

## OFFICE OF THE CHIEF OF POLICE

ADMINISTRATIVE ORDER NO. 2

January 6, 2025

**SUBJECT:** CERTIFICATE OF RELEASE, FORM 08.16.00 – REVISED

**BACKGROUND:** On September 29, 2024, Governor Newsom signed California Assembly Bill (AB) 2215 – Criminal Procedures: Arrests, into law. The Bill amends California Penal Code (PC) Section 849(b), regarding releasing arrested persons (not identified in a warrant) from custody without seeing a magistrate or judge. In consideration of public safety and systematic fairness, the intent of AB 2215 is to grant law enforcement discretion to deliver individuals arrested for low-level offenses directly to public health or social service organizations, instead of jail.

**PURPOSE:** The purpose of the Order is to inform Department personnel of AB 2215 and to revise the Los Angeles Police Department Certificate of Release, Form 08.16.00, ensuring Department compliance with the requirements set forth in the Bill. Assembly Bill 2215 introduces a new subsection within PC 849(b), which permits an arresting officer to release an individual from custody without presenting the individual before a magistrate, provided the following conditions are met:

- The individual is delivered or referred to a public health or social service organization;
- The organization provides services that include housing, medical care, treatment for alcohol or substance use disorders, psychological counseling, or employment training and education;
- The organization agrees to accept the delivery or referral; and,
- No further legal proceedings regarding the original arrest are deemed necessary.


If the individual qualifies for a release, pursuant to this new provision located in PC 849(b)(6), the arrest of the individual shall include a record of release and be classified as a detention only. These amendments aim to permit the Department to use available community resources and connect individuals directly to supportive services and treatment, such as housing, medical care, treatment for alcohol or substance use disorders, psychological counseling, or employment training and education. When encountering an arrestee eligible for release from custody pursuant to PC 849(b), Department personnel are reminded to reference the guidelines outlined in Department Manual Section 4/775.13, last revised by Special Order No. 22, 2018.

**PROCEDURE:** The Certificate of Release, Form 08.16.00, has been revised. Attached is the updated form with the revisions indicated in italics.

**FORM AVAILABILITY:** The revised Certificate of Release, Form 08.16.00, is attached for immediate use and duplication. Additionally, the form is available on the Department's Local Area Network (LAN) in E-Forms. All other versions of this form are now obsolete and shall be disposed of in the Area/divisional recycling bin.

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**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.



**JIM McDONNELL**  
Chief of Police

Attachment

DISTRIBUTION "D"

Los Angeles Police Department  
**CERTIFICATE OF RELEASE**

PRINT OR TYPE  
 NO CARBON REQUIRED

BKG. NO. \_\_\_\_\_

Case NO. \_\_\_\_\_

Detention log information required only for release without bookings:

Date/Time In	Subject's Name (Last, First, M.I.)	Charge	Arresting Officer	Serial No.	Div/Unit	Watch
Date/Time Out	Detective Supervisor/ Watch Commander	Serial No.	Arresting Officer	Serial No.	Div/Unit	Watch

As required by the provisions of Penal Code Section 851.6 (as amended by Stats. 2017, Ch. 566, Sec. 2.), I hereby certify that the taking of \_\_\_\_\_ into custody on \_\_\_\_\_ by the  
SUBJECT'S NAME DATE  
 Los Angeles Police Department was a detention only and not an arrest. The subject was released on \_\_\_\_\_  
DATE

by the Los Angeles Police Department, pursuant to the provisions of Penal Code Section 849 and Penal Code Section 849.5, pertinent portions of which appear below.

**PENAL CODE SECTION 849 PROVIDES IN RELEVANT 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) *The officer 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.*
  - (5) *The person was arrested and subsequently delivered to a hospital or other urgent care facility, including, but not limited to, a facility for the treatment of co-occurring substance use disorders, for mental health evaluation and treatment, and no further proceedings are desirable.*
  - (6) *The person was arrested and subsequently delivered or referred to a public health or social service organization that provides services including, but not limited to, housing, medical care, treatment for alcohol or substance use disorders, psychological counseling, or employment training and education; the organization agrees to accept the delivery or referral, and no further proceedings are desirable.*
- (c) Any record of arrest of a person released pursuant to paragraphs (1), (3), (5), or (6) of subdivision (b) shall include a record of release. Thereafter, such arrest shall not be deemed an arrest, but a detention only.

**PENAL CODE SECTION 849.5 PROVIDES:**

"In any case in which a person is arrested and released and no accusatory pleading is filed charging them 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."

**IN COMPLIANCE WITH THE ABOVE SECTIONS, A COPY OF THIS CERTIFICATE WILL BE FILED WITH ANY RECORD OF THIS ARREST. THEREAFTER, THIS ARREST SHALL NOT BE DEEMED AN ARREST, BUT A DETENTION ONLY.**

\_\_\_\_\_  
 Title, Arresting/Investigating/Releasing Officer (SIGNED)

\_\_\_\_\_  
 Title, Detective Supervisor/Watch Commander (SIGNED)  
 (Required for Release without Booking)