

Middle of the Night Jail Releases: Balancing Safety and Jail Processing Concerns

Summary

Late-night/early morning releases of detainees from the Sacramento County Main Jail (Jail) in downtown are a regular occurrence. Such releases are problematic on a number of levels. The purpose of this 2017-18 Sacramento County Grand Jury Report (report) is to review this issue. The report will examine ways to 1) minimize the number of late-night/early morning releases, and/or 2) reduce the potential of safety problems for both the persons being released and the community.

Methodology

During the course of the investigation, the 2017-18 Sacramento County Grand Jury (grand jury) interviewed personnel from the following organizations:

- Sacramento County Sheriff's Office
- Sacramento Superior Court

In addition, the grand jury toured the Jail on November 9, 2017 and reviewed the following documents:

- Various news articles and internet sources related to the issues of late-night releases from detention facilities
- Sheriff's Department County of Sacramento Operations Orders and Releases
- Advanced Technology Information Management System website: www.atims.com
- Other grand jury reports on the subject, including:
 - 2013-2014 Santa Barbara County Grand Jury Report
 - 2013-2014 Humboldt County Grand Jury Report
 - 2015-2016 Sacramento County Grand Jury Report

Background

According to the Sacramento County Sheriff's Office, over the last two years an average of 136 persons were released each day from the Jail. Between the hours of 10:00 p.m. and 5:00 a.m., around 50 persons were released each day. Based on the grand jury's research, the consensus is that letting people

out of jail in the middle of the night is a concern, especially when no one meets them. According to sources interviewed, releasing certain detainees in the middle of the night when public transportation is unavailable, most shelters are not open and social services are closed, can lead to serious trouble. Such persons may have committed serious crimes in other jurisdictions. Released persons may search for drugs and/or become victims of crime. While there were two extreme examples outside the jurisdiction, one where a released individual was murdered, and another froze to death, most unfortunate circumstances are drug related.

The Jail is a very busy place. Jail personnel acknowledge that they process releases without regard to the time of day. They indicate that if anything was paused, the whole detention system could break down. They also indicate that any delay in releasing detainees raises constitutional issues regarding freedom and civil liberties. In light of the fact that the Jail is over-crowded and the need to keep the system moving, this report examines what additional steps can be taken to insure the safety of those released in the middle of the night.

Discussion

Release Process: During our extensive discussions with persons working at the Jail, several items are noted. First, Jail staff was found to be uniformly dedicated, hard-working and care about their work. Second, they work in a very crowded, fast-moving and stressful environment. There is a high percentage of turn-over of detainees on a daily basis. Accordingly, the system is constantly churning.

Persons are released for various reasons. Many are pursuant to a Court Ordered Release (COR), while some have completed their sentence, and still others are released on bail. In other cases, there is no COR. A sizable percentage of people being released have been booked into the Jail for misdemeanors and are released on a citation to appear in court on a future date. Driving under the influence cases (DUI's) are a major component of this category.

Court personnel have a very efficient system for tracking CORs. Such orders are processed and sent to the Jail throughout the day. The vast majority of release orders are communicated to the Jail by 4:30 p.m. but none after 5:30 p.m. CORs are processed at the Jail by court desk personnel and given to release officers.

Administratively, the jail is divided into two units with two shifts each: Unit A Day, Unit A Night, Unit B Day and Unit B Night. The manner in which desk

personnel process CORs can affect the time inmates are released. Getting release orders to the release officers as early as possible can minimize late night releases. In this regard, there appears to be no uniform procedure as to how Jail desk personnel get the names of persons being released pursuant to CORs to the release officers. While there is a written protocol, it has not been reviewed or revised in some time. Additionally, it appears there is no one person responsible for overseeing that the four court desk shifts act uniformly.

The detainees not subject to CORs, such as DUI's, are processed and released from the Jail when they sober up, which often can occur in the middle of the night.

Can late night releases be minimized: It is the opinion of the grand jury that steps can be taken to minimize late night releases without interfering with the Jail's need to keep the system flowing. As mentioned above, the Jail is made aware of CORs by 4:30 pm. in the vast majority of cases. While the Jail's processing system is quite old, a better effort can be made to process and release these detainees by 10:00 p.m. Non-court ordered situations, such as DUI's, could be handled differently. The grand jury feels there is some discretion on the part of release officers to retain people at the Jail during middle of the night hours where no ride is available and safety concerns are present. Such persons need not be gravely impaired as outlined in California Welfare and Institutions, Code Section 5150, Detention of Mentally Disordered Persons.

Advanced Technology Information Management System (ATIMS): The Sheriff's office has contracted with a private company, ATIMS, to implement a modern jail management system. This computer software platform system is designed exclusively for jail operations and has been implemented in 17 counties, including nine in California. Empirical data indicates that the system will modernize jail, courts and administrations' functionality and will result in much speedier decisions, including quicker processing of persons being released. The system will also improve work flow processes posed by the demands of large detention facilities such as the Jail. This system is currently scheduled to be operational in 2019. We recommend that ATIMS implementation be given priority in order to speed up the processing of persons being released in a way to minimize late night releases.

Mitigation of safety issues for late-night releases: The grand jury feels that several other steps can be taken to improve the safety of those persons that are being released from the jail in the middle of the night:

- A written or electronic checklist of options: Inmates are not always advised of their options upon release. A written or electronic checklist

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of such options should be developed and utilized. Failing to advise detainees of options upon release during late night hours creates avoidable safety issues for both the detainees and the community. The checkout form should be signed by both Jail personnel and the persons being released. The form should contain the following:

1. The person's right to use of a telephone to arrange for pick-up.
2. Information for persons being released about their right to stay in the facility until daylight hours. In this regard, we note that the present policy of the Jail is to allow such persons to stay in the release tank until morning as the release tank is a rather dark and unattractive place. We strongly recommend that persons be given the option to stay in the well-lit lobby area.
3. A list of the location of nearby ATM's. Presently, any money in the possession of a person when arrested is returned upon release in the form of a debit card. Information on the use of the card, that it could be subject to a service charge and that an amount under \$20 may be lost should also be included.
4. Information to persons being released that they may speak to Jail personnel called "navigators." These navigators have the ability to arrange for rides from the Jail and put persons in touch with service facilities. In this regard, nighttime navigators are now present at the Jail and shelters that may be open late at night.
5. Information to persons being released of a taxi option.

This simple form listing and documenting these options will address many of the safety concerns presented by late night releases. While it can be argued that the Jail's responsibility to detainees ends at the time of release, use of such a form can reduce the County's exposure to liability if persons being released either commit crimes or are the victims of crimes once they leave the jail.

- Taxi Service: The grand jury recommends that the County provide a free taxi option for persons released in the middle of the night that have no available ride. Vouchers could be provided, or a taxi service contract could be awarded. The budget impact should be minimal and a small price to pay for added safety and lessening exposure to public liability.

Conclusion

Addressing the concerns of late night releases involves a balancing of safety issues with Jail overcrowding/need-to-keep-the-system moving issues. Given that balance, we are recommending that late night releases be minimized and that steps be taken to ensure that released individuals are informed of their options.

Findings

- F1. The new jail management system (ATIMS) being implemented in the Jail will modernize and make more efficient all jail operations from intake to release.
- F2. Until the ATIMS system becomes operational, the Jail continues to process releases without regard to the time of release. This results in more than necessary late-night releases occurring on a daily basis.
- F3. There may be inconsistencies within the different shifts regarding how CORs are processed by Jail desk personnel and given to release officers. The chain of command, including who is responsible, is not defined.
- F4. The Jail has no written checklist type system in place to inform inmates of their options upon release.
- F5. The Jail does not have a taxi service contract or taxi voucher system that would provide persons being released in the middle of the night with the free option of a taxi service.
- F6. The present debit card system is not user friendly, does not offer a cash option, and may result in a service charge. Further, use of the system may result in the loss of amounts under \$20.

Recommendations

- R1. Implementation of the new ATIMS system should be expedited and specifically be aimed at minimizing late night releases.
- R2. Until implementation of ATIMS, steps should be taken to minimize late night releases as recommended.
- R3. Existing written instructions on processing CORs should be updated with a goal of processing such releases consistently and as quickly as possible.
- R4. A written or electronic checklist-type release form should be developed and utilized to fully inform persons being released of their options during late night hours to incorporate all suggestions previously noted.

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- R5. The County should contract or use a voucher system to provide a taxi service option for late night releases.
- R6. The existing debit card system should be reviewed, with the aim of making it more user friendly. Persons being released should be given cash if their balances are less than \$20.

Request for Response

Penal Code Sections 933 and 933.05 require that the following officials submit specific responses to the findings and recommendations in this report to the Presiding Judge of the Sacramento County Superior Court by September 30, 2018.

- Sacramento County Sheriff

Mail or hand-deliver a hard copy response to:

David De Alba

Presiding Judge

Sacramento County Superior Court

720 Ninth Street, Department 47

Sacramento, California 95814

In addition, email response to:

Becky Castaneda, Grand Jury Coordinator at castanb@saccourt.com