



PHILADELPHIA POLICE DEPARTMENT DIRECTIVE 12.10

Issued Date: 12-05-16	Effective Date: 12-05-16	Updated Date:
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SUBJECT: ISSUANCE OF NON-TRAFFIC SUMMARY CITATIONS/CVNs

1. POLICY

- A. Persons charged in Summary Cases will be issued a Non-Traffic Summary Offense Citation (03-8) or CVN.
 - 1. Mayor’s Executive Order No. 8-16 mandates that Philadelphia Police Officers shall utilize the City Code, as opposed to the Pennsylvania Crimes Code, when citing individuals for summary level Disorderly Conduct, Failure to Disperse, Public Drunkenness or Obstructing a Highway or other Public Passage.
 - 2. Therefore, any individual observed engaged in summary level Disorderly Conduct, Failure to Disperse, Public Drunkenness or Obstructing a Highway or other Public Passage will be issued a Code Violation Notice and cited with the appropriate section of City Code §10-615(2).

- B. Issuance of Summary Citations or CVNs by Philadelphia Police Officers WILL BE conducted on the street, similar to the procedure followed when issuing TVRs. PA State Law states that the law enforcement officer MAY NOT take the defendant into custody and transport to the police station for issuance of the Citation or CVNs, as arrests without a warrant in summary cases are authorized only in exceptional circumstances such as:
 - 1. Cases involving enhanced penalties (i.e., retail theft and other upgradeable offenses);
 - 2. Defendant fails to produce identification;
 - 3. When there is violence or imminent threat of violence; or
 - 4. When there is likelihood that the defendant will flee.

NOTE: Title 42, Pa. C.S. §8902 authorizes arrests without a warrant under Title 18, Crimes Code of Pennsylvania, when a Police Officer has probable cause from viewing ongoing conduct which imperils the personal security of any person or endangers public or private property when such conduct constitutes certain summary offense(s). (PLEAC 1.2.4)

- a. General rule: Warrantless arrest, upon probable cause, shall only be authorized for the following summary offenses of Title 18 when there is ongoing conduct that imperils the personal security of any person or endangers public or private property:
 - 1) Underage purchase/possession of liquor (18 Pa.C.S. §6308).
 - C. Under no circumstances will a Non-Traffic Summary Citation Form (03-8) be issued for Pennsylvania Crimes Code §§5502 (Failure to Disperse); 5503 (Disorderly Conduct); 5505 (Public Drunkenness); and 5507 (Obstructing Highways and other Public Passages).
 - D. This policy is limited to summary level violations only and does not prohibit officers from arresting any individual where probable cause exists of a misdemeanor level offense. Any individual arrested for a misdemeanor level offense will be processed through the appropriate detective division.
 - E. A defendant shall not be slated, fingerprinted, or photographed, except as provided by law.
 - F. A police officer may issue a Citation or CVN based upon information that the offender has committed a summary violation, which may be received from:
 - 1. A personal observation of the commission of the offense;
 - 2. A witness;
 - 3. Another Police Officer; or
 - 4. An investigation.
 - G. See Appendix 'A' of this directive for processing juveniles for a Summary Citation or CVN.
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2. PROCEDURE FOR ISSUANCE OF CITATIONS ON THE STREET

- A. The Issuing Officer will ensure:
 - 1. The offender is identified through photo identification or the Officer's personal knowledge of the offender and record on the Complaint or Incident Report (75-48).
 - 2. A check of the offender is conducted in NCIC/PCIC/CLEAN.
 - 3. The most recently revised Non-Traffic Summary Offense Citation Form (03-8 revised 12-12) is properly prepared.

NOTE: It is essential that the information on this form, including the District Control Number, be legibly handwritten as it will be forwarded to the Operations Room personnel for input into the proper computer systems.

4. The Citation is completed in its entirety with sufficient information (who, what, where, when, why and how) to articulate probable cause for the citing offense.
5. The proper hearing date is inserted and that the offender is made aware of the date, time, and place of the hearing. (Refer to Section 4 of this directive).
6. The Citation is signed by the issuing officer and the offender.

NOTE: If offender refuses to sign, the police officer will insert “Refused to Sign” on the defendant’s signature block and the defendant copy (green) of the Summary Citation will be given to offender when he/she is released.

7. A 75-48 is prepared describing the circumstances for the Citation.
8. The Citation is taken into the district of occurrence for immediate electronic input. This includes citations written by Officers from special units.

B. The Operations Room Supervisor will ensure that:

1. The Summary Citation paperwork is reviewed.
2. The PARS report information is entered verbatim from the handwritten Citation and entered into the electronic version along with the arresting Officer’s identifiers.
3. In addition to entry into PARS, the PIIN information is properly entered and all forms and reports pertinent to the arrest, including the 75-48 and the handwritten Summary Citation MUST be scanned into the system for the Discovery Package and approved.

3. **PROCEDURE FOR SUMMARY OFFENDERS ARRESTED WITHOUT A WARRANT AND TRANSPORTED TO THE POLICE DISTRICT**

- A. When the offender is transported under exceptional circumstances as listed in 1-B subsections 1-4 in this directive to the district of occurrence, the Arresting Officer will prepare the electronic version of the Citation in PARS and a copy will be given to the defendant.

NOTE: The Officer WILL NOT prepare a handwritten paper copy of a Summary Citation.

- B. The Citation is completed in its entirety with sufficient information (who, what, where, when, why and how) to articulate probable cause for the citing offense. Additionally, it will include in the “Nature of Offense” section why transporting the offender to the district was warranted.
- C. When a defendant has been arrested without a warrant, the Arresting Officer shall promptly release the defendant from custody when the following conditions have been met:
1. The defendant poses no threat of immediate physical harm to any person or to himself; and
 2. The Arresting Officer has reasonable grounds to believe that the defendant will appear as required.

NOTE: Reasonable grounds would include such things as concerns about the validity of the defendant’s address, the defendant’s prior contacts with the criminal justice system and the Police Officer’s personal knowledge of the defendant.

- D. In those exceptional circumstances, when the defendant cannot be released due to not meeting above criteria, the defendant will be taken without unnecessary delay before a Municipal Court judge; or if outside the normal business hours of the Municipal Court, the emergency judge when available.
1. Update the PARS report and in the “Nature of Offense” section of the electronic Citation explain why the summary offender is being detained.
 2. During Normal Business Hours (defined as between the hours of 8:00 AM and 2:00 PM, Monday through Friday excluding holidays) the defendant will be brought before the judge presiding in Courtroom 406 Criminal Justice Center and the case shall proceed as provided in Pa.R. Crim.P. 441 (C).
 3. During all other hours, the defendant will be transported to the divisional CCTV and the Detaining Unit Supervisor will ensure that Arraignment Court is notified to contact the Municipal Court Emergency Judge on duty.
 - a. The Emergency Judge will then contact the district where the defendant is being held to determine if the defendant, having been issued a Citation should be:
 - 1) Released on ROR and issued a notice to appear on a date and time in a specified court room.

- 2) Held in custody until the courts business hours next commence, at which time the defendant shall be brought before the judge presiding in Courtroom 406 CJC and the case shall proceed as provided in Pa.R. Crim.P. 441 (C).
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4. SCHEDULED HEARING DATES

A. At every roll call, a supervisor will be responsible for apprising Police Officers of the hearing dates for Summary Citations being issued on that tour of duty.

1. Hearings will be set no sooner than ten (10) days after issuance and no later than thirty (30) days.

NOTE: Under NO circumstances will the initial hearing date be more than thirty (30) calendar days from the day after the arrest (i.e., in the event the thirtieth (30th) day is a weekend/holiday, the hearing date will be made for the date prior to the weekend/holiday so as not to exceed thirty (30) days).

2. On those occasions when Nuisance Court is scheduled for a particular district, all Summary Citations for that finite period of time will be scheduled for that forum. The Preparing Officers will ensure that the date, time and location on these matters is inserted on the Summary Citation.
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5. OFFENDERS WHO FAIL TO APPEAR FOR CITATION HEARINGS

A. When the offender is arrested pursuant to a Summary Bench Warrant, the defendant will be transported to the district of occurrence and will be issued a notice to appear in three (3) business days (excluding holidays) at the Criminal Justice Center, 1301 Filbert Street, Room B04 at 8:30AM.

B. The Arresting Officer does not need to obtain a copy of the Bench Warrant.

6. RETAIL THEFT CASES (3929 CRIMES CODE) AND OTHER UPGRADEABLE SUMMARY OFFENSES

A. Offenders are processed at CCTV locations:

1. Offenders will be taken to the Detective Division of occurrence.
2. The assigned investigator will ensure that:

- a. A NCIC/PCIC check is made and a record check (state and federal) is requested.
 - b. When it is determined that the offender is to be charged with only a summary offense, the following procedure will be followed:
 - 1) Prepare a PARS and PIIN Report
 - c. When it is determined that the offender is to be charged with a misdemeanor or felony offense, follow normal arrest procedures as outlined in Directive 5.14.
3. When it is determined that the offender is to only be charged with a summary offense, police personnel will **not** refer the offender to ROR for interviews. An Officer assigned to DBC or the Police Detention Unit will issue the offender their copy of the Citation.
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7. GENERAL PROCEDURES FOR CVN ISSUANCE

- A. Adults engaged in Disorderly Conduct, Failure to Disperse, Public Drunkenness or Obstructing a Highway or other Public Passage will be issued a Code Violation Notice (CVN) and released. The CVN will be issued on the street, similar to the procedure followed when issuing TVRs. Therefore, Officers shall not take the offender into custody and transport to the police district of occurrence for the issuance of the CVN, unless exceptional circumstances exist, such as:
1. The individual/offender is a juvenile;
 2. The individual/offender fails to produce identification or the officer reasonably believes the identification information provided by the offender is false;
 3. When there is violence or imminent threat of violence; or
 4. When there is likelihood the offender will flee.

NOTE: It is the intent of this policy to ensure that individual/offender(s) receive a CVN and are released on the street. Only under exceptional circumstances should the individual/offender be transported to the police district of occurrence. However, if an individual/offender is transported to the police district of occurrence, those exceptional circumstances will be documented on the 75-48 and the CVN.

- B. If the individual/offender is issued a CVN on the street and continues to engage in the prohibited behavior or after a short period of time returns and continues the behavior, probable cause exists to arrest the individual for the **misdemeanor level violations** for Pennsylvania Crimes Code §§5502 (Failure to Disperse); 5503 (Disorderly Conduct); or 5507 (Obstructing Highways and other Public Passages). Arrest the offender and process the arrest through the appropriate detective division. **DO NOT ISSUE A SECOND CVN.**
 - C. If an individual/offender is engaged in prohibited behavior and is warned to cease the behavior, but not issued a CVN and the behavior continues, probable cause exists to arrest the individual for the **misdemeanor level violations** for Pennsylvania Crimes Code §§5502 (Failure to Disperse); 5503 (Disorderly Conduct); or 5507 (Obstructing Highways and other Public Passages). **DO NOT ISSUE A CVN**, arrest the offender and process the arrest through the appropriate detective division.
 - D. If probable cause exists that any individual/offender is clearly engaged in any misdemeanor or felony offense, **DO NOT ISSUE ANY CVN**, arrest the individual and process the arrest through the appropriate detective division.
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8. PROCEDURE FOR ISSUANCE OF A CVN TO AN ADULT

- A. The Issuing Officer will ensure:
 - 1. The individual/offender is identified through photo identification or the Officer's personal knowledge of the offender and record the offender's information on the Complaint or Incident Report (75-48).
 - 2. A check on the individual/offender through NCIC/PCIC is conducted.
 - 3. The CVN and a 75-48 are completed in its entirety with sufficient information (who, what, why, where, when and how) to articulate probable cause for citing the offense. Personnel may utilize the back of the CVN for additional space, if needed.
 - a. One of the following pertinent UCR Codes is entered on the CVN:
 - 1) 2303-Public Drunkenness-Released at Scene.
 - 2) 2304-Public Drunkenness- Transported to District.
 - 3) 2413- Disorderly Conduct- Released at Scene.
 - 4) 2414- Disorderly Conduct- Transported to District.
 - 5) 2415- Failure to Disperse- Released at Scene.
 - 6) 2416- Failure to Disperse- Transported to District.
 - 7) 2417- Obstructing Public Passage Ways- Released at Scene.
 - 8) 2418- Obstructing Public Passage Ways- Transported to District.

- b. The DC# for the incident is entered in the “Comments” section of the CVN.
- c. The CVN is signed by the Issuing Officer.
- d. The individual/offender is provided with the “Violator’s” copy of the CVN.

NOTE: If the individual/offender refuses to accept the CVN, the refusal will be noted in the “Comments” section of the CVN. Personnel may utilize the back of the CVN for comments.

- 4. The CVN along with the 75-48 is submitted to the ORS for review.

RELATED PROCEDURES: Directive 3.6, Code Violation Notices
 Directive 5.5, Juveniles in Police Custody
 Directive 5.14, Investigation and Charging Procedure

PLEAC – Conforms to the standards according to the Pennsylvania Law Enforcement Accreditation Commission.

BY COMMAND OF THE POLICE COMMISSIONER

<u>*FOOTNOTE#</u>	<u>GENERAL #</u>	<u>DATE SENT</u>	<u>REVISION</u>
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APPENDIX "A"

Issued Date: 02-01-10	Effective Date: 02-01-10	Updated Date:
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SUBJECT: JUVENILE SUMMARY OFFENDERS

1. POLICY

- A. Juveniles arrested for summary offenses only will be investigated and processed at the district of occurrence, except for those cases involving Retail Theft.
 - B. Juveniles arrested for the summary offense of Retail Theft will be transported directly to the district wherein the Divisional Detectives are located for investigation and processing in accordance with the applicable procedures outlined in Directive 12.10, "Issuance of Non-Traffic Summary Citations" and 5.5, "Juveniles in Police Custody."
 - C. A Non-Traffic Summary Offense Citation (03-8) or CVN will be issued unless, after investigation, it is determined by the Operations Room Supervisor that remedial action is appropriate or that a misdemeanor or felony has been committed.
 - D. If it is determined that a misdemeanor or felony has been committed, the juvenile will be transported to the appropriate police facility as outlined in Directive 5.5.
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2. PROCEDURE FOR CITATIONS

- A. The Issuing Officer will ensure:
 - 1. That the juvenile is transported to the district of occurrence, unless the offense is retail theft, wherein the juvenile will be transported to the district where the divisional detectives are located.
- NOTE:** The Officer WILL NOT prepare a handwritten paper copy of a Summary Citation on the street. The electronic Summary Citation will be completed at the police district by the Issuing Officer.
- 2. That the offender is identified through photo identification or the Officer's personal knowledge of the offender and record on the 75-48.
 - 3. A check of the offender is conducted in NCIC/PCIC/CLEAN.

4. That they review the case with Operations Room Supervisor to determine if remedial action is appropriate.
5. The Citation is completed in its entirety with sufficient information (who, what, where, when, why and how) to articulate probable cause for the citing offense.
6. The proper hearing date is inserted and that the offender and their parents or guardian is made aware of the date, time, and place of the hearing.
7. That they notate in the "Nature of Offense" section, if the defendant is under 18 years of age and whether the parent or guardian have been notified of the charge(s).
8. The Citation is signed by the Issuing Officer and the offender and their parent or guardian.

NOTE: If offender and/or their parent or guardian refuses to sign, the Police Officer will insert "Refused to Sign" on the defendant's and/or parents signature block.

9. That a 75-48 is prepared describing the circumstances for the Citation.
10. That a Juvenile Contact Report (75-82) is prepared.

B. The Operations Room Supervisor (ORS) will ensure:

1. That the **parent/guardian is immediately notified** in accordance with procedures outlined in Directive 5.5 entitled, "Juveniles in Police Custody". The parent/guardian should be notified when contacted that proper identification is required to secure the release of the juvenile.
2. That after conferring with the Arresting Officer the following considerations are taken into account if the Operations Room Supervisor determines that remedial action or issuance of a Citation is appropriate: the age of the juvenile; the nature of the offense; the juvenile's prior police contacts including prior arrests and/or remedial; the attitude of the juvenile; the attitude of the juvenile's parent/guardian; the rights of the victim/complainant; and the peace and tranquility of the community.
3. The Summary Citation paperwork is reviewed.
4. All PARS and PIIN information is properly entered and all forms and reports pertinent to the arrest, including the 75-48 that **MUST** be scanned into the system for the Discovery Package and approved.

5. Compliance with the following procedures in cases where remedial action is taken:
 - a. Release the juvenile following the applicable procedures outlined in Directive 5.5, Section 5.
 - b. Attach a copy of the Complaint/Incident Report (75-48); the district copy of the Juvenile Release Form (75-411) and; a copy of the Juvenile Contact Report (75-82) and file in the appropriate district/unit files.
 - c. Transmit a 75-82 computer message using computer field DCL1, (PF-3) and enter appropriate information.
 - d. Transmit a computer message using the JSEQ file to obtain a juvenile sequence number and enter the appropriate information.
 - e. Record on the S&R the date and time of the juvenile's release and the name and type of identification presented by the person to whom the juvenile was released.

6. Compliance with the following procedures in cases where a Non-Traffic Summary Offense Citation (30-198) is to be issued to the juvenile:
 - a. Ensure that the parent, guardian, or other custodian, signs the Citation next to the defendant's signature and indicates their relationship to the juvenile.

NOTE: If offender and/or their parent or guardian refuses to sign, the Police Officer will insert "Refused to Sign" on the defendant's and/or parent's signature block.
 - b. Parent or guardian signs Release Form (75-411).
 - c. Give the juvenile the designated copy of the Citation and release them following the applicable procedures outlined in Directive 5.5, Section 5.
 - d. Complete the Juvenile Contact Report (75-82) by checking the arrest block and indicate that a Citation was issued and list the offense in the charge block.
 - e. Attach a copy of the Complaint/Incident Report (75-48) and a copy of the completed Juvenile Contact Report (75-82) to the district copy of the Non-Traffic Summary Offense Citation (03-8).
 - f. Transmit a 75-82 computer message using computer field DCL1, (PF-3) and enter appropriate information.

- g. Transmit a computer message using the JSEQ file to obtain a juvenile sequence number and enter the appropriate information.
 - h. Record on the S&R the date and time of the juvenile's release and the name and type of identification presented by the person to whom the juvenile was released.
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3. PROCEDURE FOR ISSUANCE OF A CVN TO A JUVENILE

A. The Issuing Officer will ensure:

- 1. The juvenile is transported to the district of occurrence and issued a CVN. Officers will follow all existing procedures for handling a juvenile in accordance to Directive 12.10, Appendix "A," "Juvenile Summary Offenders."
 - 2. The CVN and the 75-48 is completed in its entirety with sufficient information (who, what, where, why, when and how) to articulate probable cause for citing the offense. Personnel may utilize the back of the CVN for additional space, if needed.
 - 3. That one of the following UCR Codes are entered on the CVN:
 - a. 2304-Public Drunkenness
 - b. 2414- Disorderly Conduct
 - c. 2416- Failure to Disperse
 - d. 2418- Obstructing Public Passage Ways
 - 4. That the DC# for the incident is entered in the "Comments" section of the CVN.
 - 5. The CVN is signed by the Issuing Officer.
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4. OPERATIONS ROOM SUPERVISOR (ORS) RESPONSIBILITIES

A. The ORS will:

- 1. Examine the CVN for accuracy, legibility, and completeness.
 - a. Ensure the DC# of the incident is listed in the "Comments" section of the CVN.
- 2. Ensure for tracking purposes that the CVN violations issued for the Public Disorder Violations are entered on the Marijuana/Public Disorder Code Violation Notice Transmittal List (75-653).

3. Ensure all information from the 75-48 is entered into the On-Line Incident Transmittal (INCT) using the correct UCR codes according to the violation.

NOTE: CVNs issued for City Code Public Disorder violations **WILL NOT** be entered into the PARS/PIIN system.

4. Prepare three (3) copies of a separate Marijuana/Public Disorder Code Violation Notice Transmittal List (75-653) as follows:
 - a. Record all CVNs, including voided ones in numerical sequence. Note voided CVNs with an asterisk (*).
 - b. Ensure all copies of CVNs are signed.
 - c. Ensure the DC# for the Public Disorder CVNs are inserted on the 75-653.
 - d. Package all CVNs issued for Public Disorder and Marijuana violations separately from all other CVNs.
5. On a daily basis, forward the original copy of the 75-653 transmittal list along with all the CVNs issued for Public Disorder and Marijuana violations to:
 - a. DEPARTMENT OF FINANCE
CODE UNIT
714 MARKET STREET
SUITE 430
PHILADELPHIA, PA 19106
ATT: CVN COORDINATOR

B. Enforcement Procedure for Non-Designated Personnel

1. The procedures outlined in Directive 3.6, "Code Violation Notices" (Section 6) shall be followed by Officers who are **NOT** trained or designated to issue CVNs or who may not have a CVN form available.

5. PROCEDURE FOR VIOLATORS TRANSPORTED TO THE POLICE DISTRICT OF OCCURRENCE

- A. When the individual/offender is transported, under exceptional circumstances, as listed in Section 7-A of this directive to the district of occurrence, the Citing Officer will prepare and issue the CVN as outlined in this Appendix.
- B. The CVN and the 75-48 are completed in its entirety with sufficient information (who, what, where, when why and how) to articulate probable cause for citing the offense. Personnel may utilize the back of the CVN for additional space, if needed.

1. In the "Nature of Offense" section, officers will ensure they articulate why transportation of the individual/offender to the district was warranted.
- C. When the individual/offender is transported to the district of occurrence, the Officer shall promptly release the individual/offender from custody when the following conditions have been met:
1. The individual/offender is checked for outstanding warrants through NCIC/PCIC and satisfactorily identified.
 2. The individual/offender poses no threat of immediate physical harm to themselves and/or others.

NOTE: When Juveniles are transported to the district of occurrence, Officers will follow the procedures outlined in Directive 5.5, "Juveniles in Police Custody."

RELATED PROCEDURES:	Directive 3.6,	Code Violation Notices
	Directive 5.5,	Juveniles in Police Custody
	Directive 12.10, Appendix "A"	Juvenile Summary Offenders

BY COMMAND OF THE POLICE COMMISSIONER
