

# Appearance Tickets

## 411.1 PURPOSE AND SCOPE

### Best Practice

The purpose of this policy is to provide members of the Syracuse Police Department with guidance on when to release adults who are suspected offenders on an appearance ticket for a criminal offense, rather than having the person held in custody. Additional release restrictions may apply to those detained for domestic violence, as outlined in the Domestic Violence Policy.

## 411.2 POLICY

### Best Practice

The Syracuse Police Department will consider its resources and its mission of protecting the community when exercising any discretion to release suspected offenders on an appearance ticket, when authorized to do so.

## 411.3 RELEASE

### State MODIFIED NY\_CALEA6.13 - 1.2.6

A suspected offender may be released on issuance of an appearance ticket for all other offenses except any of the crimes listed in the Prohibitions section of this policy (CPL § 140.20; CPL § 140.27; CPL § 150.20).

Prior to release, an officer shall inform the arrestee of their option to provide contact information for purposes of receiving a reminder of their court appearance date (CPL § 150.10). The contact information should be recorded and promptly filed with the appropriate criminal court along with the citation (CPL § 150.80).

### 411.3.1 RELEASE BY PEACE OFFICER

#### State MODIFIED NY\_CALEA6.13 - 1.2.6

If the officer is a peace officer, the officer may issue and serve an appearance ticket if specially authorized by state or local law. Otherwise, the officer shall enlist the aid of a police officer and request that the police officer issue and serve an appearance ticket upon the arrested person (CPL § 140.27).

### 411.3.2 RELEASE FOLLOWING FINGERPRINTING AND PHOTOGRAPHING

#### State MODIFIED NYSLEAP- 8.7 - 50.8

Following the issuance of an appearance ticket, for a felony, a misdemeanor defined in the penal law, or a misdemeanor defined outside the penal law that would constitute a felony if the accused had a previous judgment of conviction for a crime, the accused will be fingerprinted and photographed after his or her arraignment, by a member of the Onondaga County Sheriff's Office. (CPL § 160.10)

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An officer should take fingerprints of a person arrested for any offense, prior to release on an appearance ticket, if the officer:

- (a) Is unable to ascertain the person's identity.
- (b) Reasonably suspects that the person is providing false identification information.
- (c) Reasonably suspects that the person is sought by law enforcement for some other offense.

A photograph and palm prints of the arrested person may be taken along with their fingerprints.

#### 411.3.3 APPEARANCE TICKET RETURN DATE

**State**

Officers should make all appearance tickets returnable in the appropriate local criminal court as soon as possible, but no later than 20 days from the date of issuance, or at the next scheduled session of the appropriate court, if such session is scheduled to occur more than 20 days from date of issuance (CPL §150.40).

#### 411.4 PROHIBITIONS

**State**

The release of a suspected offender on an appearance ticket is not permitted when the person is accused of an A, B, C or D felony or a violation of the following class E felonies (CPL § 140.20; CPL § 150.20):

- (a) Rape in the third degree (Penal Law § 130.25)
- (b) Criminal sexual act in the third degree (Penal Law § 130.40)
- (c) Escape in the second degree (Penal Law § 205.10)
- (d) Absconding from temporary release in the first degree (Penal Law § 205.17)
- (e) Absconding from a community treatment facility (Penal Law § 205.19)
- (f) Bail jumping in the second degree (Penal Law § 215.56)

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

#### 411.5 INITIAL CONSIDERATIONS

**State** **MODIFIED**

Officers should issue an appearance ticket, rather than effect a custodial arrest, for any offense other than a class A, B, C, D felony or a violation of § 130.25, 130.40, 205.10, 205.17, 205.19, or 215.56 of the Penal Code, unless there is reason to believe the individual:

- (a) Has one or more outstanding local criminal court or superior court warrants.
- (b) Has failed to appear in court proceedings in the last two years.
- (c) Has not made their identity or method of contact known even after a reasonable opportunity to do so.

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- (d) Has been charged with a crime between members of the same family or household (CPL § 530.11).
- (e) Is charged with a sex offense under Article 130 of the Penal Law.
- (f) Should be brought before the court for consideration of an order of protection under the circumstances of the offense.
- (g) Is charged with a crime for which the court may suspend or revoke their driver license.
- (h) Reasonably appears to need immediate medical or mental health care such that it would be in their best interest to be brought before the court.
  - 1. In such cases, officers should make reasonable efforts to secure medical or mental health services (CPL § 150.20) (see the Emergency Admissions and Medical Aid and Response Policies).

#### 411.5.1 CONSIDERATIONS

##### **Best Practice**

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.

#### 411.5.2 IMPAIRMENT

##### **Best Practice** **MODIFIED**

Intoxication is not a factor to be considered in whether or not to issue an appearance ticket. Officers should consider the suspected offender's apparent level of impairment due to alcohol and/or drugs prior to release on an appearance ticket and follow the Medical Aid and Response Policy as applicable. For impaired suspected offenders who do not require medical aid, officers should consider arranging release to a responsible person.