

STOCKTON POLICE DEPARTMENT

GENERAL ORDER

PRISONER PROCEDURES
SUBJECT

DATE: April 16, 2010

NO: P-2

FROM: CHIEF ERIC JONES

TO: ALL PERSONNEL

INDEX: **Guarding Hospitalized Felons**
Prisoner Procedures
Bookings Forthwith

I. POLICY FOR PRISONERS TAKEN FORTHWITH

All prisoners taken forthwith to court must be turned over to a sheriff's deputy at the Courthouse. Normally, the warrant will accompany the prisoner. A completed San Joaquin County Sheriff's Department Booking Slip (Booking Slip) must be turned over to the deputy when a prisoner is taken forthwith to court.

II. PROCEDURE

- A. Prisoners generally will not be taken forthwith before a magistrate at the initial time of arrest.
1. Penal Code Section 825, "Appearance before a Magistrate" says a defendant must appear before a magistrate without unnecessary delay, and in any event, within two days after his arrest, excluding the days regular court is not in session.
 2. Persons arrested on warrants, traffic violations, and other misdemeanors may be taken forthwith when the defendant demands such action and it is not unreasonable for the circumstances.
- B. A Booking Slip must be completed so Metropolitan Transportation Unit (MTU) personnel can complete the booking at the County Jail.
1. Warrants must be signed and the required information filled out.
 - a. The warrant must contain the following:
 - (1) Name of the defendant.
 - (2) Warrant number.
 - (3) Criminal charge.
 - (4) Amount of bail.
 - (5) Court which issued the warrant.
 - (6) Date and time of issuance.
 - (7) Signed by magistrate with title of his/her office.
 - (8) City or county where issued.
 - b. A warrant abstract must not only contain the above information, but the following information as well:
 - (1) Law enforcement agency in possession of the warrant.
 - (2) Name and description of the arrested subject.
 2. MTU personnel may refuse transportation when a completed Booking Slip does not accompany the arrested subject.

IV. GUARDING HOSPITALIZED FELONS

- A. Under the provisions of Penal Code Section 4011.9, the guard placed upon a felon arrestee may be removed from the arrestee as follows:
 - 1. "Notwithstanding the provisions of Penal Code Section 4011 and 4011.5, 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 a felony offense, the court in proceedings under Penal Code Section 4011 or the sheriff or jailer in action taken under Penal Code Section 4011.5 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."
- B. Placement of the guard is at the discretion of the Watch Commander. The general procedure of the Department is that the hospitalized arrestee who is incapable of escape due to his/her medical condition will not be guarded unless such is necessary for the protection of the arrestee or for other valid reason.
 - 1. If any doubt exists, consult the attending physician to determine whether the prisoner is capable of escape. A telephone check will be made on each subsequent shift by the Watch Commander to determine whether the prisoner's condition has improved to the point that a guard is necessary. A notation regarding the above will be carried on the Watch Commander's Daily.