

EAST RANGE POLICE DEPARTMENT

Cite and Release Policy

POLICY
209

REV 03/10/2025

I. PURPOSE AND SCOPE

Minn. R. Crim. P. 6.01 Subd. 1 directs law enforcement agencies to use citation release procedures in lieu of arrest for misdemeanor offenses with certain exceptions.

II. STATUTORY REQUIREMENTS

Citation releases are authorized by Minn. R. Crim. P. 6.01 Subd. 1. Release by citation for misdemeanor offenses can be accomplished by issuing a notice to appear from a citation book or an electronic device.

III. DISCRETION TO ARREST

While this office recognizes the statutory power of peace officers to make arrests throughout the state, officers are encouraged to use sound discretion in the enforcement of the law.

- A. On-duty arrests will not generally be made outside the jurisdiction of this office, except in cases of hot or fresh pursuit, while following up on crimes committed within the County, when acting under a joint powers agreement or mutual aid agreement, or while assisting another agency. On-duty officers who discover criminal activity outside the jurisdiction of the cities should, when circumstances reasonably permit, consider contacting the agency having primary jurisdiction before attempting an arrest.
- B. Off-duty officers observing criminal activity should generally take enforcement action only when it reasonably appears that imminent risk to life or property exists and the reasonable opportunity does not exist to contact the law enforcement agency with primary jurisdiction. In such situations, the involved officer shall clearly identify him/herself as an East Range Police Officer. Officers are authorized to use verbal or written warning in lieu of arrest or citation to resolve minor and carnal violations when appropriate.

IV. OFFICER PROCEDURE

A. Field citations

In most misdemeanor cases an arrestee 18 years or older may be released on citation provided the individual can be satisfactorily identified, there is no outstanding arrest warrant for the individual and none of the below described disqualifying circumstances are present (Minn. R. Crim. P. 6.01 Subd. 1 (1) (a)).

Officers may also release subjects who were taken into custody on a private person's arrest for a misdemeanor offense whenever appropriate.

B. JAIL RELEASE

In certain cases, it may be impracticable to release a person arrested for misdemeanor offenses in the field. The person arrested may instead be released after booking at the jail. Any person arrested for a misdemeanor offense shall be release on his/her written promise to appear after the booking procedure is completed, unless the person is disqualified for reasons listed below (Minn. R. Crim. P. 6.01 Subd. 1 (1) (b)).

C. DISQUALIFYING CIRCUMSTANCES

A person arrested for a misdemeanor shall be released on a notice to appear unless one of the following situations is present (Minn. R. Crim. P. 6.01 Subd. 1):

1. There is a reasonable likelihood that the offense or offenses would continue or resume, or that the safety of persons or property would be imminently endangered by the release of the person arrested.
2. There is reason to believe that the person would not appear at the time and place specified in the notice to appear. The basis for this determination shall be specifically stated.

When a person is arrested on a misdemeanor offense and is not release by criminal citation, the reason for non-release shall be noted on the booking form. This form shall be included with the case file.

D. OTHER REASONS FOR NON-RELEASE

If the person arrested is not released for one of more of the reasons specified in this policy, the arresting officer shall state specifically on the booking form the reason for non-release. Such reasons for non-release may include:

1. Previous failure to appear is on record.
2. The person lacks ties to the area, such as a residence, job or family.
3. Unusual circumstances lead the officer responsible for the release of prisoners to conclude that the suspect should be held for further investigation.

E. CHILD CITATIONS

Completion of citations for juveniles is generally only appropriate for misdemeanor traffic violations and local misdemeanor ordinance violations.

All misdemeanor violations for juveniles shall be documented with a case number. Cases not closed by citation should be referred to the St. Louis County Attorney's Office if necessary for further investigation and diversion.

V. REFERENCES AND REVISIONS

a. REFERENCES

- i. Minn. R. Crim. P. 6.01 Subd. 1

b. REVISIONS

- i. 04/19/2016 – Initial Policy
- ii. 03/10/2025 – ERPSB Approval Date