



RELEASES PER PC 825

Reference Sheriff's Detention Policy and Procedure; Section Q.73: Releases under PC 825.

After all court documents have been updated and checked by the quality assurance Detention Processing Technician (DPT), a designated DPT will run the End of Court Date Report. Any remaining entries with the ROC of ARR must be reviewed to ensure no case was filed before releasing the case per Penal Code 825. These are to be processed by the facility where the inmate's custody record is maintained.

DEFINITION

"The defendant shall in all cases be taken before the magistrate without unnecessary delay, and, in any event, within 48 hours after his/her arrest, excluding Sundays and holidays. When the 48 hours expire at a time when the court in which the magistrate is sitting is not in session, that time shall be extended to include the duration of the next court session on the judicial day immediately following. If the 48-hour period expires at a time when the court in which the magistrate is sitting is in session, the arraignment may take place at any time during that session. However, when the defendant's arrest occurs on a Wednesday after the conclusion of the day's court session, and if the Wednesday is not a court holiday, the defendant shall be taken before the magistrate not later than the following Friday, if the Friday is not a court holiday."

RELEASES INELIGIBLE FOR PC 825

The following is a list of arrests/warrants ineligible for release under California Penal Code section 825:

- 1209 Civil Contempt of Court Warrants
- Commitment Warrants
- Felony Warrants
- Juvenile Court Warrants
- Bail Bond Surrenders with Case numbers; Misdemeanor or Felony
- Extenuating circumstance in which the inmate was too sick to appear in court (Medical Court Report)

PROCEDURE

PRIOR to researching an arrest in SDLAW, review the Booking Intake/Personal Property (J-15 form) for the arrest date and time, to ensure the inmate was scheduled correctly in the JIMS per PC 825 guidelines.

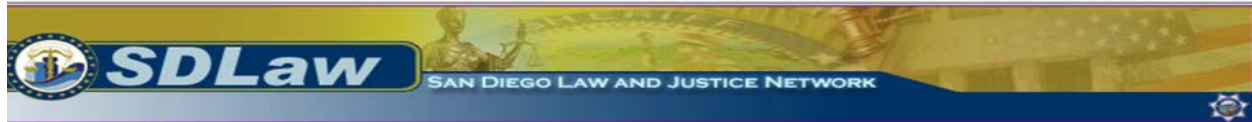
Arresting Agency SDPD	Arrest Date / Time 01/29/16 0903	Billing Agency SDPD	Location of Arrest (Beat # or Street Address and City) 223 A ST. 524	Court Destination: (Circle) (SD) ELC SBCV NCV	
Arresting Officer: Name & ID CHANG 7119		Transporting Officer & ID#: SAME		Vehicle Location: <input type="checkbox"/> Left At Scene <input type="checkbox"/> Towed By:	
ARREST #1 (Field Charges or Warrant Information)			ARREST #2 (Additional Warrants or Additional Charges)		
Section	Code	Description	Section	Code	Description
1	602(m)	PC TRESPASSING	1		
				TOTAL BAIL AMOUNT: 290.00	



FIELD ARRESTS

Conduct a District Attorney Name Display (DA09) inquiry of the inmate's name and date of birth in the San Diego Law and Justice Network (SD Law).

SDLaw>County Local Inquiries>Enter County IBM Mainframe Password>DA Name and Case Search DA09



Dist. Atty's DA09: (Last-,First-,Middle- Name and DOB Inquiry)
 Inquiry into the Defendant Name, Summary Index Databases

Name-Match-Type		<u>EXACT:</u>	<u>PARTIAL:</u>	<u>PHONETIC:</u>
Last Name:	<input type="text" value="geiggar"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>
First Name:	<input type="text" value="clarence"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>
Middle Name:	<input type="text"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>
Date of Birth:	<input type="text" value="19630607"/>	YYYYMMDD		

NOTE: Full or partial name is required.

Under the search results locate the inmate and review the DA09 screen for the following:

1. A blank field(s) with no date:
 Indicates the case was not filed or the SD Law Network is not updated. Select the DA number and it will take you to the Individual Case Display (DA10) screen. Every entry listed must be reviewed.



GEIGGER		CLARENCE		D	TYPE AKA	DOB	06-07-63		Result Set: 19											
R	B	S	M	HT	507	WT	185	HC	BLK	EC	BRO	SSN	551150352	P	PR	1	A	0	4TH	EXPIRE
DA	RT372301	MC				SC							PC69							
DA	AAC68201	MC	CD149702			SC							HS11350 (A)	SDS031	CL				030200	
DA	AAR27101	MC	CD166382			SC							HS11352 (A)	SDS011	RT				082703	
DA	MBC26201	MC	CE320651			SC							PC459		ECM002	CL			061412	
DA	RT436301	MC				SC							PC245 (A) (
DA	N0058276	MC				SC							HS11550 (A)							
DA		MC	M184782			SC							PC148 (A) (SDMCC	CL				063014	
DA		MC	M199620			SC							HS11364	SDMCC	CL				050115	
DA		MC	M203413			SC							HS11364	SDMCC	CL				080615	
DA	WK007201	MC	M860037			SC							PC647 (J)	SDMP	CL				052507	
DA		MC	M206193			SC							PC415 (2)	SDMCC	CL				100215	
DA		MC	M207270			SC							PC417 (A) (SDMCC	CL				110915	1234 101418
DA		MC	M207749			SC							MC54.0110	SDMCC	CL				122115	
DA	N0062047	MC				SC							PC602 (M)							
DA	N0063153	MC				SC							HS11550 (A)							
DA		MC	M212201			SC							HS11364	SDMCC	CL				020416	
DA	N0063526	MC				SC							PC602 (M)							
DA		MC	M213233			SC							HS11364	SDMCC	AW				032216	
DA	N0064254	MC				SC							PC602.1 (A)							
DA		MC				SC							CPR120169	PC3455	SDS016	CL			010215	

DETERMINING THE FIELD ARREST

When reviewing the Individual Case Display (DA10) screen look for the following identifiers:

1. Arresting agency (per J-15)
2. Date of arrest (per J-15)
3. Location of arrest (per J-15)
4. Current booking number

Note: Charges can change at arraignment and may not be the same exact charges from the original arrest.

Jail Booking Number Assigned				Pre-Intake Clerk ID #		Agency Case #			
16105961				5711					
PERSONAL INFORMATION									
Name: Last, First Middle						Suffix	Race	Sex	Age
GEIGGAR, CLARENCE							B	M	46
Alias Names: Last, First Middle						Suffix			
—									
Height	Weight	Hair	Eyes	Place of Birth: City / State / Country					
5'7	185	BLK	BRN	LOS ANGELES, CA					
Home Address			Street		City	State	Zip		
TRANSIENT									
Employer Name			Street		City	State	Zip		
—									
Social Security Number		DL, State ID or Other ID Number		License State	ARREST REMARKS:				
551-15-0352		04005814		CA					
ARREST INFORMATION									
Arresting Agency		Arrest Date / Time	Billing Agency		Location of Arrest (Beat # or Street Address and City)				
SDPD		01/29/16 0903	SDPD		223 A ST. 524				



OTHER CASES

In most instances, the San Diego Superior Court retrieves all cases an inmate may have pending. Therefore it is vital that every entry reflected on an inmate's DA09 inquiry is closely reviewed. In the example below, the DA10 screen reflects the inmate was seen on case M212201 (given the date 020216). The identifiers normally used to determine a field arrest are not relevant in this case. As there is no Booking Intake/Personal Property Inventory (J-15 form) to reference and the DA10 screen will not reflect the current booking number. Since a court document was not received and the inmate is not currently booked on this case, the updating DPT will generate a Court Contact Log (J-17 form) indicating the case was seen, but no court document was received and attach a print-out of the DA10 screen.

DA10 89298 202108 860 001	<input type="button" value="CASE DISPLAY"/>		CITY ATTORNEY
CRIME M PROS NO	ISSUED ON 020216 BY CITY ATTORNEY		
NAME SYS GEIGGAR CLARENCE DEON	060763 DEF ATTY	N	
AKA		CLOSED 000000	
4TH AMEND 0000 4TH EXP DATE 000000		DISPO 020416	
B M HGT 507 WGT 185 EYES BRO HAIR BLK EMP TYPE EMP STATUS			
BKG 15748958A MC M212201 001 CII 23903563		SSN 551150352	
OTH SC 000 FBI 877823AA0			
REL STATUS OR W-DATE AMT 00000000			
OFFENSE 072815 AT 1154 3RD AVE SAN DIEGO CA		CDL U4005814CA	
AGY SDPD 072815 AT			
	NODEFS 01	PURGE 020426	
COMPLAINT FILED 020216 0800 SD-M-	000 MISDEMEANOR		
ARRAIGN ON COMPLAINT 020216 0800 SD-M-CC	000 PLED GUILTY		
SENTENCING HEARING 020216 0800 SD-M-CC NO CA 000 COUNTY JAIL			
CASE DISP PG-M	COURT CASE LOCATION I 020416		
SENTENCING INFORMATION IS FOR MOST SERIOUS CHARGE OF HS11364			
SENTENCED TO COUNTY JAIL 005 DAYS CONFINEMENT			

No Record Return

If the search results show No Record Found, print the first page of the DA09 screen where the defendant's full name appears. If the inmate's name doesn't appear, print the page where his/her name would appear and the last page stating: "End of Similar Names." At the upper-right hand corner of each page, write "File" on the DA09 print-outs to ensure Sheriff's Records retains the page as part of the inmate's permanent record.



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Dist. Atty's DA09: (Last-,First-,Middle- Name and DOB Inquiry)
Inquiry into the Defendant Name, Summary Index Databases

Name-Match-Type		EXACT:	PARTIAL:	PHONETIC:
Last Name:	<input type="text" value="Hernandez"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
First Name:	<input type="text" value="Jose"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Middle Name:	<input type="text"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Date of Birth:	<input type="text" value="19780612"/>	YYYYMMDD		

NOTE: Full or partial name is required.

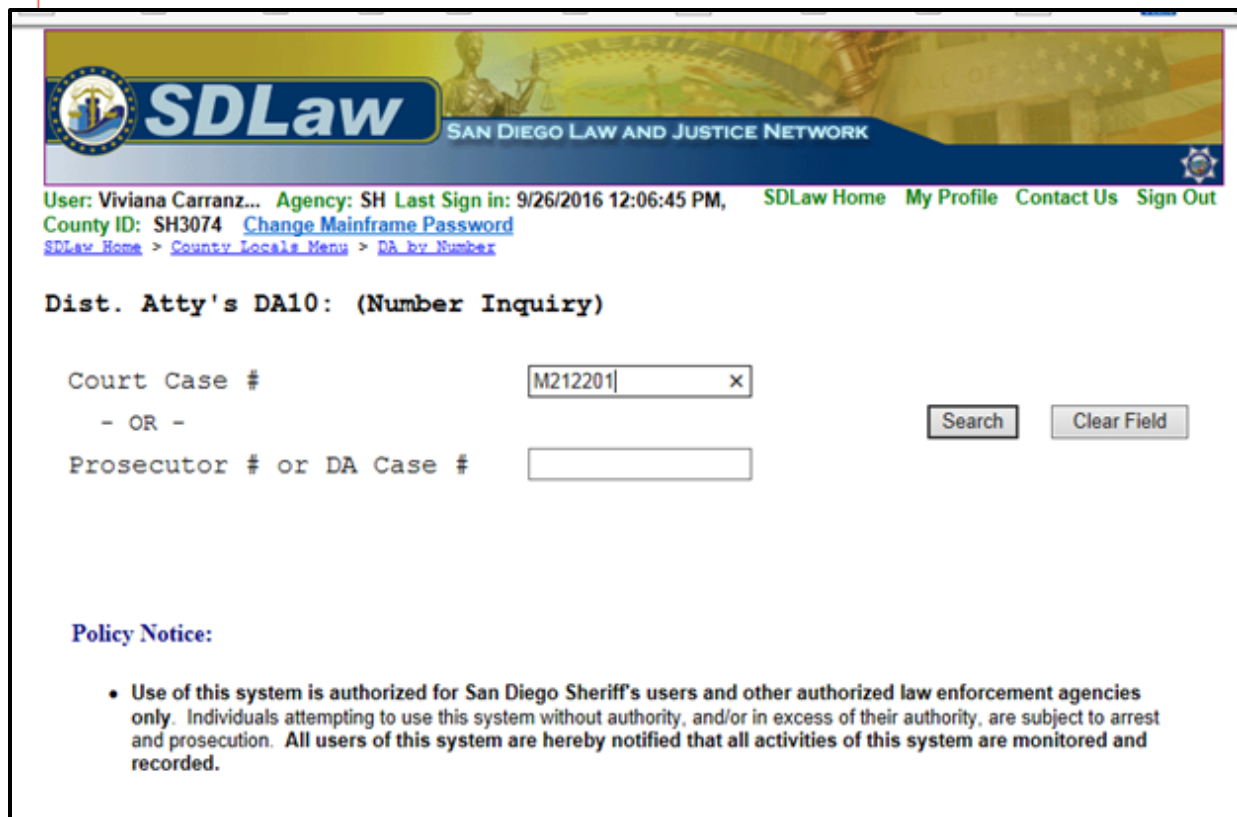
**** No Record Return ****

Policy Notice:

- Use of this system is authorized for San Diego Sheriff's users and other authorized law enforcement agencies only. Individuals attempting to use this system without authority, and/or in excess of their authority, are subject to arrest and prosecution. All users of this system are hereby notified that all activities of this system are monitored and recorded.

WARRANTS

A DA10 inquiry can be conducted on the case number to run a misdemeanor warrant.



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Dist. Atty's DA10: (Number Inquiry)

Court Case # x

- OR -

Prosecutor # or DA Case #

Policy Notice:

- Use of this system is authorized for San Diego Sheriff's users and other authorized law enforcement agencies only. Individuals attempting to use this system without authority, and/or in excess of their authority, are subject to arrest and prosecution. All users of this system are hereby notified that all activities of this system are monitored and recorded.

If something looks out of the ordinary bring it to the attention of the on-duty DPS for clarification or generate a court contact log if after court hours.

Prior to assembling the 825 packet, ensure a thorough check of the inmate's custody record is completed to ensure no other holds exist.

COMPILING THE PC 825 PACKET

Once verification of the arrest date and time has been completed and all necessary inquiries have been conducted in SD Law, a packet must be assembled prior to forwarding to the on-duty DPS for verification and signature.

The packet consists of the following:

1. Booking Intake/ Personal Property Inventory (J-15 form) folded in half.
2. Booking Summary with arrest being released per PC 825 as the first page.
3. 825 stamp with processing DPT's ARJIS affixed on the page of the arrest being released per PC 825.
4. DA09 inquiry with "FILE" noted on it. This will ensure this paperwork remains as part of the inmate's permanent record once the custody record is forwarded to Sheriff's Records.
5. DA10 inquiry showing case was rejected with the word "FILE" noted on it.

Fold the Intake J-15 form in half with the Name, DOB, and the Arrest Date and Time highlighted in yellow.



At the time of release, the DA09 print-out is the only source of information that proves the defendant's case was not filed on. Therefore, it is imperative to write "File" on the upper right-hand corner of each page to ensure the Records Division retains a copy of the DA09 print-out(s) as part of the inmate's permanent record.

From the Criminal History, locate the 825 arrest in question making it page one. Take the 825 ink-stamp and place it at the bottom right of the page. Above the ink-stamp, the DPT's initials and ARJIS number is written. Highlight the area around the ink-stamp. If the inmate is staying in custody, specify the arrest. For example: "**ARREST #2 Only - To Custody**". Paper clip all contents together and attach to the custody record.

DPS RESPONSIBILITY

Once all ARR's have been processed, the custody records will be forwarded to the on-duty DPS along with the End of Court Date List.

The DPS will:

1. Verify the arrest date and time, to ensure the inmate was scheduled correctly in the JIMS per PC 825 guidelines.
2. Run all necessary inquiries in SD Law.
3. Look through all the contents of the custody record for each individual inmate to ensure no other holds or arrests are pending. Once this has been completed the DPS will sign authorizing the release pursuant to PC 825. If there are unrelated cases holding him/her in custody, the arrest will be released to custody.

RELEASE

In the event of a serious or violent misdemeanor or felony, a copy of the charges eligible for release per PC 825 will be provided to the watch commander. The watch commander will determine whether or not the arresting agency will be notified of the pending release.

If the originating arresting agency wishes to re-arrest the inmate for the same charges, they may do so after the inmate has been processed completely out of custody and the inmate has left the facility. Under no circumstance will an inmate's release be withheld.

REBOOK BY DISTRICT ATTORNEY OR ATTORNEY GENERAL

There are instances when a complaint has been filed against an inmate by the District Attorney/Attorney General, and the inmate is arraigned, but the case is dismissed by the court.

In these instances only, the District Attorney Investigator/Attorney General Investigator is authorized to "rebook" an inmate on the same case without actually releasing the inmate from custody.

1. The investigator must arrange to personally inform the inmate of the circumstances and that he/she is being rebooked on the same case.



2. The investigator must provide a completed Booking Intake/Personal Property Inventory (J-15) with the "REBOOK BY DA" or "REBOOK BY A.G." notation on the court document directing dismissal for the case attached there to.
3. The processing DPT will time stamp the J-15 and will use as authorization to rebook the case.
4. After the rebook has been completed, the court document will be used as authorization to close the original arrest.