

## Citation Releases

### 410.1 PURPOSE AND SCOPE

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

This policy also provides guidance on when a court orders that a person be released.

Additional release restrictions may apply to those detained for domestic violence, as outlined in the Domestic Abuse Policy.

### 410.2 POLICY

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

### 410.3 RELEASE

A suspected offender shall be released on issuance of a citation:

- (a) When the offender has been arrested without a warrant and either a prosecutor or district court judge orders that the offender should be released (Minn. R. Crim. P. 4.02; Minn. R. Crim. P. 6.01).
  1. Release is not required if a reviewing supervisor determines that the offender should be held pursuant to Minn. R. Crim. P. 6.01 Subd. 1.
- (b) When the offender is charged with a petty or fine-only misdemeanor (Minn. R. Crim. P. 6.01).
- (c) In misdemeanor cases unless it reasonably appears to the arresting officer that the offender will (Minn. R. Crim. P. 6.01):
  1. Cause bodily injury to him/herself or another if he/she is not detained.
  2. Continue engaging in criminal conduct.
  3. Not respond to a citation.
- (d) When the offender is from another state which has a reciprocal agreement with Minnesota unless the offense is (Minn. Stat. § 169.91):
  1. One which would result in the revocation of the offender's driver's license under Minnesota law upon conviction.
  2. A violation of a highway weight limitation.
  3. A violation of a law governing the transportation of hazardous materials.
  4. That the offender was driving without a valid driver's license.

# Columbia Heights Police Department

## Policy Manual

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#### **410.4 PROHIBITIONS**

The release of a suspected offender on a citation is not permitted when:

- (a) The offender has committed a driving while impaired (DWI) offense (Minn. Stat. § 169A.40; Minn. Stat. § 169.91).
- (b) The offender is arrested for a violation of state law or an ordinance related to the operation or registration of a vehicle punishable as a misdemeanor or felony and (Minn. Stat. § 169.91):
  1. The offender demands an immediate appearance before a judge.
  2. The offender is charged with:
    - (a) An offense involving an accident that resulted in injury or death.
    - (b) Criminal vehicular homicide.
    - (c) Failure to stop after being involved in an accident that resulted in death, personal injuries or damage to property.
  3. There is reasonable cause to believe that the offender may leave the state.

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

#### **410.5 CONSIDERATIONS**

In determining whether to cite and release a person when discretion is permitted, officers should consider:

- (a) The type of offense committed.
- (b) The known criminal history of the suspected offender.
- (c) The ability to identify the suspected offender with reasonable certainty.
- (d) Whether there is any record of the individual failing to appear in previous cases or other articulable indications that the individual may not appear in court for this offense.
- (e) The individual's ties to the area, such as residence, employment or family.
- (f) Whether there is reasonable likelihood that criminal conduct by the individual will continue.

#### **410.6 FISH AND GAME AND ENVIRONMENT-RELATED OFFENSES**

In the case of game and fish laws or other environment-related offenses, as specified in Minn. Stat. § 97A.211, officers should release the offender unless there is reason to believe that criminal conduct will continue or that the offender will not respond as required by the citation (Minn. Stat. § 97A.211).