

San Diego County Sheriff's Department Detention Services Bureau – Manual of Policies and Procedures

DATE:	FEBRUARY 3, 2022
NUMBER:	F.15
SUBJECT:	CONTACT WITH THE DUTY JUDGE
RELATED SECTIONS:	PC 810; Duty Judge Manual

PURPOSE

To ensure access to the duty judge is facilitated for the reduction or enhancement of bail, or for own recognizance (O.R.) release after court hours.

POLICY

All requests for bail enhancement, bail reduction or O.R. releases made by attorneys and/or arresting officers/deputies during court hours shall be instructed to go to the courthouse to process their request.

When a request is made to the watch commander or designee to contact the duty judge for the purposes of bail reduction, enhancement or O.R. release after court hours, the watch commander or designee will contact the duty judge by leaving a phone message on the duty judge line. The request can be made by the arresting officer/deputy, an incarcerated person or the incarcerated person's attorney of record pursuant to Penal Code 810.

Accurate telephone numbers for the following shall be posted prominently in the watch commander's office in every detention facility:

- On duty judge
- Sheriff's Warrants Unit
- On duty district attorney
- On duty city attorney

It is the responsibility of the Sheriff's Warrants Unit to ensure that current working phone numbers are provided to the watch commanders.

PROCEDURE

I. CONTACTING THE DUTY JUDGE AFTER COURT HOURS

A. Requests by an arresting officer/deputy

1. Watch commander or designee calls the duty judge to inform them of a request for enhancement or reduction in bail by an arresting agency.
2. The arresting officer/deputy will provide justification to the duty judge for the bail enhancement or reduction.
3. If the request is approved by the duty judge, the watch commander or designee will ensure the Bail Setting Request (J-107) form is properly filled out and submitted to the detention processing supervisor (DPS).

4. If the request is denied by the duty judge, the watch commander or designee does nothing.
- B. Requests by an incarcerated person or an incarcerated person's attorney.
1. When an attorney of an incarcerated person requests the duty judge for the purpose of bail enhancement, reduction or O.R. release, the watch commander or designee shall obtain the attorney's contact information and bar card number.
 2. The watch commander or designee shall leave a message with the duty judge by calling the duty judge telephone number. The watch commander shall inform the duty judge of the request and provide the duty judge with the attorney's information, as well as the watch commander's telephone number.
 3. The watch commander shall inform the attorney of the following:
 - a. If the duty judge does not wish to entertain the request, no further action will be taken.
 - b. If the duty judge wants to entertain the motion on the merits, the Sheriff's Department will be in contact with the attorney.
 4. If the duty judge decides to entertain the motion, the duty judge will contact the Sheriff's Warrants Unit and provide the responding employee with the attorney's telephone number, as well as a callback number for the court so that the hearing can be recorded. The Sheriff's Warrants Unit will set up a conference call between the requesting attorney, and the on-duty prosecutor (either from the district attorney's office or the city attorney's office). The last number called will be the court's callback number. Once the conference call is set up on the court's recording line, the Sheriff's Warrants Unit employee will put down the receiver and not participate further nor listen to the call.
 5. If the duty judge decides to reduce bail, they will contact the watch commander. Upon receiving such a call, the watch commander shall contact the Sheriff's Warrants Unit via conference call and have the Sheriff's Warrants Unit verify the person on the other line purporting to be the duty judge is, in fact, the same person who contacted the Sheriff's Warrants Unit.
 6. If the request is made by an incarcerated person, the same procedures as above shall be followed, except the watch commander's message for the duty judge shall inform them the request is being made by the incarcerated person. The contact telephone number given to the duty judge, instead of the attorney's telephone number, will be the watch commander's telephone number.
 7. If the request is approved by the duty judge, the watch commander or designee will ensure the J-107 form is properly filled out and submitted to the DPS. If the request is denied by the duty judge, the watch commander or designee shall make a log entry in the incarcerated person's Jail Information Management System (JIMS) history.

8. The telephone numbers used in this process shall not be disclosed to the attorney or the incarcerated person, unless specifically directed to do so by the duty judge.