

Releases

506.1 PURPOSE AND SCOPE

The purpose of this policy is to establish and maintain procedures governing the end of term release of inmates to ensure that inmates are not released in error.

506.2 POLICY

It will be the policy of the Shasta County Sheriff's Office to provide for the timely, efficient, and legal release of inmates.

506.3 GENERAL

The person affecting any release from this facility shall be responsible to ensure that all legal criteria have been met and that the release is justified. The officer affecting such release shall also be responsible for verification of the identity of the person to be released.

506.3.1 PROCESS

The housing areas will be advised by booking of any pending release. The Correctional Deputy in charge of that inmate housing area will notify the inmate to gather up all property and prepare for release. The prowler officer will then be contacted for a cell check. In any instance where the cell check reveals a dirty area, the inmate will be required to clean the cell before release.

Any fresh damage verified by a cell check shall be immediately relayed to the Watch Commander who may require a report or other action, including arrest, where the situation warrants. At the time of any cell check, the prowler officer shall be responsible to inventory and inspect all jail issued property for damage. After being cleared from the living area, the inmate will be sent to booking, change into his own clothing, and processed out. It is the processors duty to make sure no inmate is released with any jail clothing and that the inmate is provided his own clothing. At this point, the inmate's paperwork, with completed movement information, will be sent to booking.

The completed release process shall consist of the following:

In addition, a 10-29 warrants check shall be run on all persons being released who have been in custody at this facility for a period exceeding 24 hours. The warrants check will be conducted by the Classification Deputy.

Jail clothing and related issue items will be exchanged for the inmate's clothing. Verify with Medical Staff that the inmate does not have any medications that need to be sent out with him/her. If applicable, verify with Medical that the inmate has received their most recent dosage of medication or been given a supply to last them until they can obtain a prescription from their doctor or from a local pharmacy.

The Releasing Officer will also review the Mobility-Disabled tracking roster to verify whether the inmate uses a prescribed health care appliance/durable medical equipment/assistive device. If so, the Releasing Officer will ensure the inmate is released with the prescribed health care appliance/

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durable medical equipment/assistive device. If questions arise, the Releasing Officer should contact the ADA Coordinators and/or the Jail's medical provider (WellPath).

Reception notified and all property areas cleared for return to the inmate. Check the booking file for the following:

- Release date on the booking sheet;
- NCIC check is found on the routing sheet;
- Any court or other paperwork supporting the release to be consistent with the action;
- Positive identification of the inmate by the folder photograph and personal information;
- Pull up the commissary account on the computer and return the balance;
- Release the inmate through the computer;
- Processing officer will return all property and have the inmate sign for all returns, including commissary funds;
- Remove the inmate's wristband and destroy same;
- Escort the inmate from the facility via Central Control/Reception/Lobby exit;
- Take the released inmate off the master population list; and
- Clear and arrange the booking file for transmittal to Records, including completion of all release information on the copy of the booking sheet.

506.3.2 DISCHARGE OF SEX OFFENDER REGISTRANTS

The [recordsBureau] shall inform the the California Department of Justice when inmates required to register address changes under Penal Code § 290.013 have been released from the [facility_common_name] within 15 days of release (Penal Code § 290.013).

506.3.3 TRANSFERS TO IMMIGRATION AUTHORITIES

Members shall not transfer an individual to immigration authorities unless one of the following circumstances exist (Government Code § 7282.5; Government Code § 7284.6):

- (a) Transfer is authorized by a judicial warrant or judicial probable cause determination.
- (b) The individual has been convicted of an offense as identified in Government Code § 7282.5(a).
- (c) The individual is a current registrant on the California Sex and Arson Registry.
- (d) The individual is identified by the U.S. Department of Homeland Security's Immigration and Customs Enforcement as the subject of an outstanding federal felony arrest warrant.

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506.3.4 ARRESTEE RELEASED FROM CUSTODY

Upon request, a detained arrestee released from custody shall be provided with the appropriate Judicial Council forms to petition the court to have the arrest and related records sealed (Penal Code § 851.91).

The [facility_common_name] shall display the required signage that complies with Penal Code § 851.91 advising an arrestee of the right to obtain the Judicial Council forms.

506.4 RELEASES

506.4.1 TIME SERVED

Inmates, who have completed their time based on the computation by authorized staff, including any worker cuts, will be released as expeditiously as possible. All normal release procedures as outlined in this policy shall remain in effect, especially those concerning the correctness of court release paperwork, verification, and identification of the inmate by photograph and personal history.

506.4.2 BAIL BONDS

Jail personnel shall not recommend bondsmen. Bond releases follow all other procedures, including verification of identification, and shall be processed as expeditiously as possible.

Additional bonding procedures shall include:

Bond must be in the amount set by the court or bail schedule.

Bond must be issued and delivered by a licensed bonding agent or their licensed representative.

In the case of warrants, a separate bond is required for each warrant.

The bond must be an authorized and unexpired document with a face amount limit equal to or exceeding the amount of bail.

The bond must contain:

- The court of appearance
- Appearance date and time
- Name of the person being bailed
- Charge
- Docket, case file, or warrant number
- Booking number Verification signature and title of the officer receiving the bond must be completed In the event of a question concerning a bonding agent or company, unknown to this facility, presenting a bond, the matter will be referred to the Watch Commander who may wish to verify the agent/company by requesting to see a copy of the agent's State of California Department of Insurance Identification Card. A valid card contains the following information:

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Front:

- The license number in the upper right hand corner
- Titled
- The name of the individual agent
- Signed by the Deputy of Insurance Commissioner

Back:

- Physical description of the agent
- Agent's signature
- Agent's photograph
- Agent's left and right thumb print on opposite sides of the photograph
- Section 2077.1 of Title 10, California Administrative Code, requires that a licensed bail agent carry the above described card on their person at all times when conducting any bonding activity. In the event any person referred to the Watch Commander for bail agent/company verification under provision of this policy is unable to produce the above described photo identification card, the bail bond, even though valid on its face, shall not be accepted by this facility. There is no provision made for exception to this requirement of the policy.

506.4.3 CASH BAIL/ FINE

Anyone, including the inmate, may post cash in the exact amount of the bail set. In some warrant situations, the posted bail may become a forfeited fine as an option of the court. This is a court only function or as specified on the warrant face and does not affect our process. Other forms of cash, i.e. traveler's checks, money orders, and certified checks, shall be approved by the Watch Commander or higher authority. These other forms of cash bail shall be made payable directly to "Shasta County". In the case of travelers checks, the second countersigning signature and the payee's name (Shasta County) shall be filled out in the presence of the officer accepting the checks. The officer receiving these forms of bail shall complete the receipt and the cash bail form.

The receipt is given to the person actually posting the bail. The officer shall also assign a day, date, and time of appearance.

506.4.4 PERSONAL CHECKS

At any time when the local bank is open, the person, unless in custody, shall be directed to the bank to cash their own check and return with cash bail. Personal checks may be accepted from the arrestee or another person for bail in the amount of \$1,000.00 or less, with the approval of the Watch Commander or higher authority. Checks exceeding \$1,000.00 require prior approval of the Sheriff or Undersheriff. When the person in custody desires to bail himself by personal check, the

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process shall be as follows: During normal banking hours, the Watch Commander shall telephone the bank and verify the check and amount. When the bank is closed, the following is required:

- The check must be from a local area resident and bank.
- The check must be personalized with the individual's current name, address, and phone number imprinted on the check.
- All checks must be made payable directly to "Shasta County".
- No two-party checks will be accepted.
- At least two forms of valid identification must be obtained. One must be a photo ID and match the information imprinted on the personal check. The second or backup ID may be a major credit card or bank/check guarantee card.
- The full information on all identification (credit card, driver's license, and check guarantee card number, etc.) will be recorded on the check for future reference.
- A current business address, unless the person is retired, will also be obtained and recorded.
- Acceptable identification may also be defined as "personally known to the Watch Commander"

506.4.5 OWN RECOGNIZANCE (O.R).

All persons arrested on misdemeanor/infractions, without a warrant, and brought to the jail for booking shall have an O.R. form filled out by the arresting officer. If the arrestee is not to be O.R.'d, the officer shall so indicate, together with the specific reasons for such action. (853.6(j) PC)

All non-warrant misdemeanor/infraction arrests delivered to the jail for booking and not otherwise released pursuant to law will be reviewed by the processing officer and Watch Commander for release on their written promise to appear. The major concern shall be the probability that the person will appear in court as agreed. The following additional factors may be considered in determining whether or not to release an arrestee on their written promise to appear:

- Shasta County, State, or local area resident.
- Length of residency.
- Past record of arrest or failure to appear.
- Employment and related factors.
- Other factors bearing on the possibility of appearance.

The Watch Commander shall have the authority to authorize a release on any non-warrant misdemeanor/infraction arrestee regardless of the arresting officer's recommendation. (853.6(a) (i) PC) Regardless of any other provision of this action, no arrestee shall be released on a written promise to appear, who has been booked for a violation of 23152a, b, or c, California Vehicle Code (CVC) with two or more prior convictions for driving under the influence of alcohol, within the

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last ten years. In all cases where a person is to be released on their written promise to appear, the releasing Correctional Deputy shall complete the O.R. form and:

- Provide a minimum of twenty-five (25) court days for the appearance. If a previous arraignment date (prior arrest) is not already established.
- Specify the date, time, charge, and court of appearance.
- Insure the arrestee understands and has signed the O.R. form.
- Deliver one completed copy of the O.R. form to the arrestee.
- Advise the arrestee that failure to appear on a written promise constitutes a separate misdemeanor violation of law regardless of the disposition on the original charge. (853.7 PC)
- Complete the indicated distribution of the remaining copies of the form.

When the deputy is assigning a court date, the deputy shall check if the arrestee has pending court dates from a previous arrest. If a previous arrest exists and there is a pending arraignment court date, the deputy will issue the same court date. (Mondays and Fridays Only) If the previous court date is within three business days of the arrest, follow the current procedure to allow time for the court to receive the paperwork.

506.4.6 849B RELEASE

In order for an inmate to be released per 849b PC, the authority must be in written form (Sheriff's Department Form No. 85) from the arresting agency and signed by the arresting officer. Jail staff must have this form in hand prior to release of the inmate.

506.4.7 COURT CAPACITY RELEASE PURSUANT TO SUPERIOR COURT ORDER #115258, 1993

In an attempt to alleviate overcrowding and maintain compliance with the Board of State and Community Corrections jail population limits, the Shasta County Jail has been authorized, via the Superior Court, to release arrested inmates pursuant to the Court Order to effectively control inmate overcrowding. The Classification Officer and Watch Commander will work together to determine those best suited to be released pursuant to this Court Order and at the same time, keeping those likely to re-offend and/or violent persons being placed back into the public sector.

All releases will be computed in accordance with regular release policies.

506.4.8 CITATION RELEASES

In a citation release, the arresting officer will fill out the citation release form and the release will be handled the same as an O.R. release. The inmate will be assigned a court date and time of appearance. In setting the court date, you must allow at least 30 days. The citation must have a Sheriff's Office case number assigned. This can be obtained through the Sheriff's Records Division Log Entry.

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506.4.9 SPECIAL RELEASES

The following is a list of specialized releases from this facility:

- Other agency, per 821 and 822 PC
- Court order
- Removal order
- Sheriff's pass
- Out of custody housing (contract housing)
- Medical treatment (hospital)
- Temporary release (escorted)
- Temporary release (unescorted)
- Court Capacity release

506.5 TELETYPE ABSTRACT WARRANTS

A copy of all abstract warrants will be sent to Warrants.

The original teletype abstract stays with the file until the subject is released. If the subject bails, the original shall go with the bond.

506.6 NOTIFICATION OF REGISTRATION REQUIREMENTS/ GENETIC MARKERS

This policy is to establish guidelines to fulfill notice of registration requirements pursuant to Penal Code Sections 290 PC, 290(b) PC, 457.1 PC and 11590 Health & Safety.

Registrant - Any person who is convicted under Penal Code Section 290, 457.1 or 11590 Health & Safety and is required by law to register.

As required by law or the court any person convicted under Penal Code Sections listed in Penal Code Section 290 and 457.1 and/or 11590 Health and Safety shall register at the time of release.

Pursuant to Penal Code Section 290(b), any person who is required to register due to any felony conviction of any charges listed in Penal Code Section 290, 45 days prior to their release, the Department of Justice shall be notified. Notification will be achieved by the submitting of four copies of *Notice of Registration Requirement* to the Department of Justice. It shall be the responsibility of the Watch Commander on duty at the time a sentenced inmate is released from custody, who may be required to register under the convicted offender laws, to screen the potential release and ensure the completion of the Department of Justice *Notice of Registration* requirement form before release, should one be required. The releasing officer shall use the Department of Justice form SS 8047, *Notice of Registration Requirements*. This is not a registration form. Form SS-8047 is a six (6) page form that is color coded for distribution. When the form is completed, it will be necessary for the releasing officer to complete the form so that all six copies are legible.

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It is also a requirement that a rolled right thumb print be taken on each of the six copies. Each Registration Notification Section for 290 PC, 475.A PC, OR 11590 H&S have different notification requirements and must be read to the person being released.

Distribution:

- Original to Department of Justice
- Copy to inmate's key file or officer.
- Copy to person being served or released.
- Copy to the Agency having jurisdiction.