

## **Citation Release**

### **5.06.01 PURPOSE**

This order mandates the policies for issuing citations to persons arrested for misdemeanor and infraction violations, establishes procedures for citing at that scene, and specifies when an incident report is required.

### **5.06.02 POLICY**

- A. GENERAL - It is the policy of the San Francisco Police Department, in accordance with state law, that officers cite and release all persons arrested for misdemeanor and infraction offenses. Members may book the arrested person at the scene or at district station prior to release or indicate on the citation where the arrested person shall appear to be booked or for fingerprinting prior to the date the arrested person appears in court. Cal. Penal Code section 853.6 (g).
- B. MISDEMEANOR EXCEPTIONS - If a person is arrested for a misdemeanor offense(s), they shall be subject to custodial arrest rather the citation release when any of the following condition exists:
1. The person arrested was so intoxicated that they could be a danger to themselves or to others.
  2. The person arrested required medical examination or medical care or was otherwise unable to care for their safety.
  3. The person was arrested under one or more of the circumstances listed in Section 40302 and 40303 of the California Vehicle Code.
  4. There were one or more outstanding arrest warrants for the person.
  5. The person could not provide satisfactory evidence of personal identification.
  6. The prosecution of the offense or offenses for which the person was arrested, of the prosecution of any other offense or offenses, would be jeopardized by immediate release of the person arrested.
  7. There was a reasonable likelihood that the offense or offenses would continue or resume, or that the safety of persons or property would be imminently endangered by release of the person arrested.

8. The person arrested demanded to be taken before a magistrate or refused to sign a notice to appear.
9. There is a reason to believe that the person would not appear at the time and place specified in the notice. The basis for this determination shall be specifically stated.
10. The person was subject to Cal. Penal Code Section 1270.1. The form shall be filed with the arresting agency as soon as practicable and shall be made available to any party having custody of the arrested person, subsequent to the arresting officer, and to any person authorized by law to release the arrested person from custody before trial.
11. The person has been cited, arrested, or convicted for misdemeanor or felony theft from a store in the previous six months.
12. There is probable cause to believe that the person arrested is guilty of committing organized retail theft, as defined in subdivision (a) of Penal Code Section 490.4.

C. **INFRACTION EXCEPTIONS** - If a person is arrested solely for an infraction offense(s), they shall be cited, except when any of the following conditions exists:

1. The person refuses to present satisfactory evidence of their identity.
2. The person refuses to give a written promise to appear.
3. The person demands an immediate appearance before a magistrate.

D. **DECISION TO CITE** - When a person is arrested for a misdemeanor or an infraction and it is later determined that they are eligible for a citation release, an officer shall promptly cite and release the person at any time prior to the Sheriff Department assuming custody.

### **5.06.03 PROCEDURES**

- A. **CITE AT SCENE** - If the person is eligible for citation release, cite and release them at the location of arrest.
- B. **CITING JUVENILES** - See DGO 7.01, Polices and Procedures for Youth Non-Psychological Detention, Arrest, and Custody.
- C. **CITING FOR TRAFFIC OFFENSES** - See DGO 9.01, Traffic Enforcement.
- D. **REFUSING TO SIGN THE CITATION** - When taking a person to a police facility after they refuse to sign a citation, follow these procedures:

1. Remind the person that signing the citation (promise to appear) does not constitute an admission of guilt.
2. Give the person one more chance to sign the citation before booking them.
3. Notify the lieutenant if the person still refuses to sign the citation. The lieutenant must personally approve the booking.
4. After booking the person, write an incident report and include in the report that the reminder and the second chance were given to the person prior to booking.

E. REASON NOT CITED - When a person is booked under any of the exceptions to the citation release policy, the “Reason Not Cited” box on the arrest form must be completed by the booking officer. The arresting officer must also explain in the incident report why the person was arrested as opposed to being cited.

#### F. INCIDENT REPORTS

1. MISDEMEANORS - An incident report must be completed whenever you issue a citation for a misdemeanor offense. Include the citation number for each person cited along with the date and time of the assigned court appearance.
2. INFRACTIONS / ADULTS - When citing an adult for an infraction, an incident report is not required unless you wish to apprise the court of specific facts and circumstances.
3. INFRACTIONS / JUVENILES - When citing a juvenile for an infraction, an incident report is not required for violations of Sections 640(a) through (f) of the Penal Code.

#### References:

DGO 5.04, Arrests by Private Persons