

ALAMEDA COUNTY SHERIFF'S OFFICE DETENTION AND CORRECTIONS POLICY AND PROCEDURE	NUMBER: 11.15	PAGES: 1 of 3
	RELATED ORDERS: P.C. 4011, 4011.6, 4011.7, 4011.9	
	ISSUED DATE: July 1, 1989	
	REVIEW DATE: <i>June 2, 2017</i>	
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CHAPTER: Intake, Transfer, Release and Records	SUBJECT: Penal Code 4011.7 and 4011.9 Releases	

I. **PURPOSE:** To describe the process for removing a guard on inmates pursuant to Sections 4011.7 and 4011.9 of the Penal Code (PC).

II. **POLICY:** Watch Commanders may remove the guard from inmates confined to hospitals in compliance with 4011.7 PC or 4011.9 PC and the following procedure. No inmate will be released from physical custody without sworn supervisor approval.

III. DEFINITIONS:

A. PENAL CODE SECTION 4011.7 READS IN PART: “Notwithstanding the provisions of sections 4011 PC and 4011.5 PC, when it appears that the prisoner in need of medical or surgical treatment necessitating hospitalization or in need of medical or hospital care was arrested for, charged with, or convicted of an offense constituting a misdemeanor,...The Sheriff or Jailer in action taken under 4011.5 PC may direct that the guard be removed from the prisoner while he/she is in the hospital.”

B. PENAL CODE SECTION 4011.9 READS IN PART: “Notwithstanding the provisions of sections 4011 PC and 4011.6 PC, when it appears that the prisoner in need of medical or surgical treatment necessitating hospitalization or in need of medical or hospital care was arrested for, charged with, or convicted of an offense constituting a felony,...The Sheriff or Jailer in action taken under 4011.5 PC may direct that the guard be removed from the prisoner while he/she is in the hospital, if it reasonably appears that the prisoner is physically unable to effectuate an escape or the prisoner does not constitute a danger to life or property.”

IV. PROCEDURE:

A. **RELEASE PROCEDURE:** When advised of an inmate being admitted, under guard, to a hospital ward:

1. The Records' Deputy will:

- a. Obtain all pertinent information about the inmate, including, but not limited to the custodial file, classification information, disciplinary information and deputy input.
 - b. Contact the hospital to determine the inmate's length of stay.
 - c. Inform the Intake, Transfer and Release (ITR) Sergeant of the inmate's status, including the above information and the inmate's condition.
2. The ITR Sergeant will:
- a. Review information pertaining to the inmate.
 - b. Ensure that it reasonably appears the inmate is physically unable to escape.
 - c. Inform the Watch Commander of the inmate's status, and if practical, request the inmate's release pursuant to 4011.7 PC or 4011.9 PC as appropriate.
 - d. If the guard is to be removed, the deputy guarding the inmate will be instructed to complete form PD-260 in triplicate, and distribute the original to the inmate, a copy to the nurse's station at the hospital and a copy to the jail jacket.
 - 1). The deputy must read the form to the inmate, explain that he or she is not released from custody and will be charged with escape if he or she leaves.
 - 2). The deputy will write the jail telephone number on the form and instruct the nurse to call that number if there are problems, and when the inmate is ready to be discharged.
 - 3). The deputy will instruct the nurse or hospital staff that the inmate is not to be told when he/she will be discharged.
 - 4). The deputy shall be removed after the above is completed and the inmate signs the form.
 - 5). Advise the Records' Deputy.
3. When notified by the ITR Sergeant that the guard has been removed, the Records' Deputy will:
- a. Indicate on the custodial file(s) in the appropriate spaces, "Pursuant to 4011.7 PC or 4011.9 PC" specifying the location of hospital.
 - b. Update the inmate's housing to "housed-out."
 - c. Request the appropriate housing control deliver the custody card and cell property

to Records.

- d. File the custody card in the custodial file.
- e. Forward the cell property to the Property Clerk. The Property Clerk will inventory cell property on an Alameda County Sheriff's Office Property/Clothing Receipt (ML-1), and then place inventoried property in the in-custody, property storage room.
- f. File the custodial file(s) in the Records' Deputy's Office file cabinet, housed-out section, under the appropriate hospital section.
- g. It will be the Records' Deputy's responsibility to:
 - 1). If the 4011.7 PC or 4011.9 PC is approved. The Records' Deputy will ensure the ITR Sergeant and Watch Commander signed the PD-260 and jail jacket.
 - 2). Update the Advanced Technology Information Management System (ATIMS) Movement History to show 4011.7 PC or 4011.9 PC and if needed, place the name of the hospital in the description field.
 - 3). Upon receipt of the completed and signed form PD-260, file it in the custodial file, including a copy of form PD-260, for any additional custodial file.
 - 4). Track the inmate's custody while in the hospital.
 - 5). If the inmate escapes:
 - a) Immediately inform the ITR Sergeant
 - b) Complete all required reports relative to the escape

B. INTAKE PROCEDURE:

1. When notified of an inmate's return from 4011.7 PC or 4011.9 PC, Booking/ITR staff will pull custodial file(s) from the housed-out file for re-housing.
2. Return the cell property to the inmate and have him or her sign the ML-1. The Property Clerk will return the signed ML-1 and place it in the custodial file.