5-02/150.60 - Warrant in Lieu of Writ of Habeas Corpus

Warrants in lieu of Writs of Habeas Corpus are from the People of the State of California to the Sheriff of Los Angeles County directing him to take the juvenile into custody and either bring him forthwith to court or to detain him in MacLaren Children's Center (300 WIC minors) or an appropriate placement as deemed by DCFS and deliver him to court within 72 hours on a certain date (1477 PC). The judge may also insert in such a warrant a command for the apprehension of the person charged with illegal detention and restraint (1498 PC). Declared 602 WIC minors cannot be placed at MCC but must be placed in a SODA bed facility or juvenile hall.

The following requirements should be adhered to before acceptance of warrants in lieu of Writs of Habeas Corpus by this Department:

- They may be issued from any superior court in the state of California;
- They should be issued by the clerk of the superior court and when issued by the clerk they must be sealed with the seal of the court;
- They may be signed by a judge of the superior court should the court be without a clerk and, when signed by the judge, need not have the seal of the court. When not received directly from the court and without a seal, the authenticity of the signature shall be verified;
- They must be the original;
- They may be served at any time of the day or night;
- No force likely to produce serious injury or death shall be used in serving these processes; and
- No forced entry shall be used in serving these processes.

No alteration can be made on warrants in lieu of Writs of Habeas Corpus except by the judge or with his approval. If presented with any such warrant on which alterations have been made, the deputy must personally satisfy himself by proper investigation that the alteration was made by the judge or clerk who issued the warrant or order, or that it was personally approved and initialed by him before executing any such warrant or court order.

When a warrant in lieu of a Writ of Habeas Corpus is issued by a superior court outside Los Angeles County for a subject residing in Los Angeles County, the following procedure should be observed:

- The police agency in the county of issuance should send the warrant to the L. A. County Sheriff's Department requesting service of the warrant; and
- Upon service of the warrant, the subject (WIC 300 minor) will be placed in MacLaren Children's Center or an appropriate placement as deemed by DCFS and the requesting police agency notified that the subject is in custody and awaiting pick up by their department.

The appropriate station/unit shall make a first report and obtain an URN.