



CRIMINAL ACTIONS

Enforcement Division
Policy Number: 7.00.00

Effective Date: 2/1/08

POLICY

A certified peace officer (CPO) will, in his or her discretion, issue a criminal warning or citation when doing so is necessary to ensure the protection of the welfare, health, peace, temperance, and safety of the people of Texas.

PROCEDURES

a. Local Criminal Justice System.

1. CPOs will be familiar with the local criminal justice system.
2. When filing criminal charges, CPOs will follow policies and procedures as required by this manual as well as the local criminal justice system.

b. Issuing a Warning or Citation.

1. A CPO will issue a criminal warning or citation as necessary to ensure the protection of the welfare, health, peace, temperance, and safety of the people of Texas.
2. A CPO may issue a criminal warning or citation when:
 - the CPO observes a person committing a criminal offense and makes contact with that person;
 - the CPO observes a violation and an officer from a different law enforcement agency files the criminal complaint;
 - the CPO develops probable cause to believe that a person has committed a crime.
3. If a CPO decides to issue a criminal warning or citation, he or she will complete a *Criminal Citation* and indicate whether it is a warning or citation.
4. If the CPO issues a criminal warning for any violation or a criminal citation for a Class C misdemeanor, the CPO will keep a copy and give a copy to the subject.
5. If the CPO issues a criminal citation for a violation other than a Class C misdemeanor, the CPO will keep a copy and give copies to the following parties:
 - the subject;
 - the local court, depending on local rules; and
 - his or her sergeant or supervisor.

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6. The CPO will enter the criminal citation or warning information into the agency computer system.
 7. The sergeant or supervisor will ensure that the data entry into the computer system is correct and will place a copy of the citation or warning in the seven day folder. The supervisor will ensure that documents are removed from the seven day folder after seven days and are appropriately filed.
- c. **Filing a Criminal Case.** CPOs will file criminal charges according to local rules and will cooperate with local courts and prosecutors.
 - d. **Tracking Criminal Cases.** The supervisor or his or her designee will monitor the status of criminal cases and update the agency computer system to reflect the disposition of the case.

FORMS

Criminal Citation, Form 4-48
