

ALAMEDA COUNTY SHERIFF'S OFFICE DETENTION AND CORRECTIONS POLICY AND PROCEDURE	NUMBER: 11.13	PAGES: 1 of 3
	RELATED ORDERS: P.C. 4024.1	
	ISSUED DATE: July 1, 1989	
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CHAPTER: Intake, Transfer and Release and Records	SUBJECT: Accelerated Release – Section 4024.1 of the Penal Code	

- I. **PURPOSE:** To establish policy and procedure regarding the use, and implementation of, accelerated release pursuant to Section 4024.1 of the Penal Code (PC).
- II. **POLICY:** The Detention and Corrections Division's policy is to take all reasonable steps to reduce jail population to below mandated capacities. The objective of this policy is to establish a procedure for the early release of inmates pursuant to 4024.1 PC. This procedure shall only apply to Alameda County court sentences. No inmate will be released from physical custody without sworn supervisor approval.
- III. **DEFINITION:** PENAL CODE SECTION 4024.1: This Penal Code Section reads as follows:
- A. 4024.1(a): The Sheriff, Chief of Police, or any other person responsible for a County or City Jail may apply to the presiding Judge of the Justice, Municipal or Superior Court to receive general authorization for a period of 30-days to release inmates pursuant to the provisions of this Section.
 - B. 4024.1(b): Whenever, after being authorized by a Court pursuant to subdivision (a), the actual inmate count exceeds the actual bed capacity of a County or City Jail, the Sheriff, Chief of Police, or other person responsible for such County or City Jail may accelerate the release, discharge, or expiration of sentence date of sentenced inmates up to a maximum of five days.
 - C. 4024.1(c): The total number of inmates released pursuant to this Section shall not exceed a number necessary to balance the inmate count and actual bed capacity.
 - D. 4024.1(d): Inmates closest to their normal release, discharge, or expiration of sentence date shall be given accelerated release priority.

- E. 4024.1(e): The number of days that release, discharge, or expiration of sentence is accelerated shall in no case exceed 10 percent of the particular inmate's original sentence, prior to the application thereto of any other credits or benefits authorized by law.

IV. PROCEDURE:

A. GENERAL INFORMATION:

1. The accelerated release policy is not in effect at the Glenn E. Dyer Detention Facility (GEDDF) at this time. When they are nearing maximum capacity, inmates are to be diverted to the Santa Rita Jail (SRJ).
2. The midnight Watch Commander at the SRJ is considered the capacities coordinator and on-duty director for decisions associated with adjusting inmate populations when the population of the facility exceeds the established capacity. If it becomes necessary to adjust populations at other times, the Watch Commander will assume the authority over other facility Watch Commanders.
3. If the Agency is operating under a valid accelerated release order, either judicial order or pursuant to 4024.1 PC, accelerated release will be implemented. When implemented, all releases identified are to be equitably released.
4. If only females or only males exceed the capacities for 4024.1 PC releases, then only prisoners of those sexes will be released. It is not necessary to release inmates of both sexes if only inmates of one sex exceed the capacities.

B. RELEASE PROCESS:

1. When it is determined that a release under Section 4024.1 PC is necessary, the timekeeper will request an ***Advanced Technology Information Management Systems (ATIMS)*** release list.
2. The jail jackets of all sentenced inmates who have 10% or five days remaining on their sentence (whichever is less) will be pulled and the day shift Intake, Transfer and Release (ITR) Sergeant or Watch Commander will examine them to determine which inmates are eligible.
3. After the reviewing supervisor determines which inmates are to be released, the day shift Records staff will prepare and distribute a release list. The midnight shift Records Officer will ensure the paperwork, property and money is ready and the inmates are moved to ITR, along with the regularly scheduled releases. The inmates will then be released on the day shift.

- a. A copy of the release order will be placed in custodial files that are released under 4024.1 PC.
- b. The reason for release on the custodial file shall be 4024.1 PC.
- c. *ATIMS* reason for release shall show “EREL.”

C. SPECIAL CIRCUMSTANCES:

1. Whenever the accelerated release order is required and numbers above ten inmates are released, a written notice is to be affixed to the Public Information and Press Logs.
2. Whenever an excessive number of releases are to occur, the Watch Commander will:
 - a. Ensure that sufficient accounting funds are available to avoid potential cash shortages.
 - b. Ensure enough Bay Area Rapid Transit/bus tickets are available for the releases.
 - c. Attempt to conduct actual releases during the day shift.