.
2. Officers shall release subjects arrested for misdemeanors pursuant to 853.6 PC.
3. Misdemeanor DUI arrests and citations shall be handled pursuant to G.O. 537.01 (Driving Under the Influence Procedures).
4. Misdemeanor Domestic Violence shall be handled pursuant to G.O. 533.04 (Domestic Violence).

B. GUIDELINES

1. To prevent the release of misdemeanor offenders, officers shall
 - a. Give specific details regarding the arrest of any individual charged with 148 PC to their immediate supervisor. If the immediate supervisor is not available, officers shall contact and brief the on-duty watch commander.
 - b. List all applicable 853.6 PC criteria on the Booking/Probable Cause form and verbally remind the booking officer of the reason(s) for the notation.
 - c. List all relevant 853.6 PC booking criteria within related SPD report(s).

C. COMPLETING THE CITATION

1. When issuing a misdemeanor (non-traffic) citation, officers shall
 - a. Document the scheduled court appearance in the appropriate box on the SPD 109 or Electronic Citation Device (ECD) citation.
 - b. Mark the "Booking Required" box and advise the offender of the scheduled court appearance date and that failure to appear will result in an arrest warrant being issued.
 - c. Document the report number and subject's X-reference number on the citation. If the subject does not have an X-reference number, officers shall contact the Records Division (Warrants Radio) and obtain one.
2. When issuing a traffic citation, officers shall
 - a. Document the scheduled court appearance in the appropriate box on the SPD 109 or Electronic Citation Device (ECD) citation.
 - b. Advise the cited subject of the date of the scheduled court appearance if they choose to contest the citation.
 - c. Advise the violator that failure to appear will result in an arrest warrant being issued.
 - d. Advise the cited subject of correctable violations and the scheduled due date to correct the violation(s).

D. THUMBPRINTS

1. If the subject to be cited does not have satisfactory identification, officers shall ensure the cited individual's right thumbprint is affixed on the Notice to Appear form (SPD 109) or on the ECD.
2. If it is not possible to obtain a right thumbprint, a left thumbprint (or any fingerprint) shall be utilized and a notation made on the SPD 109.
3. Officers in the field may use Mobile Identification Devices (e.g., Grab Em) to verify the identity of an individual.

E. REPORTS

1. When completing reports, officers shall include



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- a. The reason(s) for non-release.
- b. The procedure used to identify the offender.
2. In addition to the SPD 109, a Private Person's Arrest form (SPD 108) shall be completed for every adult released from a private person's arrest in the field, if applicable.
3. Juvenile offenders shall be released pursuant to G.O. 540.05 (Arresting/Booking/Releasing Juveniles).
4. Adult DUI drivers injured and transported to a medical facility for treatment shall be released pursuant to G.O. 537.01 (Driving Under the Influence Procedures).

F. POSSESSION OF MARIJUANA

1. For guidance relating to the possession of marijuana for medical reasons (Proposition 215), refer to G.O. 523.11 (Medical Marijuana).
2. If the possession of marijuana is in conjunction with the use of a motor vehicle, and no other serious violation is charged, officers shall charge 23222(b) CVC.
3. When citing an individual under 23222(b) CVC, officers shall complete a General Offense Report and book the marijuana.
4. When possession of marijuana is not in conjunction with the use of a motor vehicle, officers shall use the charge of 11357(b) H&S.
5. Officers charging offenders with 11357(b) H&S shall complete a General Offense Report and book the marijuana as evidence.
6. When subjects are arrested for anything other than a warrant, and found to be in possession of less than one (1) ounce of marijuana, DO NOT issue a citation on the marijuana charge. The 11357(b) H&S charge shall be listed as an additional charge on the arrest report.
7. When subjects are cited and released on other charges and found to be in possession of less than one (1) ounce of marijuana, the 11357(b) H&S charge shall be listed as an additional charge on the same citation.

G. COMPREHENSIVE ALCOHOL TREATMENT CENTER (CATC)

1. When responding to the CATC to take charge of a detainee who has committed a subsequent crime, officers shall have the CATC personnel complete a Private Person's Arrest form (SPD 108).
2. If CATC personnel refuse to complete an SPD 108, a supervisor shall be notified.
3. If the subject is arrested, officers shall transport the individual to the Sacramento County Jail and book him or her on the appropriate charge (e.g., 242 PC, 594 PC, etc.).

H. RECEIVING MISDEMEANOR OFFENSE COMPLAINTS

1. Officers shall conduct a preliminary investigation to determine if a crime took place.
2. When crime reports are taken, officers shall advise the victim(s) that they will be contacted by detectives if further information is needed.
3. Officers shall advise the victim(s) to contact the Office of Investigations if they develop additional information to their report, such as suspect information or new investigative leads.
4. Officers shall advise the victim(s) to submit a supplement to the original report online **ONLY** if it is associated with additional information related to property (e.g., serial numbers, property description, etc.).
5. When applicable, officers shall give the victim(s) or reporting party the General Offense number for reference.

I. ARRESTS BY PRIVATE PERSONS

1. If there is probable cause to believe a criminal offense has occurred, officers shall
 - a. Accept custody of the arrestee and obtain a signed copy of the SPD 108 from the private person making the arrest.
 - b. Process the arrestee by citation or booking.
 - c. Advise the arresting party the complaint will be forwarded to the District Attorney's Office.
 - d. Advise the arresting party they will be contacted by detectives if any additional information is needed.
2. Officers should seek the consent and cooperation of the person desiring to make the arrest to have the matter handled by other means not requiring a Private Person's arrest.
3. If there is no probable cause that a criminal offense has occurred, officers shall explain the reason to the person desiring to make the private person's arrest.



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- a. If the private person insists on making the arrest, the officer shall refuse to accept custody of the arrestee and notify his or her supervisor.
- b. Officers shall complete an incident report detailing all of the facts, circumstances, and evidence bearing on the officer's determination to refuse to accept custody.

J. JUVENILES

1. A private person's arrest is not necessary when handling juveniles.
2. In juvenile misdemeanor cases, officers should cite and release in lieu of a physical booking.
3. Officers may take a juvenile into custody and transport the minor to Juvenile Hall in cases of assault or serious misdemeanor events.

K. ARRESTS/INTERVIEWS AT BUSINESSES/SCHOOLS

1. When possible, officers shall contact the person in charge of the business or school before making an arrest or conducting an interview.
2. Officers should not disclose the nature of the interview/arrest with the person in charge of the business or school.
3. Officers should attempt to isolate a potential arrestee or interviewee from the common areas of the business or school by requesting the subject be brought to the officer.
4. Officers shall notify the district sergeant when conducting interviews and/or arrests on school grounds during regular business hours or during after-hours school functions. **NOTE:** Not applicable to School Resource Officers (SRO's) working their respective schools.