5-03/110.00 - Bail Releases - Felony Prisoners

Pursuant to 1269(b) PC, the officer in charge of a jail is authorized to approve and accept bail, according to a bail schedule, for persons being held in custody prior to a court appearance for felonies as well as misdemeanors and infractions.

Persons for whom cash bail or bond has been posted shall be released from custody in the most expeditious manner possible, consistent with our obligation to positively identify those persons before the release is made. Under most circumstances, releases from custody shall not occur until the positive identification message has been received from the Fingerprint Identification Unit. It is generally possible to positively identify a prisoner based on the electronic transmission of his or her fingerprints via the livescan system within two hours.

If a positive identification message has not been received within two hours of the livescan print transmission, the Records and Identification Bureau Fingerprint Unit supervisor (phone number 562-345-4461) shall be contacted to determine the status of the return message. The prisoner should generally not be released at this time.

If the positive identification message has still not been received after four hours of the livescan print transmission, the Records and Identification Bureau shall be contacted again to determine the current status of the message. The station watch commander shall be advised of the situation and shall assess the probability that the positive identification message is forthcoming in the immediate future. The watch commander shall determine whether or not the prisoner shall be released immediately or held pending receipt of the positive identification message based on factors such as: the information provided by the Records and Identification Bureau, the quality of the prisoner's identification papers, whether or not the prisoner lives locally and/or is known to station personnel, etc. Prior to release, the watch commander shall verify that the Fingerprint Unit Supervisor was notified and investigated the absence of the response. The watch commander's decision and the pertinent details it was based on shall be detailed in the Shift Summary Log. Prisoners cannot be held indefinitely pending positive identification.

In those cases where a positive identification message has not been received from the Fingerprint Unit and a bail agent is at the station presenting a bond, the bond should be received and held by the jailer pending the identification message. It is not necessary for the bail agent to remain at the station, awaiting arrival of the message.

If a positive identification message is later received that identifies the prisoner as someone other than originally believed, the bail agent shall be called to retrieve the bond, which will be considered void.

Section 1269(b) PC states that, whenever a peace officer has reasonable cause to believe that the amount of bail set forth in the schedule is insufficient to guarantee the defendant's appearance in court, the peace officer can request an order setting a higher bail. He must prepare a written declaration, under penalty of perjury, setting forth the facts in support of his belief, file the declarations with a magistrate, and request that a higher bail be set.

The defendant may personally or through any other person, make application to have bail set at less than that provided in the bail schedule or for release on his own recognizance.

A defendant may be held for eight hours when there is good reason to believe a request to raise the bail will be granted. If the defendant has been in custody for eight hours and no court order has been received in response to a request to lower or raise bail, he is entitled to release upon posting the scheduled bail.

NOTE: PERSONS ARRESTED FOR A FELONY SHALL NOT BE RELEASED ON A PROMISE TO APPEAR CITATION.