



**SEBASTOPOL POLICE DEPARTMENT**  
**6850 Laguna Park Way, Sebastopol, CA 95472**

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*Jeffrey D. Weaver*  
*Chief of Police*

DETENTION CERTIFICATE

As required by the provisions of Penal Code Section 851.6, I hereby certify that the taking into custody of \_\_\_\_\_ on 09/ 2015 by the Sebastopol Police Department was a detention only, not an arrest. \_\_\_\_\_ was released on 09/ 2015 by the Sebastopol Police Department. Pertinent portions of Penal Code Section 849, 849.5 and 851.6 are included as part of this certificate.

Case #: 15- Signed by: \_\_\_\_\_  
Date: 12/16/15 Title: Records/Dispatch Supervisor

**THE FOLLOWING MUST BE INCLUDED AS PART OF THE CERTIFICATE;**

**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
  - 2) The person arrested was arrested for intoxication only, and no further proceedings are desirable
  - 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
- c) Any record of arrest of a person released pursuant to paragraphs (1) and (3) 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 him or her 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.

**Penal Code Section 851.6 provides, in part:**

- 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.
- b) In any case in which a person is arrested and released and no accusatory pleading is filed charging him or her with an offense, the person shall be issued a certificate by the law enforcement agency which arrested him describing the action as a detention.