



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)

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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		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	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			

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.

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
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DA		MC				M199620				SC			HS11364	SDMCC	CL		050115			
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DA	N0064254	MC								SC			PC602.1 (A							
DA		MC								SC		CPR120169	PC3455	SDS016	CL		010215			

3. Future date: (After 020216)

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

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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
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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			PROPER COMPLETION OF THIS FORM WILL		
GEIGGER, CLARENCE			Race	Sex	Age
			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
TRANSIENT					
Employer Name		Street		City	State
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

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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.

SDLaw
SAN DIEGO LAW AND JUSTICE NETWORK

User: Agency: SH Last Sign in: 3/16/2016 12:36:37 PM, SDLaw Home My Profile Contact Us Sign Out
County ID: SH Change Mainframe Password
SDLaw Home > County Locals Menu > DA Name and Case Search

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="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.

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WARRANTS

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

The screenshot shows the SDLaw web application interface. At the top, there is a header with the SDLaw logo and the text "SAN DIEGO LAW AND JUSTICE NETWORK". Below the header, user information is displayed: "User: Viviana Carranz... Agency: SH Last Sign in: 9/26/2016 12:06:45 PM, SDLaw Home My Profile Contact Us Sign Out". Below this, the County ID is "SH3074" with a link to "Change Mainframe Password". Navigation links include "SDLaw Home > County Locals Menu > DA by Number".

The main section is titled "Dist. Atty's DA10: (Number Inquiry)". It contains two input fields: "Court Case #" with the value "M212201" and "Prosecutor # or DA Case #". There are "Search" and "Clear Field" buttons. Below the input fields is a "Policy Notice" section with the following text:

- 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 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.

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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 right-hand 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 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 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.

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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.