

OFFICE OF PATIENTS' RIGHTS

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MEMORANDUM

TO: Interested Persons

FROM: Darla Rucker, Patients' Rights Specialist

RE: Transfers from jail

DATE: January 26, 1998

Under California Penal Code §4011.6, it is clear that patients' rights provided under California Welfare and Institutions Code §5325 apply to prisoners transferred from a jail facility (juvenile or adult).

In any case in which it appears to the person in charge of a county jail, city jail, or juvenile detention facility, or to any judge of a court in the county in which the jail or juvenile detention facility is located, that a person in custody in that jail or juvenile detention facility may be mentally disordered, he or she may cause the prisoner to be taken to a facility for 72-hour treatment and evaluation pursuant to Section 5150 of the Welfare and Institutions Code and he or she shall inform the facility in writing, which shall be confidential, of the reasons that the person is being taken to the facility. The local mental health director or his or her designee may examine the prisoner prior to transfer to a facility for treatment and evaluation.

Upon transfer to a facility, Article 1 (commencing with Section 5150), Article 4 (commencing with Section 5250), Article 4.5 (commencing with Section 5260), Article 5 (commencing with Section 5275), Article 6 (commencing with Section 5300), and Article 7 (commencing with Section 5325) of Chapter 2 and Chapter 3 (commencing with Section 5350) of Part 1 of Division 5 of the Welfare and Institutions Code shall apply to the prisoner. Cal. Penal Code §4011.6 (emphasis added)

County Advocates should consult with legal counsel designated by the county to represent and/or advise the advocates (often referred to as the County Counsel

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