

## Release and Retention of Records

### 2508.1 RELEASE AUTHORITIES

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.

(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.

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- 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 their 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

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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) All records and documents will be retained per the County's Records Retention and Disposition Schedule.
- (b) 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 a server. 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 (as defined in CCOM Section 2114.6 – Death Review): The files of inmates who die in custody or within 24 hours of being released, will be stored by the Inmate Records Manager indefinitely.

#### **2508.4 DOCUMENT RETENTION**

- (a)



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