

Cite and Release Policy

420.1 PURPOSE AND SCOPE

Arizona law permits law enforcement agencies to use citation release procedures in lieu of arrest for misdemeanor or petty offenses with certain exceptions (ARS § 13-3903(B)).

420.2 STATUTORY REQUIREMENTS

Release by citation for misdemeanor or petty offenses can be accomplished by issuing a notice to appear from a citation book or an electronic device (ARS § 13-3903(A)).

420.2.1 DISCRETION TO ARREST

While this department recognizes the statutory power of peace officers to make arrests throughout the state, officers are encouraged to use sound discretion in the enforcement of the law. On-duty arrests will not generally be made outside the jurisdiction of this department, except in cases of hot or fresh pursuit, while following up on crimes committed within the City, when acting under a joint powers agreement or mutual aid agreement, or while assisting another agency. Onduty officers who discover criminal activity outside the jurisdiction of the City should, when circumstances reasonably permit, consider contacting the agency having primary jurisdiction before attempting an arrest.

Off-duty officers observing criminal activity should generally take enforcement action only when it reasonably appears that imminent risk to life or property exists and the reasonable opportunity does not exist to contact the law enforcement agency with primary jurisdiction. In such situations, the involved officer shall clearly identify him/herself as a police officer.

Officers are authorized to use verbal or written warnings in lieu of arrest or citation to resolve minor traffic and minor criminal violations when appropriate.

420.3 DEPARTMENT PROCEDURE

The following procedure will be followed to comply with Arizona law.

Any release pursuant to ARS 13-3903 does not affect an officer's authority to conduct a lawful search incident to arrest even though the arrested person is released before being taken to a station, booking facility or magistrate (ARS § 13-3903(G)).

420.3.1 FIELD CITATIONS

In most misdemeanor cases an arrestee 18 years or older may be released on citation provided the individual can be satisfactorily identified, there is no outstanding arrest warrant for the individual and none of the below described disqualifying circumstances are present.

420.3.2 JAIL RELEASE

In certain cases, it may be impracticable to release a person arrested for misdemeanor offenses in the field. The person arrested may instead be released after booking at the jail.

For offenses listed in ARS § 41-1750(C), the person shall not be released until proof of proper identification and a right index fingerprint is obtained. If a 10-print fingerprint card is not completed, the person shall be provided with a mandatory fingerprint compliance form with appropriate information and instructions (ARS § 13-3903(C)).

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Any person arrested for a misdemeanor offense shall be released on his/her written promise to appear after the booking procedure is completed, unless the person disqualified for other reasons (ARS § 13-3903(D)(3)).

420.3.3 DISQUALIFYING CIRCUMSTANCES

A person arrested for a misdemeanor or petty offense may be released on a notice to appear unless one of the following situations is present (ARS § 13-3903):

- 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.
- 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 stated.
- When the person is arrested for a domestic violence offense (ARS § 13-3601B); violation of an order of protection against domestic violence (ARS § 13-3602); disobeying or resisting an injunction prohibiting harassment (ARS § 12-1809) or workplace harassment (ARS § 12-1810); or disobeying or resisting a preliminary injunction or temporary order relative to dissolution of marriage, legal separation, annulment (ARS § 25-315).
- Previous failure to appear is on record.
- The person lacks ties to the area, such as a residence, job or family.
- Unusual circumstances lead the officer responsible for the release of prisoners to conclude that the suspect should be held for further investigation.

420.4 JUVENILE CITATIONS

Completion of citations for juveniles is generally only appropriate for misdemeanor traffic violations and local misdemeanor ordinance violations.

All misdemeanor ordinance violations for juveniles shall be documented with a case number. Cases not closed by citation should be referred to the Criminal Investigation Section, if necessary, for further investigation and diversion or prosecution.

420.5 REQUESTING CASE NUMBERS

The officer should request a case number for all adult criminal offenses, excluding civil traffic violations.