
Release to Other Agencies

604.1 GENERAL

GENERAL:

Inmates sentenced to the California Department of Corrections or who have "Holds" pending in other jurisdictions, may be released to an authorized transporting agency.

Pursuant to Penal Code, Section 822, an agency placing a hold on an inmate will have five (5) court days to pick him/her up if no additional charges are pending and the inmate is time served in Tulare County.

Inmates who are attending court proceedings or who have additional charges pending, may be released to another jurisdiction if the transporting agency presents a Superior Court order with a return clause. A detainer letter detailing any hold for Tulare County or another jurisdiction will be sent with the inmate.

604.2 ICE HOLDS

ICE HOLDS: The intake/release deputy will notify the on-duty shift sergeant each day of any ICE HOLD and the release date of the inmate(s). The on-duty shift sergeant will notify ICE five (5) days prior to release date of inmate and advise ICE they have five days to pick up. If ICE picks up within five days, the inmate will be released to the custody of ICE. If ICE has not picked up the inmate on the day of his/her release date, the inmate will be released (time served). Refer to the below guidelines.

If the inmate meets any of the following requirements outlined in the California Trust Act and is serving his or her sentence within a Tulare County Detention Facility, excluding the Day Reporting Center:

- a. The inmate has been convicted of a serious or violent felony as defined in subdivision (c) of section 1192.7 of, or subdivision (c) of section 667.5 of the Penal Code.
- b. The inmate has been convicted of a felony punishable by imprisonment in the state prison.
- c. The inmate has been convicted within the past 5 years of a misdemeanor or felony for, or has been convicted at any time for a felony for any offenses stated in subdivision (a)(3) of Section 7282.5 of the Government Code.
- d. The inmate is a current registrant on the California Sex and Arson Registry.
- e. The inmate is arrested on any of the aforementioned crimes and a magistrate finds probable cause to charge the inmate of such crimes pursuant to Section 872 of the Penal Code.
- f. The inmate has been convicted of a federal crime that meets the definition of an aggravated felony as set forth in subparagraphs (A) to (P), inclusive, of paragraph (43) of subsection (a) of Section 101 of the Federal Immigration and Nationality Act (8 U.S.C. Sec. 1101), or is identified

Tulare County Sheriff's Office

Custody

Release to Other Agencies

by the United States Department of Homeland Security's Immigration and Customs Enforcement as the subject of an outstanding felony arrest warrant.

If an inmate has an ICE HOLD and goes to court and the court orders the inmate released time served, or no case filed, the inmate will be released immediately and will not be held on the ICE HOLD.

604.3 ICE HOLDS

ICE HOLDS: If an inmate is being held on an ICE HOLD and serving time, the following notification procedure will be followed:

- a. Inmates with ICE Holds will be given a copy of the immigration hold within a reasonable time after the immigration hold is received by the Tulare County Sheriff's Office, and not to exceed 24 hours.
- b. After providing the inmate with a copy of the immigration hold the deputy will ask the inmate if he or she wishes to challenge the immigration hold. If he or she does, the deputy will allow the inmate to make the following phone calls promptly and at no cost: (1) to call either or both of the ICE telephone complaint numbers provided on the immigration hold form; (2) call an attorney or an immigration services provider; and (3) a call to a family member.
- c. The Deputy will obtain signed confirmation from the inmate who is to be detained on an immigration hold confirming the inmate received a copy of the immigration hold and was given an opportunity to make the required phone calls.
- d. All detention facilities housing inmates will maintain a record/log of the signed confirmations for two years. A copy of the signed immigration confirmation notice will be maintained with the inmate's booking jacket.

604.4 OUT OF COUNTY

The agency that has placed a hold on an inmate that is serving local time at any Tulare County Detention Facility will be notified five (5) days prior to the inmate's local release date if under 400 miles and seven (7) days if over 400 miles that the inmate is available for pick-up by that agency.

PROCEDURE:

The Intake/Release Deputy will:

Prepare a detainer letter if required.

Notify the Shift Supervisor of the pick-up.

Notify the Housing Unit Control Deputy of the pick-up.

Double check all the paper work and complete the "Released to" section of the booking sheet.

Tulare County Sheriff's Office

Custody

Release to Other Agencies

The Shift Supervisor will:

Confirm the pick-up time from the transporting agency.

Confirm that a detainer letter is prepared when needed.

The Rove Deputy will:

Obtain the clothing bag from the Intake/Release Deputy and have the inmate dressed out.

Assist the Intake/Release Deputy as needed in the release of the inmate.

The Intake/Release Deputy will:

Receive the inmate from the Rove Deputy and place in a holding cell.

Place the inmate's personal property, money and any other items he/she may have with them in a paper bag with their name and I.D. number on it.

Give the bag to the Transporting Deputy.

Have the Transporting Deputy sign the booking sheet in the "Released to" section as receiving officer.

Log the removal in the Shift Activity Log.

All male inmates being picked up by the California Department of Corrections will not be dressed out until the transport arrives and then will be dressed out in California Department of Corrections coveralls. Any personal clothing will be placed in a paper bag together with his money and property. Property of the inmate should be released to the family members prior to the inmate's departure.