



Acquittals

ACQUITTAL UPON GENERAL VERDICT OR FINDING

Per California Penal Code 1165, "*Where a general verdict is rendered or a finding by the court is made in favor of the defendant, except on a plea of not guilty by reason of insanity, a judgment of acquittal must be given forthwith. If such judgment is given, or a judgment imposing a fine only, without imprisonment for nonpayment, and the defendant is not detained for any other legal cause, they must be discharged, if in custody, as soon as the judgment is given, except that where the acquittal is because of a variance between the pleading and the proof which may be obviated by a new accusatory pleading, the court may order their detention, to the end that a new accusatory pleading may be preferred, in the same manner and with like effect as provided in section 1117.*"

The Sheriff's Department recognizes the decision and defendants will be released in accordance with established policy. Upon an incarcerated individual's acquittal, the following process is to be followed:

- The processing sergeant, upon notification by a Court Services Bureau supervisor that an incarcerated individual has been acquitted at court, will alert deputies to hold the incarcerated individual in the detention facility receiving area and separate them from other incarcerated individuals.
- The detentions processing supervisor will have detentions processing staff review the incarcerated individual's custody record for additional arrests, holds and warrants, and conduct a thorough wants/warrant check.
- Once records checks reveal no additional legal proceedings or holds are pending, that would require the incarcerated individual to remain in custody, the incarcerated individual will be processed expeditiously for release in accordance with current procedures.
- Should the computer or custody record search reveal an acquitted defendant has unresolved bookings, detainers or holds, the defendant will be returned to housing and processed accordingly.

OTHER FACILITIES or COURTS

If the defendant does not desire to return to the originating housing facility, the defendant is processed for release from the nearest detention facility and the formal detention facility release procedures completed. An arrangement to pick up property at a convenient location will be made.

[Back to Top](#)



Reference: Detentions Policy & Procedure Section Q.70 Release of Incarcerated Individuals Acquitted at Court

[Back to Top](#)