97-001 Procedures for Re-Filing Criminal Cases on Inmates Prior to their Release

Los Angeles County Sheriff's Department

FIELD OPERATIONS DIRECTIVE

Field Operations Support Services

PROCEDURES FOR RE-FILING CRIMINAL CASES ON INMATES PRIOR TO THEIR RELEASE

PURPOSE

The purpose of this Field Operations Directive is to provide policy and procedures for re- filing a case with an in-custody defendant prior to his/her release.

BACKGROUND

In the past, nearly all inmates, who were at court when they received release orders, were processed for release at Inmate Reception Center (IRC). Due to a court mandated consent decree, all inmates must now be released within eight hours, or by midnight, of the same day a release order is issued (whichever deadline comes first). To comply with the consent decree, all inmates at court who are scheduled for release will be released from the court. The only exceptions are inmates who require a medical clearance or a mental health clearance before release. These inmates shall be transported to IRC or Century Regional Detention Facility (CRDF) for processing.

When personnel desire to re-file a case prior to the release of an inmate, they must follow the specific procedures outlined below.

POLICY AND PROCEDURES

Communication and Coordination Procedures

Whenever a case is dismissed or rejected involving an inmate who has been housed in any Los Angeles County Sheriff's Department facility and an immediate re-filing has been or will be made, personnel must immediately contact:

- The IRC Records Sergeant at [REDACTED TEXT]for male inmates or the CRDF Records Sergeant at [REDACTED TEXT] for female inmates.
    - The following information must be provided to the IRC or CRDF Records Sergeant
        - The inmate’s name, booking number, and new charge(s) being filed
        - The case number(s) of the new filing
        - The handling deputy's name, telephone number, and unit of assignment

- If the inmate is at (or scheduled for) court and personnel intend on re-filing charges, they shall also contact the specific court's Court Release Deputy.

Release and Re-Arrest Procedures

The inmate will still be released from custody unless:

- An arraignment is conducted on THE SAME DAY a release order has been issued; or
- If there are other pending charges that would keep the inmate from being released (e.g., cited or bailed out).

If there are other pending charges a teletype must be sent to IRC [teletype numeric location is either WADP(space)J or WAD0(zero)] for male inmates, or sent to CRDF [teletype numeric location is either CRDQ(space)J or SBI0(zero)] for female inmates. It must contain the new court appearance location, date, time and bail amount as well as the information provided to the IRC or CRDF Records Sergeant as listed above.

If the inmate must be released, the release process will be conducted at the court, except in those cases when the inmate is returned to IRC or CRDF due to special processing needs. If the inmate is returned to IRC or CRDF, the re-filing personnel shall coordinate the release with the respective unit's watch deputy. Re-filing personnel shall re-arrest, transport, and book the inmate at a Sheriff's station or IRC following the procedures used for booking a new arrest.

AFFECTED DIRECTIVES/PUBLICATIONS

None

CITES/REFERENCES

Court Services Division Directive 01-08 "In Court Release Procedures" Class Actions Injunctive Relief Agreement - Case # CV-97-03826-WJR

MPP sections 5-03/030.00 through 5-03/055.05 - Arrest Booking Procedures