

512.00 ALTERNATIVES TO PHYSICAL ARREST AND CONTINUED PHYSICAL CUSTODY

- Release after arrest:
 - “16-3-105. Release by arresting authority. (1) When a person has been arrested without a warrant, he may be released by the arresting authority on its own authority if:
 - The arresting officer or a responsible command officer of the arresting authority is satisfied that there are no adequate grounds for criminal complaint against the person arrested; or
 - The offense for which the person was arrested and is being held is a misdemeanor or petty offense, and the arresting officer or a responsible command officer of the arresting authority is satisfied that the person arrested will obey a summons commanding his appearance at a later date.
 - If the defendant refuses to sign a quasi-criminal municipal summons, the officer may issue the summons and not require the defendant to post bond.
- Summons and Complaint: A summons and complaint may be issued by a police officer for a misdemeanor offense or petty offense committed in the officer’s presence or if not committed in his presence, which he has probable cause to believe was committed by the person charged.
- Penalty Assessment: When an officer arrests a person for a class 2 petty offense, he may issue a penalty assessment. If the person given a penalty assessment chooses to acknowledge his guilt, he may pay the specified fine by mail. If he chooses to contest the citation, he shall appear as required by the notice.
- PST/ACO’s Issuing Authority:
 - A Public Safety Technician (PST) may engage in the issuance of summons and complaints into the Municipal Court for violations of the City Code with the following restrictions. The PST must have been trained in the completion of summons and complaints and of the enforcement of laws as it relates to municipal violations. The PST has no power of arrest, other than that of a private citizen, and in their role as a PST, may not engage in custodial arrests. Under this Ordinance, PST’s may issue a summons for violations of the City Traffic Ordinances

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at accident scenes, or may engage in non-criminal code enforcement activities.

- Compulsory Joinder: C.R.S. 18-1-408(2) requires that all charges arising from the same criminal episode be brought in a single prosecution.
 - When arresting an individual for violations stemming from one criminal episode involving both state and municipal violations, do not split the charges between the courts. Cite the person either into the state court or the municipal court.
 - When arresting an individual for both felony and misdemeanor charges stemming from a single criminal episode, do not issue a summons for the misdemeanor violation; include the charge on the bonding sheet with the felony charge.
- Felony Summons: For certain felony violations not committed in the officer's presence, or otherwise not falling into a category for which the officer may make an immediate arrest, the officer will request the issuance of a felony summons rather than an arrest warrant. If the officer can establish reasonable grounds to assert that if the subject is not taken into custody he will flee to avoid the summons, has failed to respond to a summons in the past, or the location of the subject is unknown, the officer may request the issuance of an arrest warrant for class 4, 5, or 6 felony violations.

General Order 512.00	Reviewed: 03/19
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Authorized by Mark Jones, Police Chief	
Effective Date: March <u>25</u>, 2019	
<i>Mark Jones</i> _____ Signature	Date: <u>March 25, 2019</u>