

---

## Citation Releases

### 410.1 PURPOSE AND SCOPE

The purpose of this policy is to provide members of the Lorain 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 Lorain Police Department will consider its resources and 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 may be released on issuance of a citation as follows:

- (a) In cases of minor misdemeanors, officers shall not arrest the offender but shall issue a citation for all offenses in which the potential penalty does not exceed \$150 (ORC § 2935.26; Ohio R. Crim. P. 4.1(B)).
- (b) In all other misdemeanors, unless otherwise prohibited by law, officers having probable cause to arrest a person may, in lieu of making the arrest, issue the person a summons to appear if the officer reasonably believes that the summons will ensure the person's appearance. The officer shall also file a complaint describing the alleged offense (Ohio R. Crim. P. 4(3)).

### 410.4 PROHIBITIONS

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

- (a) The offense is a minor misdemeanor (ORC § 2935.26(A)) and one of the following applies:
  - 1. The offender requires medical care or is unable to provide for his/her own safety.
  - 2. The offender cannot or will not offer satisfactory evidence of his/her identity.
  - 3. The offender refuses to sign the citation.
  - 4. The offender has previously been issued a citation for the commission of that misdemeanor and has failed to either:
    - (a) Appear at the time and place stated in the citation.
    - (b) Within seven days after receiving the citation, sign a plea of guilty and pay the total fine and costs by appearing in person or mailing the citation to the court.

# Lorain Police Department

## Policy Manual

### *Citation Releases*

---

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 alleged offender.
- (c) The ability to identify the 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 a reasonable likelihood that criminal conduct by the individual will continue.