

## Citation Releases

### 410.1 PURPOSE AND SCOPE

The purpose of this policy is to provide members of the Reno 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.

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

### 410.2 POLICY

The Reno 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 with a written promise to appear when detained for a violation of a county, city, or town ordinance, or state law that is punishable as a misdemeanor and the person is not required to be taken before a magistrate, unless the violation constitutes a repeat offense or a prohibited offense in which case the officer may either issue a misdemeanor citation or take the offender without unnecessary delay before the proper magistrate (NRS 171.1771).

The suspected offender shall be taken before the proper magistrate when (NRS 171.1771):

- (a) The person does not furnish satisfactory evidence of identity.
- (b) The officer has reasonable grounds to believe that:
  - 1. The person will disregard a written promise to appear.
  - 2. The violation will continue.
  - 3. Another person or property is in imminent danger.

Officers may also issue a citation and release a person who was taken into custody on a private person's arrest for a misdemeanor offense, whenever appropriate (NRS 171.1772).

### 410.4 PROHIBITIONS

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

- (a) The person arrested is so intoxicated that the person could be a danger to the person or to others. Release may occur as soon as this condition no longer exists.
- (b) The person arrested requires medical examination or medical care or is otherwise unable to care for the person's own safety.
- (c) There is one or more outstanding arrest warrants for the person (NRS 171.177).

# Reno Police Department

## Policy Manual

### *Citation Releases*

---

1. This does not apply to a warrant issued for a misdemeanor where there is no indication that person failed to appear on the charge (NRS 171.122).
- (d) The person could not provide satisfactory evidence of personal identification (NRS 171.1771).
- (e) The person arrested demands to be taken before a magistrate or has refused to sign the notice to appear (NRS 171.177).
- (f) There are reasonable and probable grounds to believe that the person would not appear at the time and place specified in the notice to appear (NRS 171.1771).
- (g) The person has been served an order for protection against workplace harassment and has violated any provision of the order (NRS 33.280).

When a person is arrested on a misdemeanor offense and is not released by a misdemeanor citation, the reason for non-release should be noted on the booking form.

See the Domestic Violence 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 CITATIONS FOR MINORS**

Completion of a citation for a minor is generally appropriate for misdemeanor traffic violations and local misdemeanor ordinance violations (NRS 62C.070).

If a minor is issued a traffic citation and physically receives a copy of the citation from the officer, regardless of whether the minor signs the citation, the officer shall not take the minor into physical custody for the violation (NRS 62C.070).

Citations may be issued to a minor in the same manner as a traffic citation for a violation of NRS 202.020 (purchase, consumption, or possession of alcoholic beverage by a minor), NRS 453.336(4) (possession of one ounce or less of marijuana), or for a violation of a city or county ordinance relating to the same offenses. If a minor is issued a citation and physically receives a copy of the citation from the officer, regardless of whether the minor signs the citation, the officer shall not take the minor into physical custody for the violation unless (NRS 62C.073):

# Reno Police Department

## Policy Manual

### *Citation Releases*

---

- (a) The officer believes there is an imminent risk of harm to the minor, and
- (b) The safety of the minor will not be ensured by placing the minor with:
  - 1. An adult relative of the minor.
  - 2. A treatment facility.
  - 3. A shelter designed to assist minors who run away from their parent or guardian or are victims of sex trafficking.

If a minor is issued a citation for an alcohol or marijuana offense described above, the officer shall make reasonable attempts to notify a parent or guardian. The minor shall not be taken into custody by reason alone of being unable to contact the parent or guardian (NRS 62C.073).

#### **410.7 REPORTING PROCEDURES**

- 1. Citation Reporting to Court Clerk's Office - The narrative of the elements of misdemeanor and traffic offenses will be completed on all citations. This may be done on the reverse side of the City Attorney's copy of the citation, or on the Department's Report Management System. The Records Section will ensure that the citation is sent to the Municipal Court Clerk's office for processing and filing.
- 2. Citation Reporting to Records Section - Misdemeanor and traffic citations that require more space for the officer's narrative than is available on the citation will be processed in the following manner:
  - (a) The officer will obtain the case number from communications.
  - (b) A copy of the citation will serve as a face sheet for the case. The narrative will then be completed in the Tiburon system. The case number will be written on the upper right corner of the citation copy.
  - (c) A sergeant will be required to approve the report.
- 3. Personal Service of Notice to Appear - The complainant (officer or citizen) will sign the misdemeanor or traffic citation in the admonishment section of the citation. For misdemeanor citations, the suspect will be formally served with a notice to appear in court by signing their name in the appropriate space provided on the citation. For traffic citations, the suspect will be formally served with notice to appear in court by either signing their name in the appropriate space provided on the citation or if they refuse or are unable to sign their name, by accepting a copy of the citation.
- 4. Multiple Defendant Citations - When more than one suspect is being cited for the commission of a misdemeanor or traffic violation resulting from one incident, each suspect will be cited to appear in court at the same date and time. Court dates and times are determined by the Reno Municipal Court.