5-03/170.05 - Arrest Warrant - Juvenile (4004 PC)

Prisoners are remanded to the custody of the Sheriff pending arraignment and preliminary hearing; 4004 PC would only apply after arraignment. Prior to this, the court has no jurisdiction regarding removal; however, if the prisoner has been arraigned on another charge, a legal removal order would be necessary from the committing municipal court or a superior court. Exceptions to pre-arraignment may be to visit a critically ill family member or attend a funeral, etc.

The conviction of a prisoner is complete once the clerk has read the verdict and the judge has accepted the finding. The court maintains jurisdiction, and 4004 PC still applies until sentencing has been completed and the court relinquishes control.

If probation is part of the sentence, the court retains jurisdiction during commitment to the county jail.

An arrest with a warrant is not a proceeding that brings the provisions of 4004 PC into effect; the prisoner must first be arraigned on the warrant. If a complaint has been filed but the prisoner has not been arraigned, it is not necessary to obtain a removal order.

Juvenile offenders are committed to the custody of the probation department and any removal shall be coordinated through that department.