PROTECTIVE ORDER VIOLATIONS

PURPOSE

The purpose of this order is to comply with the changes in 853.6 PC effective, January 1, 1994.

POLICY

A.   It is the policy of the Marin County Sheriff's Department that anyone arrested for a misdemeanor violation of a protective court order for domestic violence will be booked at the Marin County jail and NOT released on a promise to appear citation.

B.   It is the policy of the Marin County Sheriff's Department that anyone booked into the Marin County Jail by any agency for a misdemeanor violation of a protective court order will not be released except upon a court order or required posting of bail.

REFERENCE

853.6 PC, Paragraph Two, states, "In any case in which a person is arrested for a misdemeanor violation of a protective court order involving domestic violence, the person **shall** be taken before a magistrate instead of being released according to the procedures set forth in this chapter, unless the arresting officer determines that there is not a reasonable likelihood that the offense will continue or resume or that the safety of persons or property would be imminently endangered by the release of the person arrested. Prior to adopting these provisions, each city, county, or city and county shall develop a protocol to assist officers to determine when arrest and release is appropriate, rather than taking the arrested person before a magistrate. The county shall establish a committee to develop a protocol, consisting of, at a minimum, the police chief or county sheriff within the jurisdiction, the district attorney, county counsel, city attorney, representatives from domestic violence shelters, domestic violence councils and other relevant community agencies."

ALTERNATIVE INDEXING

1. Domestic Violence Protective Order Violations
2. Arrests for Protective Order Violations

By order of

CHARLES T. PRANDI
SHERIFF