5-03/115.30 - Arresting Deputy's Responsibility

If the arresting deputy believes that a misdemeanant should be held in custody for one or more of the reasons listed under section 5-03/115.20, he shall obtain the concurrence of the watch commander by presenting him with the B&PR to be signed.

If it is determined that there is no legal reason to hold a misdemeanor prisoner in custody, then, at the time of booking, the arresting deputy shall complete the required information on the notice to appear as follows:

- Enter all information available, including the vehicle description;
- Specify the code in the "Violation" section, e.g., 23152 CVC, 25662 B&P, etc.;
- Leave the item titled "Booking Required" blank. This space shall only be checked under certain circumstances when a field release is being effected (refer to section 5-03/115.10);
- The arresting deputy should not sign the notice to appear since he will not be present to witness the signature of the suspect and, therefore, cannot testify in court that the suspect signed the citation; and
- Allow at least five court days prior to appearance or in accordance with special court appearance procedures.

  Exception: For private person's arrests, the arresting deputies shall not complete a citation. This will be the jailer's responsibility.