



SAN ANTONIO POLICE DEPARTMENT GENERAL MANUAL



Procedure 505 – Misdemeanor Citation Release

Office with Primary Responsibility:	CTA	Effective Date:	May 04, 2012
Office(s) with Secondary Responsibilities:	PSC, PNC, TSC, FTC, IDC, SSO	Prior Revision Date:	July 31, 2010
Forms Referenced in Procedure:	MC Form #03-003	Number of Pages:	2
		Related Procedures:	602

.01 INTRODUCTION

- A. This procedure establishes guidelines for officers in the use of San Antonio Municipal Court Form #03-003 (Rev. 4/92), *Misdemeanor Notice to Appear*.
- B. The purpose of the *Misdemeanor Notice to Appear* is to relieve the overcrowded conditions in the jail and to release nonviolent offenders from custodial arrest.

.02 POLICY

The *Misdemeanor Notice to Appear*, hereafter referred to as the Misdemeanor Citation, is authorized for the non-custodial arrest of persons on non-traffic city ordinance violations and certain Class C misdemeanor violations.

.03 MISDEMEANOR CITATION ISSUANCE AND SUBMISSION

- A. When issuing a Misdemeanor Citation, the arresting officer:
 1. Completes all sections of the Misdemeanor Citation pertaining to the violation;
 2. Indicates only one (1) charge per Misdemeanor Citation;
 3. Sets an arraignment date accordingly:
 - a. 17 and older – count 50 calendar days and then assign Monday through Friday
 - b. 16 and younger – count 50 calendar days and then assign on a Monday through Thursday.
 4. Lists the Misdemeanor Citation number in the details of the applicable report; and
 5. The officer releases the person charged in the arrest on his own recognizance upon completion of issuance of a Misdemeanor Citation.
- B. The officer shall attach a copy of the applicable report, including any evidentiary photographs, to the Misdemeanor Citation and forwards all documentation to Municipal Court.

.04 APPLICATION IN THEFTS FROM BUSINESSES

- A. Officers may issue Misdemeanor Citations to arrestees suspected of Class C misdemeanor thefts from businesses, unless:
 1. The violator is known to the officer to have been previously convicted of theft; or
 2. A situation listed in Subsection .05A - I is apparent.
- B. When issuing a Misdemeanor Citation in a Class C misdemeanor theft from a business, in addition to the requirements for issuing a Misdemeanor Citation listed in Section .03, the officer:
 1. Notifies the owner, arresting agent, and witnesses a Misdemeanor Citation will be issued;



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2. Advises the owner, arresting agent, and witnesses they may be subpoenaed to be present for trial;
 3. Lists the names of the owner, arresting agent, and witnesses on the offense report;
 4. Escorts the violator out of the place of business and off of the property after the Misdemeanor Citation is issued; and
 5. Typically, a criminal trespass warning is issued and should be documented in the report.
- C. Should the arresting officer choose custodial arrest rather than a Misdemeanor Citation release, the officer:
1. States in the offense report the reasons why physical arrest was appropriate; and
 2. Obtains a supervisory officer's authorization for the booking.

.05 RESTRICTIONS FOR USE

- A. The Misdemeanor Citation release is not authorized in any of the following cases:
1. Class C misdemeanor thefts, other than thefts from businesses;
 2. The person arrested demands an immediate appearance before a magistrate;
 3. The person is arrested on a warrant or has outstanding warrants against him;
 4. The safety of the person arrested or the safety of others may be jeopardized by his release;
 5. The arrested person fails or refuses to give satisfactory identification;
 6. The person arrested is intoxicated to a degree which renders him unable to care for himself;
 7. The person arrested is injured and has not received the required medical attention;
 8. Any time when physical force is used to effect the arrest;
 9. Class "B" offense of racing, exhibition of speed or acceleration, and reckless driving (exceed Municipal Court jurisdiction); or
 10. The violator refuses to sign the Misdemeanor Citation.

.06 JUVENILE MISDEMEANOR CITATION RELEASES

Refer to GM Procedure 602, *Juveniles*, Subsections .04C and D for guidelines for issuing Misdemeanor Citations to juveniles.