

# ATTACHMENT B

# **INMATES RELEASED DURING LATE-NIGHT HOURS**

## **What are their options?**

### **SUMMARY**

The 2013-14 Santa Barbara County Grand Jury received an inquiry concerning the safety issues related to the release of inmates from the relatively isolated Santa Barbara County Main Jail during late-night hours. The Santa Barbara County Sheriff's Office provided the Jury with its current inmate release policy. After interviewing jail staff and reviewing the jail release policy, the Jury concluded that inmates are not always advised of their options either verbally, or in writing upon release.

### **BACKGROUND**

The Santa Barbara County Main Jail is a busy place. Inmate releases routinely average between 20 and 40 per twenty-four hour period. The Santa Barbara County Sheriff's Office is required to release inmates at the end of their sentence or by court order. As a result, an average of nine inmates is released during late-night hours – between 11:00 p.m. and 6:00 a.m.

### **METHODOLOGY**

The Grand Jury reviewed the *Santa Barbara Sheriff's Department Custody Operations – Policy and Procedures; Release Criteria*. The policy, last revised in April 2011, covers releases under various Penal Code sections. Interviews were conducted with jail personnel. Additional information was obtained from electronic and print media.

### **OBSERVATIONS AND ANALYSIS**

The release procedure takes about half an hour. On the day of release, the inmate is first escorted by the module officer to the property room where he or she will change into street clothes. The inmate then is escorted to the booking area where identity is verified and confirmed by the booking officer. Subsequently, any commissary monies and personal items are signed for and returned. The inmate is then released by a deputy to the street.

Jail policy states, "In the event an inmate is being released during the hours of darkness and does not have a vehicle available for transportation away from the jail grounds, he or she *should be* (italics added) advised that they [sic] may remain in the Inmate Reception Center lobby and/or immediately outside the lobby at the benches until daylight without risk of a trespassing

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charge.”<sup>1</sup> In contrast, the Jury received an informal Sheriff’s Office document stating, “There is not a specific written policy on what is told to the inmate being released.”<sup>2</sup>

In lieu of a potential late-night release, the Sheriff’s Office has several options for holding inmates. Inmates may be held for up to twelve hours past their release time if jail personnel feel the inmate’s safety may be compromised. Inmates previously deemed mentally unfit to be released are referred to the Crisis and Recovery Emergency Services (CARES). In addition, inmates who voluntarily agree to enter into a drug and/or alcohol rehabilitation program are transported to the program’s facility subject to space available. Inmates sobering up from alcohol and/or drug use are held until sober.

Since public transportation is not available 24 hours per day, inmates traveling to Lompoc, Santa Maria, or other communities must wait until the buses resume service and are offered bus vouchers paid for by the Inmate Welfare Fund pursuant to *California Penal Code, Section 4025 (i)*. The vouchers are offered to those who do not have a ride, and/or do not have the financial means to pay for a ride.<sup>3</sup>

During late-night hours, taxi service for those who need a ride is paid for by an anonymous donor, and not from the Sheriff’s Office or the Inmate Welfare Fund. As the Sheriff’s Office states, the homeless are often taken to the Salvation Army, the Rescue Mission, or the downtown transit center through the taxi ride service.<sup>4</sup> The Jury has learned that future private funding for taxi ride service is questionable.

The Jury learned that in Orange County, California, there is a faith-based program called “Lights On.” This is a converted motor home that is parked in the jail parking lot. It is staffed by volunteers who provide released inmates with coffee, snacks, bus schedules, Alcoholics Anonymous fliers, and free use of a cell phone. There are tables and chairs where inmates may wait for a ride. The Santa Barbara Sheriff’s Office is exploring the possibility of working with a community-based organization to institute a similar program.

### **CONCLUSION**

The 2013-14 Santa Barbara County Grand Jury found no comprehensive, clear, and consistently administered policy for the release of inmates during late-night hours. There is no requirement for documenting whether or not an inmate has been offered a voucher for transportation, the use of a telephone, or the opportunity to wait in the lobby until dawn. While the Jury understands that the Sheriff’s Office may have no further legal obligation, inmates should be advised in writing of their options upon release.

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<sup>1</sup> *Sheriff’s Office Custody Operations Policy; section 3, page 6*

<sup>2</sup> Sheriff’s Office document: *Procedure When an Inmate Is Released*

<sup>3</sup> Sheriff’s Office email to the Grand Jury, dated October 22, 2013, subject: Intake and Release

<sup>4</sup> *ibid*



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### **FINDINGS AND RECOMMENDATIONS**

#### **Finding #1**

There is no specific document which both the Santa Barbara County Sheriff's Office and a released inmate must sign to indicate that he/she has been offered a bus or taxi voucher, the use of a telephone, or the opportunity to wait in the lobby until dawn.

#### **Finding #2**

The Grand Jury learned that continued private funding for the taxi service is in doubt.

#### **Finding #3**

Orange County, California has a faith-based program named "Lights On," that offers newly released inmates coffee, snacks, bus schedules, Alcoholics Anonymous fliers, and free use of a cell phone.

#### **Recommendation #1**

That the Santa Barbara County Sheriff's Office establish a written policy requiring a form to be signed during the release process indicating that the inmate has been offered a bus or taxi voucher, the use of a telephone, or the opportunity to wait in the lobby for a ride until dawn.

#### **Recommendation #2**

That Santa Barbara County encourages the establishment of a community-based program similar to "Lights On" in Orange County, California.

### **REQUEST FOR RESPONSE**

Pursuant to *California Penal Code Sections 933 and 933.05*, the Jury requests each entity or individual named below to respond to the enumerated findings and recommendations within the specified statutory time limit.

#### **Santa Barbara County Sheriff – 60 days**

Findings 1, 2, 3

Recommendations 1, 2

#### **Santa Barbara County Board of Supervisors – 90 days**

Finding 3

Recommendation 2