
FAILURE TO APPEAR WARRANTS - CVC 40304.5

5004.1 PURPOSE

This procedure establishes guidelines for officers when taking a person into custody for a failure to appear warrant on a parking or traffic citation.

5004.2 BACKGROUND

California Vehicle Code section 40304.5 outlines the procedures officers shall follow when a person is taken into custody for a failure to appear warrant on a parking or traffic citation.

5004.3 PROCEDURE

- A. CVC 40304.5: Whenever any person is taken into custody for bail to be collected on two or fewer outstanding warrants for failure to appear on a citation for a parking offense or a traffic infraction, the person shall be provided the opportunity immediately to post bail, and shall not be booked, photographed, or fingerprinted, nor shall an arrest record be made, when the amount of bail required to be paid on the warrant may be ascertained by reference to the face thereof or to a fixed schedule of bail, unless and until all of the following requirements have been exhausted:
1. If the person has sufficient cash in his or her possession, that person shall be given the opportunity immediately to post bail with the person in charge of the jail or his designee.
 2. If the person does not have sufficient cash in his or her possession, that person shall be informed of his or her rights and given the opportunity to do all of the following:
 - (a) Make not less than three completed telephone calls to obtain bail. The person shall be permitted the use of the police or sheriff's department telephone to make not less than three completed local or collect long-distance telephone calls to obtain bail. See Temporary Custody of Adult Policy.
 - (b) Have not less than three hours in which to arrange for the deposit of bail.
- B. Signed Waiver: In some instances, the arrestee may elect to waive these opportunities/rights. In order to prevent possible criminal and/or civil recourse by an arrestee against an officer of the City of Santa Ana, the arrestee must sign the appropriate section on the booking form. If the arrestee refuses to sign the officer shall write, "refused" in the signature block. This form will become part of the arrestee file folder located in the Jail Records Division. The Jail Records Section also accepts the exact amount of cash for the purpose of posting bail.