5-03/145.00 Compassionate Release Procedures

In instances where an inmate in the custody of the Sheriff's Department is deemed by the examining physician to be death-imminent or in such physical condition that he or she is rendered incapable of causing harm to others upon or after release from custody, the Department may determine that a compassionate release of the inmate is appropriate.

California Government Code sections 26605.5 and 26605.6 establish the criteria that must be met before the Department seeks the compassionate release of an inmate.

SECTION 26605.5: INMATES DEEMED TO BE SEVERELY PHYSICALLY INCAPACITATED

Government Code section 26605.5 establishes that the Sheriff, after conferring with a physician who is neither a County employee nor under a preexisting contract with the County, may release a sentenced or unsentenced inmate, from a County jail for transfer to a medical facility or residential care facility, when the following criteria are met:

- The inmate, upon diagnosis by the examining physician, is deemed to be so severely physically incapacitated that he or she poses no threat to the safety of others;
- The examining physician has no reasonable expectation that the inmate's physical condition will improve to the extent that he or she could pose a threat to the safety of others;
- The inmate's medical needs would be better served in a medical facility or residence other than a County correctional facility.

SECTION 26605.6: INMATES WITH A LIFE EXPECTANCY OF LESS THAN SIX MONTHS

Government Code section 26605.6 establishes that the Sheriff or a designee, after conferring with the appropriate Correctional Health Services (CHS) medical authority or designee, may release an inmate from a County jail when the following criteria are met:

- The inmate has been sentenced to a County jail;
- The inmate has been deemed by the examining physician to have a life expectancy of six (6) months or less;
- The Sheriff has determined that the inmate does not reasonably pose a threat to public safety;
- The Sheriff or a designee has secured a placement option for the inmate in the community, and in consultation with the County welfare department or another applicable County agency, examined the inmate's eligibility for federal Medicaid benefits or other medical coverage that might assist in funding the inmate's medical treatment while in the community.

Refer to Government Code section 26605.6, subsections (c) through (h), for additional guidelines and requirements for the compassionate release of an inmate under this criteria.

COMPASSIONATE RELEASE REQUEST PROCESS

Upon determination by the Department of Health Services (DHS) or outside competent medical authority that an inmate's compassionate release may be appropriate, a designated CHS supervisor shall coordinate with Access to Care Bureau (ACB) to gather the following information:

- The inmate's name;
- The offense or offenses for which the inmate was incarcerated, if applicable, and the pending charges, if applicable;
- The date of sentence, if applicable;
- The physician's diagnosis of the inmate's condition;
- The physician's prognosis for the inmate's recovery;
- The inmate's address after release (e.g. residence, medical facility for transfer, etc.).

The ACB unit commander shall ensure the compassionate release is documented and tracked in the electronic Line Operations Tracking System (e-LOTS), in accordance with CDM section 4-01/025.05, "Electronic Line Operations Tracking System (e-LOTS)," and shall submit all required documentation to the concerned division chief. The division chief shall submit a memorandum and all appropriate supporting documentation to the Sheriff for review and approval.

SHERIFF APPROVAL AND NOTIFICATIONS

Upon approval of a compassionate release under Government Code section 26605.5 and prior to inmate's release, the Sheriff shall notify the presiding judge of the superior court of their intention to transfer a severely incapacitated inmate to a medical facility or residence for the provision of medical care and other services. This notification shall include all required information and documentation as gathered by ACB and CHS.

Upon approval of a compassionate release under Government Code section 26605.6 and prior to inmate's release, the Sheriff or a designee shall notify the presiding judge of the superior court of their intention to release the inmate. This notification shall include all required information and documentation as gathered by ACB and CHS.

In both instances, designated ACB personnel shall make immediate notification of the compassionate release to the Office of Inspector General (OIG) and the Los Angeles County Department of Mental Health (DMH) Family Assistance Advocate (FAA) or designee.

The completed packet containing all pertinent documentation and approved memoranda shall be forwarded to Inmate Reception Center (IRC) Document Control personnel, who shall initiate release procedures in accordance with the appropriate unit order, and place the packet in the inmate's record jacket. Copies of the packet shall be retained by ACB.

In the event of a death following a compassionate release, Custody Compliance and Sustainability Bureau (CCSB) personnel shall follow the policies delineated in CDM section 4-10/050.00, "Inmate Death – Reporting and Review Process."