



LEON COUNTY SHERIFF'S OFFICE

Standard Operating Procedure 450.I3 Inmate Release

EFFECTIVE:	REVISED:	RESCINDS:
1 OCTOBER 1999	15 April 2021	20 August 2020

- A. PURPOSE:** The purpose of this procedure is to establish a system for accurate, expedient, release of persons from custody.
- B. SCOPE:** This procedure shall apply to all Corrections Personnel.
- C. POLICY:** It is the policy of the Leon County Detention Facility that staff follows procedures for legally releasing inmates and obtaining positive identification.
- D. DEFINITIONS:**

ADMINISTRATIVE ORDER- Enforceable order issued by a public authority (under the powers conferred to it by one or more statutes) to an individual or an organization to take certain corrective action, or to refrain from an activity.

CASH BOND - Sum of money posted for a criminal defendant to insure their presence in court.

CASH PURGE - A warrant issued for an offense such as unpaid ticket or unpaid court costs which allows the person to pay the purge and be released from Detention Facility.

COURT ORDER - A command or direction issued by a court or judge.

EXPIRATION OF SENTENCE - Termination of a court ordered Detention Facility sentence (Time Served).

IRIS System – (Inmate Recognition and Identification System) uses high resolution pictures of a person's irises to verify identity. A National database of irises is maintained at NLEts for matching purposes. This is not a scan of the eye and should not be referred to as such.

IRIS Camera - A high resolution camera is used to take a photo of a person's eyes.

NOLLE PROSSED - A formal entry on the record by the State Attorney by which they declare the criminal case will not be further prosecuted.

PRETRIAL RELEASE - Release of a defendant to be supervised by the Leon County Pretrial Office.

PROPERTY BOND - Bond processed at the Leon County Courthouse by the Leon County Clerk of Court to insure presence of a defendant in a criminal case.

RELEASE ON OWN RECOGNIZANCE - Release of a defendant on personal recognizance when, having acquired control over this person, the court permits him to be at liberty during the pendency of the criminal action or proceeding upon his written promise to appear whenever his attendance before court may be required.

RELEASE TO OTHER JURISDICTION - Released to a Law Enforcement agency other than the Leon County Sheriff's Office.

SUPERSEDEAS BOND - A bond to stay execution on a judgment during the pendency of an appeal.

SURETY BOND - Bond provided by a licensed Bail Bond Agent who is registered with the Sheriff's Office, Clerk of The Court and Florida Department of Insurance, to insure presence of a defendant in a criminal case.

WRIT OF ATTACHMENT - A court order directing a sheriff or other law enforcement officer to seize property of a defendant which would satisfy a judgment against the defendant.

E. PROCEDURE:

1. TYPES/CONDITIONS OF RELEASE

a. Inmates may be released from custody under various conditions. Common types of releases from the Detention Facility include the following:

- 1) Cash Bond or using a credit, debit or prepaid card via an approved vender service that makes payment to the courts;
- 2) Cash Purge or using a credit, debit or prepaid card via an approved vender service that makes payment to the courts;
- 3) Surety Bond;
- 4) Property Bond;
- 5) Supersedeas Bond;
- 6) No Information- Nolle Prossed;
- 7) Administrative Order;

- 8) Expiration of Sentence;**
- 9) Release to Other Jurisdiction;**
- 10) Release on Own Recognizance (R.O.R.);**
- 11) Pretrial Release.**
- b. Cash bonds, surety bonds, supersedeas bonds, property bonds, cash purges and administrative order releases will be processed before court releases and expiration of sentence releases.**

2. RELEASE VERIFICATION AND NOTIFICATION

- a. Releasing Officer shall be responsible for the following:**

- 1) Review releasing documentation to ensure each case has a valid authority for release [FMJS 4.16]. Determine whether there are any terms of condition for the release and enter the date of release and other required information on the Release Checklist [FCAC 14.14 FMJS 4.14].**
- 2) Conduct a warrants check in the NCIC/FCIC and JIS computer systems for any outstanding warrant/capiases or holds for other jurisdictions. Make the appropriate entry on the Release Checklist.**
- 3) Review all open cases in JIS to ensure the received releasing documentation is appropriate for a lawful release of the inmate. Make appropriate entry on the Release Checklist.**

a) ICE DETAINERS

- (1) If the following forms are provided by an ICE agent, a hold will be placed on all detainees for purposes of interviewing such individuals for immigration enforcement related purposes:**
 - (a) Form I-203 Order to Detain or Release Alien**
 - (b) Form I-247A Immigration Detainer-Notice of Action**
 - (c) Form I-200 Warrant for Arrest of Alien**
 - (d) Form I-205 Warrant of Removal**
- (2) If it is determined that the inmate only has an administrative hold request from an ICE Agent, the following steps will be taken.**
 - (a) ICE will be notified immediately of the inmate's anticipated release date and time to enable ICE to receive the inmate upon release;**

- (b)** The notification will be made via a single email to the designated ICE Agents.
 - (c)** If a TTY address is available, a teletype will also be sent;
 - (d)** Copies of the correspondence will be placed into the inmate's file for scanning;
 - (e)** Staff shall not wait on ICE to arrive before releasing the inmate. No inmate will be detained for any period beyond the time otherwise required to facilitate the inmate's release when there is only an administrative hold request from an ICE Agent. Therefore, Early ICE notification is essential to provide ICE with sufficient time to respond and take custody of the individual..
- 4)** If the inmate is being released due to expiration of sentence (Time Served), review the release date entered in the JIS computer. Complete the Release Date Worksheet to determine the release date entered in JIS is accurate. Make the appropriate entry on the Release Checklist.
- 5)** Notify the appropriate housing unit and property unit staff of the release, advising them of the inmate's name and SPN.
- 6)** Notify the medical section and request medical transfer summary, medication, etc., if applicable.
- 7)** Notify the Escort Officer of the release, provide printout with SPN and photograph and arrange an escort to the property unit.
 - a)** Escorting staff shall establish positive identification by using photograph comparison and verification of SPN before the inmate is removed from the housing unit or holding area [FCAC 14. 14M FMJS 4.16]. Once verification is complete, the Escort Officer shall inventory Detention Facility issued items to ensure all items are accounted for. The inmate with all Detention Facility issued items shall be escorted to the property unit.

3. PROPERTY RETURN

- a.** The property officer shall verify the inmate's identity by photo and SPN prior to the returning of personal items [FCAC 14. 14M FMJS 4.16]. The property officer shall inventory and verify that all Detention Facility issued items are accounted for and returned to the property room.
- b.** Property Staff shall witness the inmate sign for the return of their property. Property returns require staff and inmate signatures. The date and time of the return shall be recorded [FCAC 14.11 FMJS 4.17]. Claims of lost or missing property shall be handled in accordance with established property control procedures.

- c. Inmates without personal clothing at the Detention Facility (e.g. due to seizure as evidence etc.) shall be allowed to use a telephone to make arrangements for clothing delivery. The Detention Facility may have “unclaimed” clothing available for such cases. If the inmate is being released to another jurisdiction and has no personal clothing, the inmate will remain in the Detention Facility issued uniform.
- d. During the property return, inmates will be given no more than \$5.00 cash from their Commissary Account. All remaining funds will be returned to the inmate in the form of a debit card. See also SOP 450.I5 Inmate personal property.

4. RELEASING FORMS/ORDERS

- a. Cash bonds and purges shall be processed in the following manner by releasing staff:

- 1) Each case requires a cash bond or cash purge.
- 2) Cash purges must be validated using JIS or teletype (if out of county). The case number and any other court related numbers shall be recorded on the purge form.
- 3) Individuals incarcerated for other counties and have a bond or purge amount listed will require a teletype to be sent to that agency to ascertain if the bond or purge may be posted in Leon County. If approval is given the bond or purge may be processed. All case numbers for that county shall be recorded on the form(s). If the other agency issues a court date it shall be noted in the JIS computer and a teletype will be sent to the other agency advising that the information or instructions were given to the inmate.
- 4) The approved methods of payment for cash releasing transactions are U.S. currency or a cashier's check from a local bank.
- 5) Cash will be placed with the bond and other court required paperwork. A copy of the bond shall be given to the depositor.
- 6) Credit, debit or prepaid cards may be used to post cash bond or cash purge by utilizing the approved vendor. The approved vendor, once payment is approved, shall provide the releasing staff documentation which will be attached to the bond forms same as cash.

- b. Surety Bonds shall be processed in the following manner by releasing staff:

- 1) Surety bonds prepared by accredited agents of an insurance company (Bonds Person) who is registered with the Sheriff's Office, Clerk of The Court and Florida Department of Insurance are acceptable.
- 2) Surety Bonds consist of three parts which shall be reviewed for accuracy: The bond itself, the power and the certificate of discharge.

- 3) Bonds and powers may differ from company to company. The bond is usually the larger of the documents and contains the defendant's personal information, court date, and county.
- 4) The power which is the smaller document lists the insured amount which is the maximum amount the bond can be written for.
- 5) Surety Bonds shall be signed by the bonds person and the defendant (principal). The Sheriff's name shall be printed in the space indicated by the releasing staff member accepting the bond. Releasing staff shall review the bond for accuracy and sign it as indicated.
- 6) If a mistake is made on the bond, the bonds person shall correct the mistake before acceptance. Only one charge shall be permitted on each bond. The bonds person's seal is required on all surety bonds.
- 7) Bonds persons cannot write a bond for an amount that exceeds the amount shown on the power (maximum amount) nor can more than one power for each charge be used.
- 8) More than one bonds person may split the bond requiring each to submit a bond and power. The information on each bond and power must be the same.
- 9) If a mistake is made on the power, it cannot be corrected, and another power must be used.
- 10) Persons in custody out of county for Leon County charges may be bonded through the Detention Facility. Due to the defendant's signature not being available, "Signature Not Available" shall be included on the bond. Teletype procedures regarding court date assignments etc. shall be the same as indicated for cash bonds.
- 11) A Surety Bond check list for releasing staff includes:
 - a) SPN Number;
 - b) Case Number;
 - c) Date of Bond;
 - d) Power Number;
 - e) County and Court (Misdemeanor or Felony);
 - f) Name of defendant on the bond is the same as the inmate record;
 - g) The power amount matches or exceeds the JIS bond(s);

h) Defendant and bonds person signature(s) are present;

i) Bondsman's seal;

j) Releasing staff signature;

k) Court date or "On Call" noted.

12) Persons being held on another Florida county's charge(s) that are permitted to post bond by that jurisdiction, via teletype confirmation, shall be processed as if they were being held on a Leon County case. The court information required on the bond shall list the county seat, date and time of the required court appearance. The bond shall be stamped with the Leon County Sheriff's Office time stamp to certify that the bonds person posting the bond is certified and registered in Leon County and is in good standings. The bond will be mailed to the other county.

c. Property Bonds will be initiated and accepted at the courthouse. After the property bond is posted, the clerk's office will forward a certified order to release the inmate.

d. Supersedeas Bonds are ordered by a sentencing judge allowing the defendant to be released from custody on bond. Supersedeas Bonds usually apply in pending motions for mitigation of sentence. The bond shall be signed by the defendant at the Detention Facility or in open court.

e. Release on Recognizance (ROR) can be initiated by a judge or Leon County Pretrial Services. This release may require certain conditions be met (drug/alcohol screening, curfew, etc.) however, no bond is required.

f. Time Served releases are initiated due to the conclusion of a court ordered sentence.

g. Nolle Prossed releases result from action initiated by the State Attorney's Office.

5. RELEASING STAFF RESPONSIBILITIES

a. Positive identification of persons to be released shall be made by the Releasing Officer and Supervisor [FCAC 14.14].

1) The armband and Detention Facility photograph will be compared to the inmate present and verified;

2) Noted scars, marks and/or tattoos will be checked and verified;

3) Inmate will also be verified through the IRIS system database.

- b. Releasing staff setting court dates shall explain to the inmate that it is their responsibility to notify the courts of any change of address.
- c. Provide the inmate with post release information if necessary (e.g. how to contact community agencies as required or requested).
- d. The Releasing Officer and supervisor shall sign the releasing check list before releasing an inmate from custody [FCAC 14.14].
- e. Releases to other law enforcement for temporary circumstances (e.g. Marshal's office checking out a hold for court), shall be documented on the appropriate form, and signed by both the releasing and accepting parties.

6. FACTORS COMMON TO ALL RELEASES

- a. Rapid ID equipment shall be used just prior to the inmate being released. Once the prints are sent to FDLE for comparison in FCIC/NCIC data bases and releasing staff have confirmed the identity of the inmate is a match, releasing staff may release the inmate [FMJS 4.16]. If the FDLE message indicates the inmate to be released is a registered sexual offender or predator, the releasing Sergeant shall be responsible for updating the FDLE sex offender data base.
 - 1) If the registrant is being released to another agency for incarceration, the address field in the FDLE sexual offender data base shall be updated to reflect the name and address of the receiving agency.
 - 2) If the registrant is being released into the community, a full registration with photo and signature is required. A copy of the registration documentation will be provided to the inmate to demonstrate proof of registration.
 - 3) A copy of the registration documentation will be placed in the released inmate's file.
- b. All release documentation shall be reviewed and approved by a Sergeant or higher authority, including armband, photograph and fingerprint comparison. The releasing Sergeant or higher authority shall sign the release record acknowledging the release as correct and lawful prior to releasing the inmate from custody. All releasing documentation generated during the releasing process shall become part of the released inmate's file to be sent to records for retention. All releasing of persons from custody shall be updated in JIS to include the date and time of release [FMJS 4.14].
- c. In the case an inmate is released in error:
 - 1) The releasing sergeant must immediately notify the Detention Facility Watch Commander and advise him/her of all the details of the release.

- 2) The Detention Facility Watch Commander will then notify the Uniform Patrol Watch Commander of the incident and provide the Watch Commander the following information:
 - a) Photo Identification;
 - b) All biographical information;
 - c) Description of clothing wearing when released;
 - d) Direction of travel if known and last known address;
 - e) Synopsis of subject's criminal and behavioral history.
 - 3) The Law Enforcement Watch Commander will insure that a BOLO is issued through NCIC/FCIC in a timely manner.
 - 4) The Law Enforcement Watch Commander shall be the incident commander of any search and apprehension of subject until relieved by an authorized commander.
 - 5) The Law Enforcement Watch Commander may direct the actions of any Correction or Law Enforcement Deputy participating in search and apprehension responses.
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APPROVED: _____



DEPARTMENT OF DETENTION ASSISTANT SHERIFF