



# FULLERTON POLICE DEPARTMENT

## TRAINING BULLETIN

*ROBERT DUNN, CHIEF OF POLICE*

---

**August 4, 2021**

**Page 1 of 1**

**TB # 21-05**

---

### **Cite and Release Policy 411 Update**

#### **411.3 Release by Citation**

Except in cases where a reason for non-release as described below exists, adults arrested for a misdemeanor offense, including a private person's arrest, shall be released from custody on a citation (Penal Code 853.6).

The citing officer shall, at the time the defendant signs the notice to appear, call attention to the time and place for appearance and take any other steps they deem necessary to ensure that the defendant understands their written promise to appear.

#### **411.4.2 Reasons for Non-Release**

A person arrested for a misdemeanor shall be released on a citation unless there is a reason for non-release. The Watch Commander may authorize a release on citation regardless of whether a reason for non-release exists when it is determined to be in the best interest of the Department and does not present an unreasonable risk to the community (e.g., release of an intoxicated or ill person to a responsible adult)

Reasons for non-release include (Penal Code 853.6(i)):

- (a) The person arrested is so intoxicated that they could be a danger to themselves or to others. Release may occur as soon as the condition no longer exists.
- (b) The person arrested requires medical examination or medical care or is otherwise unable to care for their safety
  - 1. The Fullerton Police Department shall not release an arrestee from custody for the purpose of allowing that person to seek medical care at a hospital, and then immediately re-arrest the same individual upon discharging from the hospital, unless the hospital determines this action will enable it to bill and collect from a third-party payment source (Penal Code 4011.10).

- (c) The person arrested for one or more of the offenses listed in Vehicle Code 40302, Vehicle Code 40303, and Vehicle Code 40305.
- (d) There are one or more outstanding arrest warrants for the person (see Misdemeanor Warrants elsewhere in Policy 411)
- (e) The person could not provide satisfactory evidence of personal identification.
  - 1. If a person released on citation does not have satisfactory evidence of personal identification in their possession, a right thumbprint or fingerprint should be obtained on the citation form.
- (f) The prosecution of the offense or offenses for which the person was arrested or the prosecution of any other offense or offenses would be jeopardized by the immediate release of the person arrested.
- (g) 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.
- (h) The person arrested demands to be taken before a magistrate or has refused to sign the notice to appear.
- (i) There is reason to believe that the person would not appear at the time and place specified in the notice to appear. The basis for this determination shall be specifically documented. Reasons may include:
  - 1. Previous failure to appear is on record
  - 2. The person lacks ties to the area, such as a residence, job, or family
  - 3. Unusual circumstances lead the officer responsible for the release of prisoners to conclude that the suspect should be held for further investigation.

The previous non-release criteria below is no longer considered a reason for non-release:

- (a) The person has been cited, arrested, or convicted for theft from a store or vehicle in the previous six months, or there is probable cause to believe the person is guilty of committing organized retail theft, as defined in Penal Code 490.4(a)

When a person is arrested on a misdemeanor offense and is not release by criminal citation, the reason for non-release shall be noted on the booking form. This form shall be submitted to the Watch Commander for approval and included with the case file in the Records Bureau.

**Source: Memorandum from Keith F. Collins, Deputy City Attorney**

This Training Bulletin can also be accessed through the Police Department Network.

- Go to & click on **COMMON** on S: Drive”
- Click on the **TRAINING** folder
- Click on **TRAINING BULLETINS** folder - **2021 TRAINING BULLETINS** folder
- Click on **TB 21-05 – CITE AND RELEASE POLICY 411 UPDATE**