

KERN COUNTY SHERIFF'S OFFICE

Detention Bureau Policies and Procedures

TITLE: INMATE RELEASES FROM CUSTODY **C-850**

EFFECTIVE DATE: 08-30-13

REVISED: 01-01-14

APPROVED BY: Detention Bureau Chief Deputy Francis Moore

REFERENCE: PC686.5, PC825, PC849b, US Gov Code Title 1 Chapter 17.1 (Sec 7282, 7282.5)

POLICY

All inmates released from custody, removed temporarily from the facility or transferred to another Kern County Sheriff's Office Detentions facility or other agency shall be made by legal authority.

Releases from custody include the release of inmates that have no outstanding charges or:

- Inmates who have Posted Bail, are Time Served, in accordance with CRFPPM F-200.
- Court releases i.e.; charges dismissed, released on their own recognizance.
- Program releases such as County Parole, Electronic Monitoring, or Rehabilitation Homes.
- Releases to other Agencies (refer to CRFPPM F-600)
- Releases pursuant to PC825 or PC 849b.
- Releases pursuant to a Bureau policy K320 and C1400.
- PCH (Judicial Reject)

DEFINITIONS:

Serious Felony: Any of the offenses listed in subdivision (c) of Section 1192.7 of the Penal Code

Violent Felony: Any of the offenses listed in subdivision (c) of section 667.5 of the Penal

Code

Directive #1

Inmate release files will only be authorized by supervisors that have been trained in the release process.

Directive #2

All inmates being released from custody will have their fingerprints checked using the Fast ID machine to verify their identity. If the Fast ID machine is unable to get a good hit on a scan, the releasing deputy will review the situation and make the best decision he/she can based on the totality of the situation on whether or not the inmate should be released. This should include more intensive questioning of biographical data and other reasonable steps the deputy can take to verify the inmate's identity. If the releasing deputy is not able to confirm the inmate's identity using the above methods, they will notify the Shift Supervisor.

Directive #3

When an inmate is being released to another agency or a program, the releasing officer will have the officer or person taking custody of the inmate sign a body receipt, confirming transfer of custody.

Directive #4

All inmates being released from custody at the Lerdo Facilities will be escorted to the Lerdo main gate by the releasing officer, or the Lerdo Paul Unit if available.

PROCEDURE A: ALL RELEASES**Clerical Staff will:**

- Verify that each inmate release is a legal release and ordered by a legal authority.
- Notify any necessary agency of an inmate's readiness for release.
- Process the inmate release file, personal property, and computer entries.
- Give the completed release file to the Shift Supervisor for approval.
- Notify the Shift Supervisor of any unusual circumstances.

The Shift Supervisor will:

- Verify that all county charges (if applicable) have a disposition and that the release is a legal release ordered by a legal authority.
- Approve or deny the release.
- Verify that any legal notification requirements are made.
- Give the approved release file to the facility control officer.

The Facility Control Officer will:

- Log the release in the log book, pull the inmate's station card and remove the inmate from count.
- Print the inmate property form from CJIS and place it in the release file.
- Notify the Booking/Dress Out Officer and Housing Officer of the release.
- Advise the dressout officer or S&E to pull the inmates red clothing bag.
- Advise Medical / CMH staff of the release with sufficient time to obtain the medical records (if applicable).

The Housing Officer will:

- Notify the inmate to gather all of their property and step out for release.
- Verify the inmate's identity by comparing their wristband to the station card
- Ensure that the inmate has all issued bedding and clothing before being escorted to the dress out area.

The Dress Out Officer or S&E will:

- Ensure the correct property is given to the inmate, and that the actual property matches the property entries in the computer, including any items red bagged.
- Allow the inmate to dress in his/her own clothing.
- Write a CJIS incident for any missing property. Inform the inmate how to file a claim with the County of Kern if any property is missing.
- Print out the clothing receipt and ensure that the inmate signs a copy, place it in the

file.

The Releasing Officer will:

- Compare the inmate's file to station cards and to booking number.
- Ask the inmate information contained in the inmates file (i.e. Last 4 digits of SS#, home address, DOB, listed Emergency contact info, location of arrest.
- Confirm the inmate's identification utilizing the Fast ID machine prior to release.

If there is any doubt as to the inmate's identity or the veracity of the release, contact the Shift Supervisor.

Once the inmate's identity has been verified, the releasing officer will:

- Return the inmate's property and Inmate Funds check to them (if any). Write a CJIS incident for any missing property.
- Have the inmate sign necessary paper work (Keefe account receipt, personal property receipt, any other paper work such as Narcotics offender registration etc.)

After the completion of all release paper work, the releasing officer will verify the inmate has no outstanding warrants, and then release the inmate from the CJIS system (IMRLSINM), remove the inmate's wristband and discard of it properly.

The releasing officer will ensure all release documents including body receipts are signed and placed in the inmate's file.

PROCEDURE B: FEDERAL INMATE RELEASES

All Federal inmate releases will be processed through the Lerdo Maximum Medium Facility. Max Med Clerical Staff and/or the Federal Liaison will notify the U.S. Marshall's for verification prior to the release.

All Federal inmate release files must include a Federal release authorization. If an agency other than the U.S. Marshall's Service in Fresno authorizes a release (i.e. FBI, DEA, Dept. of Forestry, etc.), a memo on that agency's letterhead must be in the inmate's file authorizing the release.

The Shift Supervisor will verify the release via U.S. Marshall's paperwork. There will not be case info in CJIS for Federal inmates. If there is a discrepancy, the Shift Supervisor will notify the Federal Liaison.

The releasing Officer will process the release the same as County releases (Federal inmates must sign the Federal Property Form at time of release, not the County property form).

PROCEDURE C: INMATES WITH I.C.E. HOLD ELIGIBLE FOR RELEASE

Inmates that have an Immigration hold become eligible for release if one of the following has occurred:

- All criminal charges against the individual have been dropped or dismissed;
- The individual has been acquitted of all criminal charges filed against him or her;
- The individual has posted a bond;
- The individual is otherwise eligible for release under state or local law or local policy

The Sheriff's Office shall have discretion to cooperate with federal immigration officials by detaining an individual on the basis of an immigration hold after that individual becomes eligible for release from custody only if the continued detention of the individual on the basis of the immigration hold would not violate any federal, state, or local law, or any local policy, and only under any of the following circumstances:

- The individual has been convicted of a serious or violent felony identified in subdivision (c) of Section 1192.7 of, or subdivision (c) of Section 667.5 of, the Penal Code.
- The individual has been convicted of a felony punishable by imprisonment in the state prison.
- The individual has been convicted within the past five years of a misdemeanor for a crime that is punishable as either a misdemeanor or a felony, or has been convicted at any time of a felony for any of the offenses enumerated in Government Code 7282.5 subsections (A) to (AE), inclusive.
- The individual is a current registrant on the California Sex and Arson Registry
- The individual has been convicted of a federal crime that meets the definition of

an aggravated felony as set forth in subparagraphs (A) to (P), inclusive, of paragraph (43) of subsection (a) of Section 101 of the Federal Immigration and Nationality Act (8 U.S.C. Sec. 1101), or is identified by the United States Department of Homeland Security's Immigration and Customs Enforcement as the subject of an outstanding federal felony arrest warrant.

PROCEDURE D: RELEASE TO OTHER AGENCY

Inmates being released for pick up by other agencies will be **processed according to Procedure A except for the following:**

- Do not give the inmate their personal property, place all property in a brown paper bag, secure by stapling and write the inmate's name and booking number on the outside.
- Do not "Y" the inmate out of the computer until the other agency accepts custody of the inmate
- Escort the inmate to the transporting or court officer and give them the inmate's file, medical / CMH file (if any), and brown paper sack property.

PROCEDURE E: SPECIAL CONDITION RELEASES

Inmates with special needs upon release will be released to an appropriate person, agency or facility upon the recommendation of the Medical, Mental Health staff or the Shift Supervisor. Inmates will be provided with any necessary medical or mental health information.

- **Information** – A Medical or Mental Health envelope containing information, referrals and prescription directions may be found in an inmate's release file and should be given to them upon release.
- **Suicide Watch** – Inmates on suicide watch may at the direction of the Mental Health staff be released to a family member, transported to the Mary K. Shell crisis facility, released to KMC with a 5150 hold order. If CMH is not available suicidal inmates may only be released at KMC with a 5150 hold order.
- **Medical Issues** – Inmates who are in need of medical attention at the time of their release may be released to a family member, or transported to KMC for follow up care on the recommendation of medical staff or with the approval of the

Shift Supervisor.

- **Mental Health** – Inmates who may be developmentally disabled or who CMH staff and/or the shift supervisor have concerns about their ability to care for themselves may be released to a family member, or transported to the Mary K. Shell crisis facility, whichever is determined appropriate.

PROCEDURE F: RELEASE TO REHABILITATION HOMES

Inmates being released to rehabilitation homes must have prior approval. Program releases will be co-coordinated through the Virtual Jail Section or Population Management section. Representatives from the rehabilitation home must provide the following to take custody of the inmate:

- A State Government identification i.e.; California Driver's License
- A letter from the Program Director on Rehabilitation Facility letterhead, that includes the name of the authorized representative and the name of the inmate to be picked up unless the home is being funded through the Community Corrections Partnership.

PROCEDURE G: INMATE TRANSPORTATION UPON RELEASE

In accordance with Section 686.5 of the California Penal Code, some inmates are entitled to transportation to the place of their arrest by the arresting agency. Persons who meet the criteria of this section and who were arrested by a member of the Kern County Sheriff's Office will be provided with a bus ticket to the place of their arrest. Funds for the bus ticket will be provided by the Revolving fund maintained by financial services.

A bus ticket will be purchased from the revolving fund for any inmate arrested by the Kern County Sheriff's Department who requests transportation back to the place of arrest if they are released pursuant to PC849b or acquitted.

If it is determined that the inmate is entitled to a bus ticket,

The Shift Supervisor will:

- Contact the Bus Depot to determine the cost of the ticket.
- Obtain the funds to purchase the ticket from the CRF Clerical Supervisor. If the ticket is needed after hours, the money can be obtained from the revolving fund

cash box located in the Clerical supervisor's office.

- Write a signed receipt for the money and place it in the cash box.
- Assign a deputy to transport the inmate to the bus depot and purchase the ticket.
- Instruct the deputy to give the ticket to the inmate and bring a copy of the bus ticket back.
- Attach the bus ticket copy to the signed receipt and place back in the cash box.

If an inmate being released from the Lerdo compound is entitled to a bus ticket, the Lerdo shift supervisor will:

- Contact the Bus Depot to determine the cost of the ticket
- Notify the on duty CRF clerical staff of the need for the ticket and the cost
- Arrange for the deputy transporting the inmate to the bus station to pick up the funds for the ticket in the CRF lobby.