



## **OPERATIONS ORDER**

### **Citations**

#### **Purpose and Scope**

The Sacramento County Probation Department supports the issuance of citations in lieu of detention to release eligible persons arrested for misdemeanor or infraction offenses on a signed Promise to Appear, in accordance to Penal Code Section 853.6.

#### **Affected Personnel**

All employees assigned to Adult Community Corrections, Adult Court, Adult Field, Juvenile Court, and Juvenile Field

#### **Authority**

Penal Code Sections 853.5-853.8

#### **Effective Date**

August 4, 2020

### **I. Guidelines**

- A. A citation is a written or electronic order issued by a law enforcement officer that releases the person on the promise to appear in court at a specific date and time.
- B. The issuing of citations should only be used in lieu of custody for qualified offenses consistent with Penal Code section 853.6, and not to enforce Infractions.
- C. A Crime Report or Information/Incident Report shall be completed when an adult or juvenile is cited.
- D. If the person is **not eligible** for release with a citation, the officer shall indicate the reason in the Arrest Report and Crime Report. The reasons for non-release may include:
  - 1. A level of intoxication indicating danger to self or others;
  - 2. A need for medical care or examination, or the person is otherwise unable to manage his/her own safety;
  - 3. Charges of Section 40302 of the Vehicle Code when the person arrested:
    - a. Fails to present a driver's license or other satisfactory evidence of identity;
    - b. Refuses to give his or her written promise to appear in court;
    - c. Demands an immediate appearance before a magistrate; or

- d. Is charged with violating Vehicle Code Section 23152.
4. Outstanding warrants;
5. Situations in which prosecution of the charged offense or of any other offense would be jeopardized by the immediate release of the suspect;
6. A reasonable likelihood the charged offense would continue or resume, or the safety of persons or property would be imminently endangered by the release of the person arrested;
7. Situations in which the person arrested demands to be taken before a magistrate or refuses to sign the citation;
8. Reason to believe the person cited will not appear as specified in the Notice to Appear. The reasons shall be noted in the Arrest and Crime reports; or
9. The alleged offense(s) involve domestic violence or abuse, unless the officer determines there is not a reasonable likelihood the offense will continue or the safety of persons or property is not imminently endangered.

## II. Adult Citations

- A. In any case in which a person is arrested for an offense declared to be a **misdemeanor** including a violation of any city or county ordinance, and does not demand to be taken before a magistrate, an officer shall release the person according to the procedures set forth in Penal Code section 853.6, if eligible. The officer may book the person before releasing him or her on a citation, pursuant to Penal Code section 853.6(g).
- B. The arresting officer or officer accepting a citizen's arrest shall ascertain if the person is eligible for a citation release.
- C. If the person is eligible for release, an officer shall make a records check and issue a Notice to Appear Citation.
- D. All misdemeanor citations shall have a report number through a CAD Event or Sheriff's Records.
- E. If the person is released, the officer shall prepare in duplicate a written notice to appear in court containing the name and address of the person, the offense charged, and the time and place where the person shall appear in court.
- F. The arresting officer shall check the "Booking Required" box on the Notice to Appear if the cited crime is a misdemeanor.
- G. The appearance date shall be obtained via the MDT's Quick Link Page (green screen) on the right-hand side under "Court Dates."
  1. For adult misdemeanors, the court dates should be scheduled under the Sac Superior Courthouse section
  2. For even numbered citations, change courtroom location from Dept. 3 to Dept. 4 on non-traffic misdemeanor cites.
- H. After the person signs the citation, the officer shall inform the person of the court date and time.

- I. In any case in which a person is arrested for an offense declared to be an **infraction**, the officer may release the person according to the procedures set forth by Penal Code Section 853.5.
  1. In all cases, except as specified in Sections 40302, 40303, and 40305.5 of the Vehicle Code, in which a person is arrested for an infraction, an officer shall only require the arrestee to present his or her driver's license or other satisfactory evidence of his or her identity for examination and to sign a written promise to appear contained in a notice to appear.
  2. If the arrestee does not have a driver's license or other satisfactory evidence of identity in his or her possession, and/or refuses to sign the written promise, the officer may take the arrestee into custody pursuant to Penal Code section 853.6(g).
  
- J. In any case in which a peace officer serves upon a person a **warrant of arrest** for a misdemeanor offense under the Vehicle Code or under any local ordinance relating to stopping, standing, parking, or operation of a motor vehicle and where no written promise to appear has been filed and the warrant states on its face that a citation may be used in lieu of physical arrest, the officer may, instead of taking the person before a magistrate, prepare a notice to appear and release the person on his promise to appear, in accordance with Sections 853.6 through 853.8 of the Penal Code.
  1. Issuance of a notice to appear and securing of a promise to appear and obtaining such promise to appear shall be deemed a compliance with the directions of the warrant.
  2. The officer issuing the notice shall endorse on the warrant, "Section 818, Penal Code, complied with" and return the warrant to the magistrate who issued it.

### **III. Juvenile Citations**

- A. In addition to the Adult Citations guidelines, officers shall consider the following:
  1. All juveniles under the age of 15 will be advised of their Miranda rights upon arrest, per Welfare and Institution Code section 625.6, and must consult with counsel before any questioning by phone, video, or in person. This consultation cannot be waived.
  2. The date and time of the juvenile court appearance shall be indicated on the bottom of the Notice to Appear Citation as, "When Notified by Juvenile Probation."
  3. When a juvenile has been cited for a violation of curfew (SCC 9.40.020), the juvenile shall not be released except to a parent or responsible adult. If a parent or responsible adult cannot be located or respond in a timely manner, the juvenile shall be transported home and released to a parent/guardian or adult having care and custody of the minor.

### **IV. Timelines**

- A. Reports with attached citations must be received by Sheriff's Records as soon as possible and no later than nine (9) days before the scheduled arraignment.

- B. Out-of-custody misdemeanors received after the deadline will be returned to the officer to have a change of court date letter sent to the defendant.
- C. Officers shall complete an Event Report and submit it to their supervisor as soon as possible but no later than two business days after the event, unless otherwise authorized by a supervisor or his/her designee.

## **V. Processing of Citations**

The citation booklets are quadruplicate consisting of White, Pink, Green, and Yellow copies. The instructions on where each copy should be delivered are listed in red text on the bottom of the Citation.

### **A. Adults**

- 1. The officer shall deliver the White (District Attorney/Court) and Pink (Sheriff's Office) copies to SSO Records at 711 G Street Sacramento, CA 95814 along with the original offense report.
  - a. SSO Records will enter the citation and submit the full citation packet to the D.A.'s Office for review. No copies should be sent straight to the DA's Office by the officer.
- 2. Green copy (Officer) stays inside the booklet, or the officer may retain it for his/her records.
- 3. Yellow copy (Defendant) shall be provided to the person arrested and contain his/her reporting instructions on the reverse side.

### **B. Juveniles**

- 1. The officer shall deliver the White (District Attorney/Court) and Pink (Sheriff's Office) copies to the SSO Records at 711 G Street Sacramento, CA. 95814 along with the original offense report.
  - a. SSO Records will enter the citation and submit the full citation packet to Sacramento County Probation for review. No copies should be sent straight to the DA's Office by the officer.
- 2. Green copy (Officer) stays inside the booklet, or the officer may retain it for his/her records.
- 3. Yellow copy (Defendant) shall be provided to the juvenile arrested
- 4. Reports are reviewed by a Citation Officer, who subsequently notifies the juvenile and his/her parent(s) or guardian(s) of the date and time of the Citation Hearing. At the conclusion of the Hearing, the officer may:
  - a. Refer the matter to Court (Arraignment Hearing)
  - b. Place the juvenile on Informal Probation (654 WIC)
  - c. Conditionally dismiss the citation. (D.A. retains for 1 year jurisdiction to prosecute for Misdemeanors)
  - d. Dismiss the citation at Intake; or
  - e. Refer the citation to the juvenile's county or residence to be processed.

