

A. PURPOSE. To establish specific procedures that meet the legislative guidelines (257.749) requiring police officers to accept bonds on the street from out-of-state residents cited for certain misdemeanor traffic offenses.

B. SPECIFIC RESPONSIBILITIES

1. Police Officers, when issuing a citation to an out-of-state driver for a **civil infraction**, shall:
 - a. Issue the driver the Civil Infraction citation and release the nonresident on their own recognizance
 - b. Escort the out-of-state driver to the 61st District Court for an immediate appearance before a magistrate if:
 - (1) The out-of-state driver demands this option; and
 - (2) A magistrate is immediately available (0900-1200 and 1300-1630, Monday through Friday, excluding holidays)
2. If an out-of-state driver is to receive a citation for a **civil infraction** and does not have a driver's license in his/her immediate possession, the officer may:
 - a. Arrest the out-of-state driver.
 - b. Upon demand of the driver, escort the driver to the 61st District Court for an immediate appearance before a magistrate if one is available.
 - c. Issue the civil infraction citation and release the driver, if the identity of the driver has been satisfactorily determined.
3. Police Officers, when issuing a citation to an out-of-state driver for a traffic violation that is a **misdemeanor** (this shall not include citations for Moving Violation Causing Death, OWI, or Reckless Driving):
 - a. Shall **not** take a driver's license as bond.
 - b. May accept a guaranteed appearance certificate as bond.

- c. Shall, upon demand of the driver, escort the driver to the 61st District Court for arraignment before a magistrate if one is available; or
 - d. Shall accept a cash bond that is equal to the fine for the most serious offense arising out of the incident but not more than \$100. The court will accept less than the computed bond if the violator does not have the exact change.
 - e. May arrest the violator with supervisory approval if it is an arrestable offense.
4. Police Officers, after issuing a citation to an out-of-state driver, shall:
- a. Document the type of bond accepted by checking the appropriate box on the citation and include the amount in cases of a cash bond.
 - b. Count the cash bond, if applicable, in view of the in-car video or body worn camera.
 - c. Take the cash bond, as soon as practical, to the Watch Commander's Office.
5. The Watch Commander will complete the following:
- a. Enter the following information on the Out of State Bond log:
 - (1) Date of citation
 - (2) Citation number
 - (3) Driver's name
 - (4) Bond amount taken
 - (5) Issuing Officer's name
 - (6) Watch Commander's badge #
 - b. Place the bond and a copy of the citation in an envelope addressed to the 61st District Court Traffic Violations Division and marked with the citation number and driver's name. The envelope should then be sealed.

- c. Place the envelope in the 61st District Court – Moving Violations mail slot in the mailroom.