

<b>ALAMEDA COUNTY SHERIFF'S OFFICE</b>  <b>DETENTION AND CORRECTIONS</b>  <b>POLICY AND PROCEDURE</b>	<b>NUMBER:</b> 12.07	<b>PAGES:</b> 1 of 4
	<b>RELATED ORDERS:</b> G.O. 7.06 P&P 8.16 P.C. 849(b), 4018.6, 4532	
	<b>ISSUED DATE:</b> July 1, 1989	
	<b>REVIEW DATE:</b> December 1, 2015	
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<b>CHAPTER:</b> Classification	<b>SUBJECT:</b> Emergency Release/Removal	

- I. **PURPOSE:** To implement a procedure for temporary releases and/or removals under Section 4018.6 Penal Code (PC).
- II. **POLICY:** By authority of the Sheriff, an inmate with a family emergency who qualifies under Section 4018.6 PC may be released/removed from custody. This shall allow unsupervised or supervised inmates to be temporarily released into the community.
- III. **DEFINITIONS:**
- A. **TEMPORARY RELEASE:** Release from custody, unsupervised by custodial staff, for a specified amount of time.
  - B. **TEMPORARY REMOVAL:** Removal from custody, while accompanied by custodial staff, for a specified amount of time.
  - C. **IMMEDIATE FAMILY:** Spouse, mother, father, sister, brother, son, daughter, stepson, and stepdaughter of an inmate in custody; grandparents and in-laws apply only if the inmate has resided with either for one year or longer.
  - D. **FAMILY EMERGENCY:** Death or serious injury to an immediate family member or cases based upon individual merit.
- IV. **PROCEDURE:**
- A. **TIME CONSTRAINTS:**
    1. The scope of this order assumes that "time is not of the essence" and the bulk of requests for release will permit staff review at all levels, prior to final authorization.
    2. If time is of the essence, nothing in this procedure shall restrict the on-duty watch commander from authorizing an immediate release and/or removal from custody for any inmate under Section 4018.6 PC, whether or not she/he would normally qualify under this procedure.
  - B. **EMERGENCY RELEASE PROCESS:**

1. Requests for release from custody shall be referred to the Classification Unit immediately upon receipt for initial action and information verification.
2. The classification sergeant or designee shall initiate the required PD-612 and PD-613 forms and verify the information contained in the request to ensure the authenticity of the incident and the nature of the request.
  - a. Contact should not be limited to family members only, but should extend to direct contact with the hospital, doctor, coroner, funeral home, or other appropriate agencies.
  - b. After completing their review, the Classification staff will recommend approval or denial, place a copy of the documents in the inmate's classification file and forward the original documents to the watch commander.
3. The watch commander will review the package and recommendation and determine if the inmate's classification will permit a release or removal from custody under Section 4018.6 PC or if a court order will be required.
  - a. The watch commander shall have final authority to make the distinction between situations requiring a court order and release/removals under Section 4018.6 PC, the duration of such releases or removals, and the method to be used.
  - b. The watch commander will record his/her decision on the forms and forward the package to Classification.
4. The classification sergeant shall see that the inmate and concerned family members are advised of the watch commander's decision.
  - a. If the request for release or removal is denied, the original completed forms will be placed in the "Emergency Release File" in Classification after making the above notifications.
  - b. If approval for a release is granted:
    - 1) The concerned family members will be required to provide transportation. Transportation will be provided by family members only.
    - 2) The inmate and family shall both be advised of the time of release and return.
  - c. If approval for a removal has been granted:
    - 1) The watch commander, or his/her designee, shall arrange for the necessary deputies to transport the inmate.
    - 2) When the transporting deputy picks up the vehicle keys, he/she will also be issued a portable radio for communication with sheriff's radio, if necessary.
  - d. After completing the arrangements for an approved release or removal, a copy of the

completed PD-612 and PD-613 forms will be filed in the Emergency Release File in Classification, and the originals forwarded to the Intake, Transfer, and Release (ITR) sergeant.

5. The ITR sergeant will ensure the inmate and paperwork are ready for release or removal, at the appropriate time.
6. The original PD-612 and PD-613 forms will be filed in the inmate's jail jacket, upon his/her return to the facility.

C. RELEASE FROM CUSTODY DETERMINATIONS:

1. The inmate is not deemed a security risk.
2. The inmate does not have a history of disciplinary problems.
3. The inmate is sentenced on all cases.
4. The inmate will be released for a specified period.
5. Private transportation will be provided.

D. RELEASE FROM CUSTODY REQUIREMENTS:

1. Signature of the inmate on form PD-613, acknowledging conditions of release, return time, and possible prosecution pursuant to Section 4532 PC if he/she fails to return at the prescribed time (copy to inmate).
2. Sign out on jail records recording a release pursuant to Section 4018.6 PC.
3. All property, clothing and monies held in the inmate's name shall be returned and signed out by the inmate
4. Update of *JMS* files:
  - a. CEN's to be released to "PREL" (Police Release per Section 849b PC).
  - b. The applicable notation "Released per Section 4018.6 PC", or "Released per court order" to be entered in JMS.
5. Jail records to the suspense file until the inmate surrenders.

E. RETURN AFTER RELEASE FROM CUSTODY:

1. Complete receipts for all property, clothing and monies in the inmate's possession.
2. Update *JMS* files.
3. Notation to jail records reflecting return and restoration of records to "live files."

F. REMOVAL FROM CUSTODY DETERMINATIONS:

1. The inmate is deemed a security risk and is ineligible for a "Release from Custody."
2. The inmate may only be removed by an "Order of the Court."

- a. All unsentenced inmates require a court order for removal.
  - b. If the removal is ordered by the court, the duration of the removal will be stated in the court order. The watch commander shall arrange for necessary deputies and transport for the removal.
3. The inmate will be in the custody of a deputy during his/her absence from the facility.

G. REMOVAL FROM CUSTODY:

1. A court order specifying the release of the named inmate.
2. Dress in civilian clothing and the inmate's signature showing receipt of the clothing.
3. Delivery of a copy of the court order to the transporting deputies to ensure that the conditions of the removal are met.

H. RETURN FROM REMOVAL REQUIREMENTS:

1. Check in clothing issued at removal; if discrepancies are noted, update the clothing records.
2. Copies of the forms relative to the release/removal from custody shall be filed in the inmate's facility records and the "Emergency Release File" in the Classification Unit.

I. ESCAPE:

1. If an inmate released from custody pursuant to Section 4018.6 PC fails to return at the appointed hour, escape procedures will be instituted pursuant to General Order (GO) 7.06, "Escape Procedure," and Detention and Corrections' (D&C) Policy and Procedure 8.16, "Escape Procedure." Form PD-613 shall be attached as part of the crime report.
2. If an inmate escapes during a removal from custody, escape procedures will be instituted pursuant to GO7.06, "Escape Procedure," and D&C Policy and Procedure 8.16, "Escape Procedure." The court order and the PD-613 (if the form was used in the removal) shall be attached as part of the crime report.