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Requirements Regarding Arrestees' Rights to Phone Calls (Re-issue DB 15-079)

Pursuant to PC 851.5, *"Immediately upon being booked and, except where physically impossible, no later than three hours after arrest, an arrested person has the right to make at least three completed telephone calls."*

Under recent amendments to PC 851.5 (AB 2015), the arresting or booking officer must inquire as soon as practicable after arrest but, except where physically impossible, no later than three hours after arrest, whether an arrestee is a custodial parent with responsibility for a minor child. The officer shall notify an arrestee, who is identified as a custodial parent with responsibility for a minor child, of his or her right to make two additional telephone calls to arrange for child care in the arrestee's absence.

Telephone calls must be free of charge if they are completed to numbers within the local calling area or at the arrestee's expense if the call is outside the local area. The calls shall be given immediately upon request, or as soon as practicable. Members are reminded of their requirement to comply with DGO 7.04, *Children of Arrested Parents*, when making an arrest of a person who is responsible for the care of a minor child.

Current law requires that police facilities where an arrestee is detained post a sign in a conspicuous place in bold block type. The Department has posted the following, "Notice to Arrestees" signs at the required facilities. The signs state:

"You have the right to three completed telephone calls to any of the following:

- 1. An attorney of your choice. If you cannot afford one, you may call the Public Defender at (415) 553-1671. This telephone call will not be monitored, eavesdropped upon or recorded.*
- 2. A bail bondsman.*
- 3. A relative or other person.*

In addition if you are a custodial parent with responsibility for a minor child you have the right to two additional completed calls for the purpose of arranging for the care of the minor child or children in your absence."

AB 2015 specifies that the rights and duties set forth in PC 851.5 shall be enforced regardless of the arrestee's immigration status. Any officer who willfully deprives an arrested person of his or her rights under PC 851.5 is guilty of a misdemeanor.


WILLIAM SCOTT
Chief of Police

Per DB 15-141, both sworn and non-sworn members are required to electronically acknowledge this Department Bulletin in HRMS.