4-04/080.00 - Arrests

CLASSIFICATION Crime or Incident	FORM NUMBER FILE NUMBER PRIORITY	ASSIGNMENT AND ACTION	ADDITIONAL INFORMATION AND STATISTICAL CODES
4-04/080.00 **ARRESTS**			On all arrest reports, incident or supplemental, both the booking number and the full name of the arrestee shall be given. Supplemental reports shall contain this information when the arrest was reported on the incident report as well as when the arrest was made as the result of a subsequent investigation. Persons arrested and released pursuant to 849b(1) or 849b(3) shall be issued a Certificate of Release signed by the releasing officer or his superior officer, describing the action as a detention only. When a person's release is based on a prosecutor's rejection of a complaint pursuant to 849.5 PC, or no accusatory pleading has been filed, a Certificate of Release shall be issued, signed by the law enforcement agency which arrested him, describing the action as a detention. A Certificate of Release will not be issued when the release is based on a district attorney's rejection of a complaint, when a portion of the charges are dropped in an arrest involving multiple charges, or for a release pursuant to 849b(2) PC. When a person is arrested and concerned persons related to, or friends of, the arrestee ask questions regarding his confinement and/or release, the arresting deputy shall inform the concerned persons where the arrestee will be booked and provide a telephone number for that facility.
Adults, felony	SH-R-49 URN	Arresting unit or station detective A	Use priority and coding of felony. Assign cases to the appropriate investigative unit.

Adults, felony, reasonable cause	SH-R-49 URN 60	Arresting unit or station detective A	When a felony arrest is not immediately identified with a prior case, assign a new URN. This category, reasonable cause arrests, does not apply when any of the following conditions exist: • The arrest was for a crime committed in your presence. In this case, use applicable code which defines the crime; • The arrest is made outside the Department's area of jurisdiction. In this case, code as to the crime for which the arrest was made and in the URN, substitute the unit designation number in lieu of the reporting district number; • The arrest is for the suspicion of a crime which is an outgrowth of an arrest for a crime committed in your presence, or warrant arrest, etc. For example, an arrest for carrying a concealed weapon, and the arrested person also matches the description of a wanted robbery suspect. Thus, an additional charge of reasonable cause is added. In this case, you would code for the crime being reported in conjunction with the arrest for carrying concealed weapon; and • The arrest is for a crime previously reported to our Department. In this case, use original URN.
Adults, misdemeanor	See under appropriate crime classification	Arresting unit or station patrol A	All arrests or citations issued to adults for misdemeanor crimes shall be assigned to station/unit patrol when no further investigation or action is required. The exception is when misdemeanor sex offenses are being reported, in which case the assignment is to station/unit detectives.
Arrestee wanted by another			When an arrest is made at the specific request of another California agency, that agency shall be notified as soon as possible by the Warrant and Detainer Unit of the Inmate Reception Center, provided there is no conflict with an investigation called for by this Department and no outstanding local wants. Fugitive/Warrant Detail shall handle correspondence on arrestees wanted by agencies in other states.

Employee of any government agency	See under appropriate crime classification		Labor Code section 432.7 provides that no peace officer or employee of a law enforcement agency with access to criminal offender record information (11075 PC) shall knowingly disclose, with intent to affect a person's employment, any information pertaining to an arrest, detention, or proceeding which did not result in a conviction to any person not authorized by law to receive such information. Persons and agencies authorized to receive criminal offender record information are enumerated in section 11105 PC. When an employee of a public agency (other than a law enforcement agency or a school) is arrested, the procedures and guidelines established for the "Dissemination of Criminal Records Information" (see Volume 3, chapter 9) are to be followed. See section 4-01/080.00 and section 4-01/090.10 when law enforcement employees are arrested. See section 4-01/080.00, section 4-01/090.30, and "Sex Offenses" when school employees are arrested.
Military Personnel			See "Military Personnel."
Off-Duty arrests by deputies	SH-AD-32A		In addition to all other reporting procedures for the specific crime involved, the employee shall report the incident to his unit commander.
Private Person making arrest of adult	SH-R-49 SH-CR-202 SH-J-293 (See crime classification)	Arresting unit or station patrol A	The citizen shall, when practical, personally advise the suspect of the charge for which he is being arrested and shall place the suspect under arrest. The deputy shall take custody of all persons charged with or accused of a public offense. The suspect shall not be advised of his constitutional rights at this time unless there is to be subsequent questioning. **NOTE:** If the deputy believes the arrest to be unlawful, he/she shall confidentially advise the citizen that such arrest is not lawful, and that we will not take custody of the alleged suspect. Complete a detailed log entry regarding the incident. Do not obtain a booking number or complete a "Booking and Property Record? (B&PR).

In all cases where a citizen makes a valid private person's arrest, the deputy shall have the arresting citizen sign four (4) Private Person's Arrest forms (SH-CR-202) and sign the Booking and Property Record (B&PR) in the space provided for the name of the arresting officer. The fourth copy of form SH-CR-202 will be given to the citizen who shall be informed of the date, time, location, and court deputy to contact, in person or by phone. The court deputy shall be responsible for coordinating a citizen's interview with the district attorney's office, if necessary, to determine the facts of the case, and/or to sign a formal complaint. If a field release is approved, the deputy shall fill out the first nine lines of the B&PR and submit it with forms SH-R-49 and SH-CR-202.

> **NOTE:** When a field release is conducted, the deputy shall assess the potential of a confrontation that may occur as a result of citing and releasing the suspect in the presence of the arresting citizen. When it is necessary and practical to do so, the deputy shall conduct the field release out of the presence or proximity of the arresting citizen and note these actions in the arrest report.

In petty theft cases where the victim is a commercial business and a private person's arrest was made by business establishment personnel, private security police, or other representatives acting on behalf of the victim, it is not necessary that such representative appear to sign the formal complaint if the representative who made the arrest signed the Private Person's Arrest Form (SH-CR-202).

Deputies taking custody of persons arrested shall advise the victim or his representative that the court deputy may sign the complaint in lieu of the victim or his representative.

The arrest report shall indicate that the victim or his representative was so advised and whether or not he desires to be present to sign the complaint.

In the event the local deputy district attorney will not issue a complaint without the victim or his representative signing the complaint, the court deputy shall be responsible for notifying them.

			Releases - When the suspect is eligible for release after booking, normal cite-out or bail procedures shall be followed. **NOTE 1:** On both misdemeanor and felony arrests, if it is determined by the watch commander at any time of booking or any time prior to the arrestee's appearance in court, that no complaint is to be sought, the prisoner shall be released under provisions of section 849b(1) P.C. **NOTE 2:** Deputies shall not arrest for false imprisonment those citizens making an arrest believed to be invalid.
Private person making arrest of juvenile	SH-R-49 SH-CR-202 SH-J-293 (See crime classification)	Arresting unit or station detective A	The citizen shall, when practical, personally advise the juvenile of the charge for which he is being arrested and shall place the subject under arrest. The deputy shall take custody of all persons charged with or accused of a public offense when there is adequate probable cause for arrest. The juvenile shall be advised of his constitutional rights at this time. **NOTE:** If the deputy believes the arrest is unlawful, he/she shall confidentially advise the citizen that such arrest is not lawful and that we will not take custody of the alleged suspect. Complete a detailed log entry regarding the incident. Do not obtain a booking number or complete a “Booking and Property Record” (B&PR). In all cases where a citizen makes a valid private person's arrest, the deputy shall have the arresting citizen sign four (4) Private Person’s Arrest forms (SH-CR-202) and sign the B&PR in the space provided for the name of the arresting officer. The fourth copy of form SH-CR-202 will be given to the citizen who shall be informed of the date, time, location, and court deputy to contact, in person or by phone. The court deputy shall be responsible for coordinating a citizen's interview with the district attorney's office, if necessary, to determine the facts of the case, and/or to sign a formal complaint. If a field release is approved, the

			deputy shall fill out the first nine lines of the B&PR and submit it with forms SH-R-49 and SH-CR-202. **NOTE:** When a field release is conducted, the deputy shall assess the potential of a confrontation that may occur as a result of citing and releasing the suspect in the presence of the arresting citizen. When it is necessary and practical to do so, the deputy shall conduct the field release out of the presence or proximity of the arresting citizen and note these actions in the arrest report. The deputy shall advise the citizen that the investigating detective will contact him concerning the disposition of the case. **NOTE:** Deputies shall not arrest for false imprisonment those citizens making an arrest believed to be invalid.