

Geneva Police Department GENERAL ORDERS		APPEARANCE TICKETS	
<input type="checkbox"/> new: <input checked="" type="checkbox"/> rescinds: Policy & Procedure SECTION 72 <input type="checkbox"/> amends:		cross-reference: G.O. 120 / G.O. 435 / G.O. 505 / G.O. 510 Accreditation/Recognition standards: C.A.L.E.A.: 1.2.5 NYS L.E.A.P.: 50.8	
effective date: 4.30.04	issue/amend date: 4.30.04 / 2.19.15 / 11.3.20		

I. PURPOSE	The purpose of this General Order is to establish and describe policies and procedures for the issuance of appearance tickets.
II. POLICY	<p>A. It is the policy of the Geneva Police Department (GPD) to use appearance tickets consistent with applicable legal provisions, public safety concerns, and when it is reasonable to believe that the defendant will appear in court as directed. Subject to the provisions as set forth in this Order, appearance tickets may be issued as follows:</p> <ol style="list-style-type: none"> 1. In the field by police officers without bail; or 2. At the Public Safety Building (PSB) after booking procedures.
III. DEFINITIONS	<p>A. Appearance Ticket- §150.10-1 NYSCPL- An appearance ticket is a written notice issued and subscribed by a police officer and directs a designated person to appear in a designated local criminal court, on a designated date in connection with his/her alleged commission of a designated offense.</p> <ol style="list-style-type: none"> 1. The appearance ticket is <u>not</u> an accusatory instrument and is merely a notice for the defendant to appear in court and for notifications of future court appearances as assigned by the Courts. Therefore, in order to convey jurisdiction to the court, the officer must file an accusatory instrument at or before the time the appearance ticket is returnable in accordance with normal procedures. See NYCPL §150.50.
IV. CRITERIA FOR THE ISSUANCE OR NON-ISSUANCE OF APPEARANCE TICKETS	<p>A. Appearance tickets WILL NOT be issued by officers in the field for the following cases:</p> <ol style="list-style-type: none"> 1. The defendant is arrested for any felony; 2. The defendant is arrested for any domestic violence related offense; See GO 435 Domestic Incidences and Orders of Protection §XIV. 3. Any offense that requires the defendant to be fingerprinted. 4. The defendant is arrested for DWI; 5. There is reason to believe that the release of the defendant may present a threat of physical violence or a threat to the safety of the community; 6. The defendant is arrested for any bench warrant regardless of the underlying charge; 7. The defendant is arrested on a Family Court warrant; 8. The defendant’s true identity cannot be reasonably determined; 9. The residency of the defendant cannot be reasonably determined; 10. The defendant appears to be under the influence of alcohol, narcotics, or other drug to the degree that he may endanger him/herself or other persons; 11. There is an investigative reason to hold the defendant, (e.g., the Detective Bureau is seeking to interview such person or there is need to obtain a photograph of the defendant; or

IV. CRITERIA FOR THE ISSUANCE OR NON-ISSUANCE OF APPEARANCE TICKETS (cont.)

12. There is reason to believe that the defendant may continue or repeat the conduct for which he/she was arrested or may otherwise violate the law.

Note: Officers are not required to issue an Appearance Ticket if the defendant has failed to appear in Court proceedings in the last 2 years.

B. In cases where one or more of the aforementioned conditions or circumstances listed above in **§IV(A)** exist, officers in the field will not issue an appearance ticket.

1. In such cases, the defendant will be transported to the PSB, where they will be booked in, issued an appearance ticket and released (if applicable) or transported to the Ontario County Jail for Centralized Arraignment in accordance with **NYCPL §150.30** and this General Order. *See §VI* below.

C. Cases in which issuance of Appearance Tickets in the field may be permitted

1. Appearance tickets may be issued by officers in the field and the defendant released prior to arraignment for all non-felony offenses provided that none of the conditions or circumstances as set forth above in **§IV(A)** exist.

a. Exceptions to this may be authorized by the duty supervisor for good cause.

b. Any issuance of an appearance ticket in the field must be done after consultation with the duty supervisor.

2. The officer may issue the appearance ticket at the scene of the incident or other convenient location, or at the PSB after any necessary processing. This decision will be made by the duty supervisor depending on the circumstances of the particular case.

D. Cases involving Emotionally Distressed Person (EDP)

1. If the defendant is showing signs of an EDP and an Appearance Ticket **CAN** be issued, the defendant will be issued the Appearance Ticket and brought to a Mental Health Facility for further treatment.

2. If the defendant is showing signs of an EDP and must be arraigned, then the officer will transport the defendant to Centralized Arraignment. *See G.O. 505 - Prisoner Transport Procedures.*

**V. APPEARANCE
TICKET
PROCEDURES**

A. E Felonies, Misdemeanors and Petty Offenses

1. Appearance tickets may be issued by officers in the field for misdemeanors and petty offenses in accordance with the provisions of this Order. *See §IV* above.
2. In cases in which the defendant is not issued an appearance ticket in the field, the defendant will be taken into custody and brought to the PSB for booking procedures.
3. After booking procedures are completed, appearance tickets for E felonies, misdemeanors or petty offenses may be issued at the PSB at the discretion of the duty supervisor:

B. Felonies

1. All defendants arrested on a felony charge must be brought to the PSB for booking procedures.
2. Under the following circumstances, a defendant charged with a Class A, B, C or D Felony **MUST** be held for arraignment. An appearance ticket may **not** be issued when:
 - a. The defendant has been arrested for any felony and it appears that the defendant has two (2) or more prior felony convictions;
 - b. The defendant has been arrested for any of the following New York Penal Law class E felonies:
 1. 130.2 5- Rape 3rd
 2. 130.40 - Criminal Sexual Act 3rd
 3. 205.10 - Escape 2nd
 4. 205.17 - Absconding from Temporary Release 1st
 5. 205.19 - Absconding from a Community Treatment Facility
 6. 215.56 - Bail Jumping 2nd
 7. Any felony committed as a result of a domestic violence incident;
 8. Any felony including allowable Class E felonies in which it appears that the defendant has two (2) or more prior felony convictions.
3. Subject to the provisions as set forth in this Order, a supervisor may direct that an appearance ticket be issued for any Class E felony not listed above.

C. General Rules for All Appearance Tickets

1. Prior to the defendant being issued an appearance ticket:
 - a. A warrant check will be made using both the NYS e-Justice system and Department warrant check procedures.
 - b. Obtain the defendant's contact information (phone numbers, address, email, etc.) for the purposes of receiving further Court notifications

**V. APPEARANCE
TICKET
PROCEDURES
(cont.)**

D. Fingerprinting and Photographing

1. All defendants arrested for felonies and printable misdemeanors, will be brought to the PSB for booking procedures prior to being released on an appearance ticket. The arresting officer or other assigned officer will ensure that the defendant is fingerprinted and photographed pursuant to established Departmental procedures. ***See G.O. 510 - Prisoner Booking and Detention Procedures § VI (C)(10)(a)*** and the procedures and conditions as set forth in §160.10 of the New York State Criminal Procedure Law.
 - a. If a defendant is released on an appearance ticket and not fingerprinted due to extenuating circumstances, the arresting officer will note both in their incident and arrest report that the subject was not fingerprinted.
 - b. The Civil Officer (C.O.) will review arrest reports and note any defendants who have not been fingerprinted. Upon appearance by the defendant in City Court, the C.O. will fingerprint the defendant unless extenuating circumstance arise at which time the C.O. will advise the on-duty Supervisor that the defendant must be fingerprinted.

E. Release on Appearance Ticket with Waiver of Liability

1. Any defendant showing signs of intoxication will not be released on an appearance ticket unless the defendant is able to contact a third-party adult who will respond to the PSB and sign a “Waiver of Liability for Release of Intoxicated Subject in Custody Form”. If unable to locate a third-party the defendant will be brought to the Emergency Room to be medically cleared prior to be brought to Centralized Arraignment.

Approved By

MICHAEL J. PASSALACQUA
CHIEF OF POLICE