5-05/150.00 Recall of Commitment

Pursuant to California Penal Code § 1170(d), inmates committed to the custody of the Sheriff's Department may have their sentences and commitments to custody recalled at the request of the Assistant Sheriff of Custody Operations, and the approval of the sentencing court.

The court may recall a previously ordered sentence and resentence the inmate, provided the new sentence is no greater than the initial sentence.

Inmates considered for recall of commitment shall be nominated by a sworn supervisor holding the minimum rank of supervising line deputy, and must meet the following criteria:

- The inmate must display exceptional behavior that is extraordinarily beyond simply complying with all regulations and procedures during their incarceration, and it is evident the inmate has changed as a person and would be a positive asset to the community
- The inmate has participated in and completed rehabilitative, educational, or vocational programs while incarcerated (e.g. Education Based Incarceration, Fire Camps, etc.)
- The inmate has served at least six months of their sentence, *and* has at least 18 months left to serve
- The inmate has not violated any rules or committed any crimes within the two years preceding the consideration for an 1170(d) recall of sentencing
- The inmate was not convicted of M-7 charges (serious or violent crimes; refer to the appropriate Inmate Reception Center [IRC] release criteria guidelines)
- No additional warrants, holds, and/or detainers

Once the nominating supervisor has identified an eligible inmate, they shall submit the inmate's information to the supervisor's assigned unit's operations office, who shall prepare a recall report that serves as a diagnostic study of the inmate's eligibility for an 1170(d) recall of sentencing.

The recall report shall be submitted on a SH-AD-32A form, and include the following information:

- Inmate's name and booking number
- Charge
- Sentence, time served, and time remaining
- Sentencing Court
- Case number
- Criminal history
- Programs attended and completed
- Reasons recommended for 1170(d) recall of sentencing
- Inmate's post-release plan
- Final recommendation
- Supporting documentation

Upon review and approval by the nominating supervisor's unit commander, the recall report shall be forwarded to a panel consisting of:

- The captain and commander from the inmate's housing facility
- The Inmate Services Bureau unit commander or designee
- The Population Management Bureau unit commander or designee
- The Assistant Sheriff of Custody Operations or designee

Upon approval by the Assistant Sheriff of Custody Operations, they, or their designee, shall submit the recall report and request for recall of commitment to the sentencing court.

The concerned inmate shall remain in custody pending adjudication from the court.

Inmate Initiated Requests

Requests for 1170(d) recalls shall not be accepted from inmates, family members of inmates, or any other third-party or entity. All such requests shall be responded to promptly with a formal letter stating the Department's policy and directing the requesting party to the sentencing court.

Attorney Initiated Requests

Attorneys representing sentenced inmates may request a recall of commitment due to changes in sentencing guidelines only.