

#### 9.7.4 Release Procedures

- a. Prior to releasing a police or sheriff arrest from the holding unit, the following sources must be checked to determine if other outstanding charges (warrants) or other holding documents exist:  
s.15
- b. Prior to releasing a prisoner who originated from an adult or youth correctional facility from the holding unit, the institution from which the prisoner came from must be contacted  
s.15  
  
s.15 Use Prisoner Release Form (SHS 838) where the prisoner is awaiting release after court.
- c. Checks that are s.15 shall not be relied on. Sources must be checked again prior to release if sources s.15
- d. Checks should be made prior to the prisoner's court appearance to expedite the release process. Where a pre-clearance check is performed for a prisoner prior to court, use Prisoner Pre-Clearance Form (SHS 837).
- e. s.15
- f. Prisoners sentenced to a "conditional sentence" are to wait in cells until documents are prepared and brought by the Justice of the Peace for signing.
- g. Persons sentenced to a "conditional sentence" who were not in custody and there are no holding conditions should be directed to attend the Registry and wait until documents are prepared.
- h. s.15  
s.15 In cases where the prisoner was in the community on an intermittent sentence, a new sentence of "one day jail" will result in the conversion of the intermittent sentence to straight time. s.15  
s.15
- i. Prisoners released to the street must sign all appropriate documents, including receipt for their personal belongings which are turned over to them.
- j. Prior to release of prisoners from sheriff holding units, s.15  
s.15

#### 9.7.5 Release of Prisoner Pursuant to a Civil Order of Committal

- a. Effective July 1, 2010, court administration staff will prepare the release order and undertaking and have the presiding judge sign the release order.
- b. A copy of the signed release order and the original undertaking will be provided to cell sheriffs.
- c. The sheriff will have the in-custody sign the undertaking, make a copy, and provide the copy to the in-custody, together with a copy of the release order.
- d. The in-custody can be released, and the original signed undertaking is to be provided to the registry for the file.

### 9.7.6 Release of Prisoner at Court and Prisoner Effects

“prisoner effects”: for the purposes of this section, does not include prisoners’ documents for court (see section 8.6.2 or essential effects (medications)).

#### 9.7.6.1 Effects - Prisoner expected to be detained in custody

- a. Prisoners are responsible for returning to a correctional centre to retrieve their personal effects and money when released from a court location that is:
  - Located in the lower mainland (defined as Greater Vancouver to Chilliwack); or
  - Less than 30 km from the correctional centre they were detained at in all other areas of the province.
- b. Prisoners who have insufficient means of returning to the correctional centre to retrieve their personal effects, <sup>s.17</sup>
- c. When there is a likelihood of release from a court location that is outside the lower mainland and more than 30 kilometres from the correctional centre providing detention, the transport transfers the prisoner to court with those personal effects that are accommodated by the Corrections Branch approved individual storage unit. Effects that exceed the individual storage unit capacity are disqualified from transfer and are mailed to the prisoner on request.

#### 9.7.6.2 Duty to assist - Release of prisoner from court holding cells

- a. Clothing - Prisoners released from court holding cells must have clothing that is appropriate for the prevailing weather conditions. All released prisoners must have appropriate footwear. It is the responsibility of the local sheriff office to arrange for any and all necessary clothing where the released prisoner does not have these items.
- b. Return to the Correctional Centre - If it is determined that the released prisoner has the means to make their own way to the correctional facility/police lock-up to retrieve their effects, the sheriff will advise the centre/lock-up of the approximate arrival time of the released prisoner.
- c. In instances where a released prisoner has insufficient means available to them to return to a Correctional Centre to retrieve their effects, <sup>s.17</sup>

#### 9.7.6.3 Duty to assist - Return to their place of residence

- a. Sheriffs will make reasonable efforts to assist released prisoners without sufficient means to return to their place of residence. This may include assistance by contacting family / friends, liaising with community resources / partner agencies and, where necessary, <sup>s.17</sup>
- b.