

Citation Releases

410.1 PURPOSE AND SCOPE

The purpose of this policy is to provide members of the Olympia Police Department with guidance on when to release adults who are suspected offenders on a citation and notice to appear in court for a criminal offense, rather than having the person held in custody for a court appearance or released on bail.

410.2 POLICY

The Olympia Police Department will consider its resources and its mission of protecting the community when exercising any discretion to release suspected offenders on a citation and notice to appear in court, when authorized to do so.

410.3 RELEASE

Except for the prohibitions listed in 410.4, a suspected offender may be released on issuance of a citation and notice to appear in court by an officer 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 (Criminal Rules, CrRLJ 2.1(b)(1)).

410.4 PROHIBITIONS

The release of a suspected offender on a citation and notice to appear is not permitted when:

- (a) A person has been arrested pursuant to RCW 10.31.100(2) (restraining orders).
- (b) An officer has probable cause to believe that the person arrested has violated RCW 46.61.502 (DUI) or RCW 46.61.504 (physical control of a vehicle while DUI) or equivalent local ordinance and the officer has knowledge that the person has a prior offense as defined in RCW 46.61.5055 (alcohol and drug violators) within the last 10 years, or that the person is charged with or is awaiting arraignment for an offense that would qualify as a prior offense under RCW 46.61.5055 if it were a conviction (RCW 10.31.100; Criminal Rules, CrRLJ 3.2(o)(3)).

See the Domestic Violence Policy for release restrictions related to those investigations.

410.5 CONSIDERATIONS

In determining whether to cite and release a person, officers shall consider whether (Criminal Rules, CrRLJ 2.1(b)(2)):

- (a) The suspected offender has identified themselves satisfactorily.
- (b) Detention appears reasonably necessary to prevent imminent bodily harm to the suspected offender or another, property damage or breach of the peace.
- (c) The suspected offender has ties to the community reasonably sufficient to assure his/her appearance or whether there is substantial likelihood that they will refuse to respond to the citation and notice.

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- (d) The suspected offender previously has failed to appear in response to a citation and notice issued pursuant to the court rule or to other lawful process.