



NEW ORLEANS POLICE DEPARTMENT OPERATIONS MANUAL

CHAPTER: 74.3.1

TITLE: FAILURE TO APPEAR - SUMMONS IN LIEU OF PHYSICAL ARREST

EFFECTIVE: 01/14/2018

REVISED: Replaces Policy 421

PURPOSE

The purpose of this policy is to provide members of the New Orleans Police Department with guidance for issuing traffic and municipal Failure to Appear summons in lieu of physical arrest.

DEFINITIONS

Instanta—Order issued by the court for immediate appearance (usually within 24 hours).

Failure to appear—The intentional failure to comply with a previously issued summons, citation, or court order directing a person to appear in the municipal court.

POLICY

1. Persons wanted by Traffic and Municipal Courts where an INSTANTA has not been issued shall be issued a Failure to Appear summons in lieu of a physical arrest (MCS 154-147, Failure to Appear; and 54-28, Failure to Appear).
2. Officers shall verify an Orleans Parish Traffic or Municipal Court Attachment with National Crime Information Center (NCIC) before taking enforcement action.
3. Attachments from both Orleans Parish Municipal and Traffic Courts with a designation of INSTANTA shall be processed as normal municipal (17M) or traffic court (17T) attachments.
4. All attachments originating from parishes other than Orleans Parish and from other States shall be processed as a normal Fugitive Attachment (17F).
5. A prisoner held in custody by another parish law enforcement agency for an Orleans Parish Municipal or Traffic attachment will be processed as a 17T or 17M arrest.
6. A person wanted by Orleans Parish Traffic or Municipal Court, regardless of where he/she resides, shall be issued a Failure to Appear summons in lieu of a physical arrest except where:
 - (a) The attachment is an INSTANTA.

- (b) The person is under arrest for another unrelated violation.
 - (c) The person is wanted for multiple traffic or municipal attachments.
 - (d) The person does not possess identification issued by any municipal, state, territorial, federal or other government authority within the United States, where identifying information provided cannot be corroborated or found in available law enforcement databases and where the person has no documentation on his/her person which may reasonably confirm his/her identity (school ID with photo, credit cards, bills, etc.).
 - (e) The person makes a statement indicating intent to disregard the summons or refuses to sign the summons.
 - (f) The person acts in a violent or destructive manner or makes a statement indicating that he/she intends to inflict injury to him/herself or another, or damage property.
 - (g) The person is a habitual offender and has two or more felony convictions or five or more felony or municipal arrests for any offense.
 - (h) Based on the circumstances, an officer determines that it is absolutely necessary to make an arrest.
7. If the person is physically arrested for a new violation and it is verified that he/she has a traffic or municipal attachment, he/she shall not be issued a Failure to Appear summons.

TRAFFIC COURT POLICY

8. When an officer verifies through NCIC that a person is wanted by Orleans Parish Traffic Court, the officer shall:
- (a) Issue a Traffic citation, in lieu of a physical arrest, requesting a new item number for a Traffic Attachment (17T).
 - (b) Write the charge 154-147 Failure to Appear in the statute/ordinance and violation section followed by the attachment number enclosed in parenthesis.
 - (c) Set the appearance date seven days from the date of issuance.
 - (d) Give the dispatcher a disposition of Necessary Action Taken, one summons issued. All new traffic violations shall be issued a new citation under a separate item number. NCIC officer/technician shall advise the officer the section of Traffic Court to which the new citation must be assigned.

MUNICIPAL COURT POLICY

9. When an officer verifies through NCIC that a person is wanted by Orleans Parish Municipal Court, the officer shall:
- (a) Issue a municipal summons, in lieu of physical arrest, and request a new item number for a Municipal Attachment (17M).
 - (b) Write the charge **54-28 Failure to Appear** in the statute/ordinance and violation section followed by the attachment number enclosed in parenthesis.
 - (c) Set the appearance date seven days from the date of issuance.
 - (d) Give the dispatcher the disposition of Necessary Action Taken, one summons issued.
10. All new municipal violations shall be issued a new summons under a separate item number.
11. Upon verification by NCIC that an open attachment is not an INSTANTA, the NCIC Officer/technician shall advise the officer the section of court to which the new summons must be assigned.

RECORDS AND IDENTIFICATION SECTION

12. The Commander of the Records and Identification Section shall develop an internal training manual with comprehensive instructions for the verification and processing of Failure to Appear attachments. A copy of the training manual shall be forwarded to the Education and Training Division for review and placement in the lesson plans for recruit and in-service training classes.