



Approved:

Chief Marcia Harnden

Subject:

606. Citation Releases

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606.1: PURPOSE AND SCOPE

This policy provides guidelines for the issuance of citation in lieu of arrest of eligible offenders.

606.2: POLICY

It is the policy of the Albany Police Department, pursuant to [Oregon Revised Statutes 133.055](#), that officers may issue a criminal citation to a person if the officer has probable cause to believe that the person has committed a misdemeanor or has committed a felony that is subject to misdemeanor treatment under [ORS 161.705](#).

606.3: STATUTORY REQUIREMENTS

- a. Officers will cite offenders into the court before which they would appear if arrested.
- b. The citations must specify the time, date and court of appearance, and the court date shall not be later than 30 days after the citation was issued ([ORS 133.055](#) and [133.060](#)).

606.4: DEPARTMENT PROCEDURE

606.4.1: FIELD CITATIONS

Upon obtaining satisfactory identification and verifying that there are no outstanding warrants for the individual, officers may issue citations to a person upon probable cause to believe that the person has committed a misdemeanor or has committed a felony subject to misdemeanor treatment under ORS 161.705, unless there is a disqualifying reason making the person ineligible for citation (ORS 133.055).

606.4.2: FINGERPRINTS AND PHOTOGRAPHS

In cases where it is appropriate to fingerprint and photograph an offender prior to release, the offender shall be taken into custody and transported to the Department or the Linn County Jail for that purpose, after which, they may be issued a citation and released.

606.4.3: DISQUALIFYING CIRCUMSTANCES

In the following circumstances, offenders should not be cited and released:

- a. Oregon Revised Statutes 133.055 specifically exempts persons arrested for assault or menacing at the scene of a domestic violence complaint. Those persons must be physically taken into custody and shall be transported and lodged at the jail;
- b. The person has outstanding warrants for their arrest;
- c. The person cannot provide satisfactory proof of identification;
- d. The investigation or prosecution of the offense or offenses for which the person was arrested, or the investigation or prosecution of any other offense or offenses, would be jeopardized by the immediate release of the person arrested;
- e. There is 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 the release of the person arrested;
- f. The person has indicated they will not appear or there is other reason to believe that the person would not appear at the time and place specified in the citation. The basis for this determination shall be specifically stated such as:
 - 1) Previous record of failure to appear in court;
 - 2) Person lacks ties to the area such as a residence, job, or family;
 - 3) The person initially provided false information about their identity or has previously used false names to avoid prosecution;
- g. The person arrested is so intoxicated that they could be a danger to themselves or to others. (Release may occur as soon as this condition no longer exists);
- h. Unusual circumstances which lead the officer to conclude that the suspect should be held for further investigation.

606.4.4: INSTRUCTIONS TO CITED PERSON

The citing officer shall call attention to the time and place for appearance and take any other steps the officer deems necessary to ensure that the defendant understands their written obligation to appear.

606.5: CITATION RELEASE ON WARRANTS

- a. If the offense is not excluded under Oregon Revised Statutes 133.055, the court may authorize an officer to issue and serve a criminal citation in lieu of arrest ([ORS 133.110](#)).
- b. Officers should not issue citations under the following circumstances:
 - 1) The crime cited in the warrant involves violence;

- 2) The crime cited in the warrant involved a firearm;
- 3) The crime cited in the warrant involves resisting arrest;
- 4) The crime cited in the warrant involves giving false information to an officer;
- 5) The person arrested is a danger to themselves or others due to intoxication or being under the influence of drugs or narcotics;
- 6) The person requires medical examination or medical care or was otherwise unable to care for their own safety;
- 7) The person has other ineligible charges pending against them;
- 8) There is 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 has indicated that they will not appear if released on a citation;
- 10) The person cannot provide satisfactory evidence of personal identification;
- 11) The warrant of arrest does not indicate that the person is eligible to be released on a notice to appear;

c. Release under this section shall be done in accordance with the provisions of this policy.

606.6: JUVENILE CITATIONS

- a. Completion of criminal citations for juveniles is generally not appropriate with the following exceptions:
 - 1) Benton County Juveniles arrested in Benton County for DUII shall be cited to appear in Benton County Circuit Court.
 - 2) Benton County Juveniles arrested for crimes for which the juvenile cannot be lodged at the Linn-Benton Juvenile Detention Facility will be cited to appear in the Benton County Juvenile Department. The juvenile will also be provided a [Juvenile Arrest Notice: Form A87](#) with the citation.
- b. All other juvenile arrests which cannot be lodged at the Linn-Benton Juvenile Detention Facility shall be documented with a case number and referred to the Linn County Juvenile Department.

606.7: REQUESTING CASE NUMBERS

- a. Case numbers will be drawn for all citations for traffic crimes, local ordinance violations, state misdemeanors, qualified felonies, and all citations subsequent to the service of an arrest warrant.
- b. If the incident involves a citation issued subsequent to the service of a local arrest warrant where an Albany Police Department case number already exists, that case number shall be used.
- c. Citations issued for traffic violations do not require a case number.