

Citation Releases

420.1 PURPOSE AND SCOPE

This policy provides procedures for citation and release in lieu of arrest.

420.2 POLICY

The Vancouver Police Department authorizes officers to use citation and notice to appear release procedures in lieu of arrest for misdemeanor and gross misdemeanor offenses with applicable law.

420.2.1 DISCRETION TO ARREST

Whenever a person is arrested or could have been arrested for a violation of law which is punishable as a misdemeanor or gross misdemeanor, the arresting officer may release the person in the field and serve upon the person a citation and a Notice to Appear in court. The officer shall call attention to the time and place for appearance and take any other steps deemed necessary to ensure that the defendant understands his/her promise to appear.

420.3 RELEASE

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)).

420.4 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 (RCW 10.31.100; Criminal Rules, CrRLJ 3.2(o)(3)).

For release restrictions related to domestic violence investigations, refer to **Policy 319 - Domestic Violence**.

420.5 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 him/herself satisfactorily.
- (b) Detention appears reasonably necessary to prevent imminent bodily harm to the suspected offender or another, property damage or breach of the peace.

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- (c) The suspected offender has ties to the community reasonably sufficient to assure his/her appearance or whether there is substantial likelihood that he/she will refuse to respond to the citation and notice.
- (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.

420.6 JUVENILE ACTIONS

Completion of criminal citations for juveniles is generally not appropriate except for traffic violations.

Misdemeanor violations for juveniles shall be documented with a police report and referred to juvenile court.