

5-03/100.00 - Arraignment of Prisoners

California Penal Code section 825 mandates that anyone who is in custody must be arraigned within 48 hours after their arrest, excluding Sundays and court holidays, regardless of the time of day or night the arrest occurred.

All Saturdays are considered court holidays and are also excluded.

NOTE: When the 48 hours expire at a time when the court is not in session (Saturday, Sunday, or holiday), that time shall be extended to include the duration of the next court session on the judicial day immediately following.

Exceptions to the mandated 48-hours arraignment requirement are:

- Prisoners physically unable to attend court (see section 5-03/105.00);
- Federal prisoners;
- Out-of-county warrants;
- State prison returnees; and
- Parole violators.

Any inmate in the custody of this Department who has not been arraigned within the time set forth above will be released from custody forthwith. This applies even when a complaint has been filed. IRC will not re-arrest or re-book inmates for the convenience of the arresting agency.

The arresting deputy shall complete line #10 of the Booking and Property Record (B&PR) form, by providing the arraignment date, time, and court for all arrests, felony and/or misdemeanor.
