6-12/080.00 Certificate of Release (SH-AD-516)

In accordance with 851.6 PC, Certificates of Release (SH-AD-516) shall be issued to all persons arrested and released pursuant to 849(b)(1) PC or 849(b)(3) PC. When an inmate's release is based on a prosecutor's rejection of a complaint pursuant to 849.5 PC, or if no accusatory pleading has been filed, a Certificate of Release shall be issued, describing the action as a detention. 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) PC.

The investigating deputy or Court Services deputy shall be responsible for issuance of the Certificate of Release when:

- The inmate to be released is in custody at the station of booking
- The inmate to be released is at the local court
- The inmate is no longer in custody

If the inmate is no longer in custody, the original copy shall be mailed to the inmate’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 packet. If the inmate is transferred to IRC/CRDF or another location prior to arraignment, the deputy or booking clerk who physically releases the inmate shall:

- Prepare the Certificate of Release in duplicate:
    - Original to the inmate
    - Duplicate for the booking packet
- Forward the copy of the SH-AD-516 to Risk Management Bureau (RMB) for inclusion in the booking packet

This procedure shall apply to all inmates arrested by this Department and, thereafter, the arrest shall be deemed a detention only. If a subject was arrested for a warrant and he/she 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 were 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 JDIC message is sent, it shall indicate if the release is based on 849(b)(1) PC or 849(b)(3) PC and request the Certificate of Release be issued, in addition to any other required release information.

Release of Inmates Arrested by Other Agencies

When an inmate who was arrested by another agency is released from this Department's custody pursuant to 849(b)(1) PC or 849(b)(3) PC, a Certificate of Release shall be issued, signed by the releasing officer or his/her supervisor describing the action as a detention. If the inmate's release is based on a prosecutor's rejection of a complaint pursuant to 849.5 PC, or where no accusatory pleading has been filed, the law

enforcement agency which arrested him/her is responsible for issuing and signing the Certificate of Release.

Imperative Release of Inmates

An imperative release is necessary when a detention continues beyond the close of court business on the second court day following the arrest and no court appearance has been made or no other valid detention has been established.

Note: The McLaughlin Decision (County of Riverside v. McLaughlin, 500 U.S. 44 1991) requires judicial probable cause determination within 48 hours for warrantless inmate's detained pending release or arraignment. The 48-hour period does not exclude weekends or holidays. Arraignment itself does not provide judicial determination, which is deemed to be a separate legal activity.

Custodial jailers (e.g., station jailers for station inmates and WAD; IRC for Custody Operations inmates) will continue to be responsible for releasing all inmates not having judicial probable cause determination within 48 hours. Notwithstanding the PCD, if an inmate is not arraigned prior to 1600 hours the second day after his arrest, excluding weekends and holidays, he/she is also imperative (Youngblood v. Gates, 200 Cal.App.3d 1302, 246 1988).

If the investigator learns the inmate will not be arraigned, (e.g., DA reject, cleared, insufficient evidence, etc.), the investigator shall advise the custodial jailer at once so that the release may be expedited.

The unit or detail watch commander of the assigned case shall determine the cause for the delay and take necessary action. The assigned officer shall be responsible for:

- Assuring that a JDIC message is sent immediately advising WAD of the rejection, if the inmate is to be released from IRC/CRDF
- Obtaining a complaint and/or ordering to appear in court
- Releasing the inmate and advise inmate regarding the VDR option
- Making other dispositions of the inmate as circumstances require
- Notifying the unit commander when compliance with one of the above is prohibited
- Note: If this procedure is not acceptable to the arraigning court and the inmate's non-appearance is questioned, the Court Services' "Inmate Medical Fitness and Court Transportation Declaration" form shall be completed and delivered to the court.
    - In all cases where physical disability prohibits the arraignment of an inmate within the time set forth above, a notation will be made on the court lists indicating a medical "no-go." The medical staff at the detention location shall make these determinations and notify the WAD Section of IRC

Station Releases

Stations shall make a "record and want" search inquiry via JDIC prior to proceeding with bail or bond releases. The station jailer shall review the JDIC message want response and contact the assigned unit to determine if there are additional holds or charges.

An inmate can be released only when bail or bond has been posted for all charges or for any reason found listed in the Release Codes in the AJIS Manual. An inmate can only be released via a JDIC entry from the station where he/she was booked.

When actual release procedures have begun, the station jailer shall:

- Prepare three fingerprint cards (see MPP section 5-03/050.00)
- Return cash and property to the inmate
- Obtain the inmate's signature on lines 17 and 20 of the B&PR (SH-J-293)
- Obtain the inmate's right-hand flat prints on the reverse side of the original (white) copy of the B&PR
- Review the booking slip and compare the inmate's physical description with the description on the booking slip and any identification that may be in the inmate's property bag
- Compare inmate's release signature on the booking slip with the signature when the inmate was booked
- If the jailer has been trained and certified in fingerprint comparisons, they shall compare the fingerprints which were taken at the time of booking on the booking slip and/or the print card from the "Live Scan" computer to the prints taken at the time of release, making sure they match
- Fill in the information regarding the release on the reverse side of the original (white) of the B&PR
- Forward to RIB, Fingerprint Section, the following for all Field Releases and Juvenile bookings:
    - The white (original) copy of the booking slip, the yellow copy of the booking slip and copies of any pertinent documents (i.e. warrant checks, bail / bond information, copy of the computer-generated Live Scan prints, etc.) pertaining to the booking and/or release of the inmate.
    - Wristband label from all field releases and juveniles
- Forward to IRC Head Clerk, the following for all Adult Station Releases:
    - The white (original) copy of the booking slip
    - The yellow copy of the booking slip and copies of any pertinent documents (i.e. warrant checks, bail/bond information, copy of the Live Scan generated booking slip, etc.) pertaining to the booking and/or release of the inmate
    - Wristband label from all **adult** station releases
- The white copy of the booking slip (original) shall be scanned to SECDA
- Remove and destroy the inmate's identification band
- Inform the inmate of the date, time, and place of his court appearance and issue copy of appropriate release documents (cite, bond, etc.)
- Release the inmate
- Notify the station JDIC operator to update the computer by entering the release information into AJIS

If the jailer is not positive as to the identity of the inmate they are releasing, they shall advise the watch sergeant and the watch commander who shall review the documents. The watch commander shall make a final determination whether or not the inmate should be released.

Felony Own Recognizance Release As Authorized By Pretrial Services

Upon receipt of a JDIC message from bail deviation, pretrial services, authorizing the release of the inmate on his own recognizance; the jailer shall:

- Ensure that the inmate has no other wants or warrants that may prohibit him/her from being released

Note: If the bail is deviated either increased or decreased, or an own recognizance release was

granted by the bail commissioner, prior to release of the inmate, per Penal Code Section 1270.1, persons arrested for violent felonies as defined in Penal Code Section 667.5, or a violation of Penal Code Sections 262, 273.5, 646.9, or 243 (e)(1), cannot be released from custody until there has been a hearing in open court by the magistrate or judge. The hearing required by this section shall be held within the time period described in 825 PC.

- Complete the “Felony Own Recognizance Release and Agreement to Appear”
  - The original form and a copy of the JDIC message, authorizing the release, will be sent to the court where the arrestee is to appear.

  If the court is a local station court, give the forms to the court deputy

- Advise the inmate of the time and place of his required appearance in court
- Have the inmate read and sign the agreement form. Photocopy enough copies of the form for distribution
- Proceed with the release procedure
- The release code, via JDIC entry, for release on own recognizance is OR