

	MARICOPA COUNTY SHERIFF'S OFFICE POLICY AND PROCEDURES	
	Subject RELEASE PROCESS	Policy Number DO-2 Effective Date 12-14-21
Related Information Arizona Revised Statutes DB-1, <i>Inmate Custody Records and Files</i> DM-2, <i>Computation of Projected Release Dates</i> DN-6, <i>Inactive Releases to Out-of-County Law Enforcement Agencies</i> DO-6, <i>Custody DNA Collection</i> GE-3, <i>Property Management and Evidence Control</i>	Supersedes DO-2 (10-22-08)	

PURPOSE

The purpose of this Office Policy is to establish guidelines and procedures for Office personnel who release inmates from the custody of the Maricopa County Sheriff's Office.

POLICY

It is the policy of the Office to ensure release procedures comply with state and federal laws, and only those individuals who have been authorized by the courts are released from the custody of the Office.

DEFINITIONS

Commitment File: The file containing the inmate's judicial records pertaining only to charges, holds, or sentencing information.

Custody File: The file containing the inmate's judicial and custodial records. The Custody File consists of two files, the Commitment and Jail File.

Jail File: The file containing the inmate's custodial records pertaining only to jail-related information, exclusive of any judicial records.

Judicial Control: Authority which results from having possession of the legal documents authorizing an individual to be detained in, or released from, custody, such as arrest sheets, booking information, and court orders. The division that has physical control of these documents has judicial control.

Page Two: The recording of additional charges based on outstanding warrants or new charges discovered since the time of incarceration.

PROCEDURES

1. **Responsibility for Inmate Releases:** It is the mutual responsibility of the area having judicial control and the releasing facility to ensure accurate and timely inmate releases. Any division receiving information related to the terms of confinement of an inmate shall notify the division having judicial control and e-mail a scanned copy of the information received, when applicable.
 - A. Divisions Having Judicial Control: Divisions generally having judicial control consist of the

Sheriff's Information Management Services (SIMS) and the Intake Transfer and Release (ITR) facility. Responsibilities of the divisions having judicial control include, but are not limited to, the following:

1. Accepting and securely managing bond and fine monies and issuing receipts;
 2. Prioritizing and evaluating all judicial information and documents received and determining the inmate's eligibility for release from custody. This includes, comparing all information contained in the Sheriff's Inmate Electronic Data (SHIELD) with the contents of the inmate's Custody or Commitment File. The jail facility shift supervisor, Workbox Section supervisor, or SIMS supervisor, shall be contacted regarding any unresolved discrepancies;
 3. Updating appropriate SHIELD records and checking the Arizona Crime Information Center/National Crime Information Center (ACIC/NCIC) database to determine the existence of outstanding warrants or holds. Outstanding warrants or holds shall be processed, as specified in this Office Policy;
 4. Transmitting a computer message to the housing jail facility indicating the name and booking number of the inmate to be released, the release disposition, estimated release time, and any special release instructions, such as release to a third party or other agency;
 5. Recording all releases of inmates under its judicial control and verifying they were physically released;
 6. Printing a copy of the inmate's booking detail report, reviewing it for accuracy, and including it with all release documents, in the inmate's Custody or Commitment File;
 7. Initialing all applicable steps on the *Inmate Release Checklist* and ensuring all entries are legible; and
 8. Combining the released inmate's Commitment and Jail Files as applicable, merging them into the Custody File and forwarding the Custody File to the Records Warehouse for retention, as specified in Office Policy DB-1, *Inmate Custody Records and Files*.
- B. Releasing Facility: Responsibilities of the jail facility who is physically releasing the inmate include, but are not limited to, the following:
1. Verifying the inmate's identity through their photograph, fingerprints, and vital statistics information. Specific personal questions shall be asked and the answers compared and verified with information on the inmate's booking record;
 2. Inventorying the inmate's property, clothing, and money release card. The inmate shall sign the property, clothing, and inmate account statements indicating receipt of all items. The inmate shall be asked how much money they are expecting to receive and their answer shall be compared to the total listed on the inmate's account statement or booking record;
 - a. Any canteen refunds shall be included with the inmate's account balance for all items ordered, but not received due to the inmate's release.
 - b. Financial discrepancies regarding canteen funds should be resolved prior to the

inmate's release. When discrepancies are unresolved, the inmate shall be informed to contact the Inmate Canteen.

3. Completing all pending administrative actions, such as grievances and claims for damaged or lost possessions, prior to an inmate's release;
 - a. All pending grievances shall be considered completed by release unless an inmate expresses their desire to resolve the grievance. At that time, a supervisor or a Custody Bureau Hearing Unit sergeant should be contacted to resolve the grievance; and
 - b. All claims for damaged or lost property and money release card shortages, other than canteen discrepancies, shall be reported on a claim form.
 - (1) The claim form shall include the value for each lost item or the amount of the discrepancy, the name of the person making the claim, a legitimate address and telephone number, and the officer's name and serial number receiving the claim form.
 - (2) The releasing facility shall conduct an inquiry to establish the legitimacy of the claim. Once the inquiry is complete, an attempt to contact the claimant shall be made. When the claimant cannot be contacted by telephone, a letter shall be mailed to the claimant. In the case of found property, the claimant shall be notified by mail, as specified in Office Policy GE-3, *Property Management and Evidence Control*;
4. Having the inmate sign their booking card and affixing their right thumbprint to it. The thumbprint and signature shall be compared with those taken at the time of booking;
5. Prior to releasing an inmate, detention personnel shall determine if a DNA sample was already collected during the booking process, as specified in Office Policy DO-6, *Custody DNA Collection*.
6. Recovering all jail facility issued property and clothing and ensuring no Office property is taken;
7. Initialing applicable steps on the *Inmate Release Checklist* and ensuring all entries are legible;
8. Having a supervisor check the release to ensure it is administratively correct. The supervisor shall initial all applicable steps on the *Inmate Release Checklist* to include, but not limited to, Crime Victim Release Notifications;
9. Releasing the inmate from custody, after approval by a supervisor;
 - a. Courtesy Release: If Correctional Health Services (CHS) states the inmate should be escorted by detention personnel due to medical or psychiatric concerns, they shall be physically released to the custody of a responsible person/third party, or transported to the Valleywise Health Medical Center for release.
 - b. The following inmates shall only be released between 0800-1700:

- (1) Juveniles;
 - (2) Inmates identified by CHS as Seriously Mentally Ill (SMI);
 - (3) Inmates being released from a psychiatric unit unescorted; and
 - (4) At all other times, a responsible person shall be present to accept custody.
10. Updating the appropriate SHIELD records on all inmate releases to indicate the date, time, disposition, releasing officer's serial number, and any special information, such as bond or fine receipt numbers;
- a. Facilities lacking judicial control of the inmate shall ensure any judicial documents or information received are transmitted to SIMS for entry into SHIELD. The original documents shall be forwarded to SIMS within 24-hours.
 - b. Disposition updates shall be entered using a specific four digit disposition code, indicating the reason for the inmate's release, such as bond paid, third party release, other agency, time served, or own recognizance. A list of disposition codes shall be available for reference at each release location.
 - c. Information from judicial documents received, sentences which have been completed, and bonds or fines which have been paid, require the appropriate SHIELD records be updated in a timely manner.
11. Verifying the release of all inmates on the Inmate Scheduled Release dashboard in SHIELD. If after released, it is noted that the inmate's name remains on the dashboard, the area that has judicial control shall be notified so the inmate's name can be properly cleared from the release dashboard; and
12. Sending the Jail File of all released inmates to the facility having judicial control within 24-hours of release.
2. **Outstanding Warrants or Holds:** Warrants confirmed for any inmate who has been accepted into Office custody, may be arrested by a detention officer, as specified in ARS 13-3907. A detention supervisor shall be notified immediately for all in custody warrant arrests made by detention officers. If an outstanding warrant or hold is found, the following steps shall be taken:
- A. The inmate shall first be positively identified as the warrant subject. This can be accomplished through the use of the inmate's booking record or information such as social security number or date of birth, comparison of scars or tattoos, or if the warrant is maintained by the Office, by visually comparing a photo in the warrant file. In cases involving other agency warrants, a photo can be faxed by the originating agency if needed. The inmate's acknowledgment of the warrant or the charges shall suffice if there are no other discrepancies;
 - B. The division having judicial control shall contact the Operations Information Center (OIC) to complete the confirmation of the warrant. OIC shall make an inquiry to the originating agency. Once the warrant has been confirmed by the originating agency, OIC shall notify the facility with judicial control of the warrant status and forward a copy of the warrant to the inmate's current housing facility;

- C. Upon confirmation of the warrant, the division having judicial control shall terminate the release process. Any SHIELD entries made in anticipation of release shall be deleted, and the applicable warrant or hold information shall be entered on the booking record in SHIELD;
- D. The officer who requested confirmation of the warrant shall request SIMS issue a transport order from the inmate's housing facility to the ITR Facility. The transport order shall include the following instructions "Transfer to ITR to have warrant served"; and
- E. For charges that result in a Page Two, the following procedures shall be completed by the jail facility having judicial control prior to transfer of the inmate to the ITR Facility for IA Court:
 - 1. Complete the *Arrest/Booking Record*, containing the inmate's name, booking number, date of birth, Page Two information, and charge information;
 - 2. Complete the *Form IV*, which is a release questionnaire that contains probable cause for arrest. All applicable spaces on the form should be completed and shall include a short narrative in the "Probable Cause" section;
 - 3. When the inmate with the warrant has no time remaining on their sentence, they shall be transferred to the ITR Facility with all paperwork, including a copy of the warrant, to await service on the Page Two and appearance in IA Court;
 - 4. The officer who verified the warrant with OIC shall place a statement on the warrant indicating who verified the warrant and the date and time the warrant was verified. An example of the statement should include the following:

Verified by Smith, A0000, OIC
Officer J. Brown, A0000, Towers Jail
02-28-08, 1410 hours
 - 5. The Page Two documentation shall be given to IA Court personnel for placement on the next available court docket, as an arrest is not required for a subject already in custody to be seen in IA Court; and
 - 6. The warrant shall be signed by a detention officer.
- 3. **Inmate Releases to Outside Agencies:** When releasing an inmate to another agency, employees shall verify the identity of the agency representative and ensure:
 - A. The agency representative receives the inmate's property and money release card, and signs the property card, inmate account statement, and booking record; and
 - B. All applicable extradition documents are completed and available to the agency representative.
- 4. **Special Release Notification Filestop:** Law enforcement personnel may have placed a special release notification filestop on an inmate's initial Arrest/Booking Record or requested it be added to the inmate's SHIELD record during incarceration. These filestops will appear during the release process.
 - A. When such a filestop appears during release, the facility having judicial control shall contact the agency that requested the filestop and provide them with the following information:
 - 1. The inmate's name and booking number;

2. The name and contact telephone number of the person who placed the special release filestop on the inmate; and
 3. The notifying employee's contact information.
 - B. When such a filestop is found, the inmate's release shall be delayed based on the following:
 1. If a response is not received within four hours, the indicated law enforcement agency shall be contacted again;
 2. If there is no response within one hour after the second notification, the inmate shall be released, subject to the supervisor's approval and the procedures specified in this Office Policy.
 3. Upon release of the inmate, SHIELD shall be updated with the exact time of the inmate's physical release and the date and times the law enforcement agency was notified.
5. **Timeliness of Release:** Upon notification that the release process has been initiated, the housing facility shall immediately process the inmate for release.
 - A. The date and time entered in the SHIELD inmate release screen shall indicate the date and time the inmate is eligible for release. Based on the release conditions, the facility with judicial control shall enter the appropriate time of release eligibility in SHIELD.
 - B. If the release dashboard indicates the inmate is eligible for release as of a future date and time, such as a court ordered release time or when a third-party release is scheduled, the housing facility shall ensure the inmate is transferred to the releasing facility on the date of the release and prior to the scheduled time on the release notification.
 - C. Release of sentenced inmates shall be scheduled, as specified in Office Policy DM-2, *Computation of Projected Release Dates*.
6. **Temporary Releases:** Procedures for handling court orders temporarily releasing inmates to the custody of out-of-county law enforcement agencies are specified in Office Policy DN-6, *Inactive Releases to Out-of-County Law Enforcement Agencies*.