



4 / 600 Arrest & Processing Prisoners		
4 / 611	Release Without Prosecution	2/26/96 Rev 6/22/98
Accreditation Standards		

Any person arrested by an officer using an arrest warrant shall not be released without prosecution, except as noted below. All such arrestees must be completely processed and taken before a District Court Commissioner, who will determine the arrestee's eligibility for pre-trial release.

An officer may arrange for a nolle prosequi through the Office of the State's Attorney after the Commissioner's hearing.

On rare occasions, if the arresting officer(s) conclusively determine that the arrestee did not commit the offense charged on the warrant (or the wrong person is arrested), approval may be obtained from the Office of the State's Attorney and a supervisor to release the arrestee prior to the Commissioner's hearing. This approval must be documented in an Incident Report.

Any adult who has been arrested without a warrant may be released without prosecution at any time during arrest processing prior to their Commissioner's hearing. Supervisory approval is required for any such release. Any officer making a release will completely document the incident and the reasons for the release in an Incident Report.

On occasion, a subject who is taken into custody may have information which is helpful to the successful prosecution of a case or who is arrested while acting as an informant operating at police direction. In these instances, processing and charging the subject may not be advantageous. Officers confronted with these types of circumstances shall request assistance from a supervisor. Additionally, names of criminal informants shall not be included in the officer(s) Incident Report (public record/discoverable).

END OF ORDER

