

<b>ALAMEDA COUNTY SHERIFF'S OFFICE</b>  <b>DETENTION AND CORRECTIONS</b>  <b>POLICY AND PROCEDURE</b>	<b>NUMBER:</b> 11.10	<b>PAGES:</b> 1 of 4
	<b>RELATED ORDERS:</b> G.O. 1.09, 1.16 P.C. 148, 827.1	
	<b>ISSUED DATE:</b> July 1, 1989	
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<b>CHAPTER:</b> Intake, Transfer, Release and Records	<b>SUBJECT:</b> Citation Release	

- I. **PURPOSE:** To set policy and procedure regarding citation release of arrestees.
- II. **POLICY:** No inmate will be released from physical custody without sworn supervisor approval. Agency members shall issue citations to all adults (persons eighteen years or older) arrested for any misdemeanor offense or taken into custody after a citizen's arrest for a misdemeanor offense, unless the circumstances include one or more of the listed physical arrest criteria.
- III. **PROCEDURE:**
- A. A citation shall not be issued in the field if the person arrested requires medical examination, medical care, or is unable to care for his or her own safety.
    - 1. Whenever physical force is employed in effecting an arrest, a physical arrest shall be made.
    - 2. When it is necessary to transport the arrested person to a hospital for medical treatment, a citation may be issued at the hospital, according to Agency policy.
    - 3. Inmates too inebriated to care for their own safety must be physically arrested. The law provides that a person shall never be arrested for intoxication only, unless his or her safety or the safety of another is jeopardized.
  - B. A citation shall not be issued if there is a reasonable likelihood that the offense would continue, resume, or when persons or property would be endangered by the arrested person.
  - C. A citation shall not be issued if the person cannot or will not offer satisfactory evidence of identity:
    - 1. "Satisfactory evidence of identity" is defined as the degree of evidence required to

reasonably assure the Agency member that the person is who he or she claims to be, taking into consideration the nature of the identification presented, and the circumstances of the misdemeanor offense involved.

2. When the person cannot offer satisfactory evidence of his or her identity, a deputy should attempt to verify the person's identity by independent means, if it is practical to do so.
  3. This provision shall be considered met if after fingerprinting the subject, he or she is linked to a known person (Personal File Number (PFN)) or the subject provides adequate identification to the Intake, Transfer and Release (ITR) deputy.
- D. A citation shall not be issued if prosecution of the offense for which the person was arrested, or another offense, would be jeopardized.
1. If the arresting deputy wishes to interrogate the person regarding the offense, the citation decision may be delayed until a reasonable opportunity to admonish and interrogate has occurred.
  2. Physical arrest is proper if evidence of the crime might otherwise be destroyed.
- E. A citation shall not be issued if a reasonable likelihood exists that the arrested person will fail to appear in court.
1. In all arrest situations, the deputy will be required to judge whether there is a reasonable likelihood the person arrested would fail to appear in court, if cited. The deputy's evaluation of the arrested person's credibility will often be the sole factor influencing the choice of citation release or physical arrest.
  2. Good judgment in assessing the relevance and reliability of the information available will affect the arrested person's citation release.
- F. A citation shall not be issued if the person demands to be taken immediately before a magistrate or refuses to sign the citation.
1. State law prohibits the citation release of any arrestee who demands to be taken before a magistrate.
  2. The arrestee's signature is required for citation release. The arrestee should be advised that signing the citation is not an admission of guilt, but only a promise to appear in court on the designated date.
  3. If the arrestee refuses initially to sign a citation and is taken into custody, he or she shall be released on a citation if he or she decides later to sign the citation.
- G. Individuals who are subject to arrest under the authority of a misdemeanor warrant may

be issued a citation, unless one of the following conditions exists pursuant to Section 827.1 of the Penal Code.

1. The misdemeanor is for violence.
  2. The misdemeanor involves a firearm.
  3. The misdemeanor is for resisting arrest.
  4. The misdemeanor is for giving false information to a peace officer.
  5. The arrestee is a danger to him or herself or others due to intoxication or being under the influence of drugs or narcotics.
  6. The person has other ineligible charges.
  7. The person requires medical examination or medical care, or is otherwise unable to care for his or her own safety.
  8. There is a reasonable likelihood that the offense or offenses would continue or resume, or that the safety of persons or property would be immediately endangered by the release of the person.
  9. The person refuses to sign the notice to appear.
  10. The person cannot provide satisfactory evidence of personal identification.
  11. The warrant of arrest indicates that the person is not eligible to be released on a citation.
- H. The officer bringing the prisoner for booking will be advised of the opportunity to issue a field citation rather than booking the prisoner.
1. If the officer opts to issue a citation, no notation will be made of the arrest in the Alameda County Jail Records. The arresting agency will be responsible for transporting the prisoner back to the place of arrest.
  2. If the prisoner is not to be released due to one of the reasons cited above, the officer will be requested to make a notation of the non-release reason on the ***Electronic*** Consolidated Arrest Report (***eCAR***).
- I. If the prisoner falls under non-release criteria, or the officer cannot issue a field citation due to his or her department's policy, the prisoner will be accepted for booking.
1. Booking will be done according to ***CRIMS*** regulations.

2. A determination will be made by the ITR Sergeant whether the individual accepted for booking fits the criteria for citation release. If so, he or she will be released on a citation by jail staff. The procedure for citation release under these criteria is the same as for citation release on a qualified on-view misdemeanor.
  3. Prisoners accepted for booking will be entered into *ATMS* per standard booking procedures.
- J. Intake, Transfer and Release staff receiving arrests shall check the *eCAR* and require the transporting agency to indicate whether the defendant may be released to a citation with the ITR Sergeant's approval. Only after booking is an inmate considered for citation release.
- K. Defendants released to citation will be given court dates in the appropriate jurisdiction in the same manner as if they had posted bail. Records' staff is responsible for court date assignments and updating *ATIMS*.
- L. CITATION RELEASES/ON-VIEW ARRESTS: Prisoners received and booked on misdemeanor offenses will be released on a citation given a court date in the appropriate jurisdiction in the same manner as if they had posted bail for the same offense, except in the following instances:
1. A reasonable likelihood that the offense would continue, or when a person or property would be endangered by the arrestee's release.
  2. The prisoner cannot or will not offer satisfactory evidence of identity. This provision will be considered met if, after fingerprinting, the subject is confirmed as a known person with an established PFN.
  3. The prosecution of the offense for which the person was arrested, or another offense, would be jeopardized.
  4. A reasonable likelihood exists that the arrestee will fail to appear in court.
  5. The arrestee demands to be taken immediately before a magistrate or refuses to sign a citation.
  6. The arrest was for domestic violence.