

MARIN COUNTY SHERIFF'S DEPARTMENT
CUSTODY DIVISION POLICY AND PROCEDURE MANUAL

CHAPTER 2 - BOOKING
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DATE
8-03-94

A.O.W.P. RETURN OF PRISONER TO CUSTODY

POLICY

Persons who were once assigned to the Adult Offender Work Program (AOWP) and either failed to appear for work assignments or failed to perform the assigned work in a satisfactory manner will be arrested and return to physical custody. The re-arrest of a person assigned to serve their sentence in AOWP is authorized by Penal Code Section 4024.2(C).

DEFINITIONS:

AOWP: A program which allows persons sentenced to 90 days or less to perform community service in lieu of serving their time in physical custody. The program is monitored by the Marin County Probation Department. The Probation Department can authorize release from custody to participate in AOWP.

PROCEDURE

After a Judge has sentenced a defendant to 90 days or less they will be directed to the Probation Department to apply for AOWP. If the defendant is approved for AOWP, a Probation Officer gives him/her a copy of the program authorization. The original copy and a copy of the court order are sent to the jail. Upon the receipt of the authorization the Bkg. Sergeant files it under the date the defendant is to report to court. On the report-in date, the Bkg. Sergeant pulls the paperwork and gives it all to the Bkg. SSA. On the report-in date the defendant will be remanded from the court room and brought to the jail by the Bailiff.

The Bkg. SSA enters the booking information into CJIS. If the inmate does not have any mandatory jail time the Sheriff's Department will release the inmate from physical custody. However, the Sheriff's Department will maintain custody of the prisoner by placing the inmate in the CJIS housing assignment of SOPGM WP. If the inmate has mandatory jail time the inmate will be classified and housed appropriately. When the jail sentence has been completed the inmate is released from physical custody, but will remain in custody in the SOPGM housing program. The Bkg. Sergeant maintains this file and purges the system of Time Served inmates.

If an inmate fails to appear at their AOWP job assignment, fails to complete the job assignment or does not complete the work in a satisfactory manner, the Probation Department will send a notice by mail to the inmate. The notice will direct him/her to the jail on a specific date and time. A copy of this notice along with a copy of the court order and AOWP authorization is sent to the jail. The notice indicates all credit for time served while the inmate was in AOWP. On the date the inmate appears at the jail the inmate is removed from SOPGM housing and re-housed as a sentenced inmate in their appropriate classification.

If the inmate fails to report to the jail after Probation has sent the notice the Bkg. Sergeant will check and determine if the inmate is already in custody, and if so, re-book him/her on the case number in which he failed to complete AOWP. If the inmate is not in custody the Bkg. Sergeant will check the CJIS Court Event Display to assure the

courts have not stayed the jail sentence. If neither of the aforementioned are confirmed, the Bkg. Sergeant prepares a Sheriff's Order of Arrest which contains the inmate's name address, physical description, DOB, court action number, sentence length, and any credit for time served as reported by the Probation Department.

The Order of Arrest, copy of the Court Order and AOWP authorization notice are forwarded to the Custody Bureau Commander. The Captain reviews the documents and executes the order. All documents will be forwarded to the Sheriff's Warrant Section. When the inmate is arrested, the Warrant Section returns all paperwork to the jail. This includes:

1. Order of Arrest
2. Committing Court Order
3. AOWP Authorization
4. Probation's notice to report to jail.

The inmate is booked according to the latest CJIS standards.

RELATED STANDARDS:

Penal Code, Section 4024.2 (C)

Chapter 2, Section 1

Chapter 2, Section 12

Marin County General Order, GN93-01

DATE REVISED

None

By order of

DANIEL PAYNE
BUREAU COMMANDER