

	<b>Number:</b> BPD - 314	<b>Pages:</b> 3
	<b>Effective Date:</b> 8/1/14	<b>Amends/Rescinds:</b>
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<b>WASPC Standard(s):</b>		<b>Subject: CITE AND RELEASE POLICY</b>

### **314.1 PURPOSE AND SCOPE**

Officers may use citation and notice to appear release procedures in lieu of arrest for misdemeanor and gross misdemeanor offenses with certain exceptions. The state courts have shown the intent to release all persons on misdemeanor and gross misdemeanor citations, if qualified for such release.

### **314.2 RELEASE METHODS**

Release by citation for misdemeanor and gross misdemeanor offenses can be accomplished in two separate ways:

- (a) A field release is when the violator is released in the field without being transported to a jail facility.
- (b) A jail release is when a violator is released after being transported to the jail and booked, or once the violator has completed the administrative booking process.

#### **314.2.1 DISCRETION TO ARREST**

While this department recognizes the statutory power of peace officers to make arrests throughout the state, officers are encouraged to use sound discretion in the enforcement of the law. On-duty arrests will not generally be made outside the jurisdiction of this department except in cases of hot and/or fresh pursuit, while following up on crimes committed within the City, or while assisting another agency. On-duty officers who discover criminal activity outside the jurisdiction of the City should, when circumstances permit, consider contacting the agency having primary jurisdiction before attempting an arrest.

Off-duty officers observing criminal activity should generally take enforcement action only when it reasonably appears that imminent risk to life or property exists and the reasonable opportunity does not exist to contact the law enforcement agency with primary jurisdiction. In such situations the involved officer shall clearly identify him/herself as a police officer.

Officers are authorized to use verbal or written warnings to resolve minor traffic and criminal violations when appropriate.

### **314.3 DEPARTMENT PROCEDURE**

The following procedure will be followed to comply with state court rules.

<b>BOTHELL POLICE DEPARTMENT POLICY AND PROCEDURE MANUAL</b>	<b>NUMBER: BPD - 314</b>	<b>PAGE 2 of 3</b>
<b>SUBJECT: CITE AND RELEASE POLICY</b>		<b>EFFECTIVE DATE: 7/30/14</b>

### **314.3.1 FIELD RELEASE**

Whenever a person is arrested or could have been arrested pursuant to statute for a violation of law which is punishable as a misdemeanor or gross misdemeanor, the arresting officer or any other authorized peace officer, may release the person in the field and serve upon the person a citation and Notice to Appear in court (CrRLJ 2.1 (b)(2)).

### **314.3.2 JAIL RELEASE**

In certain cases, it may be impractical to release a person arrested for misdemeanor offenses in the field. With a supervisors approval the person arrested may instead be released from the jail after booking.

Any person arrested for a misdemeanor offense may be released on his/her written promise to appear after the booking procedure is completed, unless disqualified for reasons listed below.

### **314.3.3 DISQUALIFYING CIRCUMSTANCES**

In determining whether to release the person or to hold him or her in custody, officers shall consider the following factors (CrRLJ 2.1 (b)(2)):

- (a) Whether the person has identified himself or herself satisfactorily.
- (b) Whether detention appears reasonably necessary to prevent imminent bodily harm to himself, herself, or another, or injury to property, or breach of the peace.
- (c) Whether the person has ties to the community reasonably sufficient to assure his/her appearance or whether there is substantial likelihood that he or she will refuse to respond to the citation and notice.
- (d) Whether the person previously has failed to appear in response to a citation and notice issued pursuant to this rule or to other lawful process.

### **314.3.4 INSTRUCTIONS TO CITED PERSON**

The citing officer shall, at the time he/she issues the defendant the notice to appear, call attention to the time and place for appearance and take any other steps he/she deems necessary to ensure that the defendant understands his/her written promise to appear.

## **314.4 CITATION RELEASE ON MISDEMEANOR WARRANTS**

Officers may release misdemeanor or gross misdemeanor warrant arrestees on a citation unless one or more of the following conditions exist:

- (a) The warrant of arrest indicates that the person is not eligible to be released on a citation (CrRLJ 2.2 (a)(1)).
- (b) The person requires medical examination or medical care or was otherwise unable to care for his/her own safety.

<b>BOTHELL POLICE DEPARTMENT POLICY AND PROCEDURE MANUAL</b>	<b>NUMBER:</b> BPD - 314	<b>PAGE</b> 3 of 3
<b>SUBJECT: CITE AND RELEASE POLICY</b>		<b>EFFECTIVE DATE:</b> 7/30/14

- (c) The person has other ineligible charges pending against him/her.
- (d) 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.
- (e) The person cannot provide satisfactory evidence of personal identification.

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

### **314.5 JUVENILE CITATIONS**

Completion of criminal citations for juveniles is generally not appropriate with the following exceptions:

- Misdemeanor traffic violations of the RCW.
- Violations of the Bothell City codes.