

MARIN COUNTY SHERIFF'S DEPARTMENT
CUSTODY DIVISION POLICY AND PROCEDURE MANUAL

CHAPTER 3 - RELEASES
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DATE
8-03-94

849(b) P.C. RELEASES

POLICY

Custody staff shall cooperate with arresting agencies in the processing of 849 PC releases. The facility will not accept a civil protective custody arrest as stated in section 647(g) PC

DEFINITIONS:

PC 849(b)(1) - A release initiated by the arresting officer when he or she is satisfied that there are insufficient grounds for making a criminal complaint against the arrestee.

PC 849(b)(2) - A person arrested for intoxication only, and no further proceedings are desirable.

PC 849(b)(3) - The person was arrested only for being under the influence of a narcotic, drug, or restricted dangerous drug and after being delivered to a facility or hospital for treatment, no further proceedings are desirable.

PC 849(c) - Any record of arrest of a person released pursuant to paragraphs (1) and (3) of subdivision (b) shall include a record of release. Thereafter, such arrest shall not be deemed an arrest, but a detention only.

PROCEDURE

When an arresting officer requests the release of a person charged with being under the influence of alcohol, he/she will indicate "Release per 849(b)(2)" on the back of the pre-booking form. When the arresting officer requests the release of a person arrested for being under the influence of a narcotic or dangerous drug only, he/she indicate "Release per 849(b)(3)" on the back of the pre-booking form. Telephone requests to release per 849(b) PC must be referred to the Bkg. Sergeant for approval.

At the time of release, the SSA accesses "IMMNTLER" in the CJIS computer and initiates the release process. The Bkg. Deputy and the arrestee sign all copies of the 849(b) PC release form. The arrestee receives a copy of the release form prior to leaving the facility. A copy of the form is placed into the Jail File and a third copy is sent to Sheriff's Records and placed in the arresting agency's mail box.

When an officer requests to release a subject per 849(b)(1) PC, he/she will receive a Certificate of Release form from the SSA at the booking window. The arresting officer completes the form. The SSA notifies the Bkg. Sergeant an 849(b)(1) release is pending. The Bkg. Sergeant meets with the officer to verify the request, check and approve the paperwork. The arresting officer will retain a copy of the Certificate of Release for his/her report. A copy of the form is placed in the inmate's Jail File, and a copy is given to the inmate upon release from the facility.

RELATED STANDARDS:
Penal Code Section 849(b)

DATE REVISED
None

By order of

DANIEL PAYNE
BUREAU COMMANDER