03-001 Certification of Release Letter

Los Angeles County Sheriff's Department

STATION ORDER

Cerritos Station

STATION ORDER NUMBER: **03-001**

Subject: **Certification of Release Letter**			
Effective Date:	05/30/2003	Last Date Revised:	
Last Date Reviewed:	03/10/2020	Next Review Date:	03/10/2021

PURPOSE:

The purpose of this order is to establish policies and procedures for issuing a Certificate of Release Letter as required by Penal Code Section 851.6.

SCOPE OF ORDER:

Section 851.6 of the Penal Code requires that any person who is arrested and subsequently released without an accusatory pleading being filed (as in a District Attorney case rejection), must be issued a certificate of release signed by the releasing officer which describes the action as a detention only.

In a recent lawsuit against the Department, this procedure became an issue when it was discovered that no Certificate of Release Letter had been issued to a prisoner upon her release after her case had been rejected by the District Attorney's Office.

ORDER:

DETECTIVE AND COURT DEPUTY'S RESPONSIBILITIES

Pursuant to 851.6 PC, the policy of this Department (MPP section 5-03/095.00) shall be to issue a Certificate of Release (SH-AD-516) to all persons arrested and released pursuant to 849 (b) (1) or (3) of the Penal Code or when the release is based on a prosecutor's rejection of a complaint. No Certificate of Release will be issued when a portion of the charges are dropped in an arrest involving multiple charges or for a release pursuant to 849 (b) (2).

The investigating detective shall be responsible for issuance of the Certificate of Release when:

- The prisoner is in custody at the station of arrest,
- The prisoner is at the local court or,
- The suspect is no longer in custody.

The original copy shall be mailed to the suspect's address. All "unable to deliver, return to sender" certificates shall be retained by the issuing unit for a period of one year from the date of return. A duplicate copy of the SH-AD-516 shall be filed in the booking jacket.

If the prisoner is transferred to Central Jail or other location prior to arraignment, the deputy or booking clerk who physically releases the prisoner shall:

- Prepare the Certificate of Release in duplicate,

  -Original to the prisoner,

  -Duplicate for the booking jacket,

- Forward the copy of the SH-AD-516 to RIB for inclusion in the booking jacket.

This procedure shall apply to all prisoners arrested by this Department and, thereafter, the arrest shall be deemed a detention only.

If a subject was arrested for a warrant and he was later determined not to be the person named on the warrant, the person issuing the Certificate of Release form shall complete the "Wrong Warrant Advisement" section of the form. Any warrant(s) that was thought to belong to the subject but in fact did not, shall be indicated by placing the warrant number in this section.

The person issuing the form shall draw a line through the portion of the heading that reads "Clearance Letter."

When a release Justice Data Interface Controller (J.D.I.C) message is sent, it shall indicate if the release is based on 849 (b) (1) or (3) PC and request the Certificate of Release be issued, in addition to any other required release information.

Note: A case rejection by the District Attorney's Office falls within 851.6(b) P.C. and states it is the responsibility of the **ARRESTING AGENCY** to issue the certificate of release, **NOT** the **RELEASING** agency.

DETECTIVE SERGEANT'S RESPONSIBILITIES

The detective sergeant shall ensure the above policy and procedures are being followed by conducting a check of each "rejected" case to ensure release letters are being sent. This audit shall be done on a weekly

basis.