

SPECIAL ORDER



Title
Processing Arrestees Eligible for Bond, Citation Release and "Elect to Forfeit"
Number
SO-10-10
Effective Date
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DISTRICT OF COLUMBIA

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I. BACKGROUND

The purpose of this Special Order is to establish the policy and procedures for processing and releasing individuals who have been arrested for an offense eligible for citation release, bond, and/or "elect-to-forfeit."

II. DEFINITIONS:

When used in this directive, the following terms shall have meanings designated:

1. AFIS – Automated Fingerprint Identification System used to capture, scan, search and identify subject matter fingerprints and photo images electronically.
2. Elect-to-Forfeit – Process where in lieu of appearing for a trial, the violator may post and forfeit the collateral amount assigned to the charge without either admitting guilt, or adjudicating the criminal offense. However, the violator will have an arrest record.
3. Hit – Term used to describe the point at which the AFIS Section is able to associate an arrestee's set of fingerprints to an existing PDID number and related fingerprints.
4. Mobile AFIS – Hand-held scanning device used to capture fingerprints and conduct a search through the local AFIS databases and verify the identity of scanned subjects.

5. No Hit – Term used to describe the point at which the AFIS Section is not able to associate an arrestee's set of fingerprints to an existing PDID number and related fingerprints. In this instance, the arrestee is assigned a new PDID number that is always associated with his/her set of fingerprints.

III. REGULATIONS

- A. Arrestees who are eligible for posting bond for misdemeanor cases, citation release or "elect-to-forfeit" shall be processed:
 1. Using Livescan machines at the Third, Fifth, Sixth and Seventh District stations (3D, 5D, 6D, and 7D);
 2. Using Mobile AFIS devices at the Second and Fourth District stations (2D and 4D); and
 3. Using both Livescan and Mobile AFIS devices at the First District (1D).
- B. Arrestees who are released on citation, post bond for a misdemeanor case, or who "elect-to-forfeit" shall be released from the District station where they are processed within four (4) hours of their arrest in accordance with MPD policy and procedures including, but not limited to, SO-04-05 (Lively Standard).
- C. Arrestees who do not post bond, receive citation release and who do not "elect-to-forfeit" shall be immediately transported to the Central Cellblock for holding prior to being transported to court.
- D. Individuals arrested for **felony** bond-eligible charges shall, in all cases, be transported to the Central Cellblock for processing.
- E. White House Cases
 1. Individuals arrested on White House grounds:
 - a. **Shall not** be eligible for citation release; and
 - b. **Shall not** be released from a Police District. They shall be transported to the Central Cell Block for the purposes of Live Scanning.
 2. The White House grounds are an eighteen (18) acre plot of land that consists of the following:
 - a. North: North curb of 1600 block of Pennsylvania Avenue, N.W.;
 - b. South: North curb of 1600 block of Constitution Avenue, N.W.;

- c. East : East curb of 17th Street, N.W.; and
 - d. West: West curb of 15th Street, N.W.
- F. Members using Mobile AFIS devices to process arrestees shall comply with SO 10-09 (Mobile AFIS Devices) and Part V.C of this order and shall forward copies of their Mobile AFIS Daily Tracking Log to the AFIS Senior Analyst Support Specialist and the Central Cellblock.

IV. PROCEDURES

A. Citation Release

1. Members shall be aware that eligible defendants may receive citation release twenty-four (24) hours a day including when court is in session.
2. Watch Commanders shall make initial determinations whether MPD arrestees are eligible for citation release.

NOTE: Arrestees may be eligible for citation release when they have been arrested previously multiple times on the same or different charges.

3. For outside agencies that process their arrests at MPD facilities, the arresting agency shall be responsible for making an initial recommendation if the arrestee may be released on citation.
4. Citation Release Eligibility Criteria

Any adult person eighteen (18) years of age or older arrested on one (1) or more non-violent misdemeanor charges shall be considered **eligible** for release on citation **unless** he/she:

- a. Is being charged with an intra-family offense as defined in D.C. Code §16-1001 (Domestic Violence).
- b. Is being charged with Unlawful Entry (D.C. Code § 22-3302) at an Embassy.
- c. Is being charged with Unregistered Firearm (D.C. Code §7-2502.01) or Unauthorized Ammunition (D.C. Code §7-2506.01).
- d. Is being charged with Indecent Exposure/Proposal to a Minor.
- e. Cannot reasonably be identified by MPD by name, to include PDID number (required by Pretrial Services Agency for criminal history determination), and/or place of residence.

NOTE: Arrestees who are homeless and/or who reside in homeless shelters and/or group homes are eligible for citation release and are not to be automatically denied. Arrestees who do

not reside in the District of Columbia are not to be automatically denied.

- f. Cannot conduct a coherent interview (e.g., due to intoxication from alcohol or drugs.)

NOTE: These arrestees shall be transported for medical evaluation and reconsidered for citation release after being medically released by a hospital or after he/she is considered sober.

- g. Inaccurately reports information concerning his/her name.
- h. Indicates an intention to flee, or to cause harm to any person or property, or otherwise poses a serious risk of flight.

NOTE: This includes arrestees for offenses related to gang/crew involvement who may seek retaliation.

- i. May be held pursuant to D.C. Code §23-1322 for one of the following reasons:
 - (1) is currently on probation, parole, or supervised release;
 - (2) is currently on release in a pending felony case;
 - (3) is currently on release in two or more pending misdemeanor cases;
 - (4) is currently on release in a simple assault, domestic violence, or misdemeanor weapons offense; or
 - (5) is currently on release in a misdemeanor case **and** the defendant's behavior suggests that he may be a danger to others due to possible mental illness issues.
- j. Is arrested for a traffic offense and is on probation for or has a pending DWI, DUI, OWI, fleeing, reckless driving, or leaving after colliding (with property damage or personal injury) charge.
- k. Has a criminal history which includes a BRA or escape conviction within the past two (2) years.
- l. Has an outstanding extraditable warrant from another jurisdiction.
- m. Is in violation of a court order (*i.e.*, curfew, stay away, Drug Free Zone, or Prostitution Free Zone.)

- n. Is a current Gun Stat candidate.
 - 2. Citation Overrides
 - a. Watch Commanders may authorize the citation release of misdemeanor arrestees notwithstanding:
 - (1) The recommendation of the arresting agency as described in Part IV.A.2; and/or
 - (2) The person being deemed “ineligible” because of one of the criteria listed in Part IV.A.3.
 - b. In such instances, the arrestee shall be directed to appear in court at 1:00 p.m. on the next court date and the Watch Commander shall inform the arresting agency of the citation date.
 - 3. Watch Commanders shall ensure that WALES checks are performed on arrestees both by name and by PDID number prior to the arrestees being released on citation.
- B. “Elect-to-Forfeit” and Misdemeanor Bonds
- 1. Arrestees may be eligible to post bond or “elect-to-forfeit” collateral for certain offenses in accordance with MPD policy and procedures including, but not limited to, GO-PCA-503.04 (Procedures and Responsibilities for the Acceptance of Collateral and Cash Bond) and SOP 05-02 [PD Form 61-D (Violation Citation)].
 - 2. All required amounts for bond and collateral must be paid in cash to the receiving element.
 - 3. Bond and collateral payments may be paid at any of the seven (7) main police district stations.
- C. Mobile AFIS Device Arrest Processing Procedures
- 1. Mobile AFIS Devices, for the purposes of this order, shall only be used for the identification of individuals who are under arrest. Deviation from this policy shall not occur without prior written authorization from the Chief of Police.
 - 2. Members who use Mobile AFIS Devices to identify arrestees should expect a response within two (2) to three (3) minutes. If there is no response or other problems occur, members should contact the MPD AFIS Section for assistance at 202-727-4081.

3. Watch Commanders shall immediately notify CCB and coordinate with other districts as appropriate in the event that Mobile AFIS systems are unavailable.
 4. Members shall process arrestees as lock-ups and ensure arrestees are transported to CCB for Livescanning when:
 - a. A “No Hit” is received;
 - b. A “Hit” is received, and it does not match the information received at the time of arrest; or
 - c. A “Hit” is received, and it does not generate a photograph or the photograph is not an accurate representation of the arrestee.
 5. In the event that a “Hit” is received, prior to releasing arrestees on citation, members shall ensure the following match the arrest paperwork and WALES printout:
 - a. Name;
 - b. Date of Birth;
 - c. PDID Number;
 - d. Physical Description;
 - e. Photograph.
 6. Watch Commanders shall make a **final** determination as to whether citation release will be granted or denied when the Mobile AFIS Device returns a response outlined in Part V.C.4 above.
- D. Booking Officer Responsibilities
1. WALES/NCIC and CJIS Checks
Booking Officers shall:
 - a. Use the information contained on the PD Form 256 (Quick Booking Form) to conduct WALES/NCIC and CJIS arrest information checks on the arrestee name.
 - b. Print the results of the WALES/NCIC and CJIS checks.
 - c. When there is no arrest information in CJIS associated with the arrestee name, note this on the bottom of the WALES/NCIC

printout.

- d. Note the type of warrant listed on the WALES/NCIC and CJIS checks.

2. Linking in CJIS

Booking Officers shall:

- a. Link the PDID number to the CJIS arrest number.
- b. At the CJIS linking screen, compare the CJIS information to the information on the WALES / NCIC record check (containing the arrestee's true name/PDID number).

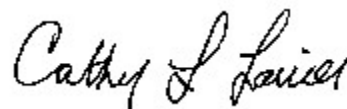
NOTE: In order to link in CJIS, the arrestee's date of birth, name, race and sex must match the same information in WALES/NCIC.

E. Watch Commander Responsibilities

1. Watch Commanders shall ensure that arrest paperwork for persons who are released on citation or who post bond or "elect-to-forfeit" collateral is forwarded to:
 - a. Court Liaison Division during business hours.
 - b. Central Cellblock during non-business hours.
2. Watch Commanders shall immediately notify CCB and coordinate with other districts as appropriate in the event that Mobile AFIS or Live Scan systems are unavailable.

V. CROSS REFERENCES

- A. GO-PCA-503.04 (Procedures and Responsibilities for the Acceptance of Collateral and Cash Bond)
- B. SO-04-05 (Lively Standard)
- C. SOP 05-02 [PD Form 61-D (Violation Citation)]



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