Detention for Investigation

905.1 PURPOSE AND SCOPE
It is the policy of this department to comply with Section 851.6 of the California Penal Code by issuing a Certificate of Release to any person who is arrested without a warrant and is released without being formally charged with a crime pursuant to Section 849 (b) (1) or (3) of the California Penal Code. The Certificate of Release shall describe the action as a detention only, and not an arrest.

905.2 REQUIREMENTS
If, during the course of an investigation, it becomes apparent that the person arrested should be released pursuant to Section 849 (b) (1) or (3) of the Penal Code, the officer responsible for the investigation, or his superior officer, shall:

(a) Obtain a Certificate of Release from the jailer and complete only that information required of the form.
   1. The original copy shall be given to the person to be released;
   2. A duplicate copy shall be attached to the Jail copy of the booking sheet; and
   3. Another copy shall be forwarded to the Records Section for inclusion in the original case report.

(b) Make an appropriate entry on the front of the Jail copy of the booking sheet, indicating that the reason for release under 849 (b) was one of the following:
   1. PC 849 (b) (1) - Insufficient admissible/ascertainable evidence or grounds for arrest.
   2. PC 849 (b) (2) - Arrested for intoxication only. No further proceedings desirable.
   3. PC 849 (b) (3) - Arrested for being under influence of controlled substance/drugs and arrestee delivered to hospital or treatment center. No further proceedings desirable.
   4. Arrestee exonerated.
   5. Complainant refused to prosecute.
   6. Pending further investigation.
   7. Released to another agency (name and location).
   8. Other (specify)

(c) Thereafter, state in his/her report that a Certificate of Release was issued to the person released.

(d) If subject should be cited out or released pending further investigation, with an ordered appearance date in court, and it is later determined that a complaint will not be issued, the city prosecutor shall:
Detention for Investigation

1. Notify the arresting officer that a complaint is not being issued. If the officer or his/her supervisor wishes to bring additional information to the city prosecutor for reconsideration, this must be done expeditiously.

2. Notify the subject that appearance in court will not be necessary as promised and/or ordered to do when released.

3. Notify the subject that the arrest is deemed a "detention only."

(e) The Certificate of Release (PPD #0702) will be completed by the City Prosecutor's Office staff and submitted to the Watch Commander, or the officer/corporal handling the case, for signature.