

Citation and Summons Releases

411.1 PURPOSE AND SCOPE

The purpose of this policy is to provide members of the Plymouth Township Police Department with guidance on when to release adults who are suspected offenders on a citation or summons for a criminal offense, rather than having the person held in custody for a court appearance or released on bail (Pa.R.Crim.P. 402).

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

411.2 POLICY

The Plymouth Township 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 (Pa.R.Crim.P. 402).

411.3 RELEASE

A suspected offender accused of committing a summary offense shall be released on issuance of a citation when the officer reasonably believes the person poses no immediate threat or immediate physical harm to themselves or others and will appear as required (Pa.R.Crim.P. 441). When the suspect is not released on issuance of a citation, he or she shall be taken without unnecessary delay before the on-duty or on-call District Justice.

In other cases when the most serious offense is a second-degree misdemeanor or a first-degree misdemeanor for driving under the influence, a person should be released on issuance of a summons when the officer reasonably believes the person poses no immediate threat or immediate physical harm to themselves or others and will appear as required (Pa.R.Crim.P. 519). When the suspect is not released on the issuance of a summons, a complaint shall be filed against the defendant and the defendant shall be afforded a preliminary arraignment without unnecessary delay.

411.4 EXCEPTIONS

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

- (a) The person has been arrested for failure to comply with the registration requirements for sexual offenders (18 Pa.C.S. § 4915.1; 18 Pa.C.S. § 4915.2).
- (b) The Township Council or Board has promulgated guidelines prohibiting the release (42 Pa.C.S. § 8902).

See the Domestic Violence Policy and Impaired Driving Policy for release restrictions related to those investigations.

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411.5 CONSIDERATIONS

In determining whether to cite and release a person when discretion is permitted, officers should consider (234 Pa.R.Crim.P 440):

- (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 (e.g. repeat DUI M1 offender with multiple arrests over short period of time representing ongoing threat).
- (g) Notifying probation or parole, if applicable.
- (h) Involuntary commitment, if applicable.