

MARIN COUNTY SHERIFF'S DEPARTMENT  
CUSTODY DIVISION POLICY AND PROCEDURES MANUAL

**CHAPTER 3 - RELEASES**  
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DATE  
8-03-94

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**JAIL OVERCROWDING**

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**POLICY**

The Hsg. Sergeant shall determine which inmates can be released when the jail inmate population exceeds maximum capacity based on this procedure and in compliance with Superior Court Order Number 106849.

**PROCEDURE**

The Hsg. Sergeant will review all inmate records to determine who would be eligible using the below listed alternatives. Public safety will be considered before any release is made.

Inmates held on foreign warrants charging traffic offenses or misdemeanor violations will be released if the issuing jurisdiction cannot pick the inmate up immediately. A Promise To Appear (PTA) will be generated with a future court date and time, the warrant number, court address and bail amount. The inmate will sign the PTA and copy. The original will be sent to the issuing jurisdiction and the copy is placed in the inmate's Jail File.

The provisions of 853.6 PC shall be applied to Marin County Jail inmates charged with misdemeanor offenses, although originally booked for felony offenses. The Hsg. Sergeant will review the personal history of any inmate so identified. All such inmates will be released on a PTA unless there exists one of the reasons for non-release listed under 853.6 (i) PC.

If a reason for non-release under 853.6 (i) PC exists, the reason shall be critically examined to determine if a release would most likely result in the inmate's failure to appear or harm to public safety. If neither condition exists the inmate shall be released on a PTA.

Sentenced inmates shall be released per 4018.6 PC. Inmates are allowed up to 3 days early release from custody for preparation for re-entry into the community. When inmates are released under this condition the 4018.6 PC form will be completed.

All releases due to overcrowding will be entered into the Overcrowding/ Release book. The inmate's name, LAR number, jail number, booking date, release date, case #, charge and bail amount will be entered in the appropriate places. The Hsg. Sergeant will initial all entries. Prior to release of any inmate beyond this policy the Admin. Lieutenant will be notified. In the case of his/her absence the Ops. Lieutenant or Captain will be notified.

**RELATED STANDARDS**

Superior Court Order # 106849  
Chapter 3, Section 3

DATE REVISED  
None

By order of

DANIEL PAYNE  
BUREAU COMMANDER