

OFFICE OF THE CHIEF OF POLICE

SPECIAL ORDER NO. 8

February 28, 2023

**SUBJECT: RELEASE FROM CUSTODY (RFC) – REVISED; AND,
LOS ANGELES POLICE DEPARTMENT BOOKING APPROVAL,
FORM 12.31.00 – REVISED**

PURPOSE: The purpose of this Order is to revise Department Manual Section 4/216.65, *Release from Custody (RFC)*, and the Department Booking Approval, Form 12.31.00, consistent with the revisions to California Penal Code (PC) Section 853.6 – Citations for Misdemeanors, and pursuant to California Assembly Bill (AB) 2294. Assembly Bill 2294 amends 853.6 PC to include additional reasons for non-release of arrestees related to “theft from a store” and “organized retail theft,” effective January 1, 2023, through January 1, 2026.

PROCEDURE:

- I. RELEASE FROM CUSTODY (RFC) – REVISED.** Department Manual Section 4/216.65, *Release from Custody (RFC)*, has been revised. Attached is the Manual section with the revisions indicated in italics.

- II. LOS ANGELES POLICE DEPARTMENT BOOKING APPROVAL, FORM 12.31.00 – REVISED.** The Booking Approval, Form 12.31.00, has been revised and is attached.

FORM AVAILABILITY: The revised Booking Approval form is available in E-Forms on the Department’s Local Area Network and is attached for immediate use and duplication. The “Form Use” for this form is unchanged. All other versions of the Booking Approval shall be marked “obsolete” and placed into Area/divisional recycling bins.

AMENDMENT: This Order amends Section 4/216.65 of the Department Manual.

AUDIT RESPONSIBILITY: The Commanding Officer, Audit Division, shall review this directive and determine whether an audit or inspection shall be conducted in accordance with Department Manual Section 0/080.30.


MICHEL B. MOORE
Chief of Police

Attachments

DISTRIBUTION “D”

**DEPARTMENT MANUAL
VOLUME IV
Revised by Special Order No. 8, 2023**

216.65 RELEASE FROM CUSTODY (RFC).

Conditions For Release From Custody. Each adult **misdemeanor** arrestee shall be released from custody unless one or more of the following conditions exist:

- Arrestee is intoxicated to the point where the arrestee could be a danger to *themselves* or others;
- Arrestee requires a medical examination or medical care, or is otherwise unable to care for *their* own safety;
- Arrestee is in custody for a violation of one or more of the circumstances listed in Sections 40302 or 40303 of the *California Vehicle Code*; (**Exception:** *Driving under the influence (DUI) arrestees may be released after booking, if otherwise eligible*).
- Arrestee has one or more outstanding arrest warrants;
- Arrestee has one or more outstanding misdemeanor arrest warrants not eligible for release under Section 827.1 of the *California Penal Code* (*Department Manual Section 4/216.67*);
- Arrestee is unable to provide satisfactory identification (*per Department Manual Section 4/216.66*);
- Immediate release of the arrestee would jeopardize the prosecution of the offense for which *they were* arrested or *their* prosecution for any other *known* offense (*i.e., for which probable cause exists*);
- There is a reasonable *belief* that the offense *will* continue or resume, or that the safety of a person(s) or property would be imminently endangered by the release of the arrestee;
- Arrestee demands to be taken before a magistrate or refuses to sign the Non-Traffic Notice to Appear, *Form 05.02.02*;
- There is reason to believe that the arrestee would not appear at the time/place specified in the Notice;
- *Arrestee has been cited, arrested, or convicted for misdemeanor or felony theft from a store in the previous six months (Pursuant to California Assembly Bill 2294 and effective January 1, 2023, thru January 1, 2026); and,*
- *There is probable cause to believe the person arrested is guilty of committing organized retail theft, as defined in subdivision (a) of Section 490.4 of the California Penal Code (Pursuant to California Assembly Bill 2294 and effective January 1, 2023, thru January 1, 2026).*

When an adult misdemeanor arrestee is not released from custody pursuant to one of the above listed conditions, officers shall articulate the specific circumstances which justify the continued custody in the narrative of the Arrest Report, Form 05.02.00.

Note: Traffic-related misdemeanors, except those listed in Section 40302 of the California Vehicle Code, shall be cited using a Traffic Notice to Appear, Form 04.50.00, and the Continuation of Notice to Appear, Form 04.50.05, in lieu of *an* Arrest Report.

-The remainder of this section is unchanged-

**Los Angeles Police Department
BOOKING APPROVAL**

SEE DISTRIBUTION AT BOTTOM FOR NUMBER OF COPIES REQUIRED.	DATE & TIME OF ARREST	DATE AND TIME OF INSPECTION/INTERVIEW BY WATCH COMMANDER (LAPD MANUAL 4/216)			
ARRESTEE'S NAME (Last, First, Middle)					
ARRESTING OFFICER(S) OR <input type="checkbox"/> PRIVATE PERSON'S ARREST (Last and First Name)	SERIAL NO.(S)	DIVISION	DETAIL		
ACTION ADVISED:					
<input type="checkbox"/> Booking Charge _____ (As appears on AJIS Charge Table)		BASIC CHARGE:	\$ _____		
<input type="checkbox"/> Additional charges _____		ADD'L CHARGES:	\$ _____		
<input type="checkbox"/> Enhancements (Attach Felony Bail Computation Worksheet, Form CRIM-208)		ENHANCEMENTS:	\$ _____		
<input type="checkbox"/> Advise arrestee of immediate cash bailout right (if two or fewer warrants for parking offense or traffic infraction)					
<input type="checkbox"/> Release without booking		<input type="checkbox"/> Phone call made	<input type="checkbox"/> Phone calls refused by arrestee	TOTAL BAIL: \$ _____	
1. EVIDENCE TO BE BOOKED 2. SUGGESTIONS FOR CONTENTS OF REPORTS 3. VISITATION RESTRICTION			RESPONSIBLE INVEST. UNIT		
PAROLE/PROBATION AGENT		PHONE NO.	TIME TELEPHONIC HOLD PLACED		
REASON FOR SEARCH:					
<input type="checkbox"/> Offense involves a controlled substance.					
<input type="checkbox"/> Articulate and reasonable suspicion that the arrestee is concealing contraband or weapons, regardless of the offense (Explain reasonable suspicion). _____					
TYPE OF SEARCH AUTHORIZED:			WATCH COMMANDER APPROVING SEARCH SERIAL NO. (if different than booking)		
<input type="checkbox"/> STRIP <input type="checkbox"/> PHYSICAL BODY CAVITY*					
<input type="checkbox"/> VISUAL BODY CAVITY *Note: Search warrant required. WARRANT NO.:					
DATE & TIME OF SEARCH	LOCATION SEARCH CONDUCTED	SEARCHING EMPLOYEE	SERIAL NO.	DIVISION	SEX
RESULTS OF SEARCH (List items and locations removed from):					
ADVISING INVESTIGATIVE SUPERVISOR (signature) <input type="checkbox"/> Telephonic Advice		SERIAL NO.	DIVISION	RAP SHEET REVIEWED? YES <input type="checkbox"/> NO <input type="checkbox"/> NONE <input type="checkbox"/>	
MISDEMEANOR ARRESTS: The watch commander shall complete the Conditions for Non-Eligibility for Release at the time of booking approval (Manual Sections 4/216.65, 216.67).					
CONDITIONS FOR NON-ELIGIBILITY FOR RELEASE					
1. The person arrested is so intoxicated that they could be a danger to themselves or others.					
2. The person arrested requires medical examination or medical care or is otherwise unable to care for their own safety.					
3. The person is arrested for one or more of the offenses listed in Section 40302 or 40303 of the California Vehicle Code. (EXCEPTION - DUI ARRESTEES MAY BE RELEASED AFTER BOOKING, IF OTHERWISE ELIGIBLE.)					
4. There are one or more outstanding arrest warrants for the person.					
5. The person has one or more outstanding misdemeanor arrest warrants ineligible for release under Section 827.1 of the California Penal Code (Department Manual Section 4/216.67).					
6. The person cannot provide satisfactory evidence of personal identification (per Department Manual Section 4/216.66).					
7. The prosecution of the offense or offenses for which the person is arrested or the prosecution of any other known offense or offenses would be jeopardized by immediate release of the person arrested.					
8. There is a reasonable belief that the offense or offenses will continue or resume, or that the safety of persons or property will be imminently endangered by release of the person arrested.					
9. The person arrested demands to be taken before a magistrate or refuses to sign the Non-Traffic Notice to Appear, Form 05.02.02.					
10. There is reason to believe that the person arrested would not appear at the time/place specified in the Notice.					
*1. The person has been cited, arrested, or convicted for misdemeanor or felony theft from a store in the previous six months (Effective until January 1, 2026).					
*2. There is probable cause to believe that the person arrested is guilty of committing organized retail theft, as defined in subdivision (a) of Section 490.4 of the Penal Code (Effective until January 1, 2026).					
AREA WATCH COMMANDER APPROVING BOOKING/O.R./STRIP		SERIAL NO.:	MISD O.R. YES <input type="checkbox"/> NO <input type="checkbox"/>	STRIP SEARCH YES <input type="checkbox"/> NO <input type="checkbox"/>	RAP SHEET REVIEWED? YES <input type="checkbox"/> NO <input type="checkbox"/> NONE <input type="checkbox"/>
NON-ELIGIBILITY FOR RELEASE NO.:					
CUSTODY SERVICES DIVISION WATCH COMMANDER MAKING O.R. DETERMINATION			SERIAL NO.:	MISD O.R. YES <input type="checkbox"/> NO <input type="checkbox"/>	NON-ELIGIBILITY FOR RELEASE NO.:
REASON FOR RELEASE:					