
Citation Releases

502.1 PURPOSE AND SCOPE

The purpose of this policy is to provide deputies of the Montgomery County Sheriff's Office with guidance on when to issue citations for certain criminal offenses, rather than make a custodial arrest or seek a warrant for arrest or summons.

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

502.2 POLICY

The Montgomery County Sheriff's Office 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.

502.3 RELEASE

A suspected offender may be issued a citation for a misdemeanor or infraction.

502.4 CONSIDERATIONS

In determining whether to issue a citation, deputies should consider:

- (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.
- (g) Whether the person is a non-resident and whether reciprocating agreements exist.

502.5 REFUSAL TO SIGN

If a person refuses to sign the citation, delivery shall be certified by the deputy signing the original and filing it with the clerk of the court. Failure of a person to sign the citation is not grounds for arrest nor does it require that the person post a bond.

