1.4.G.2 Inmate Release Procedure

I Policy Index:

	Date Signed:	08/31/2015
PARTMENT	Distribution:	Public
DENTETY SECURITY AT	Replaces Policy:	4G-13
	Supersedes Policy Dated:	11/04/2010
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II Policy:

To ensure appropriate authority to release inmates from Department of Corrections custody or supervision, adult units will use a standard, uniform process to release inmates.

III Definitions:

Working Day:

A standard workweek day, Monday through Friday, except for recognized state holidays, recognized national holidays and any other special holidays declared by the Governor of South Dakota or the President of the United States.

IV Procedures:

1. Types of Releases:

- A. Inmates may be released from custody by the following actions:
 - 1. Expiration of sentence or suspended sentence release.
 - 2. Parole release.
 - 3. By a court ordered reduction in sentence or corrected sentence (See SDCL §§ 23A-31-3, 23A-31-1 and 23A-31-2), or as otherwise ordered by the court.
 - 4. By order of the U.S. Marshals Service (for Federal prisoners only).
 - 5. By order of a commutation of sentence issued by a governor.
- B. Inmates may be released temporarily to another agency for the purpose of a court hearing.
 - 1. Central Records will receive a court order from the agency and will verify the hearing.
 - a. U.S. Marshals may transport federal prisoners assigned to the U.S. Marshal Service outside of the secure perimeter of the DOC facility as they deem necessary, including but not limited to escorting the prisoner to required court appearances.

- 2. Central Records will update the Court Transport list that is sent regularly via e-mail to unit and security staff.
 - a. Updates are made as needed, or at the end of each work day.
- Security staff will use the Court Transport list to authorize the release of the inmate to the other agency.
 - a. If an inmate is not included on the Court Transport list, Central Records will be notified to verify the court order prior to the inmate being released to the other agency.
 - 1) If not within business hours, security staff will contact either the Records Administrator or Director of Classification and Transfer.
- C. Parolees on extended detainee status may be temporarily released to the custody of a parole agent. Institutional staff will be notified by Central Records of the authorization to release the inmate to parole services.
- D. Procedures to account for the temporary absence of an inmate (TAP), or transfer of an inmate to another jurisdiction, are contained in DOC policies 1.3.A.2 *Inmate Counts.*
- E. Inmates whose scheduled date of release falls on a weekend will be released on the preceding Friday. Inmates scheduled for release on a holiday are released on the preceding day. If a holiday falls on a Monday, the inmate will be released on the preceding Friday (ARSD 17:50:13:01).

2. Release and Suspended Sentence Release:

- A. Each month, Central Records staff will prepare an Initial Release List (See Attachment 1) for the following month. This list contains the names of offenders with suspended sentences and releases from the institution.
 - 1. The Initial Release List will be created in an Excel spreadsheet and distributed via e-mail to Transition Case managers and Sex Offender Management Program (SOMP) staff by the 25th day of the preceding month.
 - 2. After earned discharge credits are applied for offenders on supervision, the list will be generated to establish the term expires date for offenders on paroles supervision. The parole agents will close the community bookings for the parolee.
- B. DOC Central records staff are responsible for the following when preparing the Initial Release List:
 - 1. Re-calculation of release dates by two (2) staff members assigned to this duty (See DOC policy 1.1.E.2 *Date Computation*).
 - a. When this re-calculation is completed, the staff members conducting the re-calculation will place their initials and the date of the re-calculation on the legal file audit log.
 - b. If there is any change to the discharge date, Central Records staff will promptly notify the offender's unit staff or parole agent, if the offender is on parole supervision, after confirming the changes are correct. Staff will inform the offender of the changes.
 - 1) A memo explaining the change will be sent by Central Records staff to the offender's unit staff or parole agent and the offender.
 - 2) A copy of the memo will be maintained in the offender's legal file.

- c. Central Records staff will complete a NCIC III search on each offender on the Initial Release List to check on the status of any existing or new warrants or holds. A NCIC search is not conducted on offenders currently on parole status (detainees) who are housed in a DOC facility.
- 2. Notification of pending release will be made to all authorities with active/current holds and/or detainers.
 - a. If an agency has a hold or detainer issued for an offender, the Central Records staff will attempt to contact the agency by telephone or e-mail to determine the agency's intent and/or make arrangements to transfer custody of the offender from DOC custody to the agency.
 - 1) A record of this contact and the related response and/or transfer details will be made on a log which is kept with the discharge list.
 - 2) Court services officers will be notified for release of probation cases (SIS, SES) by e-mail from Central Records staff. A copy of the e-mail will be maintained in the offender's legal file.
 - 3) Once notified of the pending release, it is the responsibility of the agency having a hold or detainer to communicate to the DOC the agency's intent.
- 3. Notification to facility staff.
 - a. The Release Schedule will be available in the Comprehensive Offender Management System (COMS) (Legal, Schedule, Release Schedules). This list includes only those inmates releasing from custody and does not include offenders who are releasing from parole supervision.

3. Releases to Parole:

- A. On the first of each month, DOC Central Records staff will prepare a list of inmates with an initial parole release date or discretionary release date for the next month.
 - 1. Inmates with an initial parole release date during the month will be included on the list, regardless of their compliance status at the time the list is composed.
 - 2. Central records staff will run a NCIC III on each inmate identified on the list. Staff will check for any new warrants or holds not already noted in COMS for those inmates.
 - 3. The actual parole release date for inmates identified on the list will be determined by the inmate's Transitional Case Manager.
 - 4. One DOC Central Records staff member will re-calculate the release dates for the inmates on the initial parole release list by the 15th of the preceding month. The release dates will be re-calculated by a second Central Records staff member after the date of release is set by the Transition Case Manager.
 - a. When each re-calculation is complete, the staff member(s) completing the check will place their initials and the date of the re-calculation in the audit file log in the legal file and document this information in COMS when applicable.
 - b. If there is any change to the initial or discretionary parole date, or a change to the date the inmate will be discharged from supervision, Central Records staff will immediately notify the Transition Case Manager handling the case and the inmate's unit staff, who will inform the inmate of the change as soon as possible.
 - 1) A memo explaining the change will be sent by central records staff to the unit staff and the inmate.
 - 2) A copy of the memo will be maintained in the inmate's legal file.

- B. Once transition staff establishes a parole release date for the inmate with the results of new system compliance or a discretionary parole decision factored in, the transition case manager will send a parole slip to central records.
 - 1. The parole release slip must be received at least five (5) working days in advance of an inmate's parole release date. Any release less than the five days, must be approved by the Director of Classification and Transfer or Records Administrator.
 - 2. As part of the release planning process, the transition case manager will address any holds or detainers noted and will notify the requesting agency of the inmate's pending parole, if the inmate has a hold or detainer.
 - a. Before a parole slip is sent to central records, holds and detainers must be resolved or addressed in the inmate's approved parole plan and noted on the release slip.
 - b. The Transition Case Manager will note on the parole release slip any special instructions pertaining to any holds, detainers or transportation needs/orders. This information will include the outcome of the hold or pending charges. Holds that have been resolved will be noted.
 - 3. During the release planning process, the case manager will determine if the inmate meets the criteria for a high risk release (See DOC policy 1.4.G.6 *System Risk Classification*).
 - 4. Two Central Records staff members will re-calculate inmate release dates on discretionary paroles when the parole slip is received from the transition case manager.
 - a. When this re-calculation is done, the staff members completing the check will place their initials and the date of the re-calculation in the legal file audit log and document this information in COMS.
 - b. If there is any change to the calculated parole date that would affect/delay an inmate's release to parole, or a change to the date the inmate will be discharged from supervision, DOC Central Records staff will promptly notify the transition staff and the inmate's unit staff, who will inform the inmate of the change.
 - 1) A memo explaining the change will be sent by Central Records staff to the unit staff and the inmate.
 - 2) A copy of the memo will be maintained in the inmate's legal file.
 - 5. DOC Central Records staff will enter the release dates into the Release Schedule.
 - a. The Release Schedule will be maintained in COMS.
- C. Releasing of parolees back to supervision from CTP, detainment status.
 - 1. If a parolee is detained on the admission and orientation (A&O) unit, they may be released to the parole agent.
 - If a parolee is an extended detainment, parole staff will contact Central Records staff by 12:00 p.m. on the day prior to the requested release date and have the release included in the daily Notice to Release Inmates.
 - 3. If a parolee is placed in the Community Transition Program (CTP) and is releasing to the community, a release slip will be created by the Transition Case manager with a 5 day notice for release.

4. If the parolee is detained from the community with DOC custody and is transferring to CTP, a release slip will be created by the Transitional Case Manager with a 5 day notice.

4. Release by Commuted Sentence or by Order of the Court:

- A. If release is not immediate, the same steps used in Section 2 will be followed.
- B. If release is immediate, Central Records staff will telephone or e-mail all necessary information to designated DOC staff. All steps described within Section 2 shall apply to the release.

5. Release by Order of the U.S. Marshals Service:

- A. When an order is received by DOC staff from the U.S. Marshals Service to release a federal prisoner, the order will be communicated to Central Records staff.
- B. Central Records staff will include the name of the federal prisoner on the Notice to Release Inmates for the applicable date.

6. DOC Notice to Release Inmate:

- A. The Release Schedule will be maintained in COMS.
 - 1. This list will include all discharges from prison scheduled for the month and releases from parole supervision for the following week. This is for informational purposes only.
 - 2. Staff will reference the Release Schedule in COMS when making preparations for inmate releases; e.g. gathering payroll information, arranging for medications to be sent with the inmate.
 - 3. Unit staff will review the Release Schedule and determine if a system risk level 2 or 3 inmate is scheduled for release (See DOC policy 1.4.G.6 *System Risk Classification).*
 - a. High Risk Release packets will be completed for Level 3 inmates a minimum of 45 days prior to the inmate release date.
 - b. Law enforcement and media notification will be completed in accordance with DOC policy 1.4.G.6 *System Risk Classification.*
 - c. Level 2 and 3 inmates releasing to parole or suspended sentence will be placed on the Absconder Direct Notification list by the Risk Reduction Manager.
 - 4. Notice to Release Inmates does not apply to parolees discharging their sentences from the community.
- B. The Notice to Release Inmates will be completed by Central Records staff.
- C. The afternoon prior to scheduled release, the Central Records Administrator and Classification and Transfer Manager or designee will complete and publish the Notice to Release Inmates.
 - 1. Inmates scheduled to be released on a Monday or holiday will be published the afternoon of the preceding business day.

- 2. The Notice to Release Inmates will be faxed or e-mailed to the business offices and control rooms at the Mike Durfee State Prison (MDSP), South Dakota Women's Prison (SDWP) and South Dakota State Penitentiary (SDSP) and any other facility authorized to release an inmate.
- 3. Any discrepancies noted by staff must be brought immediately to the attention of Central Records staff and the facility's release authority.
- 4. No inmate will be released until the facility's release authority has been advised by Central Records staff that all discrepancies have been resolved.
- D. Designated facility staff will receive updated Notices to Release.
 - 1. Central Records staff will keep the original Notice to Release.
- E. <u>Releases from Sioux Falls:</u>
 - 1. The release will normally occur around 8:00 a.m. Central Time, unless otherwise noted on the Notice to Release.
 - 2. An institutional staff person with the rank of Captain, Unit Manager or above must be present to authorize the control room staff to release the inmate.
- F. <u>Releases from other DOC facilities:</u> Every DOC facility housing inmates (includes inmates on the facility's count that are housed outside the facility) will designate a staff member as the release authority.
 - 1. The release authority for Mike Durfee State Prison (MDSP) must be a Captain or Major. At the South Dakota Women's Prison (SDWP) the release authority is the Lieutenant or Deputy Warden. The release authority at the Rapid City Community Work Center and Yankton Community Work Center is the Unit Manager or acting Unit Manager.
 - a. If the release authority for the facility is unavailable at the time of an inmate's scheduled release, the Warden or Deputy Warden shall have the authority to designate a staff member to temporarily serve as the acting release authority.
 - 2. The release authority will contact the respective control room to ensure there are no changes to the Notice to Release Inmates list.
 - 3. If a discrepancy is discovered, the release authority will not allow the inmate to be released from custody until Central Records has been contacted and the discrepancy has been resolved.
 - 4. The release authority at other DOC facilities must call Central Records staff for verification of release approval for inmates housed in their facilities.
 - a. These calls must be made on weekdays between 7:30 AM and 4:00 PM Central Time.
 - b. Verification calls must be made prior to the release of the inmate.
 - c. Central records staff will note the call back on their copy of the final Notice to Release Inmates forms.
- F. <u>Release from a contract facility:</u>
 - 1. The Central Records Administrator or designee will e-mail staff at the contract facility and inform them of the inmate(s) scheduled to release at least one day prior to the scheduled release.

- 2. Between 7:30 AM and 4:00 PM Central Time on the day of the scheduled release, staff at the contract facility must call Central Records to confirm the release and receive final approval to release the inmate(s).
- G. All questions regarding release of any inmate shall be directed to Central Records Staff.
- H. The original Final Notice to Release Inmates form (See Attachment 3) and release list will be maintained by Central Records staff.
- I. A Final Notice to Release Inmates that contains the name of the inmate to be released must be received by the DOC facility or contract facility prior to releasing the inmate. No inmate may be released by the facility without a current and valid final Notice to Release Inmate.
- J. Central Records staff will determine if the inmate has a request for notice of status change entered into the Victim Module in COMS. Notice will be provided to all individuals in accordance with DOC policy 1.1.E.4 *Release and Status Change Notification Requests*.

7. Transportation, Money and Clothing at Release:

- A. Every inmate, when discharging, paroling or releasing on suspended sentence from DOC custody (does not include detainees), if not already provided, shall be provided suitable clothing, a sum of money to be determined by the Secretary of Corrections and transportation to the county of commitment, or a place of equivalent distance (See SDCL § 24-5-3).
 - 1. Unit staff will obtain the forwarding address and transportation needs for the inmate and make this information available to the institution's business office. If shuttle transportation is required, Central Records and the transfer office will be notified.
- B. Inmates releasing from a DOC institution or contract facility on parole, suspended sentence or discharge will leave with necessary clothing, not to exceed one hundred dollars in actual cost, with necessary travel expenses not to exceed fifty dollars, and transportation to the county of commitment or an equivalent distance (See DOC policy 1.1.B.2 *Inmate Accounts and Financial Responsibility* and SDCL § 24-15-12).
- C. An inmate's account within the DOC Inmate Banking System will be closed upon release to parole, suspended sentence or final discharge. The balance of the inmate's subaccounts after credit obligations, if any, will be issued to the inmate in a single check. Unit staff will determine if the inmate has any institutional payroll that is owed.
- D. For inmates releasing to parole supervision, any unsatisfied obligations will be included in the inmate's release plan.
- E. Each inmate discharging from DOC who owes court-ordered financial obligations on the sentence or sentences he/she is discharging, shall have these obligations transferred by the DOC to the administrative financial accountability system pursuant to SDCL §§ 23A-47-2 and 24-15A-54.
- F. Inmates who discharge with a credit obligation to the DOC are responsible for repayment of costs incurred while in custody to the DOC within six months of discharge. The Warden has authority to close accounts with a negative balance as he/she deems appropriate (See SDCL § 24-5-6).

8. Requirement for DNA Sample:

A. Each DOC facility will designate at least one staff member to check the DNA web site to ensure the inmate releasing has provided an adequate DNA sample, in accordance with state requirements, prior to

release. A DNA sample will be obtained from any inmate who has not provided an adequate sample prior to release (See DOC policy 1.3.C.10 *Offender DNA Collection*).

B. The Director of Parole Services will designate parole staff to check the DNA web site to ensure a parolee who is discharging his/her sentence from parole supervision has provided an adequate DNA sample in accordance with state requirements prior to final discharge of his/her sentence. A DNA sample will be obtained from any parolee who has not provided an adequate sample prior to final discharge (See DOC policy 1.3.C.10 *Offender DNA Collection* and SDCL Chapter 23-5A).

9. Sex Offenders:

A. Inmates convicted of a sex offense will be informed of their duty to register and community safety zone restrictions in accordance with DOC policy 1.3.C.12 Sex Offender Registration and SDCL Chapter 22.

10. Inmate Identification (I.D.) Documents and Photo ID:

- A. Central Records staff will inspect the inmate's legal file legal file to determine if the releasing inmate has a social security card, birth certificate, drivers license, tribal ID, state issued ID or other official forms of personal identification.
 - 1. Discharge:
 - a. All identification documents in an inmate's legal file will be forwarded to the appropriate facility's business office or designated staff member to be issued to the inmate upon their release.
 - 2. Parole/Suspended Sentence:
 - a. Once Central Records receives the Release Slip from the appropriate Transitional Case Manager (five working days prior to the release), all identification documents maintained in the offender's legal file will be sent via First Class U.S. Mail to the supervising parole agent.
 - b. During the first meeting with the offender, the supervising parole agent will give the parolee their identification documents.
- B. Each facility will designate a staff person to ensure an updated photograph is taken of each inmate identified for release within a calendar week prior to the inmate's release (See DOC policy 1.4.A.1 *Inmate Photo Identification*).
- C. All inmates will be issued a DOC photo ID at the time of release (See DOC policy 1.4.A.1 *Inmate Photo Identification*).

11. Discharge Certificates:

- A. Any offender discharged under the provisions of SDCL §§ 24-5-1, 24-5-7, 24-15A-6 or 24-15A-8.1 who will discharge from a DOC facility, contract facility, parole supervision or suspended sentence release (including inmates who receive an early final discharge from the Board of Pardons and Paroles (See SDCL § 24-15A-8)), will receive a discharge certificate from the Secretary of Corrections stating all rights withheld in accordance with SDCL § 23A-27-35 shall be restored (See SDCL §§ 24-5-2 and 24-15A-7).
 - 1. The voting rights of any person who has been sentenced to imprisonment is governed by Title 12 of SDCL.
- B. DOC Central Records staff will prepare discharge certificates.

- The DOC Central Records Administrator will review the discharge dates. If the Administrator is in agreement the inmate has fulfilled the complete terms of his/her sentence, and should therefore be discharged from the DOC, the Administrator or his/her designee shall have the Secretary of Corrections' signature affixed to the inmate's discharge certificate.
- 2. DOC central records staff will make one copy of the discharge certificate.
 - a. One (1) copy will be placed in the inmate's legal file.
 - b. One (1) copy will be emailed to the clerk of courts for the county from the inmate was sentenced and a copy will be scanned in the Legal Screen in COMS.
- C. A signed discharge certificate will be sent to the facility from which the inmate is releasing. The inmate will be presented with the discharge certificate at the time of his/her discharge.
- D. If an inmate is on parole supervision at the time he/she becomes eligible for discharge, Central Records staff will give the original discharge certificate to the Parole Services secretary to be mailed to the parolee upon the date of discharge.
- E. Nothing in this section or its application may be the basis for establishing a constitutionally protected liberty, property or due process interest of any inmate.

V Related Directives:

SDCL §§ 23-5A. 23-5A-6, 23-5A-13, 23-5A-14, 23A-27-35, 23A-47-2, 23A-31-3, 23A-31-1, 23A-31-2, 24-5-1, 24-5-2, 24-5-3, 24-5-7, 24-15A-6 24-15A-7, 24-15A-8, 24-15A-8.1and 24-15A-54. ARSD 17:50:13:01

DOC policy 1.1.A.7 -- Inmate Identification Procedures DOC policy 1.1.B.2 - Inmate Accounts and Financial Responsibility DOC policy 1.1.E.2 - Date Computation DOC policy 1.1.E.4 - Release Notification Request DOC policy 1.3.A.2 - Inmate Counts DOC policy 1.3.C.10 - Offender DNA Collection DOC policy 1.3.C.12 - Sex Offender Registration DOC policy 1.4.A.1 - Inmate Photo Identification Doc policy 1.4.G.6 -- System Risk Classification DOH policy P-E-13 - Discharge Planning

VI Revision Log:

<u>August 1999:</u> Inserted Parole Release Manager. Added references to the Pre-Release List being available through the Release database. **Combined** Suspended Sentence and Discharges in same section. **Clarified** responsibility for holds and detainers with parolees. **Revised** procedures on forwarding address – now included in parole plans database. **Added** that inmates/parolees may be required to repay the DOC for transportation and gate money. **Added** provision that NCIC is run prior to release.

<u>May 2004:</u> Changed NCIC to NCIC III. Added reference to other DOC policies. Referenced final Notice to Release Inmates form rather than release slips. Added reference to SDCL.

<u>July 2004:</u> Added steps in the section on DOC Notice to Release Inmate to double-check information prior to releasing an inmate. **Deleted** the reference to sending out the Notice to Release inmates on Friday of the week prior to release.

<u>March 2006:</u> Revised the section on discharge certificates. Clarified that *felony* holds and *felony* detainers must be resolved before an inmate is released. Added a definition of working day. Added a reference to DOC policy 1.4.A.1. Added a section for inmate identification (I.D.) documents. Revised the procedures for Central records staff to log date checks and notifications. Added information on release from a host agency

on work release/community service.

October 2006: Added SES to Court Services notification issues. Revised references to forwarding address so this information will now be on the Citrix visit database. Added information on inmate dress-outs. Added references to SDCL § 23A-4-1 and 24-5-3, DOC policy 1.3.C.12 and OMs 2.4.G.1, 3.3.C.5 and 4.4.G.3. Added procedures on handling misdemeaner holds and misdemeaner detainers.

October 2008: Revised formatting of policy in accordance with DOC policy 1.1.A.2. **Added** sentence discharging list statement in ss (A), **added** proceeding in ss (A1), **added** ss (B1b1 and B1b2), **added** email as form of contact in ss (B2b), **deleted** former ss (2a) as it was repetitive, **deleted** former ss (d, d1, d2 and d3) and **added** statement listing only those releasing from prison, not parolees in ss (4a), **added** transportation shuttle statement in ss (4c) of Discharges/Suspended Sentence Release. **Revised** ss (A), **deleted** statement regarding new system inmates and **revised** ss (A1), **added** ss (A1a) and **added** discretionary as it relates to parole date in ss (3a) and **added** statement regarding change to the date inmate will be discharged from supervision in ss (3b) of Parole Release. **Added** prison in reference to discharge in ss (A1), **added** ss (A3) and **added** designee as it relates to Central Records Administrator or Classification and Transfer Manager throughout DOC Notice to Release Inmates section. **Revised** entire Inmate Identification (I.D.) Documents section). **Replaced** Parole Release Manager with transition case manager and DOC staff with DOC central records staff throughout policy. **Deleted** felony as it pertains to hold and detainer throughout policy. **Revised** minor wording and grammatical changes throughout policy. **Revised** directions for Attachment 2 to clarify where the form can be accessed.

October 2009: Added entire new ss (B of Types of Releases). Added reference to release less than 5 days must be approved by Director of Classification and Transfer or Records Administrator within ss (B1 of Parole Release). Replaced final with copy in referencing Notice To Release Inmates within ss (D), deleted former ss (D1) regarding Captain or Major receiving the original final notice and **replaced** copy with original when referencing Notice to Release Inmates in new ss (D1) all within DOC Notice to Release Inmates. Added paroling or releasing inmate on SS to ss (B1 of Transportation, Money and Clothing at Release). Replaced mail with provide and Corrections Specialist with Senior Secretary at DOC Admin in ss (A3) and deleted former ss (A3a and A3b) regarding the Corrections Specialist in Pierre verifying discharge certificates all within (Discharge Certificates). Deleted 23A-4-1 in section V.

October 2010: Revised formatting of Section I. Added new ss (C of Types of Releases). Added new ss (C, C1 and C2 of Parole Release). Replaced fax the Notice to Release inmates with email them notifying them of the scheduled release within ss (F1), deleted jail administrator and revised who is to make the call to confirm final approval of the inmate's release within ss (F2) both within (DOC Notice to Release Inmate). Deleted former ss (C1) regarding gate money coming from inmate's account and added reference to inmate's account to ensure inmate leaves with \$50 in new ss (C1) both within Transportation, Money and Clothing at Release). Revised wording within ss (A1a of Inmate Identification (I.D.) Documents. Added DOH policy P-E-13 in section V.

August 2015: Updates to the policy.

Denny Kaemingk (original signature on file)	08/31/2015
Denny Kaemingk, Secretary of Corrections	Date

Attachment 1: Initial Release List

The Initial Release List form is created by central records staff and emailed to the appropriate unit staff.

SOUTH DAKOTA DEPARTMENT OF CORRECTIONS LIST OF SENTENCES ENDING FROM month day, year THROUGH month day, year				
DOC#	NAME		WING	DATE/COMMENTS
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Attachment 2: Pre-Release List

See COMS Screen

Attachment 3: Final Notice to Release

The *Final Notice to Release* form is created by central records staff and emailed to the appropriate unit staff.

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