



## COC Initial Request

# COUNTY OF LOS ANGELES SHERIFF CIVILIAN OVERSIGHT COMMISSION

World Trade Center  
350 South Figueroa Street, Suite 288, Los Angeles California 90071

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*Executive Director*

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October 22, 2019

**To:** Lt.  
Los Angeles County Sheriff Department (LASD)

**From:** Ingrid Williams  
Sheriff Civilian Oversight Commission (COC)

### REQUEST FOR POLICY AND/OR INFORMATION:

1. All LASD policies and procedures related to the release of inmates. Specifically, clarification regarding the existence of any policy that allows inmates to be released from LA County jail facilities past midnight.

### REASON FOR REQUEST:

The Civilian Oversight Commission would like to review the existing policies and procedures regarding the release of inmates.

### WHEN SPECIFIC INFORMATION IS NEEDED:

Please forward information to the contact person listed below by **November 5, 2019**.

### CONTACT PERSON:

Please feel free to contact Mrs. Ingrid Williams at should you have any additional questions or concerns.

## **Department E-Mail Response**

**From:** Wednesday, October 30, 2019 9:14 AM  
**Sent:** Williams, Ingrid  
**To:** Wilson, Michele  
**Cc:**  
**Subject:** FW: COC Request: Policies pertaining to the release of inmates  
**Attachments:** CDM 4-06.005.05 IMMIGRATION AND CUSTOM ENFORCEMENT DETAINER ACCEPTANCE A....pdf; CDM 5-03.140.00 SICK OR INJURED INMATE IN SERIOUS OR CRITICAL CONDITION ....pdf; CDM 6-11.000.00 INMATE RELEASE POLICY.PDF; CDM 6-11.010.00 VOLUNTARY DELAYED INMATE RELEASE PROGRAM.PDF; CDM 6-11.020.00 ARRESTEE RELEASE INQUIRIES.PDF; CDM 6-11.030.00 FIELD RELEASE OF MISDEMEANOR INMATES.PDF; CDM 6-11.040.00 RELEASE ON NOTICE TO APPEAR.PDF; CDM 6-11.050.00 MISDEMEANOR RELEASE PURSUANT TO 849(B)(2) PC.PDF; CDM 6-11.060.00 MISDEMEANOR INMATES NOT RELEASED ON CITATION.PDF; CDM 6-11.070.00 ICE DETAINER AND ACCEPTANCE PROCESSING PROCEDURES.PDF; CDM 6-12.000.00 BAIL DEVIATION PROGRAM.PDF; CDM 6-12.010.00 BAIL RELEASE PROCEDURES.PDF; CDM 6-12.020.00 FINES - AUTHORITY TO ACCEPT.PDF; CDM 6-12.030.00 BAIL AND SURETY BONDS - AUTHORITY TO ACCEPT.PDF; CDM 6-12.040.00 CASH BAIL OFFERED BY ARRESTEE OR AGENT - PROVISIONS.PDF; CDM 6-12.050.00 CASH BAIL-FINE PAYMENTS.PDF; CDM 6-12.060.00 INTEGRATED BAIL SYSTEM (LASD-LAPD).pdf; CDM 6-12.070.00 IRC-CRDF PROCEDURES FOR PROCESSING CASH BAIL AND FINES.PDF; CDM 6-12.080.00 CERTIFICATE OF RELEASE (SH-AD-516).pdf; CRDF 5-03-040-Reception Center.pdf; CRDF 5-25-020 Voluntary Delayed Release Program.pdf; CRDF 5-25-025- Inmate Safe Release Hours.pdf; IRC 5-01\_011.00 Release of Inmates with Additional Needs or Mobility Imp....pdf; IRC 5-22\_001.10 Release Procedures Related to California Government Code....pdf; IRC 5-22\_002.00 Conditional Release Process.pdf; IRC 7-18\_000.00 180 Day Early Release.pdf; LASD Request regarding release of inmates.docx

Good morning Ingrid,

Please see the attached policies applicable to the COC's request for information.

Have a good day,

***Lieutenant***

*Office of the Undersheriff  
211 W. Temple St., 8<sup>th</sup> Floor  
Los Angeles, CA 90012*

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**4-06/005.05 IMMIGRATION AND CUSTOM ENFORCEMENT DETAINER  
ACCEPTANCE AND PROCESSING PROCEDURES**

California Government Code §7282 et seq. prohibits law enforcement officials from detaining and/or transferring an inmate for a United States Immigration and Customs Enforcement (ICE) hold, after the inmate becomes eligible for release from custody, unless, at the time the inmate becomes eligible for release from custody, the inmate meets one or more of the following conditions:

- The inmate has a prior serious or violent felony conviction as described in California Penal Code §1192.7(c) or California Penal Code §667.5(c);
- The inmate has been convicted of a felony punishable by imprisonment in state prison;
- The inmate has been convicted within the past five years of a misdemeanor for a crime which is punishable as either a misdemeanor or a felony for, or has been convicted within the last 15 years of a felony for, any of the offenses listed in California Government Code §7282.5(a)(3) et. al.; and/or
- The inmate is a current registrant on the California Sex and Arson Registry

An ICE Detainer (Department of Homeland Security [DHS] I-247A form (or any version thereof) – "Immigration Detainer – Request for Voluntary Action") shall only be honored if the inmate's current or past criminal history meets the qualifying criteria specified in California Government Code §7282.5.

**Note:** Department policy requires a previous misdemeanor conviction to have taken place in the past three years. Inmates with previous misdemeanor convictions older than **three** years are not eligible for transfer to ICE unless they meet the other criteria set forth in California Government Code §7282.5(a)(3).

When a qualified inmate becomes eligible for release from custody, as defined by Government Code §7282.5(b), they can immediately be made available to transportation officers retained by ICE. Transportation officers retained by ICE must take custody and transport the inmate within the standard time of release, without additional delay.

**ICE Detainer Notification/Consent**

Inmates shall be notified in writing of the receipt of an ICE Detainer by the Inmate Reception Center (IRC) Records from the ICE's Pacific Enforcement Response Center. This notification shall be made by providing the inmate with a "Notification to Inmate of Immigration Detainer" form (SH-J-461). This form is also available in Spanish under form number SH-J-461S.

A copy of the "Notification to Inmate of Immigration Detainer" form shall be provided to the inmate, along with an informational pamphlet provided by the Los Angeles County

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Office of Immigrant Affairs (OIA), and a copy of the ICE Detainer. The original "Notification to Inmate of Immigration Detainer" form shall be retained in the inmate's record jacket as proof of practice.

A copy of the notification form shall be provided to the inmate(s) in any additional languages that meet the county threshold, as defined in subdivision (d) of §128552 of the Health and Safety Code.

The "Notification to Inmate of Immigration Detainer" form (SH-J-461 or SH-J-461S) can be found in the LASD Document Center (e-forms).

**ICE Interviews**

ICE agents shall not be permitted into any custody facility, station jail, or court lock-up to conduct civil immigration enforcement. Civil immigration enforcement includes interviews regarding civil immigration violations and taking custody of inmates on the basis of a civil immigration detainer.

ICE agents may be permitted access to inmates regarding criminal enforcement, including interviews, pursuant to Custody Division Manual (CDM) section 5-10/055.00, "Inmate Interview Procedures for Law Enforcement."

**Release Procedures**

A list of all inmates being released from Los Angeles County Sheriff's Department (LASD) custody is updated daily and made available to all members of the public on the LASD website ([www.lasd.org](http://www.lasd.org)) under the "Public Data Sharing"/ "Custody Reports"/ "Inmate Releases" tabs.

To ensure compliance with Government Code §7283.1(b), all inmates being processed for release within IRC shall sign a TRUTH Act Notice form (SH-J-462). This form is also available in Spanish under form number SH-J-462S.

An inmate's refusal to sign the TRUTH Act Notice form shall be considered a refusal by the inmate to have LASD make the required notification. The original TRUTH Act Notice form shall be retained in the inmate's record jacket as proof of practice. Inmates who wish to have LASD notify an attorney, or other designated person, shall be provided with a list of legal service providers at the time they sign the TRUTH Act Notice form. The TRUTH Act Notice form can be found in the LASD Document Center (e-forms).

Inmates are only eligible for an in-custody transfer to ICE if the following criteria are met:

- An ICE Detainer is already on file with IRC Records or an ICE agent in the release area presents personnel with an ICE Detainer (DHS I-247A) form (or a version thereof);

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- The inmate's current or past criminal history meets the qualifying criteria specified in California Government Code §7282.5; and
- There are no other pending holds.

IRC Records personnel shall query the inmate's criminal history via the Consolidated Criminal History Report System (CCHRS) to confirm eligibility for transfer under California Government Code §7282.5. Inmates subject to an ICE Detainer who do not meet the qualifying criteria specified in California Government Code §7282.5, shall be released **without additional delay**.

**Note:** Inmates with previous misdemeanor convictions older than **three** years are not eligible for transfer to ICE unless they meet the other criteria set forth in the California Government Code §7282.5(a)(3).

Transporting officers contracted by ICE will be required to take custody and transport the inmate, within the standard time for release processing, **without additional delay**. **Inmates who qualify for in-custody transfer, shall be released without additional delay, if ICE fails to take custody and transport those inmates within the standard time for release processing.**

A bond or bail presented on behalf of an inmate with an ICE Detainer shall be accepted. The presence of an ICE Detainer shall not be used as a reason to refuse bond or bail. Additionally, acceptance of a bond or bail does not disqualify an inmate from being transferred to the custody of ICE if they meet all the conditions specified above.

For assistance regarding immigration detainers contact the IRC Release Compliance Desk, at (213) 473-6505 or the on-duty Records watch deputy, at (213) 680-6958.

**IRC Responsibilities**

IRC shall develop Unit Order(s) and practices to ensure compliance with California Government Codes §7282.5 and 7283.1, and the procedures outlined within this policy, while working in conjunction with other local, state, and federal agencies.

**Revised 07/26/19**  
**Revised 06/22/18**  
**Revised 07/06/17**  
**11/18/13 CDM**

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**5-03/140.00 SICK OR INJURED INMATE IN SERIOUS OR CRITICAL CONDITION  
AND DEATH IMMINENT INMATES**

Personnel providing security for inmates who are admitted to a hospital outside of a custody facility, and where the inmate is in serious condition, shall provide an updated status of the inmate's medical condition to the concerned watch commander at least once per shift.

In those instances where an inmate in the custody of the Sheriff's Department becomes ill or is injured to the extent that their condition is diagnosed as serious, critical, or death imminent by medical authority, a notification shall be made to the next-of-kin.

It is the responsibility of the shift watch commander for the concerned facility to notify the Access to Care Bureau (ACB) captain, or designee, when an inmate is diagnosed with a serious or critical injury, illness, or has been deemed as death imminent. The ACB captain, or their designee, shall notify the inmate's next-of-kin and Correctional Health Services (CHS), via the Department e-mail group, "Med Srvs Bureau, Comp Care Team," of the inmate's condition. In addition, the concerned watch commander shall contact Homicide Bureau in those instances when the inmate has been declared death imminent.

The shift watch commander of the concerned facility shall also notify the ACB captain, or designee, in the event of a suicide attempt, serious illness, or injury of a minor in a Custody Services Division jail facility or other facility where the minor is under the supervision of custody personnel. The ACB captain, or designee, shall make notification to the court of jurisdiction and the parent, guardian, or person standing in loco parentis in accordance with Title 15, Section 1047, "Serious Illness or Injury of a Minor in an Adult Detention Facility."

In the event of a suicide attempt, serious illness, or injury of a minor in a court lock-up, refer to Court Services Division Manual section 2-05/035.30, "Juvenile Handling Procedures."

Next-of-kin notifications shall be made in person and not by telephone. If the next-of-kin resides in an area policed under the jurisdiction of the Sheriff's Department or a jurisdiction neighboring the Sheriff's Department, the ACB Notification Team shall be contacted to provide the necessary in-person notification.

In the event the next-of-kin resides in an area which is an unreasonable distance from the Sheriff's Department's jurisdiction or out-of-state, the law enforcement agency having jurisdiction is to be contacted and requested to make the necessary in-person notification.

Upon confirmation of the appropriate notification, an entry shall be made in the Access to Care Bureau Serious or Critical Condition Log, listing the names, times, and addresses of the concerned parties.

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**VISITATION FOR SICK OR INJURED INMATES IN SERIOUS OR CRITICAL  
CONDITION AND DEATH IMMINENT INMATES**

Inmates who are diagnosed as death imminent or are sick or injured and in serious or critical condition may be allowed visitation absent immediate safety concerns or exigent circumstances. Visitation will be at the discretion of the concerned watch commander. Upon notification to the next-of-kin, potential visitors shall be checked for possible officer safety threats. This check should not be used as criteria to disqualify a potential visitor.

No more than two (2) visitors shall be permitted to visit at one time. The number of visitors may be increased or decreased at the discretion of the concerned shift watch commander. Visitation shall be allowed for a reasonable time period and all visitors are subject to search. All approved visitors shall complete and sign a "Los Angeles County Sheriff's Department Visitation Agreement and Civil Claims Release" form (SH-J-474) prior to visitation. All visits shall be logged in the inmate's "Hospital Visitation Log" (SH-J-476) and shall denote the name of the visitor and the times the visit began and ended.

Visits may be cancelled at any time if a security or safety concern arises. Hospital personnel may make a determination a visit cannot occur or must be terminated due to operational or medical concerns. If a visit was denied or terminated for any reason, the name of the person denying/terminating the visit, the reason, and the time of denial/termination shall be noted in the Hospital Visitation Log (SH-J-476) and in the concerned Watch Commander's Log. All visits shall be conducted in accordance with Custody Division Manual (CDM) section 5-10/010.00, "Inmate Visiting." All visiting rules set forth by the respective hospital or medical facility treating the inmate shall apply.

**COMPASSIONATE RELEASE**

In instances where the inmate's condition is diagnosed as serious or critical and a competent outside physician, who is neither a County physician nor under contract with the County, advises the inmate be released to a different health care facility or private residence, an expedited "compassionate/mercy" release may be sought. Pursuant to Government Code, section 26605.5, in the examining physician's opinion, the inmate's physical condition must be so critical that the inmate is "rendered incapable of causing harm to others upon or after release from custody."

All requests for an expedited "compassionate/mercy" release shall be referred to the Access to Care Bureau via the "MSB Compassionate Release" e-mail group, and notification shall be made to the respective Custody Division chief. The inmate shall not be released without a court order.

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**Revised 07/19/19  
12/10/01 CDM**



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**6-11/000.00 INMATE RELEASE POLICY**

It is the policy of the Department to release misdemeanor inmates in a manner prescribed by law as soon as such inmates may reasonably and safely be released.

MPP sections [5-03/115.05](#), "Field Release of Misdemeanor Procedures" and [5-03/115.20](#), "Misdemeanor Release - Exceptions" deal with the procedures to be followed when making field releases and releases from custody. Procedures for making releases pursuant to 849(b)(2) and 849(b)(3) PC are covered in MPP sections [5-03/117.00](#), "Misdemeanor Release Pursuant to 849(b)(2) PC" and MPP section [5-03/119.00](#), "Misdemeanor Release Pursuant to 849(b)(3) PC."

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**6-11/010.00 VOLUNTARY DELAYED INMATE RELEASE PROGRAM**

Department members shall not discourage or encourage inmate/arrestee participation in the Voluntary Delayed Release (VDR) Program.

Department personnel shall ensure the VDR form is completed prior to releasing the inmate/arrestee.

Inmates/arrestees who do not wish to participate in the VDR Program shall continue through the release process without delay.

If an inmate/arrestee wishes to participate in the VDR Program, the Department member releasing the inmate/arrestee shall obtain the inmate's/arrestee's signature, fingerprint, and place the inmate/arrestee in a designated holding cell for VDR inmates/arrestees.

An inmate/arrestee may revoke their request to voluntarily remain in custody at any time. In the event an inmate/arrestee revokes their decision to participate in the VDR Program, the Department member releasing the inmate/arrestee shall ensure section 3 Revocation is completed by obtaining signatures from the inmate/arrestee and watch commander. The inmate/arrestee shall be processed for release without delay.

Inmates/arrestees participating in the VDR Program shall be processed for release in a timely manner not to exceed 16 hours or until normal business hours, whichever is shorter.

Inmates/arrestees participating in the VDR Program shall be given an opportunity to make a reasonable number of phone calls in order to arrange for transportation and to notify the bail/bond agent of their decision to remain in custody.

Court released inmates/arrestees who want to participate in the VDR Program shall be transported to the Inmate Reception Center (IRC) or Century Regional Detention Facility (CRDF) for processing.

Unit commanders who are responsible for detentions and incarcerations of inmates/arrestees shall establish procedures for the Voluntary Delayed Release Program for their unit to include designation of a holding cell, revocation procedures, phone calls, etc.

When an arrestee (male/female) is released from a station jail, the on duty jailer shall offer the arrestee the opportunity to voluntarily remain in the station lobby until his/her transportation arrives. This advisement shall be documented by having the arrestee sign the bottom of the Arrestee's Release Information Form.

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**6-11/020.00 ARRESTEE RELEASE INQUIRIES**

All calls received by a station regarding an arrestee's anticipated release shall be directed to the on duty station jailer. The station jailer shall document on the "Arrestee Release Information Form," the name and telephone number of the caller regarding the arrestees anticipated release. Upon release of the arrestee, the station jailer shall provide the arrestee with the documented name and telephone number for each call received, and require the arrestee to sign the "Arrestee Release Information Form," indicating the receipt of the documented information.

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**6-11/030.00 FIELD RELEASE OF MISDEMEANOR INMATES**

Misdemeanor inmates shall be released in the field whenever it is reasonable and safe to do so, per MPP section 5-03/115.05, "Field Release of Misdemeanor Procedures" under the following conditions:

- The inmate is not under the influence of alcohol, a narcotic or any dangerous drug
- The inmate does not fall into the mandatory non-release policy as defined in MPP section [5-03/115.20](#), "Misdemeanor Release - Exceptions"

**STATION JAILER'S RESPONSIBILITY**

Upon receiving the "Notice to Appear," the jailer shall:

- Ensure the station secretary receives a copy of the Notice to Appear (SH-CR-66) so that a JDIC booking entry/release can be made
- Handle the Notice to Appear just as BP&R and shall process it accordingly

**MISDEMEANOR RELEASE - EXCEPTIONS**

Refer to MPP section [5-03/115.20](#), "Misdemeanor Release - Exceptions."

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**6-11/040.00 RELEASE ON NOTICE TO APPEAR**

Upon receiving the inmate, the jailer shall:

- Review the booking packet for accuracy
- Check the citation for completeness
- Complete the Notice to Appear if a private person's arrest, indicating private person's arrest on the face of the form
- Have the inmate sign the Notice to Appear in the space for "Signature"
- Sign the citation as certifying officer
- Release the inmate.

If the inmate was arrested by another agency, the jailer shall complete a Notice to Appear. The jailer shall sign in place of the arresting officer, clearly indicating the name of the arresting agency on the face of the form.

Certification is accomplished by checking the box provided on the Notice to Appear, filling in the city where the release was effected and signing as issuing officer, including employee number. In addition, print the name and identification number of the arresting officer in the space provided.

The citation form shall be delivered to the court deputy, who shall ensure that the district attorney receives a copy when the complaint is sought. In the event, a Notice to Appear was completed by the arresting officer, but the inmate is found to be ineligible for release on citation, the jailer shall have the citation voided by the watch commander. Update AJIS computer with complete booking and release transactions. AJIS release code "Cite" (see Users Handbook) shall be shown as the reason for release.

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**6-11/050.00 MISDEMEANOR RELEASE PURSUANT TO 849(B)(2)PC**

All persons arrested for intoxication only shall be released providing:

- The intoxicant is alcohol
- No further proceedings are desirable
- Such person may reasonably and safely be released
- The release is not precluded under the guidelines noted in MPP section 5-03/115.20, "Misdemeanor Release - Exceptions"

Note: The release of an inmate pursuant to section 849(b)(2) PC does not require the issuance of a Certificate of Release (SH-AD-516).

**849(B)(2)PC RELEASE - JAILER'S RESPONSIBILITY**

Prior to releasing an inmate under provisions of 849(b)(2) PC, the jailer shall:

- Review the booking packet for accuracy
- Obtain the inmate's signature on lines 18 and 44 of the BP&R
- Return cash and property to the inmate
- Release the inmate (indicate 849(b)(2) PC on computer update message)
- Notify the deputy writing the report (if the report has not been approved) or Detective Bureau (if the report is approved), to indicate on the Incident Report (SH-R-49) that the report is inactive
- Record the name of the employee making the final release, date and time on line 44
- In the space on the back side (or page 2) of the B&PR "Reason for Release," reflect "Released per 849(b)(2) PC" in the "Released To" field and put an "X" next to the "OTHER" for release reason.

**MISDEMEANOR ARRESTS BY OTHER JURISDICTIONS**

An inmate arrested by another agency for a misdemeanor violation shall be released as described in MPP section [5-03/115.35](#), "Jailers Responsibility," unless that agency has specifically designated that the inmate be retained in custody as provided in section 853.6(j) PC.

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**6-11/060.00 MISDEMEANOR INMATES NOT RELEASED ON CITATION**

In all cases where a misdemeanor inmate is not released on citation, the watch commander shall sign the booking slip authorizing the detention, indicating the specific reason for the non-release.

The reason must correspond with one or more of the exceptions noted under MPP section [5-03/115.20](#), "Misdemeanor Release - Exceptions."

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**6-11/070.00 ICE DETAINER AND ACCEPTANCE PROCESSING PROCEDURES**

California Government Code §7282 et seq. prohibits law enforcement officials from detaining an inmate for a United States Immigration and Customs Enforcement (ICE) hold, after the inmate becomes eligible for release from custody, unless, at the time the inmate becomes eligible for release from custody, certain conditions are met. Refer to Custody Division Manual section [4-06/005.05](#), "Immigration and Customs Enforcement Detainer and Acceptance and Processing Procedures."

**ICE DETAINER NOTIFICATION/CONSENT**

Inmates shall be notified in writing of the receipt of an ICE Detainer by facsimile to the Inmate Reception Center (IRC) Records Unit from the ICE's Pacific Enforcement Response Center. This notification shall be made by providing the inmate with a "Notification to Inmate of Immigration Detainer" form (SH-J-461). This form is also available in Spanish under form number SH-J-461S. The original form shall be retained in the inmate's record jacket as proof of practice. Refer to CDM section [4-06/005.05](#), "Immigration and Customs Enforcement Detainer and Acceptance and Processing Procedures."

**ICE INTERVIEWS**

ICE agents shall not be permitted into any custody facility, station jail, or court lock-up to conduct civil immigration enforcement. Civil immigration enforcement includes interviews regarding civil immigration violations and taking custody of inmates on the basis of a civil immigration detainer.

ICE agents may be permitted access to inmates regarding criminal enforcement, including interviews, pursuant to Custody Division Manual (CDM) section 5-10/055.00, "Inmate Interview Procedures for Law Enforcement."

**RELEASE PROCEDURES**

The Records Compliance Desk (RCD) at IRC is the sole entity responsible for assuring the Department is in compliance with California Government Code §7282.5 et seq. The RCD shall receive, review, and disseminate all ICE detainers.

Courts and station jail personnel shall adhere to the following procedures prior to the release of an inmate with an ICE detainer:

- Update the inmate who is pending release to "PRPR" in the Automated Justice Information System (AJIS), regardless of the presence of an ICE detainer. This will ensure pending releases are updated to the public information portal and that the RCD is notified of a pending release;
- If the inmate has a valid ICE detainer, the RCD shall contact the station or court and instruct the jailer to serve the inmate with their detainer and ensure the inmate completes a "TRUTH Act" form (SH-J-462) and a "Notification to Inmate



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of Immigration Detainer" form (SH-J-461). These forms can be located in the LASD Document Center (e-Forms). Additionally, the inmate shall be provided with the Office of Immigrant Affairs (OIA) Pamphlet;

- The RCD shall send all necessary documentation via email to the releasing officer or deputy and advise if the inmate is eligible to be picked up and transported by transport officers contracted through ICE;
- Release personnel shall ensure the immigration manifest provided by IRC Records is signed by the transportation officers;
- Release personnel shall not delay the release of an inmate to wait for transportation officers to arrive;
- In-custody transfers of qualified inmates to contracted transport officers shall be conducted in the secured station jail or court lock up area;
- Once the inmate is released and all documents have been completed, release personnel shall scan and email the documents to the IRC Release Compliance Desk Detainers: [IRCRLSCOMPDSKDET@LASD.ONMICROSOFT.COM](mailto:IRCRLSCOMPDSKDET@LASD.ONMICROSOFT.COM) or facsimile to (323) 415-7992.

**ICE Agents shall not be allowed access to any custody facility, station jail, or court lock-up to conduct civil immigration enforcement.**

Refer to CDM section [4-06/005.05](#), "Immigration and Customs Enforcement Detainer and Acceptance and Processing Procedures" for additional information.

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**6-12/000.00 BAIL DEVIATION PROGRAM**

The Bail Deviation Program began in 1985 and was enacted by Penal Code section 810(b). This section designed a program that is twofold and administered by the Probation Department. The first part of the program gives pre-arraigned inmates the right to attempt to obtain a bail reduction or "OR" (own recognizance), if they are not eligible to be cited out. The second part gives arresting officers the ability to enhance an inmate's bail when pre-designated bail is not applicable or insufficient.

The Bail Deviation Program gives inmates specific rights and establishes specific procedures which must be followed and complied with. It also gives peace officers another tool for keeping an inmate in custody if the circumstances warrant bail enhancement.

**OVERVIEW**

The inmate must be permitted to make application for bail deviation within eight hours of booking.

The telephone call to the Bail Deviation Unit must be given in addition to the three telephone calls normally afforded to arrested persons. The Bail Deviation Unit accepts collect telephone calls from inmates and operates seven days a week and on holidays. The hours are posted in the jail booking area.

The calls to the Bail Deviation Unit should take 30 to 45 minutes. During this time the Bail Commissioner's Aide will request information about the inmate's arrest, family and employment history. A criminal history check is done to assist the bail commissioner in deciding whether or not a bail reduction or an OR should be granted.

The Commissioner's Aide will attempt to verify information obtained from the inmate and will contact the station watch commander, watch sergeant, or jailer. Any opposition to the reduction in bail shall be presented at this time and this information shall be passed on to the Bail Commissioner.

Any increase or reduction of bail for an inmate in custody will be forwarded to the station via teletype from the Bail Deviation Unit.

When an arrest is made during the time when the Bail Deviation Unit is not operational, the inmate shall be given the opportunity to make their request when the Bail Deviation Unit becomes operational again. This will, under certain circumstances (shift changes), require that an inmate's booking information be flagged to ensure compliance with these procedures.

**BOOKING OFFICER'S RESPONSIBILITIES**

During the booking process, the booking officer shall inform each inmate, not eligible for release on a citation, of his/her right to seek an OR release or bail reduction.

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The booking officer shall complete and explain the Bail Reduction Form (SH-R-440). The hours of operation and the telephone number for the Bail Deviation Unit are posted in the jail booking area. If the inmate waives the right or makes the call to the Bail Deviation Unit, check the appropriate box on the Bail Deviation Form. **If the Bail Deviation Unit is closed, notify the jailer so the inmate can make the call at a later time.**

Peace officers seeking bail enhancement may contact the Bail Deviation Senior Aide by calling (213) 351-0373. The officer must state name, title, agency, unit, and telephone number. The arrestee's name, address, age, booking number and charge should then be given. The Commissioner will make a decision based on the information supplied by the officer. The more specific the officer is about the reasons for the increase, the more likely the Commissioner will rule favorably.

If opposed to a lowered bail or OR release (deviation), the officer shall receive approval from the on-duty watch commander. All facts for opposing a bail reduction or an OR release shall be specified on the Bail Deviation Form.

**JAILER'S RESPONSIBILITIES**

Check booking slips for compliance with the Bail Deviation Program. Make sure all inmates who are not eligible for release on a citation have a completed Bail Deviation Form in their booking package.

Flag booking packages of inmates who did not make their calls due to closure of the Bail Deviation Unit and advise your relief which inmates require calls.

The day shift jailer shall transmit a list of those inmates in custody who qualify (not warrant arrests) to the Bail Deviation Unit by 0800 hours and make a copy for the station. The station copy shall be maintained for two years.

See station specific procedures on how to transmit the above list.

**WATCH SERGEANT'S RESPONSIBILITIES**

The watch sergeant shall review the booking slip and sign the Bail Deviation Form for each inmate booked at the station who is not eligible for release on a citation. They shall also focus special attention to ensure that inmates are given the required access to the Bail Deviation Unit and the Bail Commissioner.

For bail amount view the bail schedule at [www.lacourt.org](http://www.lacourt.org).

**LOS ANGELES COUNTY SHERIFF'S DEPARTMENT  
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**6-12/010.00 BAIL RELEASE PROCEDURES**

The subsections which follow establish procedures for the processing of cash, cashier's checks and surety bonds accepted in payment of bail or fines.

**03/05/18 SJM**