

CITATION RELEASE

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

I. 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.
- B. MISDEMEANOR EXCEPTIONS.** If a person is arrested for a misdemeanor offense(s), he/she shall be subject to custodial arrest rather than citation release when any of the following conditions exists:
- 1. The person is so intoxicated that he/she could be a danger to self or to others.**
 - 2. The person is unable to care for his/her safety.**
 - 3. The person is arrested for one or more of the offenses listed in Section 40302 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 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.**

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- (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) Officers 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. There is a reasonable likelihood that the offense would continue or the safety of persons or property would be 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 offense 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 4.01, 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).
- 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 exist:
1. The person refuses to present satisfactory evidence of his/her 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 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 (also see DGO 5.04, Arrests by Private Persons). When a person is arrested for a misdemeanor or an infraction and it is later determined 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. PROCEDURES

- A. CITING AT THE SCENE.** If a person is eligible for citation release, cite and release him/her at the location of arrest.
- B. CITING JUVENILES.** 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 or circumstances.
3. **INFRACTIONS/JUVENILES.** When citing a juvenile for an infraction, an incident report is not required except for violations of Sections 640(a) through (f) of the Penal Code.
4. **PRIVATE PERSON ARRESTS.** See DGO 5.04, Arrests By Private Persons.