

## **5-22/004.00 Release of Conserved Inmates**

### **PURPOSE OF ORDER**

This order establishes procedures for releasing inmates who are under temporary or permanent Lanterman-Petris Short ("LPS") Act conservatorship.

### **SCOPE OF ORDER**

This order shall apply to all personnel assigned to and/or working in any capacity at the IRC Records Unit.

### **ORDER**

Except as stated in the next paragraph, no person shall be detained, and no person shall have their release from custody delayed based on their status as a conservatee under the LPS Act. Neither conservatorship commitment orders nor letters of conservatorship, temporary or permanent, are sufficient to keep an inmate in custody.

Inmates under a Murphy conservatorship (Welf. & Inst. Code, § 5008, subd. (h)(1)(b)) are the only exception. They shall not be released without a court order expressly authorizing their release. IRC personnel who are uncertain whether an inmate's conservatorship is a Murphy conservatorship shall ask County Counsel by sending an email to [lpdocs@counsel.lacounty.gov](mailto:lpdocs@counsel.lacounty.gov), to which should be attached a copy of each of the inmate / conservatee's release orders.

When an inmate who is under temporary or permanent conservatorship becomes subject to release from custody under this order, every effort shall be made to contact the Public Guardian's Office and/or the private conservator in order to arrange for a pick-up of the inmate/conservatee.

If, however, the Public Guardian's Office or private conservator cannot be contacted or is contacted but does not pick up the inmate by the following morning (weekends and holidays excluded), then release nevertheless shall proceed. Consistent with standard procedures, conservatees shall be assessed by a Correctional Health

Services mental health provider prior to release. IRC Records Unit personnel shall follow the time frames for release set forth in the *Riley* settlement agreement (weekends and holidays excluded for these particular releases). If the time frame under *Riley* expires outside the standard release hours, then the inmate / conservatee shall be released promptly the next morning (weekends and holidays excluded); inmates shall only be released during standard release hours.

If the checkbox for "conditional release" is checked on an Order for Release (Crim 136), then IRC Records Unit personnel shall follow the instructions on it. If the only instruction on such a conditional release order is "release to" the Public Guardian's Office (or a similar government entity of a different county) or a private conservator, then IRC Records Unit personnel shall contact the office which, or person who is specified on the release order and arrange for a pick-up of the inmate/conservatee by the conservator or their representative. If the Public Guardian's Office or private conservator cannot pick up the inmate / conservatee within the *Riley* time frames (weekends and holidays excluded), then IRC Records Unit personnel shall contact County Counsel for guidance by email to [lpdocs@counsel.lacounty.gov](mailto:lpdocs@counsel.lacounty.gov).

IRC Records personnel shall maintain a "Red Book" in the IRC Records Unit in which they shall document the date and time of each effort to comply with the instructions specified in an Order of Release in which the checkbox for "conditional release" is checked and for each entry and shall record what efforts were made by whom.

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