5-03/115.20 - Misdemeanor Release - Exceptions

A misdemeanor prisoner shall be released, either in the field or from custody, on his written promise to appear, unless:

- The person has been arrested for a domestic violence battery (243(e)(1) PC);
- The person has been arrested for the violation of a court protective order related to domestic violence;
- The person has been arrested for stalking (646.9 PC);
- The person arrested was so intoxicated that he could have been a danger to himself or to others;
- The person arrested required medical examination or medical care or was otherwise unable to care for his own safety;
- The person was held in custody on the authority of one or more of the violations listed under section 40302 of the Vehicle Code;
- The person in custody has outstanding warrants with an aggregate bail amount exceeding cite-out criteria;
- The person cannot provide satisfactory evidence of personal identification. (Adequate identification includes name, address, sex, race, height, weight, color of hair and eyes, and date of birth. A “Los Angeles County Regional Identification System (LACRIS) Notification,” in response to a livescan fingerprint identification request, is considered adequate identification for purposes of this section.);
    - Persons held in custody on the authority of Vehicle Code section 40302(a) may not be detained longer than two hours to verify identity (40307 CVC):
        - If the person does not adequately identify himself within the two-hour period and does not have sufficient funds to bail out, he shall be booked after the two-hour period elapses;
        - If the person does not adequately identify himself within the two-hour period but has sufficient funds to bail out, he shall be admitted to bail after two hours and shall not be booked; and
        - If the person adequately identifies himself within the two-hour period, he must be cited out pursuant to Vehicle Code Section 40307, and shall not be booked;
- The prosecution of the offense or offenses for which the person was arrested or the prosecution of any other offense or offenses would be jeopardized by immediate release of the person arrested;
- There was a reasonable likelihood that the offense or offenses would continue or resume or that the safety of persons or property would be imminently endangered by release of the person arrested;
- The person arrested demands to be taken before a magistrate or refuses to sign the notice to appear;
- The person arrested will not appear on their own (the basis of the watch commander’s decision must be specifically stated) (853.6(i)(9) PC);
- Any reason where, for good cause, the watch commander believes a release would be unreasonable or unsafe. Specific justification for the non-release must be noted on the arrest and property form; and
    - Warrant violations not eligible for release:
    - Warrants for false identification to Peace Officer (148.9 PC);
    - Warrants involving the use of firearms (827.1(b) PC);
    - Warrants involving violence, including domestic violence (827.1(a) PC);
    - Warrants that indicate no release/citation (827.1(k) PC); and
    - Warrants for resisting arrest offences (827.1(c) PC);

- The person was arrested for Disorderly Conduct Drunk (647(f) PC), no further proceedings are desirable and the arrestee is released without a notice to appear under the guidelines set forth in section 5-03/117.00.