

ALAMEDA COUNTY SHERIFF'S OFFICE DETENTION AND CORRECTIONS POLICY AND PROCEDURE	NUMBER: 11.05	PAGES: 1 of 2
	RELATED ORDERS: CVC 40304.5	
	ISSUED DATE: July 1, 1989	
	REVIEW DATE: December 1, 2015	
	REVISION DATE: September 24, 2007	
CHAPTER: Intake, Transfer, Release and Records	SUBJECT: Compliance with Section 40304.5 of the California Vehicle Code	

- I. **PURPOSE:** To set policy and procedure to comply with Section 40304.5 of the California Vehicle Code (CVC).
- II. **POLICY:** Staff will comply with Section 40304.5 CVC, which requires that persons taken into custody for two (2) or fewer traffic warrants be provided the opportunity to immediately post bail and not be booked, photographed or fingerprinted, nor an arrest record made until the person has been given at least three (3) hours in which to arrange for bail.
- III. **PROCEDURE:**
- A. Ascertain if arresting agency has given the arrestee opportunity to post bail. If so, request that the information be noted on the Consolidated Arrest Report (CAR). Do not book the arrestee until:
1. The arrestee has been given up to three (3) hours to arrange bail
 2. The arrestee has been given an opportunity to make not less than three completed telephone calls to arrange bail
- B. If the arrestee has sufficient cash in his or her possession, the arrestee shall be taken to the reception lobby by the arresting officer and immediately be given the opportunity to post bail.
- C. The arrestee may be booked in advance of the conclusion of the three (3) hour waiting period in the following situations:
1. He or she states that he or she will be unable to post bail irrespective of the three (3) hour time period.

2. He or she has been in continuous custody for three (3) or more hours and has been given the opportunity by the arresting agency to arrange bail. If this applies, request that the arresting agency make a notation of it on the CAR.
3. The bail on one or all of the warrants is "NO BAIL."