6-11/050.00 Misdemeanor Release Pursuant to 849(B)(2) PC

All persons arrested for intoxication only shall be released providing:

- The intoxicant is alcohol
- No further proceedings are desirable
- Such person may reasonably and safely be released
- The release is not precluded under the guidelines noted in MPP section 5-03/115.20, "Misdemeanor Release - Exceptions"

  Note: The release of an inmate pursuant to section 849(b)(2) PC does not require the issuance of a Certificate of Release (SH-AD-516).

849(B)(2)PC RELEASE - JAILER'S RESPONSIBILITY

Prior to releasing an inmate under provisions of 849(b)(2) PC, the jailer shall:

- Review the booking packet for accuracy
- Obtain the inmate's signature on lines 18 and 44 of the BP&R
- Return cash and property to the inmate
- Release the inmate (indicate 849(b)(2) PC on computer update message)
- Notify the deputy writing the report (if the report has not been approved) or Detective Bureau (if the report is approved), to indicate on the Incident Report (SH-R-49) that the report is inactive
- Record the name of the employee making the final release, date and time on line 44
- In the space on the back side (or page 2) of the B&PR "Reason for Release," reflect "Released per 849(b)(2) PC" in the "Released To" field and put an "X" next to the "OTHER" for release reason.

MISDEMEANOR ARRESTS BY OTHER JURISDICTIONS

An inmate arrested by another agency for a misdemeanor violation shall be released as described in MPP section 5-03/115.35, "Jailers Responsibility," unless that agency has specifically designated that the inmate be retained in custody as provided in section 853.6(j) PC.