6-16/500.00 Service of Writ of Habeas Corpus

• 6-16/500.10 Service Requested

If the Sheriff's Department is requested to serve a Writ of Habeas Corpus, it is done through Court Services Division/CMB. The original writ and a copy along with signed service instructions by the attorney of record or the party without an attorney must be received. The original writ is served on the party pursuant to the signed instructions. A copy of the petition should also be served. This is not a legal requirement, but is desirable because the petition contains information useful in making the return. Service may be made on any day at any time. (PC 1502)

• 6-16/500.20 Service On Sheriffâ€™s Department

If a Writ of Habeas Corpus is served on the Sheriff's Department, CMB personnel shall follow Patrol Station procedures as outlined in MPP 5-07/040.10 – Procedure When Served At Stations. CMB personnel shall accept Writs of Habeas Corpus and forward them to the appropriate Watch Commander (IRC, CRDF or in the case of juveniles, to the Safe Streets Bureau).

If a Writ of Habeas Corpus is received for a prisoner previously released, accept the Writ and forward it to the IRC Watch Commander.

The Station Deputy accepting a Writ of Habeas Corpus shall:

- Initial the process and stamp it with the date and time received; and
- Forward the Writ of Habeas Corpus to IRC immediately.

The Inmate Reception Center is responsible for answering Habeas Corpus Writs. (MPP 2-09/030.20 – Inmate Reception Center) IRC will make the return on all Writs of Habeas Corpus for criminal cases including sentenced and unsentenced prisoners. Returns on Writs of Habeas Corpus involving civil cases will be made by the County Counsel. (5-07/040.20 – Inmate Reception Center (IRC) Procedure)