

5-03/095.00 - Certificate of Release

In accordance with 851.6 PC, a Certificate of Release (SH-AD-516) shall be issued to all prisoners arrested and released pursuant to 849(b)(1) or 849(b)(3) of the Penal Code. When a prisoner's release is based on a prosecutor's rejection of a complaint pursuant to 849.5 PC, or if no accusatory pleading has been filed, a certificate of release shall be issued, describing the action as a **detention**. No certificate of release will be issued when a portion of the charges are dropped in an arrest involving multiple charges or for a release pursuant to 849(b)(2) PC.

When the prosecutor rejects a complaint and the prisoner to be released is in custody at the station of arrest, the investigating detective shall issue the certificate of release.

When the prosecutor rejects a complaint and the prisoner to be released is at the local court, the court deputy shall issue the prisoner a certificate of release. A copy of the certificate of release shall be faxed to the investigating unit and scanned into the Sheriff's Electronic Criminal Documents Archive (SECDA).

When the prosecutor rejects the complaint, and the prisoner is no longer in custody, it shall be the responsibility of the investigating detective to mail a copy of the original certificate of release to the prisoner's address. All "unable to deliver, return to sender" certificates shall be scanned into SECDA by the investigating unit, and shall be retained by the issuing unit for a period of one year from the date of return.

If the prisoner is transferred to the Inmate Reception Center or other location prior to arraignment, the deputy or custody assistant, who physically releases the prisoner, shall prepare the certificate of release in duplicate and issue the original to the prisoner.

The clerical staff shall scan the duplicate copy of the certificate of release into SECDA.

This procedure shall apply to all prisoners arrested by this Department and, thereafter, the arrest shall be deemed a detention only.

If a prisoner was arrested for a warrant and he/she was later determined not to be the person named on the warrant, the person issuing the certificate of release form shall complete the "Wrong Warrant Advisement" section of the form. Any warrant(s) that was thought to belong to the prisoner but in fact did not, shall be indicated by placing the warrant number in this section. The person issuing the form shall draw a line through the portion of the heading that reads "Clearance Letter."

When a release JDIC message is sent by the investigating unit to the Department of Justice's Criminal Identification and Investigation Unit, it shall indicate if the release is based on 849(b)(1) or 849(b)(3) PC and indicate a detention only.

In all cases, the investigating unit shall be responsible for ensuring all internal tracking systems maintained by the Department, such as The Los Angeles Regional Crime Information System and Case Level Evaluation Assignment and Tracking System, are updated.

Release of Prisoners Arrested by Other Agencies

When a prisoner, who was arrested by another agency, is released from this Department's custody pursuant

to 849b(1) or 849b(3) PC, a certificate of release shall be issued, signed by the releasing officer or his superior officer describing the action as a detention. If the prisoner's release is based on a prosecutor's rejection of a complaint pursuant to 849.5 PC, or where no accusatory pleading has been filed, the law enforcement agency which arrested him/her is responsible for issuing and signing the certificate of release.
