

WEBER COUNTY CORRECTIONAL FACILITY

Volume

ADMISSION AND RELEASE

Chapter

JC 04 - RELEASE PROCESS

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JC 03/01.00 **GENERAL**

JC 03/01.01 **Purpose**

The purpose of this chapter is to provide policy, procedures and requirements for:

- A. assigning bail amounts during the booking process;
- B. prisoner access to bail bonds; and
- C. releasing prisoners and inmates from the custody of the WCCF.

JC 01/01.02 **Cross Reference**

JC 03 - Ancillary Admission Functions
JG 03 - Inmate Funds and Accounting
JG 05 - Inmate Property

UJS C.04

77-26-18 Utah State Code
78-3a-16 Utah State Code
78-3a-55(3) Utah State Code

JC 01/01.03 **Definitions**

inmate a prisoner who has been incarcerated beyond the intake process and who has been adjudicated

OR Own Recognizance

prisoner an arrestee or prisoner brought to the WCCF for booking

WCCF Weber County Correctional Facility

JC 04/02.00 **BAIL**

JC 04/02.01 **Policy**

It is the policy of the WCCF:

- A. that all prisoners lawfully booked into the WCCF have a constitutional right to bail except:
 - 1. prisoners booked on "no bail" warrants, holds, or commitments;
 - 2. prisoners who are booked on parole or probations violations and have holds placed on them by competent authority, i.e., parole office; or
 - 3. prisoners held without bail by order of a judge or court having jurisdiction;
- B. that bail shall be set for offenses charged:
 - 1. according the Uniform Bail Schedule;
 - 2. according to amounts specified on warrants, commitments, etc.; or
 - 3. by order of a judge or court having jurisdiction;
- C. that eligible prisoners are not subjected to unreasonable delays in the securing a release on bail;
- D. that the WCCF maintains a list of authorized bail bond businesses and their telephone numbers in the booking area to assist eligible prisoners in securing bail.

JC 04/02.02 **Rationale**

- A. Release from custody on bail is, under ordinary circumstances, guaranteed by the Eighth Amendment to the U.S. Constitution and Utah statutes.
- B. After all admission processes have been completed, bail-eligible prisoners should be allowed timely access to a bail bonds person.
- C. Having the telephone numbers of bonds persons readily available to prisoners should assist bail-eligible prisoners in securing bail in an efficient and timely manner.

JC 04/02.03 **Procedure: Setting Bail**

- A. The Uniform Bail Schedule is determined by the Utah State Court system. The WCCF functions under authority of the Weber County Attorney's Office utilizing the Uniform Bail Schedule.
- B. Bail amounts shall be entered in the Jail Management System by WCCF booking staff by:
 - 1. referring to the uniform bail schedule;
 - 2. referring to the amount specified on the warrant, commitment, etc.; or
 - 3. following the order of a judge with jurisdiction over the prisoner.
- C. Bail amounts are generally defined by those which are:
 - 1. bondable, (i.e., the WCCF can accept either a bond written by a bonds person on behalf of the prisoner or may accept cash);
 - 2. cash only, (i.e., the WCCF can accept only cash for the warrant or commitment); or
 - 3. a combination of bondable and cash only.

JC 04/02.04 **Procedure: Prisoner Access to Bail Process**

- A. Eligible prisoners shall have access to the bail process without unreasonable delays. Unreasonable delays are not permitted:
 - 1. at the request of peace officers to accommodate investigative priorities;
or
 - 2. to punish the prisoner for a bad attitude.
- B. It shall not be considered unreasonable to delay the bail process of a prisoner if:
 - 1. additional commitments or warrants have been issued that would justify continued detention;
 - 2. the arresting officer is in the process of adding new charges; or
 - 3. the admission process has not been completed due to a lack of cooperation by the prisoner or other delays which are not the fault of the WCCF.

- C. After the booking process has been completed, eligible prisoners should be allowed to use the inmate telephone provided in the booking area.
- D. The names and telephone numbers of authorized bonds persons are provided near the inmate telephone in the booking area.
- E. Telephone calls to the bonds persons listed are non-collect calls.
- F. Eligible prisoners should be allowed to visit with a bonds person if the bonds person requests a visit. Bonds persons requesting to visit with a prisoner should do so by:
 - 1. entering the Release Corridor of the WCCF;
 - 2. checking in with WCCF staff by presenting I.D. and providing the name of the prisoner to be visited;
 - 3. proceeding to the room provided by the WCCF for use by bonds persons.
- G. Processing bonds or funds received by the WCCF on behalf of prisoners or inmates for the purpose of bail shall be consistent with current WCCF policy or directive.

JC 04/02.05 **Procedure: Bonds Person List**

- A. A list of Bail Bond Sureties, or Bonds persons, authorized to write bonds is provided to the WCCF by the Administrative Office of the Courts for the State of Utah.
- B. The WCCF shall maintain and post a list of authorized bonds persons in the WCCF booking area for use by eligible prisoners.

JC 04/03.00 **PRISONER/ INMATE RELEASE**

JC 04/03.01 **Policy**

It is the policy of the WCCF:

- A. to release prisoners and inmates from the WCCF after completing a lawful sentence of incarceration at the WCCF;
- B. to release prisoners and inmates who have posted bail or paid fines sufficient to allow their release;
- C. to release prisoners and inmates who have qualified for release on their own recognizance;
- D. to release prisoners and inmates who otherwise qualify for release as directed by authority of the court;
- E. to release personal property, not otherwise encumbered, with the prisoner at the time of the prisoner's release;
- F. to positively identify prisoners or inmates being released from the WCCF;
- G. that WCCF releasing staff members shall verify the authority to release the prisoner or inmate by:
 - 1. ensuring that release papers have been received; and
 - 2. ensuring that there are no holds, warrants, detainers, or commitments that would preclude the release; and
- H. that inmates committed to the Utah State Prison be transferred to the Prison within five (5) days after the WCCF receives commitment papers from the court.

JC 04/03.02 **Rationale**

- A. To prevent inadvertent release of prisoners resulting in escape of prisoners from the WCCF, all persons released from custody should be positively identified by a WCCF releasing staff member.
- B. To prevent the unauthorized release of any person, the authorization and associated paperwork to release a person from the custody of the WCCF should be verified by the WCCF releasing staff member. If a prisoner or inmate is to be released to another agency, the identity or authority of the receiving officer should also be verified.

- C. Jail diversion programs provide relief from overcrowding at the WCCF as well as provide inmates the opportunity to work, support families and be more productive members of society. The WCCF may release inmates to diversion programs that meet requirements for release or who are ordered to be released by the court.

JC 04/03.03 **Procedure: Prisoner/ Inmate Release**

A. **Authorization for Release**

1. Authorization for release of prisoners or inmates in the custody of the WCCF shall be verified by the staff member conducting the release. Authorizations may include:
 - a. bail or fines being paid on behalf of the prisoner sufficient to allow his/her release;
 - b. the prisoner qualifying for release on his/her own recognizance;
 - c. the prisoner's release being ordered by a court having jurisdiction over the prisoner;
 - d. the inmate having served his/her full sentence of incarceration;
 - e. the prisoner qualifying for release to a Jail diversion program;
 - f. the prisoner being ordered by competent authority to be released to another jurisdiction or agency;
 - g. the inmate being granted a furlough or temporary release by competent authority.
2. All paperwork associated with the release of the prisoner shall be present and verified by the WCCF staff member conducting the release.
3. The releasing staff member shall ensure that there are no other holds, warrants, detainers, or commitments outstanding that would preclude the release.

B. **Identification of Prisoners**

Prisoners or inmates shall be positively identified by observing the inmates face and matching the IWIB photo to the inmates face.

1. Inmates who are to be released but are discovered to not have an IWIB shall be properly restrained and move to the booking area and be held

there until positively identified by the Admission/ Release Lieutenant or the Operations Lieutenant or Sergeant.

2. Once the Admission/ Release Lieutenant or the Operations Lieutenant or Sergeant has positively identified the inmate to be released, the inmate may be returned to the release corridor.
3. Property unit staff shall then verify the identity of the inmate by comparing photo in the JMS records with the inmate to be released. This should be done in the presence of the accompanying officer prior to releasing the inmate from the computer.

C. Identification of Officers

Verification of the identification of officers requesting to take custody of WCCF inmates may be made by, but not limited to:

1. WCCF officers' personal knowledge of the officer;
2. law enforcement picture I.D.;
3. WCCF staff member contacting the agency of the officer requesting to take custody of a WCCF inmate.

D. Documentation of Release

1. For each prisoner released, the releasing staff member shall enter the following information utilizing the release screen on the Jail Management computer system:
 - a. the date and time of release;
 - b. authorization for release;
 - c. that agency or person to whom the prisoner was released, if any; and
 - d. when appropriate, the money and property returned, including a receipt signed by the prisoner.
2. A WCCF Inmate Body Receipt should be completed and signed by the officer taking custody of the WCCF inmate that is to be released.

- A. When it is determined that the prisoner or inmate is to be released, the releasing staff member shall obtain the personal property for the prisoner or inmate in the following manner:
 - 1. If the prisoner has not been transferred to general population, the property should be located in the booking area; or
 - 2. If the prisoner has been transferred to general population, the property should be located by finding the number assigned to the inmate in the property storage area.
- B. Returning the property to the prisoner or inmate shall be done in the following manner:
 - 1. If the prisoner has not be transferred to general population, the property may be given to the prisoner at the time of release; or
 - 2. If the inmate has been transferred to general population, the inmate shall:
 - a. return WCCF issued property to the releasing staff member who shall ensure that all issued items are returned by the inmate;
 - b. be returned items of personal clothing and allowed to change from WCCF issue to his personal clothing;
 - c. receive all other items of personal property, unless otherwise encumbered, at the time of release.
- C. Upon releasing the prisoner or inmate from the computer, the releasing staff member shall provide a computer generated receipt for the inmate to sign indicating that those items of personal property were returned to the prisoner or inmate.
- D. If the prisoner or inmate refuses to sign the receipt, the releasing staff member shall note the refusal and the reason for the refusal on the receipt.
- E. If the prisoner or inmate claims that the WCCF has lost, damaged, stolen, or otherwise mishandled prisoner property, the releasing staff member shall document the discrepancy and forward a written report through the shift supervisor.

The return of prisoner or inmate funds shall be consistent with WCCF policy JG 03, Inmate Funds and Accounting.

JC 04/03.06 **Procedure: Prison Commitments**

Inmates sentenced to confinement in the Utah State Prison shall be transferred from the WCCF within five (5) days of receiving the commitment papers from the court.

JC 04/04.00 **LEARNING OBJECTIVES**

JC 04/04.01 **Bail**

Staff shall identify:

- A. how are bail amounts determined; and
- B. how do prisoners access the bail process.

JC 04/04.02 **Release**

Staff shall demonstrate an understanding of the following:

- A. how can authorization for release be determined; and
- B. how are prisoner releases documented.