

Summons Releases

410.1 PURPOSE AND SCOPE

The purpose of this policy is to provide members of the Louisville Police Department with guidance on when to release adults who are suspected offenders on a summons for a criminal offense, rather than having the person held in custody for a court appearance or released on bail.

Additional release restrictions may apply to those detained for domestic violence, as outlined in the Domestic Violence Policy.

410.2 POLICY

The Louisville Police Department will consider its resources and its mission of protecting the community when exercising any discretion to release suspected offenders on a summons, when authorized to do so.

410.3 RELEASE

A suspected offender may be released on issuance of a summons as follows:

1. For a misdemeanor or petty offense when the officer is satisfied that the person will comply with the requirements of the summons (CRS § 16-3-105)
2. For a civil infraction (CRS § 16-2.3-103)
3. For certain traffic violations punishable as a misdemeanor, petty offense, or misdemeanor traffic offense in accordance with CRS § 42-4-1707
4. For a violation or attempted violation of a protection order as described in CRS § 18-6-803.5(3)(b.5)

In addition, for civil infractions and certain parking violations, the officer may give the offender a penalty assessment notice and release the offender upon its terms (CRS § 16-2-201; CRS § 16-2.3-102; CRS § 42-4-1701(5)(a)). The penalty assessment notice must be a summons and complaint that contains the information required by CRS § 16-2-201, CRS § 16-2.3-102, or CRS § 42-4-1707.

410.3.1 FELONY SUMMONS

The District Attorney of the 20th Judicial District has authorized the use of a felony summons within the judicial district under the following circumstances:

- Only felony crimes that are a class five, six, or an unclassified felony not punishable by more than 10 years in prison, are eligible for the felony summons procedure.
- Felony crimes covered by the Victim Rights Act (CRS §24-4.1-302) are ineligible for the felony summons procedure.
- A prior felony arrest within the preceding five years disqualifies a defendant from being eligible for the felony summons procedure.

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A. Process

1. Once a defendant has been determined to be eligible for the felony summons process, they should be placed into custody, and be booked and released through the jail.
 - a. The defendant may be placed into custody, or an appointment can be made for them to surrender themselves at the jail to the arresting officer by appointment.
2. The officer shall complete an arrest report and all related documentation required for any arrest processed through the Boulder County Jail.
3. The officer shall complete a felony summons, which identifies the defendant, their biographical data, and lists all charges the defendant is facing in the case, including any lesser misdemeanor charges.
4. A court date for the summons is obtained from the 20th Judicial District's Summons and Bond Appearance schedules, which are published monthly by the Clerk of the Court. The felony summons court date is the same date as the felony bond return date and should be indicated as such on the schedule.
 - a. All first appearance return dates on the felony summons require a return appearance in the County Court at the Boulder County Jail.
5. If the defendant refuses to sign the felony summons, it renders them ineligible for the process and they must be lodged on the charges.

B. Paperwork Process

1. Officers are responsible to file the appropriate paperwork at the Boulder County Jail as well as completing the felony packet.

C. Process Exceptions

1. In extenuating circumstances (e.g. the defendant is hospitalized and unavailable, is in extremely poor health, etc.), and upon the approval of a supervisor, a defendant may be issued a felony summons without being booked and released through the Boulder County Jail.
 - a. If a defendant is issued a summons without being booked and released, the arresting officer is responsible to make arrangements for the defendant to surrender themselves at the Boulder County Jail for the statutorily-required booking photograph, fingerprints, and DNA collections to occur.
 - b. Officers who issue a felony summons without a book and release are required to file the original summons, along with all victim information, with the Clerk of the Court to initiate a criminal case.
 1. The case must be filed with the Clerk of the Court within 24 business hours of the arrest. The arresting officer must also provide their contact information to the Clerk of the Court, in the event any information needed for their system entry is lacking.
 - c. The District Attorney's Office will receive notification of the issuance of a felony summons through the receipt of the felony packet.
 1. The felony packet coversheet shall prominently indicate that the case was initiated through the felony summons procedure.

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410.4 PROHIBITIONS

The release of a suspected offender on a summons is not permitted for felony offenses, except when local district attorney has approved criteria for the issuance of a summons for non-violent offenses pursuant to CRS § 16-5-206 (CRS § 16-3-105).

See the Domestic Violence Policy for release restrictions related to those investigations.

410.4.1 PROHIBITIONS IN CERTAIN NON-VIOLENT OFFENSES

A summons, otherwise authorized pursuant to procedures approved by the local district attorney, shall not be issued in lieu of a custodial arrest when an officer reasonably believes that any of the following apply (CRS § 16-5-206):

- a. There is a reasonable likelihood that the person will not appear in court.
- b. The defendant has had a felony arrest during the preceding five years.
- c. There is an allegation that the defendant used a deadly weapon (e.g., firearm, knife, bludgeon, any other weapon capable of producing death or serious bodily injury) in the commission of the crime.
- d. The person has an outstanding arrest warrant.

410.5 CONSIDERATIONS

In determining whether to cite and release a person when discretion is permitted, officers should consider:

- a. The type of offense committed.
- b. The known criminal history of the suspected offender.
- c. The ability to identify the suspected offender with reasonable certainty.
- d. Whether there is any record of the individual failing to appear in previous cases or other articulable indications that the individual may not appear in court for this offense.
- e. The individual's ties to the area, such as residence, employment, or family.
- f. Whether there is reasonable likelihood that criminal conduct by the individual will continue.

410.6 REQUESTING CASE NUMBERS

Many cases involving a criminal citation release can be handled without requesting a case number. Traffic situations and local code violations can be documented on the reverse side of the records copy of the citation. However, most state statute sections will require a case number to document the incident properly in a report. This section does not preclude an officer from requesting a case number if he/she feels the situation should be documented more thoroughly in a case report.

410.7 OUT-OF-COUNTY WARRANT ARRESTS

Persons who have municipal only warrants out of another county, will not be accepted at the Boulder County Jail. If an officer contacts a party with a municipal only warrant, outside of Boulder County, and the warrant is extraditable, the officer may do the following:

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1. Contact the originating agency and arrange a transfer.
 - a. This requires supervisory approval if leaving the jurisdiction.
2. Bring the party to the LPD to book and release the party if they are able to pay the bond.
 - a. The arresting officer must then complete the following:
 - a. Obtain a return court date from the originating court
 - b. Complete a bond sheet advising the party of the new court date
 - c. Provide the bond money to the court clerk
 - d. Complete a locate on the warrant so it is removed from the system
 - e. Photograph and fingerprint the party
 - f. Complete a case report

