



## Temporary Out of Custody

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At times an incarcerated individual may be released, as example when a Judge may issue a court order to release an incarcerated individual temporarily for various reasons. If the-incarcerated individual is sentenced and is ordered Temporary out of Custody (TOC) for 3 days or less, the Sentence Calculation does not need to be adjusted.

The various types of TOC release orders you may encounter are briefly described below:

**Release for Emergency Circumstances:** There are times the court will allow an incarcerated individual temporarily released due to an emergency such as to attend a funeral.

**Release to the District Attorney (DA) directly from court:** An order for the temporary release of an incarcerated individual to the District Attorney, direct from the courtroom, shall be honored. The DA will fax a copy of the order to the Watch Commander of the facility where the incarcerated individual is housed. The Watch Commander will review and sign the face of the court order and make two copies. They will retain one and give the second copy to the Detention Processing Supervisor (DPS). The Watch Commander will then fax the court order to the requesting DA.

When releasing an incarcerated individual TOC, the incarcerated individual **MUST** be released on all arrests, both Booked and Hold. The court order is to be reviewed for completeness, the Judge's signature and court seal.

***NOTE: A 1203.03 PC release, which is a TOC release for a diagnostic evaluation, does not require a release authorization on all Arrests. See DOC releases.***

The contents of the custody record, as well as all necessary computer screens, will be reviewed to determine if the court order addresses all arrests.

The DPT will forward a copy of the court order, the incarcerated individual's custody record to the DPS for review. After review, the DPS will forward all relevant information regarding all arrests to the Watch Commander.

The Watch Commander will determine whether or not to honor the temporary release order. If the Watch Commander determines the court order will not be honored, they will notify the Judge of the reason for noncompliance. **If other jurisdictions and/or agencies have a Hold on the incarcerated individual, they will be contacted by the Watch Commander to determine if the agency will authorize the incarcerated individual to be released on their matter.** For instance, if the incarcerated individual has a United States Immigration and Naturalization Service (USINS)



Hold, they must authorize the release of the incarcerated individual, on their Detainer. If the Hold agency refuses to release/drop their Hold, the incarcerated individual will remain in custody and the Watch Commander will notify the Judge.

If the Watch Commander determines the court order will be granted, they will sign the court order and forward them to the DPT.

A release authority is required for each arrest. It is ultimately the Final Release position's responsibility to ensure that the Watch Commander has approved the release and that all Arrests have a release authority.

**Do NOT use the Final Release Navigator to release an incarcerated individual TOC. The Temp Release/Return Navigator is to be used.**

After processing the incarcerated individual for TOC release, the Final Release DPT will put the incarcerated individual in temporary release status in JIMS for all applicable Arrests and place the return date and time in the notes section.

**RELEASING BED AND STORAGE (Final Release)**

In the Temporary Release/Return screen enter the:

- Correct Release Type.
- Agency Released to: If applicable.
- Reason for Release.

**Be sure to enter the Due Back Date/Time.**

Release:	Bed?	Storage?
Weekenders	Y	Y
1203.03	Y	N
RJD/CRC	Y	Y
All Others	N	N

*(For incarcerated individuals returning the same day or within 3 days)*

**RETURNING TEMPORARY OUT OF CUSTODY INCARCERATED INDIVIDUALS**

To return an incarcerated individual into custody, use the Temp Release/Return Navigator. Go to Maintenance and change or remove the TOC Disposition. When the incarcerated individual returns to the facility, the computer will need to reflect that the incarcerated individual has returned. Be sure to remove the disposition of "TEMP". Go to Personal Property to reassign a hanger, if applicable. If the incarcerated individual brings in money their account will have to be reactivated and a deposit made to the account. In Temp Release/Return click on the return button then OK and close. The incarcerated individual is returned.