

<b>DATE:</b>	<b>NOVEMBER 3, 2008</b>
<b>NUMBER:</b>	<b>U</b>
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**RELEASE PREPARATION AND TEMPORARY RELEASE**

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<b>DATE:</b>	OCTOBER 1, 2004
<b>NUMBER:</b>	U.1
<b>SUBJECT:</b>	WORK FURLOUGH
<b>RELATED SECTIONS:</b>	

**PURPOSE**

To provide a procedure whereby inmates may participate in Work, Job Training or Education Furlough Programs.

**POLICY**

Eligible inmates will be placed in a Furlough Program when and where such programs are available and based upon the criteria established for admission to the program.

**PROCEDURE**

Application for admission to Work Furlough status will be made to the Court, who may order release of an inmate to the program.

<b>DATE:</b>	SEPTEMBER 2, 2008
<b>NUMBER:</b>	U.2
<b>SUBJECT:</b>	RELEASE TO THE COMMUNITY
<b>RELATED SECTIONS:</b>	

**PURPOSE**

To provide a procedure, whereby inmates may be released up to three (3) days prior to the expiration of their sentence to prepare for their return to the community.

**POLICY**

Eligible inmates may receive an early release to prepare for their return to the community or may be released to United States Immigration and Customs Enforcement (ICE).

**PROCEDURE**

When inmates are reviewed for release per 4018.6 PC, the following procedure will apply.

- I. Criteria for release:
  - A. No extensive or recent drug usage.
  - B. No obvious propensity for violence.
  - C. Local community ties or pending processing by ICE.
  - D. No other factors which indicate that release would not be in the interest of justice, or the safety of the community.
- II. A staff member designated by the Facility Commander will review the names of the “served time” list.
- III. A record check will be completed on each inmate to determine suitability for the program.
- IV. The data will be sent to the Facility Commander or his/her designee for review and approval/denial.
- V. For those approved, authorization memorandums will be prepared and signed by the Facility Commander or his/her designee.
- VI. Undocumented aliens with 3 days or less remaining on their sentence may be release to USINS.
- VII. Authorization memorandums will be filed in the inmate’s booking jacket.

<b>DATE:</b>	NOVEMBER 1, 2011
<b>NUMBER:</b>	U.7
<b>SUBJECT:</b>	TEMPORARY RELEASES BY COURT ORDER
<b>RELATED SECTIONS:</b>	<a href="#">CSB E.18</a> , <a href="#">I.5</a> , <a href="#">Q.8</a> , <a href="#">Q.6</a>

**PURPOSE**

To ensure that court-ordered or court-requested temporary releases from jail comply with applicable statutory requirements and are processed appropriately.

**POLICY**

An order for the temporary release of an inmate from the custody of the Sheriff will be treated as a judicially ordered sentence modification or modification of a pre-sentence custody order, and will be followed under all circumstances in which the authenticity of the order is verified. The procedures set forth in Part II of this section shall be followed.

A court document that references Penal Code § 4018.6, or makes clear that the court is “requesting” a temporary release, or uses other such permissive rather than mandatory language shall be construed as a request by the Court for a temporary release at the discretion of the Sheriff, pursuant to Penal Code § 4018.6. In such circumstances, the request will be considered pursuant to Part III of this section.

A court order that references Penal Code § 4004, or requires that an inmate be released from jail but remain in the custody of the Sheriff, shall be examined pursuant to Part IV of this section.

**I. INITIAL REVIEW**

Upon receipt of a court document requesting or ordering a temporary release, the Watch Commander will determine whether the court document calls for the inmate’s release from jail, or release from Sheriff’s custody. If the Watch Commander is unsure, he or she shall contact Legal Affairs.

If the court document calls for an inmate to be temporarily released from jail but remain in the custody of the Sheriff, the Watch Commander shall follow the procedures set forth in Section IV.

If the court document calls for an inmate to be temporarily released from Sheriff’s custody, the Watch Commander shall determine whether the court document is an order or a request pursuant to Penal Code § 4018.6. If the Watch Commander is unsure, he/she shall contact Legal Affairs for assistance.

If the court document is an order, the Watch Commander shall follow the procedures set forth in Part II.

If the court document is a request, or invokes Penal Code § 4018.6, the Watch Commander shall follow the procedures set forth in Part III.

## II. REVIEW OF ORDERS FOR TEMPORARY RELEASES FROM SHERIFF'S CUSTODY

An order from the Superior Court that temporarily releases an inmate from Sheriff's custody shall be followed unless it appears to the Watch Commander that the document is a forgery (not actually issued by a judge). If the Watch commander suspects forgery, he or she shall attempt to make contact with the Court to determine the authenticity of the order. If the Court cannot be reached, the Watch Commander shall contact Legal Affairs.

If the inmate is the subject of a State or Federal hold, the Watch Commander shall contact Legal Affairs and transmit to Legal Affairs all documentation of the hold. A representative of Legal Affairs will contact the judge issuing the order and notify the judge of the hold. If the judge reaffirms the order, the Watch Commander shall notify the agency that placed the hold of the inmate's temporary release prior to releasing the inmate.

If the inmate's JIMS history reveals incidents of violence while in custody, the Watch Commander shall contact Legal Affairs.

## III. REVIEW OF REQUESTS FOR TEMPORARY RELEASES FROM SHERIFF'S CUSTODY

The Sheriff's Department believes that although the Sheriff has the power to temporarily release an inmate from his custody, such releases should be rare and only at the urging of the Superior Court. The criteria and procedures listed below are intended to ensure that (1) Only those inmates who pose no risk to the safety of the public and are not a "flight" risk are released, (2) Release pursuant to Penal Code § 4018.6 occurs in only the most exceptional of circumstances, (3) The Sheriff's Department has sufficient time to evaluate the request, and (4) An inmate who is temporarily released remains in the presence of a responsible person.

Upon receiving court document requesting a temporary release from Sheriff's custody, the Watch Commander of the facility where the inmate is housed shall take the following action:

- A. Verify that the order calls for the release of the inmate not less than 48 hours (excluding weekends and holidays) from the time that the order is presented to the Sheriff's Department. This requirement may be waived if the Watch Commander is satisfied that he or she has sufficient time and resources to properly review the order.
- B. Verify that the court order specifies that the release is to allow the inmate to attend to a funeral for, or critical illness of, an immediate family member (spouse, sibling, parent, step-parent, child, stepchild or grandparent).
- C. Verify that the order states that the inmate may not leave the County, and that the order specifies the location of the funeral/family emergency.
- D. Verify that the order states that the inmate must remain at all times in the custody of a relative, chaplain, or other responsible person. Any temporary release order must specify the name and address of the person in whose custody the inmate is to be released.
- E. A temporary release order shall state that the inmate is to return at a specific time. In no event shall the release last longer than 72 hours.

- F. Verify that the inmate has a record of conduct within the detention facility that is free of any instances of violence or threats of violence, or any major disciplinary actions.
- G. Verify that the inmate has no prior record of violence, or is not charged with any crime of violence.
- H. Verify that the inmate is not charged with violating a statute that would require registration as a sex offender pursuant to Penal Code § 290.
- I. Verify that the inmate is not classified as an escape risk.
- J. Verify that the inmate is not be subject to a state or federal “hold,” or is in the lawful custody of any state or federal agency.
- K. Verify that the inmate is not charged with an offense that could result in a sentence of 25 or more years in State prison (e.g., “two-strikers”).
- L. Verify that the inmate is not one who has been denied bail, or whose total bail is over \$50,000.00.
- M. Verify that the inmate has not been sentenced to State Prison.
- N. Verify that the inmate has no record of any prior failure to appear in court.

The Watch Commander will notify their Detention Services Bureau Commander of the request and which (if any) of the above conditions have not been met. The Commander or Sheriff’s Legal Affairs shall notify the Watch Commander as to whether the Sheriff’s Department will temporarily release the inmate pursuant to Penal Code § 4018.6. If the decision is made not to temporarily release the inmate, Sheriff’s Legal Affairs shall notify the judge who issued the order and the defendant’s attorney.

#### IV. REVIEW OF ORDERS GRANTING TEMPORARY RELEASES FROM JAIL OF INMATES WHO WILL REMAIN IN CUSTODY

The California Court of Appeal in *Block v. Superior Court (Downey)* (1998) 62 Cal. App. 4<sup>th</sup> 363, 370 wrote that such orders for temporary releases “will only be issued in exceptional circumstances, and then only rarely.”

The procedures and criteria below are intended to ensure that (1) Only those inmates who pose minimal risk to the safety of the public and to the Sheriff’s employees qualify for such orders, (2) Release pursuant to Section 4004 occurs in only the most exceptional of circumstances, (3) When such orders are issued, they allow the Sheriff’s Department sufficient time to plan for such an operation, and (4) Such orders do not result in an unjustifiable diversion of resources away from the other operations.

Upon receipt of an order temporarily releasing an inmate from jail in the custody of the Sheriff, the Watch Commander shall take the following action:

- A. Verify that the order calls for the release of the inmate not less than 72 hours (excluding weekends and holidays) from the time that the order is presented to the Sheriff’s Department.

- B. Verify that the court order specifies a compelling reason for the release that involves emergency or exigent circumstances. Examples include a funeral for, or critical illness of, an immediate family member (spouse, sibling, parent, step-parent, child, stepchild or grandparent). Normal milestones or life events of family members do not constitute emergency or exigent circumstances.
- C. Verify that the order calls for transport within San Diego County.
- D. Verify that the inmate has a record of conduct within the detention facility that is free of any instances of violence or threats of violence, or any major disciplinary actions.
- E. Verify that the inmate has no prior record of violence, or is not charged with any crime of violence.
- F. Verify that the order requires payment of transportation costs by the inmate to the Sheriff.
- G. Notify the DSB Commander overseeing the Prisoner Transportation Detail of the transport order. The inmate will not be released if, in the judgment of the DSB Command Staff, the transportation of the inmate presents a substantial danger to the public that would require an unacceptable use of Sheriff's resources to provide necessary security, or presents a substantial danger to Sheriff's employees, or if the Sheriff's operational needs do not permit the diversion of Sheriff's resources. The Watch Commander must provide the DSB Commander with the inmate's booking history, as well as his/her criminal history.

If any of the above criteria for release are not met, the Watch Commander shall advise the Sheriff's Legal Affairs Division. Legal Affairs shall discuss the order with the issuing judge, and report back to the Watch Commander whether the inmate is to be transported.

If the order requires payment to the Sheriff for transportation charges, such charges must be paid prior to the inmate's temporary release. The Transportation Sergeant or Lieutenant will assume responsibility for determining needed security. Once determined, the Prisoner Transportation Detail In-County Deputy will complete the *Transportation of Inmates for Outside Services* form and collect fees. Upon completion of the trip, the person responsible for the escort will report the actual cost information to Financial Services. Final costs will be determined at that time. Cash, cashier's check or money order is acceptable form of payment. All transactions and money exchanges are to occur at the originating facility. All checks are to be made out to the San Diego County Sheriff's Department. A Miscellaneous Receipt (Auditors 200) will be provided to the person making the payment. Funds and forms will be forwarded to the facility accounting staff. Once fees have been deposited, the accounting staff will forward the paperwork to Financial Services.

## V. TEMPORARY RELEASED INMATES RETURNING TO CUSTODY

All facilities shall accept custody of inmates returning from being temporarily released on their own recognizance by court order, unless the temporary release order specifically directs the inmate to return to court rather than the jail facility. Inmates will not be turned away for not having valid credentials verifying their identification.

Inmates returning to custody will need to be accurately identified by the accepting facility.

Deputies will verify the returning inmate's identity using the live scan and JIMS. Deputies will

contact CAL-ID prior to live scanning to request an identity only number (IDN) and provide them with the inmates name and CII number from JIMS. After a positive identification has been obtained, the inmate will go through the booking process.

In the event of not being able to obtain positive identification using the livescan refer to [Q.6 Unidentified Person \(AKA: John and Jane Does\)](#), of the Detention Policy and Procedures.

If an inmate refuses or is unable to be fingerprinted, refer to section [Q.8 Refusal to Cooperate with the Booking Process](#), of the Detention Policy and Procedures.

## VI. FAILURE TO RETURN TO CUSTODY

If an inmate who was temporarily released from custody fails to return to custody at the appointed time, he/she shall be deemed an escape (Penal Code § 4532). The Judge who issued the release order shall be notified. The Watch Commander shall commence procedures set forth in Detention P & P Section [I.5 Emergency Inmate Escape Procedure](#).

<b>DATE:</b>	APRIL 22, 2016
<b>NUMBER:</b>	U.8
<b>SUBJECT:</b>	TEMPORARY RELEASES BY COURT ORDER TO A DISTRICT ATTORNEY OR LAW ENFORCEMENT AGENCY
<b>RELATED SECTIONS:</b>	<a href="#">U.7</a> , <a href="#">CSB E.18</a>

**PURPOSE**

To provide guidance on the temporary release of inmates to the custody of the District Attorney's Office or other law enforcement agencies.

**POLICY**

An inmate may be temporarily removed from a detention or court facility while remaining in law enforcement custody, upon the order of a judge of the Superior Court.

Upon receipt and verification of a "Declaration and Order for Production of Defendant" which is processed as an Order to Produce (OTP), the requesting agency will assume temporary custody of an inmate currently in Sheriff's custody.

**PROCEDURE**

**I. TEMPORARY RELEASE OF AN INMATE FROM A DETENTION FACILITY**

The District Attorney and various law enforcement agencies oftentimes submit a "Declaration and Order for Production of Defendant," which is processed as an order to produce (OTP). The OTP allows the requesting agency to assume temporary custody of an inmate currently in Sheriff's custody.

The following procedures shall be followed for the temporary release of an inmate from a detention facility to the custody of the District Attorney or other law enforcement agency.

- A. The OTP must include the date and time the inmate should be released, who the inmate is being released to, and when the inmate will be returned to Sheriff's custody. Inmates will be released from the detention facility rather than from court holding areas.
- B. Due to the sensitive nature, confidentiality, liability, and security concerns associated with these types of releases, it is imperative that the inmate's release be effectively coordinated with the requesting agency.
- C. The inmate will be correctly identified and accounted for by utilizing the designators of "District Attorney Pick Up" (DAPU) and "Law Enforcement Pick Up" (LEPU). These designators will be entered into the Jail Information Management System (JIMS) by the detention processing supervisor (DPS) or designee when processing temporary releases to the District Attorney and other law enforcement agencies.

- D. In accordance with the OTP, the DPT will enter the event start date and time and the event end date and time into JIMS. The only entries that will be utilized for this purpose will be the DAPU and LEPU descriptors.
- E. Inmates scheduled for DAPU or LEPU will remain in their housing area pending the arrival of the District Attorney or law enforcement official. This will prevent the inmate from inadvertently being transported on the bus.
- F. When the inmate is released to the requesting agency, the person taking custody of the inmate will provide the watch commander or designee with the original court order.
- G. The watch commander or designee will ensure the person taking custody of the inmate is listed on the court order as being authorized to remove the inmate from the facility.
- H. The watch commander or designee will print the transportation trip ticket from JIMS (IMS/SCHEDULE/SCHEDULING REPORTS/TRANSPORTATION TRIP TICKET) and document the time the inmate was picked up and by whom.
- I. When the inmate is returned to the facility, the watch commander or designee will enter the time the inmate was returned, and then file the completed transportation trip ticket form and original court order in the inmate's custody record.

## II. TEMPORARY RELEASE OF INMATES FROM COURT

An order for the temporary release of an inmate to the District Attorney, direct from the courtroom, shall be honored. It is the Sheriff's Department's expectation that the inmate will remain in the presence of an armed peace officer employed by the District Attorney's office at all times. Inmates will be released from court holding areas rather than from a detention facility.

The District Attorney investigators will fax a copy of the court order to the watch commander of the facility where the inmate is housed.

- A. The watch commander will review and sign the face of the court order, and make two copies. The watch commander will maintain one and provide the second copy to the DPS or designee.
- B. The watch commander will then fax the court order to the requesting investigator. Any concerns about a release order should be addressed first with the requesting investigator, or if necessary with the court. Court Services Bureau (CSB) personnel will handle approved temporary releases according to [CSB Policy E.18](#).

If the court order is to be sealed, it will be processed by the watch commander in accordance with DSB P&P section [Q.49](#).

- C. Upon receipt of the OTP, the housing facility of the inmate will be determined. If the inmate is not at the facility where the OTP was received, the order will be faxed to the housing facility. The receipt of the OTP by the housing facility must be confirmed.

- D. The DPS or designee will schedule the event through the scheduling module in JIMS. If the District Attorney is assuming temporary custody of the inmate, the event type will be entered as DAPU, destination NO BUS (Hold for Pick Up). All other law enforcement agencies will be entered as LEPU, destination NO BUS (Hold for Pick Up).

### III. RELEASE TO OTHER SHERIFF'S PERSONNEL

Facility watch commanders may authorize San Diego Sheriff's investigative personnel to remove inmates from detention facilities without a court order for investigative purposes. In these cases, a note will be made in the watch commander log identifying the inmate, the Sheriff's personnel taking custody of the inmate and the estimated time of return. The Sheriff's personnel taking custody of the inmate will maintain custody at all times and will not relinquish custody of the inmate to anyone else.