

DATE:	MAY 13, 2022
NUMBER:	U.8
SUBJECT:	TEMPORARY RELEASES BY COURT ORDER TO A DISTRICT ATTORNEY OR LAW ENFORCEMENT AGENCY
RELATED SECTIONS:	U.7 , CSB E.18

PURPOSE

To provide guidance on the temporary release of incarcerated persons to the custody of the District Attorney's Office or other law enforcement agencies.

POLICY

An incarcerated person may be temporarily removed from a detention or court facility while remaining in law enforcement custody, upon the order of a judge of the Superior Court.

Upon receipt and verification of a "Declaration and Order for Production of Defendant," which is processed as an Order to Produce (OTP), the requesting agency will assume temporary custody of an incarcerated person currently in Sheriff's custody.

PROCEDURE

I. TEMPORARY RELEASE OF AN INCARCERATED PERSON FROM A DETENTION FACILITY

The District Attorney and various law enforcement agencies often submit an OTP which allows the requesting agency to assume temporary custody of an incarcerated person currently in Sheriff's custody.

The following procedures shall be followed for the temporary release of an incarcerated person from a detention facility to the custody of the District Attorney or other law enforcement agency.

- A. The OTP must include the date and time the incarcerated person should be released, who the incarcerated person is being released to and when the incarcerated person will be returned to Sheriff's custody. Incarcerated persons will be temporarily released from the detention facility rather than from court holding areas.
- B. Due to the sensitive nature, confidentiality, liability, and security concerns associated with these types of releases, it is imperative that the incarcerated person's release be effectively coordinated with the requesting agency.
- C. The incarcerated person will be correctly identified and accounted for by utilizing the designators of "District Attorney Pick Up" (DAPU) and "Law Enforcement Pick Up" (LEPU). These designators will be entered into the Jail Information Management System (JIMS) by the detention processing supervisor (DPS) or designee when processing temporary releases to the District Attorney and other law enforcement agencies.

- D. In accordance with the OTP, the DPS will enter the event start date and time and the event end date and time into JIMS. The only entries that will be utilized for this purpose will be the DAPU and LEPU descriptors.
- E. Incarcerated persons scheduled for DAPU or LEPU will remain in their housing area pending the arrival of the District Attorney or law enforcement official. This will prevent the incarcerated person from inadvertently being transported on the bus.
- F. When the incarcerated person is released to the requesting agency, the person taking custody of the incarcerated person will provide the watch commander or designee with the original court order.
- G. The watch commander or designee will ensure the person taking custody of the incarcerated person is listed on the court order as being authorized to remove the incarcerated person from the facility.
- H. The watch commander or designee will print the transportation trip ticket from JIMS (IMS/SCHEDULE/SCHEDULING REPORTS/TRANSPORTATION TRIP TICKET) and document the time the incarcerated person was picked up and by whom.
- I. When the incarcerated person is returned to the facility, the watch commander or designee will document the time the incarcerated person was returned and file the completed transportation trip ticket form and original court order in the incarcerated person's custody record.

II. TEMPORARY RELEASE OF AN INCARCERATED PERSON FROM COURT

An order for the temporary release of an incarcerated person direct from the courtroom to the District Attorney will be honored. It is the Sheriff's Department's expectation the incarcerated person will remain in the presence of an armed peace officer employed by the District Attorney's office at all times. Incarcerated persons will be released from court holding areas rather than from a detention facility.

The District Attorney investigators will fax a copy of the court order to the watch commander of the facility where the incarcerated person is housed.

- A. The watch commander will review and sign the face of the court order and make two copies. The watch commander will maintain one copy and provide the second copy to the DPS or designee.
- B. The watch commander will fax the court order to the requesting investigator. Any concerns about a release order should be addressed first with the requesting investigator, or if necessary, with the court. Court Services Bureau (CSB) staff will handle approved temporary releases according to [Court Services Bureau Policy and Procedure E.18](#).

If the court order is to be sealed, it will be processed by the watch commander in accordance with Detention Policy and Procedure [Q.49](#).

- C. Upon receipt of the OTP, the watch commander or designee will determine the current housing facility of the incarcerated person. If the incarcerated person is not at the facility

where the OTP was received, the order will be faxed to the incarcerated person's housing facility. The receipt of the OTP by the incarcerated person's housing facility must be confirmed.

- D. The DPS or designee will schedule the pickup event through the Schedule Events navigator in JIMS. If the District Attorney is assuming temporary custody of the incarcerated person, the event type will be entered as DAPU, destination NO BUS (Hold for Pick Up). All other law enforcement agencies will be entered as LEPU, destination NO BUS (Hold for Pick Up).

III. RELEASE TO OTHER SHERIFF'S PERSONNEL

Facility watch commanders may authorize San Diego Sheriff's investigative personnel to remove incarcerated persons from detention facilities without a court order for investigative purposes.

In these cases, a note will be made in the Watch Commander's Log identifying the incarcerated person, the Sheriff's personnel taking custody of the incarcerated person and the estimated time of return. The Sheriff's personnel taking custody of the incarcerated person will maintain custody, at all times and will not relinquish custody of the person to anyone else.