

Late Night & Early Morning Jail Releases

Issue

Late-night and early morning releases from jails throughout Washington State are common despite the serious health and safety risks related to such releases. The Pierce County Jail has a standard policy of releasing people at 5 am each morning. While some people leaving the jail have friends or family who can meet them, others are left to wander the streets until services open. Several factors increase health and safety risks for individuals being released and the communities surrounding the jails:

- Releases during inclement weather invite frostbite and (life-threatening) hypothermia even when people have cold weather gear. Without gear, the flip-flops worn during an arrest in July offer no protection during a 5 am release in January.
- Communication prior to release may be difficult or impossible and cell phone batteries die when left too long in the property room. Even when there is a nearby pay-phone, funds and phone numbers are not always available.
- Homeless and indigent people who are released at 5 am may have no-one to call even if they have a phone.
- Nearby services, such as the Pierce County District Court Resource Center, Nativity House, and Recovery Café are not open at 5 am. Bus lines are limited or not operating at this hour.
- Some predators are aware of release times and troll the streets near jails in their cars offering “free” rides to vulnerable people being discharged. Many justice-involved women are survivors of intimate partner violence and this cycle is perpetuated when they are forced to rely on random strangers for survival.

“It’s hard to think of a more counterproductive, self-defeating measure if we want people to succeed when they get out of jail than releasing them in the middle of the night.”

~David Fathi, director of the American Civil Liberties Union’s prison project.

Sheriffs in some counties have instituted humane release protocols that acknowledge the realities identified above. However, others maintain policies that create unnecessary risk and hardship for people leaving jail and their families. The message seems to be, *“Reentry is not our problem.”* According to the US Department of Housing and Urban Development, more than 50,000 people enter shelters directly from correctional facilities a year. Breaking the homelessness-jail cycle will require collaboration. Sheriffs and others operating jails must work in partnership with local government, reentry agencies, and the public to support successful reentry and healthy communities. Releasing people during normal business hours is a good place to start.



Recommendations Regarding Late Night/ Early Morning Releases

These recommendations aim to minimize the number of late-night/early-morning releases, and/or reduce health and safety threats associated with such releases.

1. Amend policies to permit release from custody up to 18 hours early so that people are released when public transportation and other services are available.
2. Establish a written policy requiring a form to be signed during the release process indicating that the individual releasing after sunset and before 8 am has been offered:
 - a bus-pass or taxi voucher (for those who do not have a ride, and/or do not have the financial means to pay for a ride)
 - the use of a telephone, AND
 - the opportunity to wait at the jail indoors until 8 AM
3. All jails provide and update policies and data regarding safe release protocols, to include:
 - a. Date and time of release of inmates
 - b. Number of individuals releasing without cash (based on property room records)
 - c. Number of individuals releasing homeless (and how this is verified)
 - d. Whether or not the person was offered transportation assistance, appropriate clothing, and an opportunity to make a phone call,

Sources used in preparing this brief:

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