

## Chapter 10 - Release of Inmates

The release or transfer of an inmate is determined both law and by Department policy. If lockup personnel have any doubt about the disposition of an inmate, the Branch Supervisor shall be contacted, prior to taking action. Under no circumstances shall an inmate be released or transferred who cannot be positively identified. If there is doubt of the identity of an inmate, the inmate shall be returned to Inmate Reception Center (IRC) / Century Regional Detention Facility (CRDF).

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### • 2-10/010.00 No Filings

**Note:** CHP books all suspects into local city stations (i.e., LAPD, Glendale P.D.)

Refer to CSDM, 2-11/035.00 - Bail Posted

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### • 2-10/015.00 New Remands from Court

Individuals remanded by the court with a misdemeanor bail set or aggregated misdemeanor warrants, that are below the current Department misdemeanor cite out policy criteria, shall be cited out. If the warrants are for one of the crimes listed under the current misdemeanor hold criteria, transport to IRC/CRDF.

If the individual has been committed to a specific sentence, transport the individual to IRC/CRDF for processing and the serving of the sentence. If the inmate is remanded and sentenced to three (3) days or less, or with the remaining time to be served of three (3) days or less, regardless of the offense, they shall be placed on the potential e-mail release list to IRC/CRDF. Court Services personnel will then follow the directions given by IRC/CRDF, as to releasing the individual from court or returning them to IRC/CRDF.

**NOTE:** All judicial remands for "Contempt of Court" shall be returned to IRC/CRDF for processing.

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### • 2-10/020.00 Misdemeanor Cite-Out Policy

A misdemeanor inmate shall be released, either in the field or from custody, on his written promise to appear, unless:

**Note:** Specific justification for the non-release must be noted on the Arrest and Property Form;

- the person has been arrested for a domestic violence battery, (243(e)(1) P.C.);
  - the person has been arrested for the violation of a court protective order related to domestic violence;
  - the person has been arrested for stalking (646.9 P.C.);
  - the person arrested was so intoxicated that he could have been a danger to himself or to others;
  - the person arrested required medical examination or care, or was otherwise unable to care for his own safety;
  - the person was held in custody on the authority of one or more of the violations listed under section
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40302 of the California Vehicle Code (CVC);

- the person in custody has outstanding warrants with an aggregate bail amount exceeding cite-out criteria;
- the person cannot provide satisfactory evidence of personal identification. (Adequate identification includes name, address, sex, race, height, weight, color of hair, and eyes, and date of birth. A “Los Angeles County Regional Identification System (LACRIS) Notification,” in response to a Livescan Fingerprint Identification request, is considered adequate identification for purposes of this section.);
  - persons held in custody on the authority of CVC section 40302(a) may not be detained longer than two hours to verify identity (40307 CVC):
    - if the person does not adequately identify himself within the twohour period and does not have sufficient funds to bail out, he shall be booked after the two-hour period elapses;
    - if the person does not adequately identify himself within the twohours period but has sufficient funds to bail out, he shall be admitted to bail after two hours and shall not be booked; and
    - if the person adequately identifies himself within the two-hours period, he must be cited out pursuant to section 40307 CVC, and shall not be booked;
  - the prosecution of the offense(s) for which the person was arrested or the prosecution of any other offense(s) would be jeopardized by immediate release of the person arrested;
  - there was a reasonable likelihood that the offense or offenses would continue or resume or that the safety of persons or property would be imminently endangered by release of the person arrested;
  - the person arrested demands to be taken before a magistrate or refuses to sign the Notice to Appear;
  - the person arrested will not appear on their own (the basis of the Watch Commander’s decision must be specifically stated) (853.6(i)(9) P.C.);
  - any reason where, for good cause, the Watch Commander believes a release would be unreasonable not eligible for release:
    - warrants for false identification to Peace Officer (148.9 P.C.);
    - warrants involving the use of firearms (827.1(b) P.C.);
    - warrants involving violence, including domestic violence (827.1(a) P.C.);
    - warrants that indicate no release/citation (827.1(k) P.C.); and
    - warrants for resisting arrest offences (827.1(c) P.C.);
  - the person was arrested for Disorderly Conduct Drunk (647(f) P.C.), no further proceedings are desirable and the arrestee is released without a notice to appear under the guidelines set forth in the Manual of Policy and Procedures.

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## • 2-10.025.00 Transportation of Inmates from Court

The Division policy is to transport inmates from the court lockup to IRC/CRDF, only after they have been remanded to our custody. Exceptions to this are as follows:

- The inmate is an LAPD booking with warrants.
- The inmate is wearing jail clothing.

- The inmate has outstanding Sheriff's warrants.
- The inmate has warrants from contracting counties.
- Positive identification of the inmate cannot be done; therefore, a release is tentative.
- The inmate, in the Deputy's (or CA's) opinion, should not be released at the court facility (i.e., medical or physical problems, or they are incapable of self-care, etc.), (Advise the IRC/CRDF Watch Commander of the situation and the Branch Supervisor.)

All other inmates should be released in compliance with the current release policy or returned to the arresting agency or Station. Unusual circumstances should be brought to the attention of the Branch Supervisor immediately.

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### • **2-10/030.00 Certification of Juveniles**

When an inmate is arraigned in a Superior Court and the court finds the inmate to be under 18 years of age, the court will certify the inmate to Juvenile Court. Lockup personnel, upon receipt of the juvenile certification papers, will call the Court Services Transportation Bureau (CST) Watch Sergeant and advise them of the situation. The certified juvenile will then be segregated from all adult inmates and handled as a juvenile. The IRC/CRDF booking office will be contacted and the inmate will be processed for release to Juvenile Hall. A certified copy of the certification will be forwarded to IRC/CRDF. The inmate and the juvenile certification papers will be delivered to the designated Juvenile Detention Facility as soon as transportation is available.

IRC/CRDF shall not accept either confirmed or unconfirmed juveniles for booking into the jail system.

The housing facilities within the Los Angeles County Sheriff's Department's Custody Division and Correctional Services Division shall not accept either confirmed or unconfirmed juveniles into their housing areas.

When a juvenile has been certified by the Juvenile Court to be tried as an adult, the juvenile must be accompanied by the specific documentation indicating compliance with WIC 707.1 and 207(b)(1). This document must include a specific finding by a Superior Court that the minor is unfit for Juvenile Court.

Sentenced juveniles must be accompanied by documentation indicating compliance with WIC 707.1 and a sentencing document specifying the amount of time to be spent in County Jail.

Prior to transportation from court, Court Services personnel will ensure that all necessary documentation will accompany the minor.

If a remanded or sentenced juvenile does not have the necessary findings or documentation, the minor will be transported to and housed in the designated Juvenile Detention Facility under the authority of a Juvenile Court special order.

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### • **2-10/030.05 Processing Court Certified Juveniles**

During the course of business, Department personnel regularly find evidence that incustody adults are actually juveniles. In most cases, these inmates are taken to court and the age of the inmate becomes a matter for a judge to determine. If the judge finds that the inmate is a juvenile, the court will issue a form called a

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Certification to Juvenile Court. This form transfers custody of the inmate from the Sheriff's Department to the Probation Department.

Usually, the juvenile is returned to the court lockup and is held for pickup by the CST. The juvenile is then taken directly to the designated Juvenile Detention Facility.

**Juvenile Detention Facilities:** Requirements for initial entrance to their facility consists of the four following documents, prior to accepting "certified" juveniles from our custody:

- The original Certification to Juvenile Court
- A copy of the Complaint Form
- A copy of the Arrest Report
- A completed Juvenile Hall Entrance Record (76E608J)

When a court certifies that an inmate, who was previously arrested as an adult is a juvenile, the court bailiff shall be responsible for the following:

- Obtaining the original Certification to Juvenile Court form, signed by the judge and bearing the Court Seal
- Copies of the Arrest Report and Complaint Form, obtained from the court clerk, or other source
- Completing a Juvenile Hall Entrance Record (76E608J)
- Forward these documents to the court lockup personnel for delivery to the CST crew, who transports the juvenile

CST crews will not accept a Certified Juvenile without a transmittal and the above enumerated documents.

These forms can be obtained from Eastlake Juvenile Court.

**Notification to IRC/CRDF:** (This section added 08/27/99) The inmate is being "transferred" from our custody to the Probation Department, the paper work is handled the same as a "Court Release", and lockup personnel shall notify IRC/CRDF Document Control at (213) 893-5725. Refer to CSDM, Chapter 11 - Release Procedures (including all Subsections)

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