

KERN COUNTY SHERIFF'S OFFICE

Detentions Bureau Policies and Procedures

TITLE: RELEASES OF INCARCERATED PEOPLE FROM CUSTODY C-850

EFFECTIVE:	REVIEWED:	REVISED:	UPDATED:
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REFERENCE: Penal Code Sections 686.5, PC825, PC849b; Government Code Sections 7282, 7282.5, 7283.1(a)); DPPM J-110; DBPPM C-2300

POLICY

All incarcerated people released from custody, removed temporarily from a facility, transferred to another Kern County Sheriff's Office detentions facility, or transferred to another agency shall be released or transferred by legal authority.

Releases from custody include the release of incarcerated people that have no outstanding charges or who are:

- Time served or have posted bail;
- Court releases (i.e., charges dismissed, released on their own recognizance);
- Program releases such as County Parole, Electronic Monitoring Program, Pretrial Release, or release to a rehabilitative home;
- Releases to other agencies;
- Releases pursuant to Sections 825 or 849b of the Penal Code;
- Releases pursuant to Sections K-320 and C-1400 of this manual;
- Judicial rejection of a Probable Cause Hearing (PCH).

DIRECTIVE #1

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

DIRECTIVE #2

All incarcerated people 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 identify the incarcerated person on a scan, the releasing deputy will notify the shift supervisor.

The shift supervisor will work with the deputy to review the situation and make the best decision he/she can based on the totality of the situation on whether the incarcerated person should or should not be released. This shall include more intensive questioning of biographical data and other reasonable steps that can be taken to verify the incarcerated person's identity.

DIRECTIVE #3

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

DIRECTIVE #4

All incarcerated people being released from custody at the Lerdo Facilities will be escorted to the Lerdo main gate by the releasing deputy or the Lerdo Paul Unit if available.

Procedure A: All Releases

Clerical Staff will:

- Verify that each incarcerated person to be released is a legal release and ordered by a legal authority;
- Notify any necessary agency of the incarcerated person's readiness for release;
- Process the incarcerated person 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 deputy or search and escort deputy (S&E).

The Facility Control Staff will:

- Log the release in the logbook, pull the incarcerated person's station card, and remove the incarcerated person from count.

The Facility Control Staff and/or S&E will:

- Print the incarcerated person property form from JMS and place it in the release file;
- Notify the Booking/Dress Out Deputy or S&E and the Housing Deputy of the incarcerated person to be released;
- Advise the Dress Out Deputy or S&E to pull the incarcerated person's red clothing bag;
- Advise Medical and CBH staff of the release with sufficient time to obtain the medical records (if applicable).

The Housing Deputy will:

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

The Dress Out Deputy or S&E will:

- Ensure the correct property is given to the incarcerated person and that the actual property matches the property entries in the computer, including any items red bagged;
- Allow the incarcerated person to dress in his/her own clothing;
- If any property is missing, write a JMS incident detailing what is missing. Inform the incarcerated person how to file a claim with the County of Kern if any property is missing;
- Print out the clothing receipt and ensure that the incarcerated person signs a copy;
- Place the receipt in the file.

The Releasing Deputy will:

- Compare the incarcerated person's file to station cards and to booking number;
- Ask the incarcerated person information contained in the incarcerated persons file (i.e., the last four digits of their social security number, home address, date of birth, listed emergency contact info, location of arrest, etc.);
- Confirm the incarcerated person's identification utilizing the Fast ID machine prior to release.

If there is any doubt as to the incarcerated person's identity or the veracity of the release, contact the shift supervisor, who will work with the releasing deputy to resolve the situation.

Once the incarcerated person's identity has been verified, the releasing deputy will:

- Return the incarcerated person's property and incarcerated person funds check to them (if any).
 - If there are any weapons or dangerous items in the incarcerated person's property (e.g., pocketknife) withhold the item until the incarcerated person is escorted outside of the facility.

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- Have the incarcerated person sign necessary paperwork (e.g., commissary account receipt, personal property receipt, offender registration documents, etc.)

After the completion of all release paperwork, the releasing deputy will verify the incarcerated person has no outstanding warrants, release the incarcerated person from the JMS system (IMRLSINM), and remove the incarcerated person's wristband and discard of it properly.

- The releasing deputy will ensure the incarcerated person is successfully released from JMS (i.e., "Y'd out") **before** physically releasing the incarcerated person from custody.

The releasing deputy will ensure all release documents, including body receipts, are signed and placed in the incarcerated person's file.

Procedure B: Federal Incarcerated person Releases

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

All federal incarcerated person 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 incarcerated person's file authorizing the release.

The shift supervisor will verify the release via U.S. Marshall's paperwork. There will not be case information in JMS for Federal incarcerated people. If there is a discrepancy, the shift supervisor will notify the Federal Liaison.

The releasing deputy will process the release the same as county releases, as described above.

Note: Federal incarcerated people must sign the Federal Property Form at time of release, not the county property form.

Procedure C: Incarcerated people with an Immigration (I.C.E.) hold eligible for release

The Sheriff's Office shall not detain an individual solely on the basis of an immigration detainer issued pursuant to Section 287.7 of Title 8 of the Code of Federal Regulations.

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Therefore, incarcerated people that are being held in custody solely on the basis of an immigration hold shall become eligible for release unless one of the following has occurred:

- I.C.E. (or other immigration authority) provides the Sheriff's Office with a judicial warrant or judicial probable cause determination for the individual;
- Or if the Sheriff has probable cause to believe the individual has committed, or is committing, a criminal violation beyond the charges which they have been released on.

The release or transfer of an incarcerated person to immigration authorities on the basis of a request for notification of release will be carried out in only as detailed in Section C-2300 of this manual.

Procedure D: Release to Other Agency

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

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

Procedure E: Special Condition Releases

Incarcerated people with special needs upon release will be released to an appropriate person, agency, or facility upon the recommendation of the Medical staff, Behavioral Health staff, or the shift supervisor. Incarcerated people will be provided with any necessary medical or mental health information.

- **Information** – A Medical or Behavioral Health envelope containing information, referrals, and prescription directions may be found in an incarcerated person's release file and shall be given to them upon release.

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- **Suicide Watch** – Incarcerated people on suicide watch may, at the direction of the Behavioral Health staff, be released to a family member, transported to the Mary K. Shell crisis facility, or released to KM with a Welfare and Institutions Code (WIC) 5150 hold order.
 - If Correctional Behavioral Health is not available, incarcerated people on suicide watch may only be released at KM with a WIC Institutions Code 5150 hold order (see Sections C-200 and H-1100 of this manual).
- **Medical Issues** – Incarcerated people who are in need of medical attention at the time of their release may be released to a family member or transported to KM for follow up care on the recommendation of medical staff or with the approval of the shift supervisor.
- **Mental Health** - Incarcerated people who may be developmentally disabled or whom CBH 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 a Rehabilitation Home

Incarcerated people being released to rehabilitation homes must have prior approval. Program releases will be co-coordinated through the Virtual Jail Section or Incarcerated person Programs Unit. Representatives from the rehabilitation home must provide the following to take custody of the incarcerated person:

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

Procedure G: Incarcerated person Transportation Upon Release

In accordance with Section 686.5 of the California Penal Code, some incarcerated people 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.

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

If it is determined that the incarcerated person 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;
- Complete and sign the receipt for the money and place it in the cash box;
- Assign a deputy to transport the incarcerated person to the bus depot and purchase the ticket;
- Instruct the deputy to give the ticket to the incarcerated person 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 incarcerated person 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 incarcerated person to the bus station to pick up the funds for the ticket in the CRF lobby;
- Instruct the deputy to transport the incarcerated person to the bus depot and purchase the ticket;
- Instruct the deputy to give the ticket to the incarcerated person and bring a copy of the bus ticket back to CRF clerical staff, who will attach the copy to the receipt from the revolving as described above.