



## *Santa Cruz County Sheriff-Coroner*

Number: O.20

Date: 02/28/06

### **SUBJECT: FIELD INTERVIEW CARD**

#### **POLICY**

It shall be the policy of this Office to complete Field Interview Card(s) on persons suspected of criminal or suspicious activity.

#### **PURPOSE**

To maintain a current and retrievable file of persons suspected of criminal or suspicious activity and provide access of information to Sheriff's personnel.

#### **REFERENCE**

Form SHF-0413, Field Interview Card

#### **PROCEDURE**

- I. Field Interview Card
  - A. Print all available information.
    1. Indicate the type of identification used in the space marked "Driver's License Number." Indicate the type of identification used, i.e., food stamp card, green card, etc. If the subject has no identification in possession, indicate "No I.D."
  - B. When possible, a photograph shall be attached to the Field Interview Card. If the Field Interview Card is associated to a case number, book the photos through Crime Scene Investigation (CSI) and indicate this on the Field Interview Card.
  - C. Distribution

1. The Field Interview Card is to be forwarded to the Sheriff's Records Section who will index the name of the person interviewed and the date.
2. The Records Section will stamp the Field Interview Card "Indexed" and forward it to the Investigation Division.
3. The Investigation Division will file the card, by date, in the Field Interview Card index file or by computer scanned storage.
4. Field Interview Cards or computer storage will be maintained for at least seven years.
5. Information contained on Field Interview Cards is confidential and for law enforcement use only.

*Steve Robbins*

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STEVE ROBBINS, Sheriff-Coroner



## *Santa Cruz County Sheriff-Coroner*

Number: O.22

Date: 06/11/08

**SUBJECT: USE OF MISDEMEANOR CITATION**

### **POLICY**

It shall be the policy of this Office to release persons eighteen years of age and older accused of misdemeanor offenses in the field on a signed promise to appear, when appropriate.

Further, this Office shall release all persons under eighteen years of age, who are residents of Santa Cruz County, accused of any misdemeanor offense in the field on a signed promise to appear, with parental cooperation. The officer issuing said citation shall be guided by the criteria set forth in Section 626 of the Welfare and Institutions Code.

Generally, this Office shall release all persons eighteen years of age and older accused of misdemeanor offenses after booking at County Jail on a signed promise to appear. For exceptions, refer to Section I. B. of this policy and also Corrections Bureau Procedure #4-41.

### **PURPOSE**

The purpose of the in-field citation for misdemeanor defendants (including traffic) is to allow field personnel more time in which to provide protection and services to the public.

The in-custody citation program will insure equitable rights for persons accused of misdemeanor offenses, alleviate crowded jail conditions, and implement a practical application of law.

### **REFERENCES**

Section 853.6 of the Penal Code, "Misdemeanors, Release Procedures"

Section 626 of the Welfare and Institutions Code

Corrections Bureau Procedure #4-41, Sheriff or Release Criteria

### **PROCEDURE**

- I. Use of Misdemeanor Citations
  - A. Field Release

1. The field release by citation applies to cases such as petty theft, minor assaults, disturbances where there is little likelihood of continued violence, and other similar cases when counsel and reprimand is not appropriate.
- B. Defendants should be physically arrested and booked in the following cases:
1. Where the accused fails to identify him/her satisfactorily.
  2. Where the accused is unable to care for him/her by virtue of intoxication or requires medical care or examination. (Drunk drivers will not be released in the field).
  3. Where it is necessary to prevent imminent bodily harm to the accused or to another, including law enforcement personnel.
  4. If the accused demands to be taken immediately before a magistrate.
  5. Where there is an outstanding warrant or previous failure of the accused to appear. (A warrant check is mandatory.)
  6. The accused lacks ties in the state such as residence, job or family, and based upon these facts, there is a substantial likelihood that the accused will fail to respond to a citation. This is a decision that must be made by the arresting officer based on all the facts available at the scene.
  7. The accused refuses to sign a citation.
  8. Where there are other unusual circumstances that lead the arresting officer to conclude that the accused should be booked and the case reviewed by higher authority.
  9. When the accused is booked for 23152(a) or 23152(b) CVC. O/R if accused meets O/R criteria; otherwise, bail is \$1,482.00.
  10. When the accused is booked for 14601(a) or 14601.1(a) CVC. O/R if accused meets O/R criteria; otherwise, bail is \$1,140.00.
  11. There is reason to believe that the person would not appear at the time and place specified in the notice. (The basis for this determination shall be specifically stated).

12. When the offense is likely to continue if a citation is issued.
  13. In any case in which a person is arrested for a misdemeanor violation of a protective court order involving domestic violence.
- C. After booking, Detention Bureau personnel shall immediately screen all misdemeanor arrests for possible release. The following procedure shall be used for the release of the accused:
1. The accused should be booked and a warrant check made.
  2. If the accused is not released on his/her Promise to Appear because he/she does not meet the criteria, the booking officer may require him/her to post bail. If the accused is unable to make bail, he/she may be detained until the next court arraignment.
  3. If the accused meets the necessary criteria for release, the booking office will fill out a "Promise to Appear" form, which must be signed in ink by the accused. The booking officer must also tell the accused when and where he/she is to appear for arraignment.
  4. An intoxicated person who is booked may be released to himself/herself or to a responsible person when, in the Corrections Officer's judgment, said person is acting in a reasonable manner. A generally accepted standard is to allow five hours from the time of arrest before releasing an intoxicated person; however, the five-hour time limit is not an absolute. In all cases, the intoxicated person should be carefully observed and treated with individual judgment.
- D. The yellow copy of the "Promise to Appear" form will be forwarded to the Courts; the pink copy to the accused and the original attached to the Booking Sheet which will stay with the file for forwarding to Records.
- E. The Citation
1. Non-traffic citations (field release) shall be issued to persons eighteen years of age and older for non-traffic misdemeanor offenses, with the exception set forth in I, B, 1 above
  2. The use of the citation for traffic enforcement by this office shall be for any

case of unsafe driving or an unsafe traffic condition, or any other vehicle code violation observed by the deputy.

F. Procedures

1. All citations shall be printed with black pen with sufficient pressure applied to insure all copies are legible.
2. No changes or alterations shall be made on the citation unless the defendant's copy reflects the same changes or alterations in the exact same manner. (CVC 40505)
3. Citations shall be completed in triplicate, with the defendant being given his/her designated copy. The court copy, file copy and report copy shall be submitted to the Shift Sergeant or Watch Commander for review.
4. Upon review, the citation copies shall be routed to the Records Section for dissemination as follows:

a. White Copy

Adult cited: The white copy is always sent to court. If the citation is accompanied by a Sheriff's Office case, the white copy is to be attached to a copy of the report and sent to the court in whose jurisdiction the offense occurred.

Juvenile cited: On traffic violations, the white copy is sent to Court. If the charge is other than traffic, the white copy should be sent to Probation along with a copy of the report if one was taken.

b. Pink Copy

If a Sheriff's Office case accompanies the citation, the pink copy should be placed in the Citation Folder for indexing. After indexing, it will be filed in the permanent Citation File.

c. Yellow Copy

The yellow copy of the citation is always given to the defendant by the issuing officer at the time of contact.

G. All citations are numbered and must be accounted for. If a citation is voided, the deputy shall write a memo explaining the reason. The four copies of the citation shall be submitted with the memo to the Watch Commander for review. Upon review, the Watch Commander shall write "VOID" across the face of the citation, give a brief explanation as to why the citation was voided, sign the statement and forward the voided citation and deputy's memo to the Bureau Chief. The Bureau Chief shall review and approve the voided citation and memo and forward them to the Records Section for filing.

H. Writing the Citation

1. Box for Traffic or Other: Check traffic box if the violation is handled in traffic court. Check other if violation is handled in criminal court.
2. Date: Shall be written as month-day-year, i.e., 01/01/96.
3. Time: Shall be written using the 24 hour clock
4. Day of Week: Wed, Thurs., etc.
5. Name: First, middle and last in upper case.
6. Address: Complete address where the defendant resides, including name of the city spelled out and zip code.
7. Driver's License Number: Complete number, class, state of issuance, and check appropriate box for commercial license.
8. Birthdate: Written as month-day-year (04/24/59) and age.
9. Check box for Juvenile: If applicable.
10. Physical Description: Standard description method. Write in M or F; fill in boxes for hair, eyes, height and weight.
11. Other Description or Information: Moustache, beard, phone number, etc.
12. Vehicle license number and state; Example 938DBF, California.

13. Passengers: Note the number of passengers, i.e., 3M, 1F.
14. Vehicle description: Fill in boxes for year, make, model, body style and color.
15. Registered owner or lessee and address: If different than the defendant, complete this portion; otherwise check box, "Same as Above."
16. Booking Required: All non-traffic violations require booking before the court appearance or disposition. If the citation is issued for a non-traffic misdemeanor offense, check the box provided and issue "Instructions for Booking Prior to Court Appearance" to the accused. This will indicate to the judge that at the time the accused appears in court, the accused has been pre-booked.
17. Case Number: Reserved for regular Sheriff's Office case number whenever a report is made in addition to the citation. Traffic citations do not need a case number.
18. Violations: Should include the particular code violation numbers, whether they are Vehicle, Penal, or county ordinances or other law. Under Description, write out the violation, i.e., 22450(a) CVC, "Failed to stop for posted stop sign." Place a check in front of any violation that is dismissible upon proof of correction, i.e., mechanical violations, 40610(b) CVC.
19. Approximate Speed: Enter approximate speed at the time of violation.  
  
Prima Facie/Max Speed.  
  
Vehicle Limit: Type of vehicle and speed it may travel upon the roadway.  
  
Safe: Speed that should not have been exceeded for conditions.
20. Location of Violation(s): Description of where the offense occurred. If it is traffic, i.e., NB on Highway #9, 1/2 mile south of Mt. Hermon Road. For non-traffic, merely the address, i.e., K-Mart



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Store, 41st Avenue. Be sure to list city or name of area based on post office service, i.e., Felton, Soquel.

21. Comments: Optional. Officer may note weather, traffic conditions, etc.
22. Offenses(s) Not Committed in my Presence: This box to be checked where the officer does not witness the violation. This should be checked only in the case of a citizen's arrest in a non-traffic situation or when a corrections officer subsequently releases the defendant by means of issuing a citation (in-custody release).  
  
Example: A shoplifter at K-Mart. Check the box for offense(s) not committed in my presence. Sign name, fill in Santa Cruz and badge number. In space for arresting officer, print "Citizen's arrest."
23. Issuing Officer: Name and badge number. Entering days off is optional.
24. Defendant's Signature: Defendant's signature shall appear on this line. The exceptions are a juvenile cited and booked into Juvenile Hall, when the defendant refuses to sign, or on a traffic case when defendant is booked into County Jail "In Custody" shall be written.
25. Court Appearances: This section must be completed in full. Check the box for the appropriate Municipal Court.
26. Times and Dates for Appearance: When issuing a misdemeanor citation (Citation in lieu of arrest), a court date must be given. The court date must be set a minimum of 14 days following the date of violation (excepting holidays).

I. General Information

1. The citation is a triplicate carbon form consisting of a white copy (court), yellow copy (defendant), and a pink copy (file) and green copy (D.A.). On traffic citations only, there is a space provided on the back of the green pink copy for remarks, witnesses, etc. This is for any additional information that may be needed if the matter goes to trial.

J. Pointers Towards Good Public Relations

1. Be courteous but firm.
2. Explain the reason for the citation, but do not argue.
3. Do not become aggravated or excited, no matter how much verbal abuse or argument the driver gives.
4. Keep control of the situation at all times.
5. Never tell the driver what the Judge will do, the amount of the fine, or what the sentence might be.
6. Be professional not personal when handling these matters.

K. Citation of Juveniles

1. Non-Traffic: In any misdemeanor violation committed by a juvenile where physical custody is not demanded, the disposition of the juvenile will be as specified in Section 626 W&I.
  - a. Under Court Appearance, check the "Other" box and write "Probation will notify."
  - b. The officer will notify both the accused and parent/guardian that upon reviewing the citation and report, the Probation Department will notify them where and when to appear. Notification information need not appear on the defendant's copy.

L. Traffic Citation: In all cases where booking is not required, juvenile traffic appearances are scheduled for municipal court. Check the "Other" box and write, "Must appear by" and enter a date 30 days form the date of issuance. Instruct the juvenile that a parent or guardian must appear with him in court. This can also be noted on the bottom of the citation, "Must bring parent."

1. When a juvenile is booked on a traffic violation, a citation must be completed listing the charges and directing the juvenile to appear before the Juvenile Traffic Court.

2. It is not necessary for the accused to sign the citation. The notation, "In Custody" should be made on the signature line. Copies of the citation will be forwarded to the Juvenile Traffic Court, along with the Officer's Report.

M. Demand to be Taken to a Magistrate

When a citizen invokes their right to be taken before a magistrate pursuant to Section 40302 CVC., an arresting/transporting deputy shall use the following procedures for Santa Cruz and Watsonville Courthouses:

1. During the hours of 0830 and 1200 and 1330 and 1700, the deputy shall transport the citizen to the Santa Cruz Courthouse located at 701 Ocean Street. Report to the bailiff in any criminal courtroom. Notify the bailiff of your request. The bailiff will coordinate with the judge to address your request. The transporting deputy shall request a SO case number from NetCom for their report.

For South County, during the aforementioned hours, the citizen should be transported to the Watsonville Courthouse located at 1 Second Street. Report to the bailiff on the third floor in Department B or C. Again, the transporting deputy shall request an SO case number for their report.

The deputy shall bring all paper work, including any citations with him/her to court with the citizen. The deputy shall be prepared to present the paper work or citation to the court clerk if and when the judge requests it. From there the court clerk will take care of all paperwork and citations. The judge will either order the court clerk to issue a court date to the citizen or the judge will remand the citizen and the court minutes will be electronically transmitted to the jail. If a remand order occurs, the bailiff will then take custody of the remand.

2. If the infraction occurs at a time when a magistrate IS NOT AVAILABLE and citizen demands to be taken before a magistrate, the deputy may take the citizen into custody and take him/her to County Jail charging the additional Section 40302 CVC, a misdemeanor. A copy of the original citation shall be delivered to the safe keeping of the jail staff and attached to the suspect's paperwork, which will be taken with the citizen to court the next

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day. The original citation, along with the case, will be processed as usual by Sheriff's Records.

3. If a citizen is held in custody overnight, the jail staff shall notify the Santa Cruz Court Security Sergeant or Court FTO and have the custody placed on the Master Custody List in either Department 1 or 2 (Misdemeanor Court) so the transport deputy can transport the citizen to the Santa Cruz Holding Facility with all paperwork/citation. The bailiff assigned to Department 1 or 2 will coordinate with the judge and court clerk as to where the custody/case will be heard.
4. JUVENILES who refuse to sign a misdemeanor citation will be subject to the same procedure as adults, except that they will be booked at Juvenile Hall in lieu of the County Jail. The juvenile case will be heard at Juvenile Hall Court in Felton

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STEVE ROBBINS, Sheriff-Coroner



## *Santa Cruz County Sheriff-Coroner*

Number: O.24  
Date: 02/01/06

### **SUBJECT: NOTICE OF AMENDED CITATION (NOTICE TO APPEAR)**

#### **POLICY**

It shall be the policy of this Office to amend a citation when necessary. The Notice of Amended Citation shall be used.

#### **PURPOSE**

To establish a procedure for modifying citations after they have been issued.

#### **REFERENCES**

Notice of Amended Citation (Notice to Appear), TR100

#### **PROCEDURE**

- I. Amended Citation
  - A. When a citation is returned from the court for correction, it is the responsibility of the Records Division to forward it to the deputy who issued the citation.
  - B. The deputy issuing the original citation is responsible for completing the Notice of Amended Citation.
  - C. When a Corrections Officer issues a citation, the booking number and date should be included.
  - D. The form will be completed in triplicate and shall include the following:
    1. Name of Court
    2. Defendant Name
    3. Amending Officer Name/ID No.
    4. Department/Agency
    5. Citation number

6. Case number

E. The form will be forwarded to the Records Division for distribution as follows:

1. Yellow copy mailed to the cited person
2. White (original) copy to the appropriate court
3. Pink copy to be attached to the pink copy of the citation and filed.



STEVE ROBBINS, Sheriff-Coroner



## *Santa Cruz County Sheriff-Coroner*

Number: O.26  
Date: 01/31/06

### **SUBJECT: FORGERIES AND FRAUDULENT CHECK INVESTIGATION**

#### **POLICY**

It shall be the policy of this Office to receive, investigate and forward to the District Attorney, for prosecution, all forgeries and fraudulent check cases.

#### **PURPOSE**

Fraudulent document investigation is a process that requires specific guidelines, as the line separating criminal and civil conduct is not always apparent.

#### **REFERENCES**

California Penal Code 470, 475, 476 and 530.5

#### **PROCEDURE**

- I. Fraudulent Check Investigation Reports
  - A. Criteria for Check Investigations
    1. When a check is returned to the payee, "Non Sufficient Funds" (NSF), "Refer to Maker", or "Account Closed" it shall be referred to the District Attorney's Office Check Recovery Office.
    2. Checks reported as stolen, forged or falling under the elements of Penal Code Sections 470, 470a, 470b, 475, 475a, 476 or 476a, regardless of the amount, a Crime Report (SHF-0424) will be completed by the deputy receiving the complaint.
    3. Checks received in local incorporated cities are to be referred to those jurisdictions.