



SACRAMENTO POLICE DEPARTMENT GENERAL ORDERS



523.06 RELEASE UNDER SECTION 849(B) PC 06-28-18

PURPOSE

The purpose of this order is to establish a record for release of a person arrested or involuntarily detained.

POLICY

It shall be the policy of the Sacramento Police Department that persons arrested and determined releasable under the provisions of California Penal Code 849(b) be released pursuant to the procedure described in this order and the provisions of 851.6 P.C. Persons arrested for outstanding warrants will be released with proper judicial approval.

PROCEDURE

A. DOCUMENTATION REQUIREMENTS

1. Documentation requirements of this order do not apply to releases made per 853.6 PC or 40302 CVC.
2. A Certificate of Release (SPD 138) shall be completed when a person arrested has been determined releasable under the provisions of California Penal Code 849(b).
3. Documentation for a "Private Persons Arrest" shall be recorded in the applicable police report and include:
 - a. An incident report if no crime was committed.
 - b. An offense report if a crime was committed.

B. 849(b) PC RELEASES INITIATED BY OFFICERS

1. All releases of 849b arrests shall be approved by a sworn supervisor.
2. Release of arrested persons not booked or cited shall follow the provisions of 849(b) PC; an indication must be made in the appropriate box on the SPD 138.
3. When the suspect has been formally booked and is still in custody, the arresting officer(s) shall complete an SPD 138 and:
 - a. Obtain approval of a sworn supervisor.
 - b. Route the original to the Records Section.
 - c. Contact the Main Jail Booking Sergeant for assistance in locating the prisoner.
 - d. Provide the pink copy of the SPD 138 to the Main Jail staff.
4. If the arrested person was formally booked but is no longer in custody and the police report "arrest package"
 - a. Has not been sent to the District Attorney (DA), arresting officers shall:
 - (1) Alert their immediate supervisor.
 - (2) Immediately write a supplement to be included with the police report detailing the reason(s) for the release.
 - (3) Not complete an SPD 138.
 - (4) Expedite delivery of the reports to the Records Section and the Office of Investigations (OOI) to ensure delivery of the police report and "arrest package" to the DA.
 - b. Has been sent to the District Attorney (DA), arresting officers or detectives shall:
 - (1) Complete items B.4.a (1) through (4) above.
 - (2) Make personal or telephone contact with the Intake DA at the earliest available time and request that an 849(b) Certificate of Release be initiated.

D. 849(b) PC DISTRICT ATTORNEY INITIATED DISMISSAL OF CHARGES

1. By agreement with the DA's office, when they elect not to file a complaint against an arrested person, their office will notify the Main Jail and the arrested person.
2. The OOI shall, upon receipt of dispositions by the DA, provide the Records Section with a Clear-up Report (SPD 102) if required.

E. RELEASE OF INVOLUNTARILY DETAINED PERSON(S)



SACRAMENTO POLICE DEPARTMENT GENERAL ORDERS



1. Either a Street Check with an “event to event” link to the involved call, an Incident Report, or an Offense Report shall be completed when an individual has been detained and one (1) or more of the following conditions occurred:
 - a. Physical restraint.
 - b. Use of handcuffs.
 - c. Involuntary placement of a person in a police vehicle.
2. Officers should include the following information in the Street Check, Incident Report, or Offense Report:
 - a. Circumstances that warranted the detention.
 - b. Whether the individual was handcuffed.
 - c. Whether any force or control techniques were utilized.

Daniel Hahn
Chief of Police

Date