

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

<b>DATE:</b>	MAY 23, 2022
<b>NUMBER:</b>	Q.24
<b>SUBJECT:</b>	REQUEST FOR HEARING ON “OUT-OF-COUNTY” HOLD WARRANTS
<b>RELATED SECTIONS:</b>	<a href="#">Q.23</a> , <a href="#">Q.25</a>

**PURPOSE**

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

**POLICY**

Any incarcerated person 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 Detentions Processing Division (DPD) shall promptly notify an incarcerated person 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 incarcerated person 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. DPD staff shall certify the incarcerated person 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. DPD 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 incarcerated person’s scheduled release date.
  - B. DPD staff shall inform the incarcerated person 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 incarcerated person’s commitment, certification of delivery of the notice and space for the incarcerated person to request a speedy trial pursuant to California Penal Code section 1381.
- II. DPD staff shall deliver the partially completed J-120 form to the housing unit for the incarcerated person to sign.
  - A. The staff member who delivers the form to the incarcerated person shall also sign the form indicating the date of delivery; the form will be returned to DPD staff.
  - B. A copy of the J-120 form shall be placed in the incarcerated person’s custody record.

- C. The incarcerated person 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 incarcerated person.