

LATE-NIGHT RELEASE INFORMATION

Data Set Overview and History

In July 2021, the monthly Jail Profile Survey (JPS) included a new Section I, Late-Night Release (LNR) Information, to collect information on the number of individuals released during certain time periods. The three new data elements are:

- I-1) Total number of individuals released during the month between 6:00 AM and before 5:00 PM.
- I-2) Total number of individuals released during the month between 5:00 PM and before 11:00 PM.
- I-3) Total number of individuals released during the month between 11:00 PM. and before 6:00 AM.

The intent is to capture the total number individuals who were released to the public (i.e., through the “front-door” or “to the “street”). The late-night release data points, **INCLUDE**: individuals who were released from a county jail upon completion of a sentence served; individuals who were released for reasons other than the completion of a sentence (on their own recognizance, includes book and release, or ordered by the court; after their charges are dropped or dismissed by the court; and after acquittal by a jury, cited for a misdemeanor (after being booked in the jail), or posting bail).

The late-night release data points, **DO NOT** include individuals who were transferred to other facilities (state prison, other county jails (same or different county), state mental hospitals, and hospitals); individuals who were placed on electronic monitoring or other alternative custody program; and individuals who received a cite and release without being booked into the county jail (i.e., cite and release in the field).

Table 1 provides a sample of the LNR data collected through the monthly JPS for September 2021. The table also demonstrates the format in which the LNR data are provided through the publicly accessible [Online JPS Query System](#).

Table 1. *Sample of September 2021 LNR Data.*

Agency	Releases Between 6AM-5PM	Releases Between 5PM-11PM	Releases Between 11PM-6AM
Alameda Sheriff's Department	1,073	788	251
Amador Sheriff's Department	49	24	10
Butte Sheriff's Department	444	116	109
Calaveras Sheriff's Dept.	11	7	0
Colusa Sheriff's Department	92	17	33
Contra Costa Sheriff's Department	610	339	71

Data Characteristics and Known Limitations

1. Knowledge of an agency's policies and practices related to Penal Code § 4024 is necessary to understand an agency's LNR data.

Existing law permits the sheriff to release individuals from the county jail on the last day the individual may be confined at any time that the sheriff considers to be in the best interest of the individual.¹ The sheriff may offer a voluntary program that permits the individual to stay in custody so that the individual may be released to a treatment center or during daytime hours.² The individual can only stay in custody for up to 16 additional hours or until normal business hours, whichever is shorter. The individual can also revoke consent and be discharged as soon as possible or practical. California jails cannot hold individuals longer than permitted by law; doing so is commonly referred to as over-detention, which can result in civil liability for cities and counties.³

An agency's policy and practice related to Penal Code § 4024 may provide insights into releases between the different time periods for the LNR data. As an example, if a county offers individuals the option to stay until daylight hours, reasons for releases between the hours of 11 PM and 6 AM may include, but are not limited to, individuals request to be released as soon as possible, daylight hours occurred prior to 6 AM, and/or public transportation was available prior to 6 AM. In the following page, Table 2 provides information by county on whether a voluntary program under Penal Code § 4024 is offered.

¹ Pen. Code, § 4024, subd. (a); amended by Stats. 2014, Ch. 90, Sec. 2. (SB 833) Effective January 1, 2015.

² Pen. Code, § 4024, subd. (b)(1).

³ See *Shoyoye v. County of Los Angeles* (2012) 203 Cal.App.4th 947.

Table 2. *By County, Status of a Voluntary Program under Penal Code § 4024.*⁴

County	Voluntary Program?	County	Voluntary Program?	County	Voluntary Program?
Alameda	No	Mariposa	No	San Mateo	Yes
Amador	No	Mendocino	No response	Santa Barbara	No response
Butte	Yes	Merced	No response	Santa Clara	No response
Calaveras	Yes	Modoc	No	Santa Cruz	Yes
Colusa	NR	Mono	Yes	Shasta	No
Contra Costa	No	Monterey	No	Siskiyou	No
Del Norte	No	Napa	No	Solano	No
El Dorado	No	Nevada	Yes	Sonoma	No
Fresno	No response	Orange	No	Stanislaus	No
Glenn	Yes	Placer	No response	Sutter	Yes
Humboldt	NR	Plumas	No	Tehama	No
Imperial	No	Riverside	No	Trinity	No
Inyo	NR	Sacramento	No response	Tulare	Yes
Kern	Yes	San Benito	No	Tuolumne	No
Kings	No response	San Bernardino	No	Ventura	Yes
Lake	Yes	San Diego Sheriff	Yes	Yolo	Yes
Lassen	No response	San Diego WF	No response	Yuba	Yes
Los Angeles	Yes	San Francisco	Yes		
Madera	No	San Joaquin	Yes		
Marin	No response	San Luis Obispo	Yes		

2. Significant Agency Notes:

- *Butte County Sheriff's Department* – Scheduled releases occur between 8:00 and 10:00 AM daily. Releases to treatment facilities are coordinated with the facility for transportation. For all other types of releases, the lobby is open 24 hours a day, has a cell phone charging station, and is monitored 24 hours a day. Individuals may stay in the lobby after release and are offered a bus pass upon release.
- *Contra Costa Sheriff's Department*
 - Martinez Detention Facility and West County Detention Facility – Releases occur during hours when public transportation is in operation. Exceptions may be made under the following circumstances: the individual has arranged for a ride, and the person picking up the individual has checked in at the front lobby window; or the individual has a cell phone and states they will arrange transportation through a private company (e.g., taxi service, Uber, Lyft).
 - Marsh Creek Detention Facility – The Transportation Unit picks up individuals who are released from the facility and transports them to the North Concord BART terminal.

⁴ As of November 18, 2021. Reach out to individual counties for specific, up to date information.

- *Nevada County Sheriff's Department* – Individuals may stay in the booking area until daylight hours and public transportation is available.
- *Riverside County Sheriff's Department* – Individuals with a scheduled release date will be processed during the hours of 6:00 am and 6:00 pm. Regardless of the time, all individuals being released will be offered a means of transportation. Transportation for individuals being released to treatment facilities or other agencies is coordinated within the facility of release. Facility public lobbies are open 24 hours a day.
- *San Diego County Sheriff's Department*
 - San Diego Central Jail – individuals are offered the option to stay until 7:00 AM the next day.
 - Vista Detention Facility and Los Colinas Detention and Reentry Facility – individuals must have a ride available at release or they will stay until 7:00 AM the next day.
- *San Joaquin Sheriff's Department* – No releases are made between midnight and daylight, unless the individual has vehicle transportation awaiting their release. Records personnel will notify booking staff that the individual has a ride waiting in the 24-hour lobby.
- *Santa Clara Sheriff's Department* – The lobby is staffed 24 hours a day with phone charging available. If desired, released individuals may stay in the lobby.
- *Santa Cruz Sheriff's Department* – Generally, females are not released during late-night hours when avoidable or when transportation is not available. The Sheriff's Office has partnered with Monarch Services to provide a 24-hour hotline that can be utilized by any female being released regardless of time of day, reason for release, or charges. A Monarch Services advocate will have the ability to provide short term emergency housing, transportation, and other services.
- *Shasta Sheriff's Department* – All releases may call for a ride directly before they are released from custody. Once released, any late-night releases have the option of staying inside the jail lobby where they also have access to a bathroom and a phone. The phone dials directly into our reception area where an officer will transfer the call to any taxi service, friends, or family member to arrange for a ride.
- *Tuolumne County Sheriff's Department* - Dambacher Detention Center has a well-lit public lobby attached to the facility. The lobby is open to the public 24 hrs. a day. There is ample seating and a phone capable of making local or long-distance phone calls. The facility is also adjacent to a transit station in which someone can easily walk to once the route starts. There is an intercom in which people can contact an employee in the building 24 hours a day for general questions or emergencies.
- *Ventura County Sheriff's Department* – Individuals who are released may stay in the public lobby. The lobby has phone charging services.