

## Chapter 13 - Court Orders

Lockup personnel receiving a Court Order that affects the status of an inmate shall comply with the order in an expeditious manner. Orders that dictate special treatment, visits, transportation, medical treatment, etc. are commonly issued by courts and should comply within the normal course of duties. If the Order is in conflict with Department policies and practices, lockup personnel shall immediately contact the Branch Supervisor. Branch Supervisors shall review the order to determine if there is a conflict, and/or if the court will consider modifying the Order to comply with the Department's policy.

Of particular concern, is Court Orders for the transportation of a dangerous felon or gang member to a funeral. Judges are often not fully appraised to the security concerns that such an order will cause, and may withdraw the order at the Department's request. If the court refuses to modify the Order, the Branch Supervisor shall immediately contact the Bureau Captain. In an effort to resolve the conflict, Branch Supervisors may want to contact the Custody Division for direction in handling the matter.

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### • **2-13/010.00 Removal Orders (Penal Code, 4004)**

Inmates committed to the County Jail for examination or upon conviction for a public offense, must be confined in the County Jail until they are legally discharged. During the pendency of a criminal proceeding, the Superior Court may make a legal order for good cause, for the removal of an inmate in the custody of the Sheriff. After conviction, only the Superior Court may make a legal order for good cause for the removal of an inmate.

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

The conviction of an inmate is complete, once the clerk has read the verdict and the judge has accepted the finding. The court maintains jurisdiction, and 4004 P.C. 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 P.C. into effect; the inmate must first be arraigned on the warrant. If a complaint has been filed but the inmate 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 order shall be coordinated through that department.

No member of this Department shall remove an inmate committed to the County Jail System during that time when 4004 P.C. is in effect, except in compliance with a legal removal order. The County Jail System includes all Custody Division Facilities, Court Services lockup facilities and all station facilities.

Notwithstanding, State and Federal agencies are not to be restricted in the removal of their prisoners, provided this Department has no jurisdiction.

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## • 2-13/015.00 In-Trial Inmates

When an inmate has been ordered to begin trial, it is the bailiff's responsibility to prominently mark the removal order "IN-TRIAL INMATE" in the upper right hand corner, either in red or highlighted in yellow marker. The bailiff then takes the paper to the lockup and personally informs lockup personnel regarding the in-trial inmate.

All in trial, general population male inmates will be housed in Men's Central Jail Module 2300 for the duration of their trial. General population inmates with other keep away codes (K-2 through K-5) will be housed on separate rows within Module 2300.

### **Lockup's Responsibilities**

When a male inmate at court is identified as having a trial within the next seven days following, lockup personnel will attach a purple loop band to the inmate's wristband and scan the inmate into DIMMS location "INTR" before leaving the courthouse.

If an inmate who already has a purple loop band needs to return to court within the next seven days for a continuation of his trial, Court Services personnel will again DIMMS scan the inmate into INTR before leaving the courthouse.

If an inmate who already has a purple loop band finishes trial and will not need to return to court within the following week for further proceedings, lockup personnel will remove the purple loop band and not scan the inmate into INTR.

Lockup personnel will create a separate transmittal for in trial inmates, and attach copies of any special handling or keep away information to the transmittal.

Lockup personnel will provide CST personnel a separate transmittal listing all in trial inmates. CST personnel will ensure that all inmates listed have a purple loop band attached to their wristband.

Note: Due to security and other special handling concerns, general population security level 9, K-1, K-6 and K-10 inmates will not be included in this plan. Additionally, pro-per inmates, inmates housed in CTC or those with an "A," "D" or "W" special handling code will also not be included. If an inmate develops any special handling concerns during his trial, refer to CSDM, 2-07/015.05 - Requests for Special Handling Classification.

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## • 2-13/020.00 Continued Cases For State Prisoners

Superior Court Orders that are continued to a later date, by Order of the court will be stamped with a "continued" stamp and the next appearance date and time. The Deputy making the notation on the stamp will also enter his/her name and identification number in the space provided.

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## • 2-13/025.00 Executed Court Orders For State Prisoners

Superior Court Orders (involving State inmates) that are completed will be stamped with the "executed" stamp. This stamp will let statewide transportation know that the court has completed the process with the involved inmate and that he/she can be transported back to the original State facility. The Deputy making the notification on the stamp will also enter the inmate's name and identification number in the space provided.

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## • 2-13/030.00 Papers Only Holds

When lockup personnel is given a "Papers Only Hold" that involves a remand, sentence, or other action which would cause an inmate not to be released, they shall check DIMMS, SI01 or SI03 to locate the whereabouts of the inmate. After locating the inmate, the assigned lockup personnel shall follow one of the four procedures listed below, and a Papers Only Hold Log shall be completed. The log will assist the Branch in clearly tracking the notification process to ensure compliance.

- If the inmate is at the same court issuing the hold, personnel shall see that the inmate's records are updated to include the new hold. The original hold is to be sent on a papers only transmittal to IRC.
- If the inmate is at another court, personnel shall contact the other Court's Lockup Supervisor and advise them that hold papers were received. Personnel shall then fax the hold papers to the other Court's Lockup Supervisor.

The Fax copy and confirmation should be maintained at the court that faxed the hold paperwork for thirty days. The original hold is to be sent on a papers only transmittal to IRC.

- If the inmate is at a Sheriff's station or police agency, personnel shall contact that Station or agency advising them of the hold and fax a copy to them. Arrangements should be made to have the inmate sent to court. The original hold shall be kept at that court until the inmate arrives at court or until the inmate is booked directly into IRC. If the inmate is booked directly into IRC, the hold shall be faxed to IRC at (323) 415-4474. Personnel must then call IRC and confirm that the fax was received. The fax copy and confirmation should be maintained at the court that faxed the hold paperwork for thirty days. The original hold is to be sent on a papers only transmittal to IRC.
- If the inmate is at a county jail housing unit or IRC, The hold shall be faxed to IRC at (323) 415-4474. Personnel must then call IRC and confirm that the fax was received. The fax copy and confirmation should be maintained at the court that faxed the hold paperwork for thirty days. The original hold is to be sent on a papers only transmittal to IRC.

## Lockup Personnel and Lockup Supervisors Responsibilities

In addition to the above duties, if lockup personnel receive a Papers Only Hold, for an inmate not appearing in the issuing court, from anyone other than a supervisor, they are to immediately notify a supervisor. The supervisor must conduct an inquiry to see if the bailiff failed to follow procedure in CSD Manual Bailiff Section 3-14/055.05. If this section was not followed, the supervisor must confer with their Area Lieutenant to determine what action should be taken as it relates to the bailiff.

Lockup Personnel completing papers only transmittals must have these transmittals reviewed and approved by a supervisor prior to sending them to IRC. Lockup Supervisors are required to check all papers only

transmittals to ensure that there are no paper only holds that have not already been handled. The supervisor must initial the transmittal.

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