

| | |
|---|---|
| ALAMEDA COUNTY SHERIFF'S OFFICE DETENTION AND CORRECTIONS POLICY AND PROCEDURE | NUMBER: 20.21 PAGES: 1 of 5 |
| | RELATED ORDERS: CALEA 71.1.1, 71.1.6 PC 2625 |
| | ISSUED DATE: May 1, 1993 |
| | REVIEW DATE: December 28, 2016 |
| | REVISION DATE: December 28, 2016 |
| CHAPTER: Transportation | SUBJECT: Removal Orders |

I. PURPOSE: To establish procedures for accepting and processing removal orders, and the logistics of picking up and bringing prisoners into our facilities on such removal orders.

II. POLICY: Removal orders and prisoners subject to such orders shall be processed according to procedures described herein.

III. DEFINITIONS:

A. Removal orders, signed by a judge, are the legal authority to move prisoners to different locations or jurisdictions. Once a judge personally signs the Order, it is an enforceable directive from the courts. Different types of removal orders have different legal requirements and timelines. These include:

1. **EMERGENCY-INVESTIGATIVE REMOVAL ORDER (EIRO):** EIROS direct a prisoner be moved to a specific location, on a specific date, for investigative purposes. These Orders are served by the investigator applying for the Order and, generally, would not involve Transportation.
2. **MENTAL COMPETENCE REMOVAL ORDER (MCRO):** MCROS are authorized under 1372 P.C. When the court orders an individual committed to a state hospital or other treatment facility pursuant to Section 1370 P.C., the courts are directed, by the penal code, to include the following directions to the Sheriff of the county receiving the prisoner:
 - a. The Sheriff shall redeliver the prisoner to the committing court without any further order from the court upon receiving, from the state hospital or treatment facility, a copy of the certificate of restoration.
 - b. In all cases, the prisoner shall be returned to the committing court no later than ten (10) days following the filing of a certificate of restoration.
 - c. At the end of the ten-day period, the state stops paying for the prisoner’s hospital care and shifts the financial burden of the prisoner’s hospital care to Alameda County.
3. **FAMILY LAW REMOVAL ORDER (FLRO):** FLROS are authorized under 2625 P.C. Judges upon the statement of a prisoner or his or her attorney indicating the prisoner’s

desire to be present during the court's proceedings regarding family or parental rights issues issue a FLRO. **Pursuant to 2625 PC, the burden of transportation of the prisoner to and from the hearing court falls on the agency holding said person.**

- a. The Orders direct the Sheriff to do the following:
 1. Bring the prisoner before the proper court,
 2. To keep the prisoner safe, and,
 3. Return the prisoner to the institution from which he or she was taken after the court proceedings.
 - b. A copy of the removal order shall be transmitted to the warden, superintendent, or other person in charge of the institution holding the inmate not less than 15 days before the removal order is to be executed. 2625 P.C. is silent concerning this notification, but Transportation's S/T is in the best position to provide this notification. Therefore, the Transportation S/T will make this notification after receiving the Order, provided the Order is received more than 15 days before the Order is to be executed.
 - c.. 2625 P.C., Section g, says a court may not order the removal and production of a prisoner sentenced to death in any action or proceeding in which the prisoner's parental rights are subject to adjudication.
 - d. Although, not included in 2625 P.C., the California Department of Corrections and Rehabilitation (CDCR) requires all removal orders have the following three items:
 1. Be signed by a judge, or having the judge's signature stamp with a signature of the court clerk stamping the Order,
 2. Be affixed with the court's seal, and
 3. Bare the endorsement showing the Order was filed with the Clerk of the Superior Court.
4. INVESTIGATIVE REMOVAL ORDER (IRO): IROS are authorized under 2620 P.C. and 1567 P.C. These removal orders are issued by a judge upon the affidavit of the district attorney or defense attorney to bring the prisoner before a court, grand jury, or magistrate.
- a. The Order directs the Sheriff to do the following:
 1. To bring the prisoner before the proper court, grand jury, or magistrate,
 2. To keep the prisoner safe, and,

3. When the prisoner's presence is no longer required, to return the prisoner to the prison from whence the prisoner was taken.
- b. Both 2620 P.C. and 1567 P.C. require a signature of the judge making the Order and the Order be sealed with the seal of the court. Additionally, if the prisoner is to be removed from a CDCR facility, the same signature and endorsement requirements as Section III, A, 3 apply.
- c. Neither 2620P.C. nor 1567 P.C. mandate a timeframe for service, but these Orders are issue for court dates or dates of a grand jury appearance. When the prisoner is removed from a CDCR facility, 2620 P.C. directs a copy of the removal order shall be transmitted to the warden, superintendent, or other person in charge of the institution holding the prisoner by the district attorney. By agreement with CDCR this notification will take place not less than ten (10) days before the Order is to be executed.

IV. PROCEDURES:

A. OFFICE PROCEDURES:

1. Swing shift Transportation deputies shall contact the central control point for the Bailiff's office for removal orders, at least once during their shift. If the central control point has removal orders for pick up, the deputy shall take possession of the Order, sign their name and badge number on the Removal Order Tracking Log to acknowledge receipt of the Order. The specific responsibilities of the five swing shift Transportation deputies at their assigned courthouses are:
 - a. Wiley J. Manuel Courthouse – Deputy assigned to unit TR50. Central control point telephone number (510) 268-(2)2956
 - b. Rene C. Davidson Courthouse – Deputy assigned to unit TR66. Central control point telephone number (510) 272-(2)6906
 - c. Hayward Hall of Justice – Deputy assigned to unit TR65. Central control point number (510) 670-(5)5048
 - d. Fremont Hall of Justice – Deputy assigned to unit TR60. Central control point telephone number (510) 795-(5)2590
 - e. Gale/Schenone Hall of Justice – Deputy assigned to unit TR61. Central control point telephone number (925) 551-(4)6858.
2. Transportation must receive three correct copies of a removal order for each prisoner sought; one copy for each of the following: Transportation, The facility the inmate is being removed from, and one for Santa Rita Jail ITR. Each order must include:
 - a. An Attorney's Declaration of need for the prisoner.
 - b. An Order directing the Sheriff to pick up, produce, and return the prisoner.

- c. If the Order has a stamped signature of the judge making the Order rather than the judge manually affixed his or her signature, the Order must bear the signature of the court clerk or other support staff underneath the signature stamp of the judge. This indicates who placed the signature stamp there and signifies that person had prior authorization to stamp the judge's signature.
3. The Order, properly signed, must be delivered to a bailiff's deputy or bailiff's office at least ten (10) court days or 15 court days, depending on the type of removal order served, prior to the date the prisoner is to be picked up per the Order. See Section III, A.
4. The Transportation Sheriff's Technician (S/T) will make a second contact with the agency where the prisoner is housed at least 48 to 72-hours in advance, to ensure they will release the prisoner. The S/T will verify the other agency does not have any holds, which will prevent the prisoner from being transported. The S/T will send a facsimile of the removal order to the other agency, and will advise them of our anticipated date and time of arrival.

B. PROCEDURES TO RECEIVE PRISONERS ON A REMOVAL ORDER:

1. The S/T will schedule the pick up of prisoners on removal orders, as needed. When removal orders are received for prisoners housed in State facilities, the S/T will attempt to have the State transfer the prisoner to San Quentin State Prison (SQSP) or Central California Women's Facility (CCWF) for pick up unless the holding facility is closer.
2. If the Transportation S/T is unable to schedule the pick up of a prisoner on a removal order by the date listed on the Order or within the timeline of the type of Order, the S/T will notify the Transportation sergeant.
3. Upon notification of an inability to comply with the removal order, the Transportation sergeant or a designee, will notify the Court Services supervisor of the court holding the Order that a pick up cannot be made for the scheduled court date. The Transportation sergeant, or a designee, will see if an alternate date can be assigned. If an alternative date cannot be arranged or the date on the Order or the fifteen-day schedule for a Family Law Removal Order, as noted in Section III. A. 3, cannot be complied with, the matter will be referred to the Transportation lieutenant.
4. The Transportation lieutenant shall contact the judge of the court holding the Order and the attorney that obtained the Order to advise the Order cannot be executed. The reason the Order cannot be executed shall be provided.
5. Upon arrival at the holding facility, the transporting deputy shall perform the following:
 - a. Give the holding agency one copy of the Removal Order.
 - b. Obtain a detainer from the holding agency for the inmate (Removal Orders are not lawful detainer)

- c. The transporting deputy shall complete a Consolidated Arrest Report, CAR, and an Automated Jail Information System, AJIS, receipt. In the charge section of the CAR write Time server. The narrative should state the court date, time and department.
 - d. For Removal Orders served at a state prison, obtain a Warden's Checkout slip, body receipt, detainer, and a photo of the inmate. Upon your return, these must be turned over to the Transportation S/T.
 - e. The Transportation deputy will pat search all inmates for weapons and contraband
 - f. Before entering any facility, the Transportation deputy will determine the local procedure for securing weapons or devices such as flares. Secure weapons consistent with Transportation P&P 20.11.
6. Upon arrival in Alameda County:
- a. If a detainer is received, it shall be given to the ITR Records Deputy, and a copy shall be given to the Transportation S/T. The S/T keeps a record of all detainees and monitors the prisoner's court procedures in our jurisdiction, to determine when the prisoner may be returned to the originating agency.
 - b. The original CAR and AJIS receipt shall be given to ITR Records; a copy of each shall be returned to the Transportation S/T for filing.

C. OFFICE PROCEDURE FOR RETURNING PRISONERS ON A REMOVAL ORDER:

1. The Transportation S/T will be notified by the ITR Records Deputy when the prisoner is ready to be returned to the detaining agency. The S/T will confirm that the prisoner has no pending court appearances, is cleared for transport, and has a valid detainer for his/her return.
2. The S/T will schedule the prisoner's return and set an appointment in AJIS. The S/T shall give the receiving agency 48 to 72-hour notice of the anticipated time of delivery of the prisoner.
3. Transporting deputies shall check with ITR personnel to ascertain if there are any reports from SRJ medical staff that need to accompany the inmate to the receiving facility.
4. Transporting deputies shall deliver the prisoner to the receiving facility and shall provide them with the copy of the detainer. Transporting deputies shall obtain a body receipt from the receiving agency and deliver the receipt to the Transportation S/T.
5. Transporting deputies shall complete a "Personal Property" form for each trip. The receiving agency will sign the form and retain the original. Transportation deputies shall return a copy to the Transportation S/T.