

Policy 2500 - Inmate Records

2500 - Intake Booking Process

Complete intake booking information will be recorded by Inmate Records personnel on every arrestee admitted to the custody of the Sheriff, in order to comply with all legal mandates. File set up and forms generation will be initiated and coordinated in the Inmate Records Office to centralize the records function.

2500.1 - Forms Generation - Paper Flow

- a) The initial booking information will be entered into the computer by the Receiving Guard Station Deputy or CST. The arrestee's name, DOB, race, sex, height, weight, hair color, eye color, custody status, arresting agency DR #, and the facility will be entered, causing the following to be generated:

FORM	LOCATION GENERATED
Property Receipt (5-Part)	Receiving Guard Station
Warrant Check - AWSS, NCIC, WPS, CDL	Headquarters Records

- b) The Receiving Guard Station Deputy will hand the Uncuff Deputy the Property Receipt form along with the arrestee's pre-booking form and accompanying paperwork.
- c) The Uncuff Deputy will complete the Property Receipt form. Distribution will be as follows:
1. Original with Pre-Booking form.
 2. Copy marked "Inmate" is given to the inmate.
 3. Copy marked "Property" is placed into a property storage bag along with the inmate's property.
 4. Copy marked "Cashier" will be placed in the bag containing the inmate's personal funds.
- d) The Uncuff Deputy will take electronic photographs and a thumbprint of all inmates booked into Jail Operations. Photographs and thumbprints are stored in the computer. The photograph is also printed upon the Inmate Tracking Form.
- e) The Uncuff Deputy will pass all the paperwork to the booking clerk located inside Inmate Records.
- f) The booking clerk will begin to input the arrestee's booking information into the SDS computer. (Detailed instructions on inputting booking information and file preparation are contained in the Inmate Records Procedure Manual).
- g) After inputting all required data, the booking clerk will cause the following forms to be generated at the following locations:
- h) Inmates not approved for "quick release" (e.g., OR, bail) by the Pre-trial Services Officer will proceed to the Classification station where the Classification Deputy will assign a housing location.
- i) Delayed or incomplete booking files will be made up in the same way as others. The entire file and all related paperwork will be held by the on-duty Inmate Records Supervisor until the inmate has completed the booking process entirely.

2500.2 - "Detention Only" Bookings

- a) An abbreviated booking process will be done on Cite and Release bookings. The initial booking information will be entered by the Receiving Guard Station Deputy or CST in the same way as any other new arrival.
- b) Upon receiving the subject's Pre-Booking form, the booking clerk will initiate the special Cite and Release transaction. After inputting the required data, the booking clerk will place the Pre-Booking form, module card, and any accompanying paperwork in a file. A label will be prepared and attached. The file is then taken to the Release Guard Station.

2502 - Security/Confidentiality of Inmate Records

Inmate records will be considered confidential. The release of any inmate information will be governed by a "need to know" basis to members of the Sheriff's Department as well as the right to know as noted in CPC 13300(b). This applies to all printed, computerized information, or any other form of Inmate Records information.

2502.1 - Inmate Records

- a) Inmate Records will maintain and be held responsible for records on all inmates in the custody of the Sheriff in Jail Operations.
- b) Intake booking information is recorded for every person admitted to the custody of the Sheriff and provides for positive identification of the person being admitted.
 1. Information obtained at booking includes, but is not limited to: photograph, booking number, true and alias names, date, duration of confinement (court papers), name, title and agency of the delivery officer, specific charges, current age, sex, hair color, height, weight, eye color, nationality, date and place of birth, race, present or last employment, health status, emergency contact, access to phones, driver's license and social security numbers, cash and property itemized receipts, marks and tattoos with their locations, and fingerprints.
- c) Documents contained in the inmate's jail file ensure that inmates are properly admitted, held or committed, that inmate property is correctly managed, and that a record of major events while in custody is maintained.
 1. Contents of the file include:
 - i. Intake booking information
 - ii. Court generated information
 - iii. Cash and property receipts
 - iv. Reports of disciplinary actions, incident reports, or crime reports initiated while in custody
 - v. Outside jurisdiction holds/wants

2502.2 Security of Inmate Records

- a) Inmate records will be retained in cabinets or file drawers not accessible to inmates. Under no circumstances will an inmate be given the opportunity to view another inmate's jail file. If an inmate would like to request a copy of his/her own inmate file or records from his/her own inmate file, the inmate should submit a request to Inmate Records via message slip. Inmate Records will determine what requested records, if any, may be released to the inmate from his/her own inmate file. Inmate Records will consult with County Counsel as needed.
- b) Security of records such as booking forms, medical screening, classification information, and disciplinary reports will be strictly maintained by those employees given the responsibility under law to retain the records.
- c) To ensure the integrity of inmate files, access will be restricted to authorized employees with a job related need-to-know. Exceptions must be cleared in advance with the Inmate Records Manager, or in the Records Manager's absence, the on duty Watch Commander.
- d) Authorized employees and the records accessible to them are as follows:
 1. Records staff
 - i. Access to inmate files while on duty, except for classification and medical files.
 2. Classification Team
 - i. Access to all inmate files while on duty except for medical files.
 3. Jail Sergeants and higher ranks
 - i. Access to all inmate files while on duty. Medical files by request to the Medical Supervisor.
 4. Other jail staff
 - i. Access to inmate files on a need to know basis as determined by the Inmate Records Supervisor on duty
 5. All other department staff

- i. Access to inmate records only with the permission of the on duty Inmate Records Supervisor. (Medical files include medical, psychiatric and dental records)

2502.3 - Computer System Integrity

- a) No Sheriff's employee will inform or instruct any unauthorized person on the operation of any Sheriff's Department Computer System.
- b) Unescorted inmates will not be allowed into areas where terminals are accessible. Constant staff supervision of inmate workers must be exercised to ensure the integrity of the system while inmate workers are near computer terminals.
- c) Depending upon their location and intended use, computer terminals may be restricted as to what data may be entered, changed, deleted, or reviewed.

2502.4 - Review and Update of Records

- a) The Inmate Records Manager will monitor and review each booking record via Records Supervisors.
- b) The Senior Sheriff Records Technician will be responsible for updating inmate files and Sheriff's Data System (SDS) after each court activity.
- c) Files of inmates to be released from custody will be assembled by a release clerk. The files will be reviewed for complete accuracy by an Inmate Records Supervisor and the Release Deputy.

2502.5 - Releasing Inmate Information

- a) Inmate file information is generally confidential and only divulged to members of the department and other public agencies, as noted in CPC 13300(b), on a "need to know" basis.
- b) The following inmate information is considered to be public information and may be released except when there is reasonable cause for the jail staff to believe that the disclosure would endanger the safety of a person involved in an investigation or would compromise the successful completion of an investigation (California Government Code 6254(f)). Most of this information is available to the public on the internet at ocsd.org and may be public record for thirty (30) days after the inmate is released.
 1. Full name
 2. Date of Birth
 3. Gender, Race, Height, Weight, Hair Color, Eye Color
 4. Occupation
 5. Date and time of arrest
 6. Date and time of booking at the Intake/Release Center
 7. Bail
 8. Facility where the inmate is housed
 9. Charges including holds (Requests by the public for charge information must be made in person at any Orange County jail facility. Charge information will not be given over the telephone. Attorneys and licensed bail agents may register to receive charge information by email).
 10. Arresting agency (not officer's name)
 11. Court and date of appearance (if known)
 12. Time and manner of release
- c) Written notification to prevent disclosure will be required by the Inmate Records Manager. Notification to clerks via supervisors will also be written.
- d) All other inmate information is not for disclosure except with the approval of the Division Commander.
- e) Penal Code Section 13300(b) identifies those who are entitled to inmate record information. In part, they are:
 1. Courts in the State of California
 2. "Peace Officers" in California

3. District Attorneys in California
4. Prosecuting City Attorneys in California
5. Probation Officers in California
6. Parole Officers in California
7. (See 13300(b) et seq. for others and circumstances)

2502.6 - Inmate Classification

- a) Classification will be responsible for all initial classifications and all reclassifications. The Classification Sergeant will supervise the deputies in the unit to ensure compliance with Classification plans and procedures. The Classification Sergeant will report directly to the Custody Intelligence Unit Captain.
- b) Classification records contain privileged information and will be retained separately from custody records. In order to safeguard legally privileged/confidential information, all personnel not assigned to the Classification Unit must obtain the Classification Sergeant's or the Watch Commander's approval prior to reviewing any classification files.
- c) Classification records may contain:
 1. Classification and reclassification documents
 2. Reports of incidents/crimes committed in custody
 3. Medical and mental health information
 4. Photograph of the inmate

2502.7 - Confidential Bookings

- a) A booking may be temporarily "hidden" from view on the Sheriff's Department website and the booking information may be withheld from the general public if there are exigent circumstances (e.g., endanger lives, hinder an investigation, time needed to obtain and execute search warrants). When the exigent circumstances no longer exist, the booking will be made public.
- b) The Inmate Records Manager or Assistant Inmate Records Manager will monitor the booking to determine when the exigent circumstances no longer exist and the booking can be made public.
- c) A confidential booking must be authorized by the Assistant Sheriff of Custody Operations or the Division Commander.

2502.8 - Policy Update

- a) This policy will be reviewed annually by the Inmate Records Manager and the Classification Sergeant. Changes must be submitted to the Division Commander who will request the Sheriff's approval through the chain of command.

2504 - Scheduled Records Processes

An accurate, ongoing record of inmate information shall be maintained by the Inmate Records staff. This information will be processed in a timely and accurate manner in order to ensure a smooth flow of paperwork between the jail and related agencies, to comply with legal mandates, and to prevent liability.

2504.1 - Assignment of Court Date

- a) Pretrial arrestees will be assigned to the court list (Activity Roster) to ensure their appearance in the correct court on the correct date. Assignment of the court date will be done at the time of booking.
- b) Probable Cause Arrest - Arrestees will be assigned a court date based on the time they were arrested. Those arrested before 0900 will be placed on the next day's court list. (Example: 0730 hours, Tuesday booking goes to court on Wednesday).
 1. Probable cause arrestees booked after 0900 hours will be assigned to the second court day. (Example: 1000 hours, Friday booking goes to court on Tuesday).
- c) Warrant Bookings - Arrestees booked to a warrant will be assigned to a court list by the Booking Clerk.

1. Arrests made before 0900 hours will be assigned to the following day's court list. (Example: 0730 hours, Wednesday booking goes to court on Thursday).
 2. Arrests made after 0900 hours will be assigned to the second following court date. (Example: 1000 hours, Wednesday booking goes to court on Friday).
 3. Warrant arrests made after 0900 hours on Friday, all warrant arrests made on Saturday, and any warrant arrests made prior to 0900 hours on Sunday will be scheduled for court on Monday.
- d) Remanding Orders - Inmates in custody pursuant to a Remanding Order will be assigned to the court list on the date noted on the Remanding Order.
- e) No Complaint Filed - Inmates returning from their first court appearance with a court paper stating "No Complaint Filed" will be reassigned to the next court day's court list.
1. Any inmate returning from a second court appearance with a "No Complaint Filed" court paper, and who has no other holds or court cases pending, will be released from jail custody without delay.
 2. Inmates who are arrested after 0900 hours will have only one court appearance, on the second day following arrest. Inmates in this category who return from court with "No Complaint Filed" paperwork and who have no holds or court cases pending will be released from jail custody without delay.
- f) District Attorney Refuses to Prosecute - Inmates returning from their first court appearance with a court paper stating "District Attorney Refuses to Prosecute," and who has no other holds or court cases pending, will be released forth with.
- g) Multiple Court Appearances - When an inmate has multiple court appearances in several jurisdictions, the following criteria are considered when determining where and when the appearances will be made:
1. Original booking charge is processed first, along with any other charges in the same jurisdiction.
 2. Felony charges usually take precedence over misdemeanor charges.
 3. The amount of bail involved is considered along with the date of issuance of the warrant.
 4. The earliest issuance date on a Remanding Order will take precedence over later dated orders. Courts will be notified by the commitment clerk of an inmate's nonappearance due to multiple appearances set for one date. A new appearance date will then be issued by the court on a "No Body Remanding Order," or verbally to the Commitment Clerk.

2504.2 - Court List Distribution

- a) Court lists will be made up by the assigned clerk. The lists will be available prior to 0100 hours each day.
- b) Court lists are distributed to:
1. [REDACTED]
 2. [REDACTED]
 3. [REDACTED]
 4. [REDACTED]
- c) The total number of names on each jurisdiction's court list will be relayed to the Central Men's Jail (CMJ) kitchen by 0100 hours on each court day to prepare enough lunches for the inmates.

2504.3 - Supplemental Bookings - Local Charges

- a) Additional charges (supplemental) against an arrestee/inmate, which originate from within an Orange County jurisdiction, will be promptly and systematically recorded. All local charges will be processed before any out of county or state charges.
- b) Upon receipt of a teletype or warrant, the Inmate Records staff will prepare a Supplemental Booking Record for the named inmate. The booking number will be the same number issued to the inmate for his/her current custody. One alphabet letter is added after the booking number, in sequence, to identify each supplemental booking. (Example: 1234567A, 1234567B, and 1234567C).

- c) The supplemental form for active charges is sent to the Housing Guard Station for processing by Module or Prowler Deputies. The white copy is returned to Records after the form is completed by the Module or Prowler Deputies.

2504.4 - Supplemental Bookings – Out of County Charges

- a) Out-of-county and out of state charges are processed after all local charges. Out-of-county charges will be placed as "HOLDS" until such time that all local charges are satisfied.
- b) Verified teletypes and warrants from distant jurisdictions will be added to the inmate's History Card as "HOLDS" in order received. (Example: booking number 01, 02, and 03).
- c) A teletype will be sent to each issuing out of county agency acknowledging the "HOLD." The agency is informed that the inmate will be booked to the agency's charges when all local charges are satisfied and that they will have five (5) days in which to pick up the inmate after he/she is booked to his/her charges (CPC 822).
 - 1. Out of county felony holds from over 400 miles away have seven (7) days in which to pick up the inmate. Misdemeanors have five (5) days (CPC 821).
 - 2. Should any hold be dismissed, a notation will be made on the Inmate History Record with the clerk's initials included.
 - i. A copy of the cancellation teletype will be retained in the file.
- d) When an out-of-county hold is placed on an Inmate History Record, the inmate will be notified.
 - 1. The "Notification of Out of County Charge" form will be completed by Inmate Records. A Housing Deputy will obtain the inmate signature on the form.
- e) When all local charges have been satisfied, the inmate will be supplementally booked to the nearest out-of-county hold. In the case of several holds, the nearest county will be booked first. If there are several holds from the same county, use discretion and book to either, the most serious charge (Felony vs. Misdemeanor), the largest bail amount, or the agency that most likely will pick the inmate up. DO NOT book to more than one hold, regardless of multiple holds from the same agency/county. The Supplemental Booking Record is prepared by Inmate Records staff and sent to the inmate's housing location for processing by the Module Deputy.
 - 1. Desires / Does Not Desire Local Arraignment: For all out-of-county jurisdictions, there are several ways to determine this.
 - i. PC 850 Form (Penal Code Advisement): Review the form to determine which option the inmate chose (e.g., desires local arraignment or does not desire local arraignment). This form will be completed by the Booking Sheriff Records Technician (SRT) at the time of booking, or completed by the Detail SRT upon receipt of the teletype abstract placing the hold.
 - ii. PC 821/822 Stamp: Located on the back of the source document and completed by the arresting officer. The stamp is not applicable when the teletype abstract was received after the booking transaction is completed.
- f) State Parole holds are processed before out of state holds.
- g) When additional out-of-county/state holds exist for a subject being sent to another jurisdiction, the hold documents are forwarded along with the inmate, if he/she is not expected to return to Orange County.
- h) Another California jurisdiction may send an "Order to Transport" requiring that the inmate be delivered to that court on a specific date. (Arrangements are usually made between the courts to prevent appearance date conflicts).
 - 1. When local charges remain unsatisfied, the Records staff will send a detainer letter along with the inmate. The letter requests the return of the inmate to Orange County before a certain date, should that jurisdiction finish its proceedings before that date.
- i) All California holds are processed before out-of-state requests. Fugitive proceedings for out-of-state charges are coordinated by the Fugitive Warrant Division Investigators. These supplemental bookings are usually initiated pursuant to receipt of a Governor's Warrant.

2504.5 - Sentence Computation/Release Date

- a) Each person sentenced by the court to the custody of the Sheriff will be assigned a specific date to be released from the Sheriff's custody.
- b) Inmates committed to the jail by the courts must be accompanied by a court document for each case number (Remanding Order, Commitment Order).
 1. Each document must have specific information in order for the Commitment Clerks to process the inmate's custody order.
 - i. Correct inmate's name and booking number.
 - ii. Charges
 - iii. Court of jurisdiction
 - iv. Case number
 - v. Court Clerk's signature and Judge's name
 - vi. Disposition (time to serve, fine in lieu of time)
 - vii. Credit for time served (if any)
 - viii. Sentenced to State Prison, CYA or Department of Mental Health
 2. When interpretation problems arise with a Commitment Order, the Commitment Clerk will complete a trouble log form and place the inmates name in the trouble log book so the court can be called by the dayshift office specialist for clarification, in addition they will seek assistance in the following order:
 - i. Commitments Supervisor
 - ii. Inmate Records Supervisor
 - iii. Inmate Records Office Manager
 - iv. Court Clerk/Issuing Judge
 - v. Watch Commander, when an immediate decision is needed after hours.
 3. Sentences are computed based upon written data contained on the Commitment Order.
 4. Sentences begin on the date the order is signed, or a stay date, minus one day.
 5. Credit for time served must be written on the order, or no credit will be given.
 6. Multiple sentences are computed as concurrent unless specified otherwise. (The longest sentence is used to set the release date and calculated good and work time credits).
 7. Sentence Modification papers will be acted upon the same day they are received from court. Sentence Ending (SE) dates will be accurately updated.
 8. Work time credit and good time credit are determined by law (PC 4019).
 - i. Work time credit is calculated at one (1) day for each four (4) days of sentence.
 - ii. Good time credit is calculated at one (1) day for each four (4) days of sentence.
 9. Monetary fines in lieu of time served are calculated at \$30.00 a day, unless otherwise specified on the court order.
- c) Commitment Orders directing that the sentence be served at a state facility will be followed by proper court papers (Prison, CYA, Department of Mental Health).
 1. Before an inmate can be sent to state prison, those papers must be received at Inmate Records.
 - i. Name of the prison must be spelled out.
 - ii. The sentencing court seal must be attached.
 - iii. The word "forthwith" must be in the sentence.
 2. Inmates ready for transfer to state facilities may be transported on Wednesday and Friday. Additional transfers may be requested by the Inmate Records Manager. All required paperwork must accompany the inmate. Commitment clerks will ensure that the paperwork is processed correctly.
- d) Loss of Good or Work time will be carefully calculated to ensure accuracy.

1. Commitment Clerks will receive a copy of a Jail Incident Report and a copy of the accompanying Inmate's Advice of Punishment Report (J-063) from the Punishment Officer. Form J-063 requires either the Division Commander's or Disciplinary Officer's signature.
2. If the inmate filed an appeal, an Inmate's Advice of Appeal (J-080) will also be attached to the punishment form. The Division Commander's signature is required on the appeal form.
3. The Records Commitment Clerks will ensure that the time loss is recorded on the correct inmate's History Card. The inmate's name and booking number must match. Information will be updated in the computer.
4. The report copies are placed in the inmate's jail file when the process is completed.
5. The inmate's history card will be re-filed to correspond with the new release date.

2506 - Special Records Procedures

Intricate, unusual legal processes affecting inmate records and inmate incarceration will be carefully verified, interpreted and acted upon in a timely way to ensure that correct legal procedures are followed.

2506.1 - Writs of Habeas Corpus

- a) Periodically, Federal Marshals serve Federal Writs of Habeas Corpus Ad Prosequendum or Habeas Corpus Ad Testificandum on the Inmate Records Manager or the Watch Commander after hours. (These orders are similar to a Removal Order where an inmate is requested in a Federal Court proceeding).
- b) Habeas Corpus writs are accepted only if the inmate is currently in custody.
- c) The jail writs will be examined for accuracy and will be forwarded to the Inmate Records Manager where appropriate.
- d) The jail will comply with the writ as a rule. Questions on provisions of the writ will be resolved by the Inmate Records Manager and/or Watch Commander with County Counsel prior to affecting the inmate's release to Federal Agents.
 1. A detainer showing any future court date(s) and/or sentence ending (SE) date must be sent with the inmate.
 2. Local appearances will be postponed and a letter will be sent to the court(s) explaining the non-appearance.
- e) Copies of the writ and any attendant documentation will be retained in the inmate's jail file.
- f) The inmate will be released as an "In-Custody to Federal Authorities" on the date and time requested.

2506.2 - Subpoena Duces Tecum

- a) Periodically, a Subpoena Duces Tecum requesting Inmate Records information is delivered to the Department. All such subpoenas should be served upon the Support Services Captain or his/her supervisors.
- b) The Subpoena Duces Tecum is logged as received in Support Services and a copy is forwarded to the Inmate Records Manager at the CJX.
- c) The subpoenaed documents will be delivered to the issuing authority when:
 1. No court appearance is required
 2. The subpoena is in correct form
 3. The record is available
 4. Compliance will be uncontested
- d) When an appearance in court is required or the subpoena is contested, the Inmate Records Manager will make the appearance required by the subpoena and produce the requested records.
- e) The Inmate Records Manager will consult with the Division Commander and County Counsel on questions of legality or response.

2506.3 - Bail/Bond Surrender

- a) Periodically a Bail/Bond Surrender arrest may be delivered to the jail. The defendant may be surrendered by the bondsman to the custody of the Sheriff any time prior to the scheduled appearance (as shown on the bond or bail

- slip) or after the scheduled appearance if the defendant failed to appear (as indicated in a certified copy of the minute order issued by the court).
- b) Surrender Prior to Appearance Date: If the bondsman is surrendering the defendant prior to the scheduled appearance date, he/she need only furnish a certified copy of the bond or bail slip and an appropriate means of identification for the defendant.
 - 1. Acceptable identification is as follows:
 - i. Valid U.S. Government issued picture ID card (ex. State Driver's License, Identification Card, etc.).
 - ii. Valid Passport
 - iii. Valid United States Military Identification Card
 - iv. US issued Naturalized Citizen Card
 - v. Matricula Consular Card issued after April 22, 2002.
 - 2. If the bondsman is unable furnish identification, Classification will attempt to make positive identification through previous booking record, DMV photo, or Cal ID.
 - c) Surrender after Scheduled Appearance Date: If the defendant failed to appear in court as scheduled, the bondsman must provide the jail with a certified bond surrender, issued by the court, stating the defendant failed to appear.
 - d) When the arrestee is not in custody at the jail, the surety company agent will bring the arrestee to the Visiting Guard Station and shall present the Visiting Guard Station SSO with the appropriate documentation and a completed Pre-Booking Record. The Visiting Guard Station SSO will notify the Receiving Guard Station Deputy. The Receiving Deputy will send a deputy to Visiting and take custody of the arrestee.
 - 1. The booking charge shall specify Bail/Bond Surrender and the original charge.
 - 2. The court date is set as with any other "on site" booking.
 - 3. A copy of the certified bond/bail slip and minute order (if applicable) is retained in the inmate's jail file with copies being forwarded to the court where the appearance will be made.
 - e) When the person named on the bond/bail slip is in custody, records staff will determine if the subject has been booked to the charges listed on the bond.
 - 1. If the subject has already been booked to the charges on the bond/bail slip, the Inmate Records Supervisor must refuse the surrender and direct the surety company agent to the Orange County Court of jurisdiction in the case in order to obtain an Exoneration Order.
 - 2. If the subject has not been booked to the charges, the records staff will accept the paperwork and process a Supplemental Booking Record.
 - f) Out of county bail/bond surrenders will not be accepted. The surety agent will be directed to the jail in the correct jurisdiction.
 - 1. The arrestee's appearance in the court of jurisdiction cannot be assured out of county.

2506.4 - Governor's Warrant

- a) When a Governor's Warrant is delivered to Inmate Records, the document will be received and acted immediately upon.
- b) If the original warrant is delivered, a copy will be made by Inmate Records staff. The original will be delivered to Fugitive Warrants.
- c) A Governor's Warrant supersedes all other Fugitive proceedings.
 - 1. The Justice Center in which the fugitive proceedings were taking place will be notified of the Governor's Warrant on the first court date after booking. The Justice Center Clerk will then issue a Release Order to the jail for their proceedings.
 - 2. The Release Order will be placed in the inmate's file and a notation will be made of the changed proceedings on the History Card.

- d) Inmates will be booked immediately to appear in Superior Court on the Governor's Warrant immediately. If the defendant has other local charges besides the fugitive hold, the Governor's warrant is placed as a hold.

2508 - Release and Retention of Records

Inmates will only be released from Sheriff's custody as authorized by law or upon an order of a court of competent jurisdiction. Records of released inmates will be safely stored in a controlled access location until authorized for destruction.

2508.1 - Release Authorities

a) Cash Bail

1. When a cash bail is received at the Cashier's Office, the Inmate Records Clerk will be notified on a "Bail Information Return" form (FIS 12). The exact case number(s) and receipt number must be on the form.

b) Bail Bond

1. When a bail bond is accepted at the Cashier's office, the Inmate Records Clerk will be notified on a "Bond Information Return" form (J-083). The exact case number(s), bond number, and receipt number must be on the form.

c) Court Documents

1. When a bail bond is accepted at the Cashier's office, the Inmate Records Clerk will be notified on a "Bond Information Return" form (J-083). The exact case number(s), bond number, and receipt number must be on the form.
 - i. "No Complaint Filed" must be reviewed to determine if the inmate can be returned to court on the next court date.
 - ii. "Not Arraigned in Time" means the inmate will be released on only that specific case.
 - iii. "Sentence Modifications" must be recalculated as directed on the document and new release date(s) established.
 - iv. "Time and/or Fine" payout will be coordinated with the Cashier's Office.
 - v. "In-Custody Releases" will have satisfied all local charges; be committed to a state or federal agency/institution; or be accompanied by a detainer letter when time remains to be served or a case is still pending in Orange County.

d) Teletype Notification

1. Outside agencies may authorize the release of an inmate on specific charges/case numbers via teletype notification.
 - i. PC 849 releases must be immediately acted upon. Dismissal authority must be matched with the booking/holding request agency and specific charge(s).
 - ii. Parole, Immigration, Fugitive, or Federal charges not released before an inmate is sent to prison will be sent along with the inmate to prison.
 - iii. Holds from other out-of-county agencies are forwarded along with an inmate when sent to prison. The Commitment Clerk will send a teletype to the issuing agency advising of the inmate's sentenced destination.
 - iv. Warrants recalled by out-of-county agencies will be reviewed by the Inmate Records Supervisor. Notation of the recall will be made on the Inmate History Record. The teletype Warrant Abstract will be visibly marked as "Recalled" after the recall notification teletype is received at inmate records.

e) Own Recognizance Release

1. The Pre-Trial Services Officer may authorize that an arrestee be released on his/her own recognizance, with a promise to appear in court at a later date. The release documents will be handed to the Inmate Records staff by the Pre-Trial Services Officer.

f) Telephone Release Authorization

1. Occasionally, telephone release authorization is received directly from a judge. All such telephonic releases will also have documentation from the Pre-Trial Services Officer.
- g) Cite and Release
1. Eligible pre-trial misdemeanor arrestees may be cited and released depending on the policies currently in effect. Inmate Records will prepare an inmate file containing the Pre-Booking Record and the Notice to Appear.
- h) Court Ordered Release to Outside Agencies
1. Pursuant to Penal Code section 1567, an order from a Superior Court of another county for transfer of an inmate into the custody of the Sheriff of the other county for the purpose of bringing the inmate before that Superior Court is sufficient authority to release the inmate into the custody of the Sheriff of the other county.
 2. If an order is received directing the inmate be released to the custody of the Sheriff of another county, the inmate's court dates in Orange County Superior Court must be checked in Vision to ensure they do not conflict with the dates the inmate is to be in the custody of the Sheriff of the other county. If the dates conflict, contact the attorney who obtained the order to attempt to resolve the matter. If the matter is not resolved, contact County Counsel for assistance.
 3. If another requesting party, such as a District Attorney Investigator, Public Defender Investigator or City Police Department, seeks the release of an inmate into their custody, the requesting party must have a court order from the Orange County Superior Court specifically releasing the inmate from the custody of the Sheriff's Department to the custody of the other agency, either on a permanent or temporary basis.
- i) Court Ordered Temporary Release
1. If an inmate obtains a court order from the Orange County Superior Court to be temporarily released pursuant to Penal Code section 4004, the inmate must be accompanied by either a Transportation Deputy or an Investigator from the Homicide Detail for the entire duration.
 2. Examples of temporary releases under Penal Code section 4004 include family events, funerals and medical or dental appointments. The order must state if the costs of this transport and security are to be paid by the inmate or are waived. If fees are to be paid, a phone call to Fiscal (Financial Division) must be made to determine if they actually were paid, before processing the release. These types of court orders must be approved by the Division Commander or Assistant Sheriff.

2508.2 - File Review

- a) Each inmate file that is prepared for release will be reviewed in detail by the Inmate Records Supervisor and the Release Deputy.
- b) The required paperwork authorizing the release must be present in the file for every case number to which the inmate was booked.
- c) The correct and appropriate disposition for each "hold" must be documented in the file.
- d) The supervisor will sign, date, and time stamp the Case Disposition Control Sheet in each file to indicate that the release has been reviewed, approved, and is correct.
- e) Records Supervisors will resolve any question dealing with the inmate's name, case numbers, charges, and release authority before the file is delivered to the Release Guard Station.

2508.3 - Records Retention

- a) Upon release from custody, the inmate's jail file will be retained for three (3) years. The files will be stored in numerical order, by booking number, in a secure area. Three (3) years after the release of the inmate, the entire file will be scanned and then stored on both the server and microfilm. The "hard copy" will be destroyed.
 1. Exception for Death Penalty Cases: The jail files on inmates who receive a death sentence will be stored indefinitely. The Commitments Supervisor in Inmate Records is responsible for marking the files "Death Penalty-Do Not Destroy."

2. In-Custody deaths: The files of inmates who die in custody or within 24 hours of being released, will be stored by the records manager indefinitely.

2508.4 - Document Retention

- a) To locate the documents used in Jail Operations, their retention time and the disposition procedure at the end of the retention time, please go to the intranet. The document is located [REDACTED]. The most current information related to document retention for Jail Operations will be listed there.

2510 - Court Orders

2510.1 Acceptance of Court Orders

- a) All court orders received by Jail Operations will be reviewed for authenticity and approved or disapproved by the Watch Commander.
 1. An authentic court order consists of either an original, or a copy of the original, court order which is stamped or embossed with an original court and file stamp.
 2. Court orders will also be considered authentic when received by Jail Records via direct facsimile from the issuing court.
- b) After receiving an authentic court order, review all requirements of the order to confirm whether or not the facility can reasonably comply with the court order.
 1. If the court order is accepted the Watch Commander will sign the order, stamp it, send the original court order to Inmate Records, and copies will be forwarded to all affected areas.
 - i. If the court order relates to medical or mental health treatment, Inmate Records will forward the order immediately to Correctional Health Services.
 - ii. If the court order is for inmate transportation (e.g., to a funeral, to a private doctor, to visit a dying relative), forward a copy to the Transportation Captain and Classification for further review before approval.
 - A. Place a yellow "Post it" note on the court order stating "Pending Transportation review."
 - B. After reviewing the order and consulting with Classification, Transportation will email the order to County Counsel at [REDACTED] and inform County Counsel whether Transportation is willing to transport the inmate or whether transporting the inmate would be too great of a security risk to the inmate and staff. Transportation is contingent on the inmate's payment in advance of the costs of transportation and escort. If Transportation is willing to transport the inmate, Transportation will provide the cost information to County Counsel. County Counsel will provide this cost information to the inmate's attorney. If the inmate is not willing or able to pay the full cost, the inmate will not be transported. Transportation will confirm with Sheriff's Financial that the full cost has been paid in advance of any transport.
 2. If it is deemed that the order cannot be complied with the following actions shall take place within 24 hours:
 - i. DO NOT sign the court order.
 - ii. The Watch Commander or his designee will attach the unsigned court order to an email to County Counsel at [REDACTED]. The email will detail the reason the jail cannot comply with the order.

2510.2 Changing Court Orders

- a) Under no circumstances should Sheriff's personnel contact the court or court personnel and attempt to have the court order modified.
 1. NEVER IGNORE A COURT ORDER; SOME ACTION MUST BE TAKEN.

- b) Due to the time sensitive nature and extensive legal requirements associated with disputing court orders, the Watch Commander shall immediately email County Counsel at [REDACTED] a copy of the order and describe the reason(s) the order cannot be complied with.
- c) County Counsel will represent the Sheriff's Departments interests in the matter. County Counsel will contact the opposing counsel and attempt to negotiate changes to the requirements of the court order.
- d) If the order can be modified through negotiation to enable the department to comply with it, then County Counsel and opposing counsel will file a stipulation to amend the order with the new language, the court will sign the stipulation and the department will accept it.
- e) If an agreement cannot be reached through negotiation, County Counsel will file a motion to "Set aside the order."
NOTE A court order that was entered without prior notice to the Sheriff's Department or which does not comply with the jail order templates agreed upon by County Counsel and the defense bar is invalid for lack of due process. However, such an order cannot be ignored. To avoid a charge of Contempt against the Sheriff's Department, the above process must be followed.

2510.3 Out of County Commitments

- a) Orange County Jail does NOT accept out of county commitments. There can be exceptions to this policy upon the approval of the Division Commander or Assistant Sheriff. Any approved out of county commitments should be sent to the Records Manager.