



MISSOULA POLICE DEPARTMENT POLICY MANUAL

Subject:

CITATION IN LIEU OF ARREST

Effective Date:

4/25/2018

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4/25/2019

Chapter

5

Policy #

5.20

Distribution:

References:

Policy 5.10

I. Purpose

The purpose of this policy is to provide law enforcement officers of this agency with guidelines for determining when it is appropriate to issue citations to offenders in lieu of making custodial arrests, and releasing them to appear in Municipal Court on their own recognizance for misdemeanor offenses.

II. Policy

It is the policy of this department that officers may issue citations to offenders instead of making custodial arrests when: probable cause exists that a relatively minor misdemeanor criminal offense has occurred and the officer is reasonably certain that the suspect will appear in court on the next business day to appear on the charge. The suspect must be from the local area, and have no history of not appearing for previous court dates.

This policy should only be considered when the suspect does not have any other charges, such as felonies or multiple misdemeanors, pending simultaneously.

Offenses that should not be considered include Partner/Family Member Assault and Order of Protection violations, in which arrest is the preferred response by statute.

III. Definitions

Local area - the area within or adjacent to Missoula. Examples of areas that would be considered local would be; Missoula County, Lolo, Stevensville, Arlee, East Missoula, Bonner, etc.

Court appearance history - suspects that have or previously had outstanding warrants, for example, have a history of not appearing for previous court dates, therefore it may not be appropriate to consider citation and release.

Relatively Minor Misdemeanor offense - offenses such as traffic, property crimes, criminal mischief, or disorderly conduct or other Non-Arrestable offenses. Non-arrestable criminal offences and arrestable traffic violations (per Montana State Code) are listed in policy 5.10.

IV. Procedures

1. Officers should ensure that probable cause for a misdemeanor criminal offense has occurred.
2. Verify that the suspect has identification, and that the suspect does not have outstanding arrest warrant(s).
3. Ascertain that the suspect is from the local area, and that the suspect agrees to appear in Municipal Court on the next business day.

Violators of criminal offenses and serious traffic infractions who meet these criteria may be cited and released on their own recognizance to appear in Municipal Court no later than the next business day.