

DATE:	NOVEMBER 18, 2019
NUMBER:	Q.24
SUBJECT:	REQUEST FOR HEARING ON “OUT-OF-COUNTY” HOLD WARRANTS
RELATED SECTIONS:	Q.23 , Q.25

PURPOSE

To provide a procedure for sentenced inmates to request a trial, or hearing, on “out-of-county hold” warrants.

POLICY

Any inmate who has been sentenced to serve more than ninety (90) days on a local commit or an 1170, and who has an “out-of-county hold” warrant(s), will be notified that such a hold exists.

PROCEDURE

- I. The Inmate Processing Division (IPD) shall promptly notify an inmate of the existence of any state and local charges for which the Sheriff’s Department has been notified by way of a “detainer,” if the inmate has been committed to Sheriff’s custody for a period of ninety (90) or more days, either as a sentence or a term of probation. The ninety (90) days must be exclusive of any credit for time served.
 - A. IPD staff shall certify the inmate is presently in custody and has been committed to the Sheriff’s custody for ninety (90) or more days, either as a sentence or as a term of probation, exclusive of any credit for time served. IPD staff shall also certify the date upon which the Superior Court committed the defendant (either as a sentence or as a term of probation) to the custody of the Sheriff, as well as the inmate’s scheduled release date.
 - B. IPD staff shall inform the inmate of the charges, the agency filing the charges, the court in which the charges were filed, the number of any warrant, the amount of bail (if any) and the address of the prosecuting agency.
 - C. Notification shall be completed via a Notice of Detainer (J-120) form that includes the notice, certification of the inmate’s commitment, certification of delivery of the notice and space for the inmate to request a speedy trial pursuant to California Penal Code section 1381.
- II. IPD staff shall deliver the partially completed J-120 form to the housing unit for the inmate to sign.
 - A. The staff member who delivers the form to the inmate shall also sign the form indicating the date of delivery; the form will be returned to IPD staff.
 - B. A copy of the J-120 form shall be placed in the inmate’s custody record.
 - C. The inmate is responsible for mailing the original to the appropriate prosecuting agency.

D. A copy of the J-120 form will be made and provided to the inmate.