

## **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.