

# GENERAL ORDER

~~XX/X~~

~~X/2407/20/94~~

## 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.

### I. POLICY 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), he/she shall be subject to custodial arrest rather the citation release when any of the following condition exists:

1. The person ~~arrested was~~ is so intoxicated that he/she could be a danger to ~~themselves self~~ or to others.
2. The person ~~arrested required medical examination or medical car or was otherwise is~~ unable to care for his/her safety.
3. The person ~~was~~ is arrested ~~under for~~ one or ~~more more~~ of the ~~circumstances offenses~~ listed in Section 40302 ~~and 40303~~ of the California Vehicle Code.
  - ~~a. Failure to present a driver's license or other satisfactory evidence of identity.~~
  - ~~b. Demands an immediate appearance before a magistrate.~~
  - ~~c. Refuses to give written promise to appear.~~
  - ~~d. The person is arrested for 23152(a) C.V.C., driving under the influence of an alcoholic beverage or drugs, except:~~
    - ~~(i) When a non-warrant 23152(a) CVC prisoner is brought to Mission~~

~~Emergency Hospital and the Triage Supervisor indicates that the completion of the prisoner's treatment will exceed one hour, the arresting officer may cite and release the prisoner with the approval of his/her lieutenant.~~

~~(ii) — Lieutenants shall not authorize a citation and release while the prisoner is unable to exercise care for his/her safety by reason of being under the influence of an intoxicant.~~

~~(iii) — Officer shall indicate the name of the Triage Supervisor, the time estimated for treatment, and the name of the lieutenant giving approval at the conclusion of their incident report narrative.~~

~~4. The person is being booked for an arrest warrant in addition to the misdemeanor (see DGO 6.18, Warrant Arrests). 5. The person does not provide satisfactory evidence of his/her identity.~~

~~6. Prosecution of the offense would be jeopardized by the immediate release of the person.~~

~~7. here is reasonable likelihood that the offense would continue or the safety of persons or property would be in imminently endangered by the release of the person (see 40303 C.V.C.)~~

~~8. The person refuses to sign the citation or demands to be taken before a magistrate (see below).~~

~~9. The person is charged with a felony or an offenses punishable as either a felony or a misdemeanor ("wobbler").~~

~~a. When there are additional misdemeanor or infraction charges, combine them with the felony charge(s) on the booking form (see DGO 9.01, Booking of Prisoners).~~

~~b. Juveniles, however, may be cited and released for felonies per Section 602, Welfare and Institution Code (see DGO 7.01, Juvenile Policies and Procedures).~~

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.

~~10. The person has violated a protective court order involving domestic violence [see Penal Code Section 853.6(a) and DGO 6.09, Domestic Violence].~~

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

1. The person refuses to present satisfactory evidence of his/her identify.
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 receiving an arrest from a private person, the decision to cite or book the suspect shall be made on the basis of eligibility, not the arresting person's preference (see DGO 5.04, Arrests by Private Persons).~~ When a person is arrested for a misdemeanor or an infraction and it is a later determination that he/she is eligible for a citation release, an officer shall promptly cite and release the person at any time prior to the Sheriff Department assuming custody.

## **II. 5.06.03 PROCEDURES**

A. CITE AT SCENE. If the person is eligible for citation release, cite and release him/her at the location of arrest.

B. CITING JUVENILES. ~~See DGO 7.01, Juvenile Polices and Procedures. A criminal citation must be issued for the following days and times:~~

~~Monday through Friday~~

~~1330 hours through 1630 hours~~

~~Allow 7 to 14 calendar days between the date cited and the date of appearance. If two or more juveniles are being cited for the same offense, assign them the same court date but allow 30 minutes between individual appearances. You may require the juvenile and the~~

~~parent, guardian or responsible relative to sign the citation.~~

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 he/she refuses 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 him/her.
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

~~4.PRIVATE PERSON ARRESTS. See DGO 5.04, Arrests By Private Persons.~~

References:

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