

Burleson Police Department

Administrative Policy and Procedures

Number: 04-005

Document Title: Alternatives to Arrest / Pre-Trial Release

Effective Date: 7/18/2008

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CALEA Standards Referenced: 1.2.6; 1.2.7; 61.1.2

ISSUING AUTHORITY: _____

I. Alternatives to Arrest / Pre-Trial Release

A. It is the policy of the Burleson Police Department to make custodial arrest when appropriate. However, not all violations require a custodial arrest and officers are authorized to use alternative methods in appropriate situations. Alternative methods may be verbal and written warnings, informal resolutions, citations, court summons or referral to other agencies. In the event an arrest does take place, the police department will exhaust all legal means to release eligible county prisoners that are being confined in the holding facility. On occasion, detainee's falling into the guidelines set by County Court systems may be eligible for pre-trial release. In every case, an officer must act reasonably within the limits of their authority as defined by statute and judicial interpretation, thereby ensuring the rights of both the individual and the public are protected.

[1.2.6]

B. It is not possible to clearly delineate discretionary examples for every situation. Therefore, officers must diligently interpret every situation before acting and must be sensitive to departmental direction relating to enforcement action. However, all decisions, whether to act or not to act, must be tied to articulate reasons grounded in legal principles, professional judgment, fairness, etc. [1.2.7]

C. The following list is provided as a guideline for *sample* circumstances and is not intended as a complete list of all behavioral and social problems, and appropriate resolutions, officers are faced with. [1.2.6]

Alternatives

- | | |
|--|--------------------------|
| 1. Mental Illness / Drug or Alcohol incapacitation | Referral-social agency |
| 2. Domestic Conflicts (other than family violence) | Referral-social agency |
| 3. Crowd Disorder | Verbal Order to Disperse |

- | | | |
|----|--|---|
| 4. | Class C Misdemeanor Offenses | Citation / Warnings |
| 5. | Conduct Indicating Need for Supervision (juvenile) | Informal Resolution with Juvenile's Parent(s) |

II. General Enforcement Activities [61.1.2 a/b/c]

Questions to Consider	Y/N	Appropriate Enforcement Option
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<u>Traffic</u>		
When violation was committed were people or property exposed to any possibility of injury or damage?	<i>If yes, then</i>	Citation
Was the act committed with willful and wanton disregard for people's safety or property?	<i>If yes, then</i>	Citation for the specific act or driving behavior
	<i>If no, then</i>	Verbal or written warning for specific act
<u>Intoxication or Possible Intoxication</u>		
Is actor a danger to self or others?	<i>If yes, then</i>	Arrest; release in accordance with provisions in CCP
	<i>If no, then</i>	Citation for any on view violation; verbal or written warning

III. Family Violence / Assault Arrest Situations

Texas Code of Criminal Procedure provides for the detention of a person arrested for family violence for up to four (4) hours after bond has been posted. This provision applies when there is probable cause to believe that family violence will continue if the arrestee is immediately released. Only an officer holding the rank of Captain or above may authorize such detention. A probable cause statement completed by the arresting officer will be attached to the suspect's arraignment

papers. Completion of this form will be accomplished prior to contacting a Captain for authorization to continue detention.