

BERKELEY POLICE DEPARTMENT

DATE ISSUED: January 13, 1994

GENERAL ORDER A-51

SUBJECT: ARRESTS ON TRAFFIC WARRANTS OR TRAFFIC OFFENSES

PURPOSE

- 1 - The purpose of this order is to delineate proper procedure to follow when a prisoner is brought into the Jail for minor traffic offenses or traffic warrants. This order shall NOT apply to felony violations of the Vehicle Code.

POLICY

- 2 - In cases where a person is arrested and brought to the Hall of Justice on a traffic warrant or on a traffic violation (other than a felony or violation of Sections 23152 or 23153 of the Vehicle Code), the person shall be given a reasonable opportunity to post bail prior to being fully booked, searched, and incarcerated.

PROCEDURES

- 3 - The arresting officer has a right to make a pat search or metal detector search for weapons and contraband.
- 4 - Whenever any person is taken into custody for bail to be collected on two (2) or fewer traffic infractions, the person shall be provided the opportunity to immediately post bail, and shall not be booked, photographed, or fingerprinted, nor shall an arrest record or arrest log be made when the amount of bail required is paid on the warrant.
- 5 - If the person has sufficient cash in his or her possession, that person shall immediately be given the opportunity to post bail with the Service **Bureau** employee designated to take bail.
- 6 - If the person does not have sufficient cash in his or her possession, he/she shall be informed of his or her rights as follows:
 - (a) Make not less than three (3) completed phone calls to obtain bail. The person shall be permitted to use Departmental telephones to make local or collect long-distance telephone calls to post bail.
 - (b) Have not less than three (3) hours in which to arrange for bail.
- 7 - Where bail is not produced within a reasonable time as described in paragraph 6 above, or where the arrestee advised the officer that he/she is unable or unwilling to post bail, the arrestee will be booked into the jail **and** searched in conformance with paragraph **10** below.

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- 8 - The arresting officer and/or booking personnel shall make reasonable efforts to verify the identity of persons arrested on traffic violations because of the lack of adequate identification and shall provide them a reasonable opportunity to post bail (as identified in paragraph 6 above). Such efforts at identification may include telephone calls to family, friends, and employers to obtain satisfactory evidence of identity if a driver license is not available.
- 9 - A person who refuses to sign a traffic citation in the field shall be given a reasonable opportunity to do so at the Hall of Justice, or to post bail.
- 10 - Before being incarcerated, a person arrested on a traffic infraction or warrant may be subjected to a pat down search, metal detector search, and thorough clothing search in order to discover or retrieve concealed weapons and contraband.

References: California Penal Code Section 4030 PC
California Vehicle Code Sections 23152, 23153, 40304.5, 40302/40307
General Orders A-52, B-1, C-10, I-3, and J-1
CALEA Standards