

FULL NAME OF DETAINED PERSON

DATE AND TIME OF DETENTION

**RELEASING OFFICER**

DATE RELEASED	NAME (Printed)	TITLE
04-02-18		

SUPERVISOR     ARRESTING OFFICER     COURT OFFICER

SIGNATURE

Penal Code Section 849 provides in part:

(a) When an arrest is made without a warrant by a peace officer or private person, the person arrested, if not otherwise released, shall, without unnecessary delay, be taken before the nearest or most accessible magistrate in the county in which the offense is triable, and a complaint stating the charge against the arrested person shall be laid before such magistrate.

(b) Any peace officer may release from custody, instead of taking such person before a magistrate, any person arrested without a warrant whenever:

- (1) He or she is satisfied that there are insufficient grounds for making a criminal complaint against the person arrested.
- (3) The person was arrested only for being under the influence of a controlled substance or drug and such person is delivered to a facility or hospital for treatment and no further proceedings are desirable.
- (4) The person was arrested for driving under the influence of alcohol or drugs and the person is delivered to a hospital for medical treatment that prohibits immediate delivery before a magistrate.

*(Amended by Stats. 2015, Ch. 499, Sec. 3. Effective January 1, 2016)*

Penal Code Section 851.6 provides:

(a) In any case in which a person is arrested and released pursuant to paragraph (1) or (3) of subdivision (b) of Section 849, the person shall be issued a certificate, signed by the releasing officer or his superior officer, describing the action as a detention.

Penal Code Section 849.5 provides:

In any case in which a person is arrested and released and no accusatory pleading is filed charging him with an offense, any record of arrest of the person shall include a record of release. Thereafter, the arrest shall not be deemed an arrest, but a detention only.