



307.01 DEFINITIONS:

UNIFORM CRIMINAL COMPLAINT [UCC]:

The UCC is the upper portion of City of Wichita Form 15-225R2/91. It is a sworn, written allegation by a civilian-complaining witness, or a law enforcement officer, of a violation of a City Ordinance and contains the essential elements of the alleged crime. It is always filled out in quintuplicate.

NOTICE TO APPEAR [NTA]:

The NTA is the lower portion of City of Wichita Form 15-225R4/90. It is a written notice to a person, accused by a UCC, to appear at a stated time and place to answer to the charge(s) in the UCC. It is always filled out in quintuplicate.

AFFIDAVIT:

The official City of Wichita Affidavit is Form 15-227 4/90. It is always filled out in triplicate. It is a written description of actions alleged to constitute a misdemeanor offense.

DESIGNATED APPEARANCE DATE:

The designated appearance date is the date to appear in Municipal Court assigned to all persons served with a Notice To Appear. This date can be found on the Municipal Court Arraignment/Notice to Appear schedule and is available on the police secure website, MCT's or by contacting SPIDER. In the event that day would fall on a Saturday, Sunday or holiday, the designated appearance date is advanced to the next working day of the Municipal Court.

SIGNATURE OF OFFICER:

A Wichita police officer signs all police documents with his/her legal name and identification number, ensuring that the identification number is legible.

MORPHORAPID:

A handheld biometric terminal used for identification and authentication.

GENERAL INSTRUCTIONS:

- 307.02 A Uniform Criminal Complaint and Notice to Appear shall not be completed when a suspect is arrested and booked for any felony charge. A UCC/NTA is not needed either for the felony itself or for any accompanying misdemeanors which are associated with the felony. The suspect is booked "Hold For State Warrant" on all charges.
- 307.03 No person under the age of eighteen (18) shall be issued a Uniform Criminal Complaint and Notice to Appear. For the proper handling of arrests in this age category, see Policy 305-Juvenile Arrest.
- 307.04 With the exception of signatures, all information on the UCC/NTA shall be legibly printed, or typed.
- 307.05 When an officer issues a UCC/NTA, he/she shall give all pertinent information, including the names of all witnesses, to Case Desk personnel.
- 307.06 Under no circumstances shall an officer attempt to coerce an offender into signing a Notice To Appear by saying that he/she must sign or be booked. The officer shall explain to the accused that his/her signature is only a promise to appear in Municipal Court and is in no way an admission of guilt. However, if the person refuses to sign after receiving such explanation, he/she may be arrested if the officer witnessed the original violation. If, however, it was committed outside the officer's view, refer to Section 301.16 to determine whether the offender should be booked or released.

INSTRUCTIONS FOR ISSUING A UNIFORM CRIMINAL COMPLAINT:

307.07 PETIT THEFT SECTION:

- A. Only violations of Ordinance Number 5.42.010(a) may be indicated in this space. Any other violation of Chapter 5.42 [Theft] shall be described in the "other" portion of the UCC.
- B. Officers shall provide a description, monetary value and owner's name of all property taken in the theft. NOTE: In the case of a retail store, the wholesale value [what the store paid for the item] should be listed. In all cases, if a specific dollar amount can be determined, list that amount rather than "less than \$1,000."
- C. In all Petit Theft/Shoplifting cases, officers shall also ensure that the complainant completes an Affidavit attesting to the alleged facts of the case.
- D. Professional security personnel at local businesses who file petit-theft complaints do not have to come to the Municipal Court Clerk's Office on the next business day to swear to complaints, but they must sign both the UCC and the Affidavit at the time the officer is at the scene and makes the case, officers need to also sign the UCC. Officers should inform these persons of this fact when they make petit-theft cases. This applies only to persons employed by businesses as security officers, and only to petit-theft cases.

E. Only one (1) violation of Ordinance Number 5.42.010(a) may be listed on a single UCC.

307.08 OTHER Section:

- A. With the exceptions of Petit Theft-Shoplift cases, all other violations of city ordinances shall be described in this portion of the UCC. The description shall conform to the Uniform Criminal Complaint Phraseology Reference for the offense committed. When an offense is committed that is not listed in that document, complete this portion of the form by writing in the essential elements constituting the crime charged.
- B. Only one (1) violation of a City Ordinance other than 5.42.010(a) may be listed on a single UCC.
- C. Only one (1) incident number may be placed on a UCC. Additional UCC's must be completed for each different Incident Number.
1. If an alleged offender is charged with more than one (1) violation under the same Incident Number, up to two (2) charges may be placed on the same UCC, provided that no more than one charge is listed in the Petit Theft Section and/or the Other Section [e.g., a suspect could be charged with theft and criminal trespass on the same UCC, IF all charges stemmed from the same Incident Number]. Should more than two (2) offenses have been committed, a second UCC shall be completed.
  2. When an alleged offender has committed two (2) or more violations which fall under the "other" category, the officer shall complete a UCC for each offense.

307.09 If an officer witnesses a violation of City Ordinance 5.68.160 Urinate Upon Public or Private Property, 09.03.040 Remain in Park After Hours, or 24.04.200 Posting of Signs on City of Wichita Property, the officer may issue a UCC/NTA without an incident number or completing an Incident or Arrest Report. The following criteria must be met in order to issue the UCC/NTA without an Incident Number:

- A. The officer viewed the violation;
- B. There are no additional charges the violator is going to be charged with;
- C. The violator is able to identify himself/herself to the reasonable satisfaction of the officer; if available a MorphoRapID can be used to obtain positive identification.
- D. The violator is at least 18 years of age, lives in the State of Kansas, and is willing to sign the Uniform Criminal Complaint;
- E. There is no physical evidence associated with the violation that needs to be submitted, and;
- F. There are no additional circumstances that would require documentation on an Incident Report.
- G. For Posting of Signs on City Property, officers may document the type of sign on the UCC/NTA and allow the violator to retain custody of the sign. The court date would be three weeks from the date of violation at 1800 hours, and be heard on the Environmental Court Docket.

UCC/NTA--OFFICER IS THE COMPLAINING WITNESS:

307.10 Officers shall complete a UCC for all misdemeanor arrests in which the officer is the complaining witness and the offense was committed in his/her presence. After the UCC has been completed, the officer shall sign his/her signature and ID number in the signature block, check the box indicating he/she is the complaining witness, and comply with the following:

A. NTA ISSUED:

Officers shall complete an NTA and assign the Designated Appearance Date for the accused person to appear in court. The officer shall sign and date the NTA. Ask the offender to sign in the "Signature of Accused Person" block.

1. If the offender signs the NTA, the officer shall serve him/her with the copy labeled "defendant's copy" and release him/her in the field. All paperwork associated with the case shall be turned in with the officer's mail at the end of shift.
2. Booking of an arrestee should be strongly considered when the safety and welfare of the community would be at risk by citing and releasing the arrestee. If releasing the arrestee does not put the safety and welfare of the community at risk and the arrestee is able to identify himself/herself to the reasonable satisfaction of the officer (if available a MorphoRapID can be used to obtain positive identification), then the arrestee can be issued the NTA and released.

B. OFFENDER ARRESTED:

After transporting the offender to the Adult Detention Facility, officers shall use the MorphoRapID machine to try and obtain positive identification of the arrestee. If positive identification cannot be made officers, shall complete a UCC/NTA and assign the Designated Appearance Date for the person to appear in court. The officer shall sign

and date the NTA and print "booked" in large letters across the entire NTA portion. The officer shall give the copy labeled "defendant's copy" to the accused person. The original and the three (3) remaining copies shall be given to ADF personnel. If positive identification is made officers can do one of the following:

1. NTA and Release
  - a. Complete an NTA and assign the Designated Appearance Date for the accused person to appear in court. The officer shall sign and date the NTA. Ask the offender to sign in the "Signature of Accused Person" block
  - b. Issue the NTA, transport the arrestee to the front of the jail, and release; or
  - c. Issue the NTA, walk arrestee through the jail to the front and release
2. Book the offender

UCC/NTA--CITIZEN IS THE COMPLAINING WITNESS:

307.11 When making an arrest or issuing a UCC/NTA where a citizen is the complaining witness and the offense was not committed in the officer's presence, the following procedure shall be adhered to:

A. NTA ISSUED:

1. Officers shall complete an Affidavit attesting to the alleged facts of the offense, citing specific actions of the defendant which constituted commission of a crime. The officer shall have the complainant read the document aloud [and shall read it to anyone who is unable to do so] and, if the complainant agrees with the language in the Affidavit, shall have him/her sign it.
2. Officers shall complete a UCC, sign his/her name in the signature block, and check the box indicating that a civilian is the complaining witness, leaving blank the complainant's signature block [exception: see Section 307.07 [D] for petit-theft cases involving professional security personnel].
3. Officers shall complete an NTA and assign the Designated Appearance Date for the person to appear in Court. The officer shall sign and date the NTA. He/she shall ask the offender to sign in the block "Signature of Accused Person."
  - a. If the accused signs the UCC/NTA, the officer shall serve him/her with the "Defendant's Copy" and release him/her in the field. All paperwork associated with the case shall be turned in with the officer's mail at the end of shift.
  - b. Booking of an arrestee should be strongly considered when the safety and welfare of the community would be at risk by citing and releasing the arrestee. If releasing the arrestee does not put the safety and welfare of the community at risk, then a MorphoRapID can be used at the scene to obtain positive identification of the arrestee and the arrestee can be issued the NTA and released.
4. The officer shall advise the complainant that he/she must appear before the Municipal Court Clerk [during normal business hours] to swear to and sign the UCC. This should be done as soon as possible following an initial, 24 hour waiting period after the complaint is made to the officer [exception: see Section 307.07 [D] for petit-theft cases involving professional security personnel].

B. OFFENDER ARRESTED:

1. Officers shall complete an Affidavit attesting to the alleged facts of the offense, citing specific actions of the defendant which constituted commission of a crime. The officer shall have the complainant read the document aloud [and shall read it to anyone who is unable to do so] and, if the complainant agrees with the language in the Affidavit, shall have him/her sign it.
2. Officers shall complete a UCC, sign his/her name in the "officer" signature block, have the complainant sign his/her name in the "complainant" signature block, and check the box indicating that a civilian is the complaining witness.
3. After transporting the offender to the Adult Detention Facility, officers shall use the MorphoRapID machine to try and obtain positive identification of the arrestee. If positive identification cannot be made, officers shall complete a UCC/NTA and assign the Designated Appearance Date for the person to appear in court. The officer shall sign and date the NTA and print "booked" in large letters across the entire NTA portion. The officer shall give the copy labeled "defendant's copy" to the accused person. The original and the three (3) remaining copies shall be given to ADF personnel.
4. If positive identification is made officers can do one of the following:

A. NTA and Release

1. Complete an NTA and assign the Designated Appearance Date for the accused person to appear in court. The officer shall sign and date the NTA. Ask the offender to sign in the "Signature of Accused Person" block
2. Issue the NTA, transport the arrestee to the front of the jail, and release; or

3. Issue the NTA, walk arrestee through the jail to the front and release

B. Book the offender

C. DISORDERLY CONDUCT/ SIMPLE ASSAULT CASES WHEN AN **ADULT** OFFENDER IS NOT PRESENT

1. Officers will complete an incident report and forward the paperwork to Records.
2. Officers will inform the victim(s) that if prosecution is desired, they are required to contact the Night Investigations Section at 268-4647 after 1700 hours, Monday through Friday. Officers will ensure the victim(s) have the case number.
3. Officers will advise victims to wait at least two business days before contacting the Night Detective Section to allow for the case to be entered.
4. When a night detective is contacted by a victim(s) who wishes to pursue charges on a disorderly conduct or simple assault case, that detective will notify the supervisor, who will assign the case for follow-up.
5. Upon completion of the investigation, the detective will complete the Uniform Criminal Complaint and Affidavit, and obtain the appropriate signatures. The UCC/NTA and affidavit will be forwarded to the Municipal Court Clerk's Office for data entry.
6. If the case detective determines that the evidence doesn't support charging, he/she will contact the victim with those findings.

307.12 MANDATORY BOOKING

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- A. Domestic Violence cases require mandatory booking. Battery arrests do not always require that the officer witness the offense; see Policy 512-Domestic Violence, and Section 301.18 (D3).
- B. DUI cases require mandatory booking.
- C. Shoplifting cases require mandatory booking if the person accused has two (2) or more prior theft convictions; see Policy 517-Larceny/Shoplifting Cases.
- D. Possession of marijuana cases; if the person(s) accused has two (2) or more prior possession convictions the person(s) accused must be booked Hold for State Warrant and the case presented to the District Attorney's office. Absent any other charges, if the person(s) accused does not have two (2) or more prior possession convictions the officer(s) must issue a UCC/NTA and shall not book.

307.13 In addition to the occasions described in Section 307.12, a misdemeanor may be arrested and booked when an officer has witnessed the violation, and one (1) or more of these circumstances exist:

- A. The offender is unable to identify himself/herself to the reasonable satisfaction of the arresting officer. [City of Wichita Charter Ordinance 122, Section 3(d)(2)(B)]
- B. The offender is not a resident of the State of Kansas. [City of Wichita Charter Ordinance 122, Section 3(d)(2)(C)]
- C. The offender refuses to give a written promise to appear in court when served with a Notice To Appear. [City of Wichita Charter Ordinance 122, Section 3(d)(2)(A)]
- D. The offender is being accused of theft, and he/she has been convicted of a theft charge two (2) or more times in their lifetime immediately preceding commission of the crime [including municipal court convictions] [the suspect is booked for Felony Theft/Hold For State Warrant in these instances, per K.S.A. 21-5801].
- C. As a result of the current violation, the offender appears to require a medical examination or medical care and is unable to care for his/her own safety.

307.14 PROSTITUTION RELATED ARRESTS

- A. Officers making a prostitution related arrest in one of the mapping areas shall complete the top portion of the Wichita Police Department Mapping form and attach it to the UCC.
- B. When citing for violation of City Ordinance 5.68.218 - Failure to comply with mapping restrictions, Officers must confirm through SPIDER that the individual is Signal 11, "mapped out", of an area.