

ALAMEDA COUNTY SHERIFF'S OFFICE DETENTION AND CORRECTIONS POLICY AND PROCEDURE	NUMBER: 11.44	PAGES: 1 of 1
	RELATED ORDERS: P.C. 653.75, 13128, 13154	
	ISSUED DATE: July 1, 1989	
	REVIEW DATE: December 4, 2015	
	REVISION DATE: January 23, 2008	
CHAPTER: Intake, Transfer, Release and Records	SUBJECT: Commission of Public Offense While In Custody	

- I. **PURPOSE:** In the prosecution of incarcerated persons, the Alameda County Sheriff's Office will adhere to the mandates included in 653.75 PC, 13128 PC, and 13154 PC.
- II. **POLICY:** It shall be the policy of the Sheriff's Office to prosecute all persons housed in its detention facilities who commit any public offense.
- III. **DEFINITIONS:**
 - A. PENAL CODE SECTION 653.75: In part states any person who commits any public offense while in custody, is guilty of a crime.
 - B. PENAL CODE SECTION 13128: In part requires the section number of the public offense violated and "in-custody" status be included in the subject's State Summary Criminal History Record.
 - C. PENAL CODE SECTION 13154: Requires the subject arrested "in-custody" for a public offense, be reported to the California Department of Justice for inclusion in the subject's State Summary Criminal History Record.
- IV. **PROCEDURE:** Any subject who commits a public offense while in the custody of the Sheriff in a detention facility will also be charged with 653.75 PC.
 - A. The arrest report is to reflect not only the inmate's public offense charge, but also 653.75 PC.
 - B. ITR staff will book for 653.75 PC and ensure that court documents (i.e., disposition slips), show a charge of 653.75 PC.