

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 incarcerated individual'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 their 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

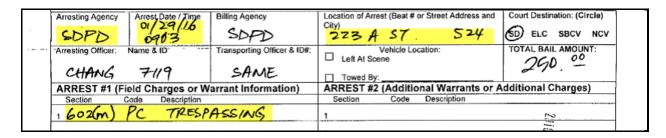
The following is a list of arrests/warrants ineligible for release under California Penal Code section 825:

- 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 incarcerated individual 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 incarcerated individual was scheduled correctly in the JIMS per PC 825 guidelines.

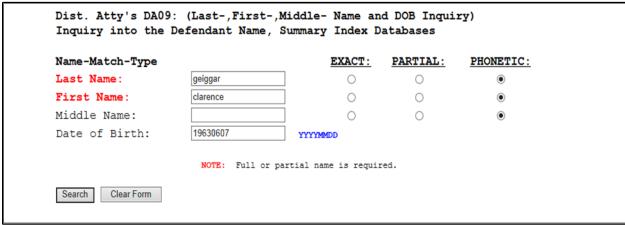


FIELD ARRESTS

Conduct a District Attorney Name Display (DA09) inquiry of the incarcerated individual'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





Under the search results locate the incarcerated individual 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.

													Resul	t Set: 19
GEI	GGER		CLAREN	CE	D			TYPE A	KA	DOB	06-	-07-63		
R B	S M HT	507	WT 185	HC BL	K E	C BRO	SSN	551150352	P	PR :	l A	0	4TH	EXPIRE
DA	RT372301	MC			SC			PC69						
DA Z	AAC68201	MC	CD14970	2	SC	SCD149	702	HS11350 (A	S	DS031	CL	030200		
DA Z	AAR27101	MC	CD16638:	2	SC	SCD166	382	HS11352 (A	S	DS011	RT	082703		
DA 1	MBC26201	MC	CE32065	1 :	SC			PC459	E	CM002	CL	061412		
DA I	RT436301	MC			SC			PC245(A)(
DA 1	N0058276	MC			SC			HS11550 (A	1					
DA		MC	M184782		SC			PC148(A)(S	DMCC	CL	063014		
DA		MC	M199620		SC			HS11364	S	DMCC	CL	050115		
DA		MC	M203413		SC			HS11364	S	DMCC	CL	080615		
DA V	WK007201	MC	M860037		SC			PC647(J)	S	DMP	CL	052507		
DA		MC	M206193		SC			PC415(2)	S	DMCC	CL	100215		
DA		MC	M207270		SC			PC417(A)(S	DMCC	CL	110915	1234	101418
DA		MC	M207749		SC			MC54.0110	S	DMCC	CL	122115		
DA I	N0062047	MC			SC			PC602 (M)						
DA 1	N0063153	MC			SC			HS11550 (A						
DA		MC	M212201		SC			HS11364	S	DMCC	CL	020416		
	00063526							PC602 (M)						
DA		MC	M213233		SC			HS11364	S	DMCC	AW	032216		
DA I	N0064254	MC			SC			PC602.1(A						
DA		MC						PC3455		DS016	CL	010215		

2. Current date: (Given the date 020216) Indicates the case was heard. Select the case number and it will take you to the individual Case Display (DA10) screen.

											Resul	lt Set: 19
GEIGGER		CLARENCE	D			TYPE AF	KA	DOB	06-	-07-63		
RBSMHT 5	507	WT 185 HC	BLK E	C BRO	SSN	551150352 I	2	PR 1	L A	0	4TH	EXPIRE
DA RT372301	MC		SC			PC69						
DA AAC68201	MC	CD149702	SC	SCD149	702	HS11350 (A	SDS	031	CL	030200		
DA <u>AAR27101</u>	MC	CD166382	SC	SCD166	382	HS11352 (A	SDS	011	RT	082703		
DA MBC26201	MC	CE320651	SC			PC459	ECM	1002	CL	061412		
DA <u>RT436301</u>	MC		SC			PC245(A)(
DA N0058276	MC		SC			HS11550 (A						
DA	MC	M184782	SC			PC148(A)(SDM	ICC	CL	063014		
DA	MC	M199620	SC			HS11364	SDM	ICC	CL	050115		
DA	MC	M203413	SC			HS11364	SDM	ICC	CL	080615		
DA <u>WK007201</u>						PC647(J)	SDM	IP	CL	052507		
DA	MC	M206193	SC			PC415(2)	SDM	ICC	CL	100215		
DA	MC	M207270	SC			PC417(A)(SDM	ICC	CL	110915	1234	101418
DA	MC	M207749	SC			MC54.0110	SDM	ICC	CL	122115		
DA N0062047	MC		SC			PC602 (M)						
DA N0063153			SC			HS11550 (A						
DA	MC	M212201	SC			HS11364	SDM	ICC	CL	020216		
DA N0063526	MC		SC			PC602 (M)						
DA	MC	M213233	SC			HS11364	SDM	ICC	AW	032216		
DA N0064254	MC		SC			PC602.1(A						
DA	MC		SC	CPR120	169	PC3455	SDS	016	CL	010215		

3. Future date: (After 020216)

Indicates case was heard and the DA10 screen has been updated.





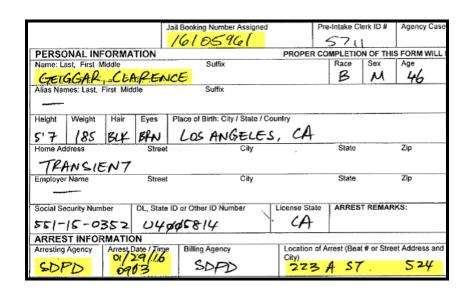
							Result	Set: 19
GEIGGER	CLARENCE	D	TYPE AF	TA DOB	06-	07-63		
RBSMHT5	07 WT 185 HC	BLK EC BRO SSN	551150352 I	PR 1	L A	0	4TH	EXPIRE
DA RT372301	MC	SC	PC69					
DA AAC68201	MC CD149702	SC SCD149702	HS11350 (A	SDS031	CL	030200		
DA AAR27101	MC CD166382	SC SCD166382	HS11352 (A	SDS011	RT	082703		
DA MBC26201	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 <u>WK007201</u>	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		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.







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CASE DISPLAY
DA10 89298 202108 861 001
                                                             CITY ATTORNEY
CRIME M PROS NO N0063526
                                      ISSUED ON 020516 BY CITY ATTORNEY
NAME SYS GEIGGAR
                        CLARENCE
                                     DEON
                                           060763 DEF ATTY
                                                                CLOSED 000000
    AKA
              4TH EXP DATE
4TH AMEND
                                                                 DISPO
B M HGT 507 WGT 185 EYES BRO HAIR BLK EMP TYPE EMP STATUS
BKG 16105961A MC
                           000 CII 23903563
                                                              SSN 551150352
OTH SC 000 FBI 87
REL STATUS OR W-DATE AMT 0000000
OTH
                SC
                             000 FBI 877823AA0
OFFENSE 012916 AT 223 A ST
AGY SDPD 012916 AT
                                                               CDL U4005814CA
                             NODEES 01
                                                                 PURGE 020517
                                                 COURT CASE LOCATION
CASE DISP
                             MOST SERIOUS CHARGE OF PC602 (M)
                            CHARGE DISPLAY 

000 MUNI NO
DA10 89298 202108 861
                                                           PROS NO N0063526
            CLARENCE
GEIGGAR
CASE SENT TO
                                 ON
                                          LAST DATE STATE PRISON 000000
4TH AMEND
             4TH EXP DATE
                                PROB FINE SPEC PROG SUSPENDED
                                                                           C
01 PC602(M)
                   REJECTION REASON EVIDENTIARY
AGY CHG REJD SDPD 1094942
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If the selected DA10 case display is the field arrest and the case was not filed on, the arrest will be processed for release. However, DO NOT stop there. Continue to review all other entries on the DA09 screen with the current date or a future date to determine if the defendant was heard on other cases.

Note: Although the arrest was not filed on, the District Attorney's office can file at a later time.

COURT CONTACT LOG (J-17 form)

If a case was filed on and no court paper was received, a Court Contact Log (J-17 form) must be generated by the facility where the custody record is maintained. The disposition of DPS will be applied to the arrest in the JIMS; "court contact @ (updating facility)" will be entered in the notes section and the court contact log will be faxed to the updating facility for follow-up. A phone call should be conducted to verify receipt. The updating facility will ensure the arrest reflects both the disposition of DPS and the appropriate notes. The updating facility as well as the facility where the custody record is maintained will make a notation of DPS next to the entry on their respective End of Court Date Reports. The DPS will review and sign off on the Court Contact and placed into the Court Contact Tray for resolution.

For example: If the incarcerated individual is housed at VDF and the incarcerated individual was scheduled to appear in the Central Division court, custody processing staff at VDF will generate a court contact log; apply the disposition of DPS; enter "court contact@ SDCJ in the notes section" and will fax the court contact log to SDCJ for follow-up. Upon receipt of the court contact log, SDCJ will ensure the arrest reflects DPS in the JIMS and "court contact @ SDCJ" is indicated in the

OTHER CASES

notes section.

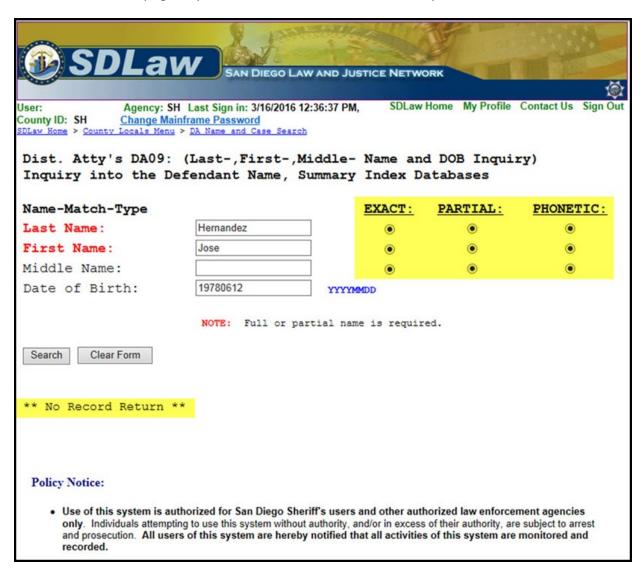
In most instances, the San Diego Superior Court retrieves all cases an incarcerated individual may have pending. Therefore, it is vital that every entry reflected on an incarcerated individual's DA09 inquiry is closely reviewed. In the example below, the DA10 screen reflects the incarcerated individual 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 incarcerated individual 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	CASE DISPLAY	CITY ATTORNEY
CRIME M PROS NO	ISSUED ON	020216 BY CITY ATTORNEY
NAME SYS GEIGGAR CLA	ARENCE 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 0000000	
OFFENSE 072815 AT 1154 3RD	AVE SAN DIEG	GO 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 FO	OR MOST SERIOUS CHARGE	OF HS11364
SENTENCED TO COUNTY JAIL (005 DAYS CONFINEMENT	



No Record Return

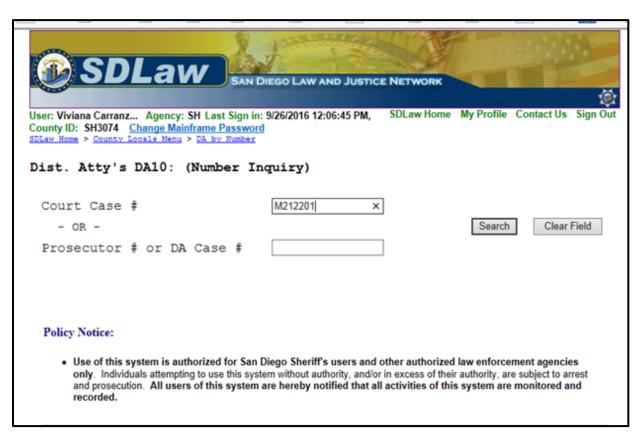
If the search results show No Record Found, print the first page of the DA09 screen where the defendant's full name appears. If the incarcerated individual's name doesn't appear, print the page where their name would appear and the last page stating: "End of Similar Names." At the upper-right hand corner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





WARRANTS

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



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 packets, ensure a thorough check of the incarcerated individual'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 stamps 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 incarcerated individual'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 righthand corner of each page to ensure the Records Division retains a copy of the DA09 print-out(s) as part of the incarcerated individual's permanent record.

From the Criminal History, locate the 825 arrest in question making it page one. Take the 825 inkstamp 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 incarcerated individual 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 incarcerated individual 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 incarcerated individual 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 them 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 the arresting agency will be notified of the pending release.

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



REBOOK BY DISTRICT ATTORNEY OR ATTORNEY GENERAL

There are instances when a complaint has been filed against an incarcerated individual by the District Attorney/Attorney General, and the incarcerated individual 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 incarcerated individual on the same case without actually releasing the incarcerated individual from custody.

- 1. The investigator must arrange to personally inform the incarcerated individual of the circumstances and that they are 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.