

Special Records Procedures

2506.1 WRITS OF HABEAS CORPUS

Intricate, unusual legal processes affecting inmate records and inmate incarceration will be carefully verified, interpreted and acted upon in a timely way to ensure that correct legal procedures are followed.

- (a) Periodically, Federal Marshals serve Federal Writs of Habeas Corpus Ad Prosequendum or Habeas Corpus Ad Testificandum on the Inmate Records Manager or the Watch Commander after hours. (These orders are similar to a Removal Order where an inmate is requested in a Federal Court proceeding).
- (b) Habeas Corpus writs are accepted only if the inmate is currently in custody.
- (c) The jail writs will be examined for accuracy and will be forwarded to the Inmate Records Manager where appropriate.
- (d) The jail will comply with the writ as a rule. Questions on provisions of the writ will be resolved by the Inmate Records Manager and/or Watch Commander with County Counsel prior to affecting the inmate's release to Federal Agents.
 - 1. A detainer showing any future court date(s) and/or sentence ending (SE) date must be sent with the inmate.
 - 2. Local appearances will be postponed and a letter will be sent to the court(s) explaining the non-appearance.
- (e) Copies of the writ and any attendant documentation will be retained in the inmate's jail file.
- (f) The inmate will be released as an "In-Custody to Federal Authorities" on the date and time requested.

2506.2 SUBPOENA DUCES TECUM

- (a) Periodically, a Subpoena Duces Tecum requesting Inmate Records information is delivered to the Department. All such subpoenas should be served upon the Support Services Captain or their supervisors.
- (b) The Subpoena Duces Tecum is logged as received in Support Services and a copy is forwarded to the Inmate Records Manager at the CJX.
- (c) The subpoenaed documents will be delivered to the issuing authority when:
 - 1. No court appearance is required
 - 2. The subpoena is in correct form
 - 3. The record is available
 - 4. Compliance will be uncontested

Orange County Sheriff-Coroner Department

Custody and Court Procedures Manual

Special Records Procedures

- (d) When an appearance in court is required or the subpoena is contested, the Inmate Records Manager will make the appearance required by the subpoena and produce the requested records.
- (e) The Inmate Records Manager will consult with the Division Commander and County Counsel on questions of legality or response.

2506.3 BAIL/BOND SURRENDER

- (a) Periodically a Bail/Bond Surrender arrest may be delivered to the jail. The defendant may be surrendered by the bondsman to the custody of the Sheriff any time prior to the scheduled appearance (as shown on the bond or bail slip) or after the scheduled appearance if the defendant failed to appear (as indicated in a certified copy of the minute order issued by the court).
- (b) Surrender Prior to Appearance Date: If the bondsman is surrendering the defendant prior to the scheduled appearance date, they need only furnish a certified copy of the bond or bail slip and an appropriate means of identification for the defendant.
 - 1. Acceptable identification is as follows:
 - i. Valid U.S. Government issued picture ID card (ex. State Driver's License, Identification Card, etc.).
 - ii. Valid Passport
 - iii. Valid United States Military Identification Card
 - iv. US issued Naturalized Citizen Card
 - v. Matricula Consular Card issued after April 22, 2002.
 - 2. If the bondsman is unable furnish identification, Classification will attempt to make positive identification through previous booking record, DMV photo, or Cal ID.
- (c) Surrender after Scheduled Appearance Date: If the defendant failed to appear in court as scheduled, the bondsman must provide the jail with a certified bond surrender, issued by the court, stating the defendant failed to appear.
- (d) When the arrestee is not in custody at the jail, the surety company agent will bring the arrestee to the Visiting Guard Station and shall present the Visiting Guard Station SSO with the appropriate documentation and a completed Pre-Booking Record. The Visiting Guard Station SSO will notify the Receiving Guard Station Deputy. The Receiving Deputy will send a Deputy to Visiting and take custody of the arrestee.
 - 1. The booking charge shall specify Bail/Bond Surrender and the original charge.
 - 2. The court date is set as with any other "on site" booking.
 - 3. A copy of the certified bond/bail slip and minute order (if applicable) is retained in the inmate's jail file with copies being forwarded to the court where the appearance will be made.
- (e) When the person named on the bond/bail slip is in custody, records staff will determine if the subject has been booked to the charges listed on the bond.

Orange County Sheriff-Coroner Department

Custody and Court Procedures Manual

Special Records Procedures

1. If the subject has already been booked to the charges on the bond/bail slip, the Inmate Records Supervisor must refuse the surrender and direct the surety company agent to the Orange County Court of jurisdiction in the case in order to obtain an Exoneration Order.
 2. If the subject has not been booked to the charges, the records staff will accept the paperwork and process a Supplemental Booking Record.
- (f) Out of county bail/bond surrenders will not be accepted. The surety agent will be directed to the jail in the correct jurisdiction.
1. The arrestee's appearance in the court of jurisdiction cannot be assured out of county.

2506.4 GOVERNOR'S WARRANT

- (a) When a Governor's Warrant is delivered to Inmate Records, the document will be received and acted immediately upon.
- (b) If the original warrant is delivered, a copy will be made by Inmate Records staff. The original will be delivered to Fugitive Warrants.
- (c) A Governor's Warrant supersedes all other Fugitive proceedings.
 1. The Justice Center in which the fugitive proceedings were taking place will be notified of the Governor's Warrant on the first court date after booking. The Justice Center Clerk will then issue a Release Order to the jail for their proceedings.
 2. The Release Order will be placed in the inmate's file and a notation will be made of the changed proceedings on the History Card.
- (d) Inmates will be booked immediately to appear in Superior Court on the Governor's Warrant immediately. If the defendant has other local charges besides the fugitive hold, the Governor's warrant is placed as a hold.