

A Citizen's Option

Officers respond to calls for assistance from citizens for a variety of incidents. The officer arrives, often the incident is over or the perpetrator is no longer present, and the complainant, the person that called the police, often wants to know what can be done. The officer explains the judicial process and provides options for resolution. The Tennessee Code and legal precedents often dictate the actions available.

The two familiar avenues are the arrest warrant or summons/citation. An arrest warrant provides for the immediate custody of the named defendant, whereas the summons/citation provides for the defendant, acknowledging and promising to appear in court without being taken into custody. In the majority of situations, a complainant speaks with the County's Judicial Commissioner and explains the facts and circumstances of an incident. The Commissioner determines if probable cause exists and issues either an arrest warrant or a summons to court. If a complainant has filed a police report concerning an incident, that report should be provided to the commissioner. However, it is not a requirement for a summons.

Another option to citizens is that a complainant could explain the details of an incident to the officer and if the officer feels probable cause exists, and the alleged offender is present, the officer may affect an arrest or issue a citation in lieu of arrest. In either instance, the complaining party will be listed as a witness.

A police officer is not an attorney and does not provide legal advice. The officer is trained to provide information as to available processes and resources. The Judicial Commissioner maintains an office at the Sheriff's department and can be reached at 931-728-3591. Any questions about this or other Police operations may be directed to Chief Paul Blackwell at (931) 455-0530, or pblackwell@tullahomtn.gov.