

<p style="text-align: center;">East Haven Police Department</p> 	Type of Directive: Policies & Procedures		No. 424.3
	Subject/Title: Misdemeanor Summons Arrests	Issue Date: May 28, 2015	
		Effective Date: July 1, 2015	
	Issuing Authority: Honorable Board of Police Commissioners	Review Date: Annually	
References/Attachments: N/A Connecticut General Statutes § 53a-23, 53a-25, 53a-26, 53a-27, 54-1f, 54-2a, 7-276		Rescinds: 424.2	Amends: N/A

I. PURPOSE

- A. The purpose of this directive is to set forth the policies and procedures of the East Haven Police Department regarding when an officer shall release individuals through the issuance of a warrantless misdemeanor summons.
1. This process avoids the unnecessary delays and inconvenience caused by the transportation and processing of arrestees prior to release.

II. POLICY

- A. It is the policy of the East Haven Police Department (EHPD) that officers review each instance where a misdemeanor summons may be issued, and based upon the totality of the circumstances involved, the interview conducted, and the guidelines set forth in this directive, decide whether or not a misdemeanor summons may be issued in lieu of a custodial arrest.
- B. This directive is intended to insure that individuals arrested are treated equitably and in accordance with the law.
- C. Every Officer is authorized to release misdemeanor offenders 18 years of age and over on their written promise to appear in court. The procedures for misdemeanor summons release described in detail below, involve the issuance of a misdemeanor summons to the arrestee at the scene of the arrest in appropriate cases.

III. DEFINITIONS

- A. Summons: A notice summoning a defendant to appear in court.
- B. Misdemeanor: An offense for which a person may be sentenced to a term of imprisonment of not more than one year. (C.G.S. 53a-26).

IV. PROCEDURES

- A. The issuance of a misdemeanor summons is not a substitute for arrest and has no effect on the status of an arrest. Misdemeanor summons can only be issued after an arrest has been made. Officers must continue to determine that an arrest should be made based upon an officer's judgment that an offense has been committed and an arrest is appropriate.
- B. For any warrantless arrest, an officer will issue a misdemeanor summons to anyone he or she has probable cause to arrest for any misdemeanor violation of the law as defined under Connecticut General Statutes 53a-26. See Policies and Procedures # 412 – Arrests.
- C. For an officer to issue a misdemeanor summons on scene in lieu of a custodial arrest for a misdemeanor crime(s), the arrested subject shall meet the following conditions. Failure to meet this criterion requires that an officer make a custodial arrest.
 - 1. Have properly issued government identification or whose identity is known to the officer(s) as the individual.
 - 2. The crime being charged is not domestic violence related.
 - a. Under certain exigent circumstances an officer may still need to issue a misdemeanor summons for a domestic violence matter. An example is a dual arrest in which one of the arrested subjects must care for young children, a person involved must be sent to the hospital, etc.
 - b. In this case, the officer must receive permission from the on duty supervisor prior to issuing a summons and the officer shall document why a summons was issued.
 - c. All court required domestic violence release paperwork must still be completed and signed by the arrested subject and officer where applicable.
 - d. The officer or dispatch will promptly enter the Family Violence Conditions of Release into COLLECT/NCIC.

3. The arrested subject must not have any cases pending for failure to appear or has not been arrested and/or convicted of failure to appear within 12 months preceding the arrest.
 4. The crime being charged does not involve any of the following.
 - a. The use of a weapon.
 - b. A sex offense.
 - c. The Connecticut General Statutes mandates for the offense being charged that a custodial arrest has to be made.
 5. The arrested subject must sign the misdemeanor summons and all other paperwork required by the court to acknowledge that they will appear in court on the date and time required.
- D. An officer may obtain permission from the on duty supervisor to a make a custodial arrest instead of issuing a misdemeanor summons.
1. The officer must document in the case report the reason why a custodial arrest was made instead.
 2. The supervisor's decision is to be based upon the standards outlined below.
 - a. Is there a substantial danger that if immediately released, the arrestee will continue the offense?
 - b. Is there a need to detain the arrestee to prevent injury to himself or herself, the Arresting Officer, or other persons?
 - c. Does the arrestee understand that he/she has been arrested and must appear in court?
 - d. Does the arrestee demonstrate sufficient ties to the local area to make it likely that he/she will appear in court?
 3. The first three factors are to be judged on the basis of the situation at the time of arrest. They require the exercise of individual judgment by each supervisor on the basis of all the facts available. The fourth factor, likelihood of appearance in court, should be evaluated from the information gained in the misdemeanor summons interview. Ties to the local area will form the basis of this judgment. No specific length of residence or job or number of local relatives is required. The existence to some tie based upon any one factor or combination is enough to satisfy the likelihood of appearance in court by the defendant.
- E. Misdemeanor Summons Interview Procedure
1. To determine the arrestee's likelihood of appearing in court, a misdemeanor summons interview must be held. Ask sufficient questions of the subject to determine his/her

ties to the local area. Such factors as residence, years of residence, employment, etc., are factors which increase the arrestee's likelihood of appearance in court.

2. Arrestees should also be told that if they refuse to answer the interview questions or sign the misdemeanor summons, they will have to be taken to the police department for formal booking.

F. Misdemeanor Summons Issuance

1. To issue a misdemeanor summons, complete the form and be sure that it is signed by both the Arresting Officer and the arrestee.
2. Obtain a court date from dispatch, except in domestic violence cases. Domestic violence cases require an appearance on the next day court is open.
3. The arrestee should be warned that failure to appear in court on the date set on the misdemeanor summons will result in the issuance of a warrant for his/her arrest and additional charges.