
ADMINISTRATIVE ORDER 2008-03 – RESCHEDULING PROCEDURE FOR DELTA COUNTY WORK RELEASE FACILITY WHEN AT OR OVER CAPACITY.

In situations where the Delta County Jail's work release facility is beyond its capacity for inmates, the Sheriff's department needs guidance as to how to deal with the situation to avoid overcrowding. As the overcrowding can occur after hours or at times when the court is closed, the jail needs authority to instruct inmates who arrive and are unable to be housed as to when they can return to serve their sentence. This administrative order addresses these needs and sets forth the procedures to be followed.

If the jail is full, the best alternative for the courts and the jail is to reschedule the sentence for persons who are arriving to serve their sentences. A stay of execution for these individuals for the full amount of their sentence avoids the confusion that occurs if the sentence is done in a piecemeal fashion.

Therefore, in situations where overcrowding exists in the work release facility and it will not cause an extreme hardship to the new arrival(s) to delay the commencement of the jail sentence, the jail deputies shall be authorized to reschedule the date for the jail sentence in accordance with the following:

- The rescheduled date shall be no more than 14 days from the original date that jail was to commence.
- A sentence shall not be rescheduled more than one time pursuant to this order.
- The jail shall have the defendant sign a "Stay of Execution on Jail Sentence" (referred to herein as "Stay," a copy of which is attached) to acknowledge that he/she has been informed of this new date and the jail shall provide copies of the Stay to the defendant, to the courts, to the district attorney's office in criminal cases and to the county attorney in child support cases.
- In situations where there is a victim in a criminal case who has requested information as to when a defendant is released, the jail and/or a victims' advocate is to contact the victim to advise of the rescheduled jail date.

By virtue of this administrative order, the Court automatically grants a stay of execution to the date/time set forth on the rescheduling order. No further paperwork needs to be prepared or exchanged between the Courts and the jails.

Done this 29th day of April 2008



J. Steven Patrick, Chief Judge

ec: Sandra K Miller, Charles R Greenacre, Thomas L Ingram; Mandy S Allen