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INMATE RIGHTS

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|--------------------------|---------------------|
| DATE: | JUNE 17, 2015 |
| NUMBER: | N.1 |
| SUBJECT: | GRIEVANCE PROCEDURE |
| RELATED SECTIONS: | O.1, O.3 |

PURPOSE

To establish uniform procedures for the resolution of inmate grievances relating to disciplinary actions and/or conditions of incarceration, and to comply with a U.S. District Court order in *Armstrong v. Schwarzenegger*.

POLICY

Each facility shall attempt to resolve inmate grievances in compliance with CCR Title 15, Section 1073 and the Prison Rape Elimination Act of 2003, Section 115-52. Informal resolution of an issue before it becomes a written grievance is both desirable and recommended. Furthermore, written grievances can often be resolved without the intervention of a supervisor, and every effort should be made by a deputy or staff member who receives a grievance to handle it at his or her level. Grievances alleging that an inmate is subject to a substantial risk of imminent sexual abuse shall be referred to as an "Emergency Grievance" and immediately forwarded to the watch commander or designee.

PROCEDURE

I. GRIEVANCES

- A. Grievances may relate to any condition of confinement, including, but not limited to:
 - 1. Medical care
 - 2. Classification actions
 - 3. Disciplinary actions
 - 4. Program participation
 - 5. Telephone, mail and visitation procedures
 - 6. Food, clothing and bedding
 - 7. Conditions that cause an inmate to believe he/she is at a substantial risk of sexual abuse.
- B. Grievances can be submitted in writing by any inmate.

1. Inmates may submit their grievances on a regular Inmate Grievance (J-22 form) or any other writing material. The reverse side of the J-22 form describes the grievance procedure in English and Spanish. J-22 forms shall be available and accessible to all inmates.
2. Inmates may submit written grievances directly to deputies or other employees at any time when they are in a place they have permission to be. Absent exigent circumstances, any deputy or other staff member who is presented with a written grievance will accept it.
3. The deputy or other employee who initially receives a grievance will sign his or her name and ARJIS number on the J-22 form along with the date and time. The second page of the J-22 form will immediately be given to the inmate as a signed receipt for the grievance.
4. As an alternate means for submitting grievances, secured boxes may be provided for inmates to deposit their grievances into. Any grievance retrieved from one of these dedicated grievance boxes will be signed by the sergeant or designee who collected it, and the signed second page of the J-22 form will be returned to the corresponding inmate as soon as practical.
5. The deputy or other staff member who receives and signs for a grievance will be responsible for entering it into JIMS, making sure to link the inmate(s) to the grievance report. When completing the "summary" in JIMS, the inmate's grievance may be summarized, but must clearly articulate the nature of the grievance. Once the grievance has been entered into JIMS, the JIMS generated grievance number will be entered on the J-22 form, along with the date and time that the grievance is entered into JIMS. The exception to this is for medical grievances, which shall be given directly to medical staff without first being entered into JIMS.
6. Anonymous or group grievances in which no primary grievant can be identified will be reviewed by the watch commander and forwarded to the facility commander for review. Anonymous or group grievances will not be entered into JIMS. They will serve as a tool for management oversight only. The facility commander will maintain a file containing anonymous and group grievances, along with a description of any action taken.
7. A grievance in which the primary grievant can be identified will be handled as a normal grievance, even if other inmates sign the form. The inmate completing the J-22 form by including his/her name, booking number, and signature in the appropriate spaces, will be considered the primary grievant. In these cases, the grievance will be entered into JIMS and only the primary grievant will be linked to the grievance and receive a written response under the guidelines outlined below.

The deputy or staff member who responds to the grievance shall determine if the grievance alleges the inmate's health or safety is being threatened by a condition of confinement, or a condition of confinement has prevented the inmate's

effective communication/participation in any court or administrative hearing. If any of the above are alleged, check the corresponding box on the J-22 form and respond within the time frame outlined in paragraph II.B.1. Place a copy of the grievance/request and response in the inmate's custody record.

8. If the grievance must be routed to another individual or unit for resolution (e.g. the shift sergeant, food services, commissary.), the person who initially received the grievance will make an entry into the "action taken" area of the grievance in JIMS. This entry will include the name of the person the grievance is being forwarded to, and the date and time it was forwarded.

After investigating the nature of the grievance, a written response to the inmate will be entered in the "narrative" area of the grievance in JIMS. Two copies of the response shall be printed out. The action officer will deliver the response to the inmate. The inmate will sign and date one copy of the response. The signed copy will serve as an acknowledgement that a written response was delivered to the inmate. In the event the inmate refuses to sign the response, the action officer and a witness will notate the refusal on the copy of the grievance. The signed copy of the response along with the original J-22 form shall be filed in the inmate's custody record.

Note: There may be instances that will prevent the action officer from delivering a grievance response to an inmate (i.e. the action officer is assigned to another division, facility, etc.). In those situations, the action officer may request assistance or designate someone from their classification (i.e. sworn, counseling, food services, medical services, etc.) to deliver the response to the inmate.

9. After a grievance has been resolved, it must be closed out in JIMS. In order to do this, the staff member resolving the grievance must complete the grievance detail section in JIMS by entering:
 - a. his or her name as the "action officer"
 - b. The "action date" of the resolution; and
 - c. The "action taken" that resolved the grievance (unless these three fields are filled with the appropriate information, JIMS will not remove the grievance from the pending grievance queue)

II. GRIEVANCE REVIEW

- A. A grievance not resolved to the inmate's satisfaction may be directed by the inmate in writing through successive levels of command until a resolution is obtained, or until the facility commander reviews the grievance.
 1. The reviewing command staff member at any level can affect a resolution of the grievance.

2. At each level of review of the grievance, a written response containing the details of the resolution or the reasons for denial will be documented in JIMS, and a JIMS Web “inmate grievance report” will be provided to the inmate.

B. The level of review time frames for grievances are as follows:

1. First level – A deputy or other staff member at the lowest appropriate level will investigate the grievance, resolve the issue, and direct a written response to the inmate within 7 calendar days of the receipt of the grievance.

When a grievance alleges that the inmate’s health or safety is being threatened by a condition of his or her confinement or that the conditions of confinement prevent his or her effective communication or participation in a court or administrative proceeding (including a CDCR parole revocation hearing), the period for response shall be reduced to 4 calendar days.

2. Second level – The grievance review officer has 10 calendar days to respond.
3. Third level – The facility commander has 10 calendar days to respond. The decision of the facility commander is final.

III. APPEALS OF DISCIPLINE

Appeals of discipline will be processed in accordance with Detention P&P Section O.1. They will not be processed as grievances.

IV. EMERGENCY GRIEVANCES

When an emergency grievance is received alleging that an inmate is subject to substantial risk of imminent sexual abuse, the deputy shall immediately forward the grievance (or any portion thereof that alleges the substantial risk of imminent sexual abuse) to the watch commander or designee, at which time immediate corrective action (separate the alleged victim) may be taken. The watch commander or designee shall provide an initial written response, via JIMS using the PREA dropdown, within 48 hours, and shall issue a final decision/response within 5 calendar days. The initial response and final decision/response shall document the determination whether the inmate is in substantial risk of imminent sexual abuse, and the action taken in response to the emergency grievance.

V. FRIVOLOUS GRIEVANCES

- A. No grievance will be deemed frivolous if it directly pertains to an inmate’s health or safety.
- B. A grievance may be deemed frivolous by the facility commander if it clearly falls into any of the categories below:
 1. The grievance concerns a matter that is trivial or minor.

2. The grievance addresses an issue that has previously been brought to the attention of jail staff by the same inmate.
 3. The grievance alleges a single instance of non-compliance with policy by staff, and such non-compliance does not affect the fundamental rights of the inmate.
 4. The grievance concerns an established policy or practice of the Sheriff's Department that the inmate claims violates his or her rights, when no good faith legal argument exists that the policy or practice amounts to violation of the inmate's statutory or constitutional rights.
- C. If the facility commander finds a grievance to be frivolous, he or she shall state so in the response to the grievance and enter it into JIMS in the normal manner.
1. In the narrative section, the facility commander will note his or her finding and justification for determining the grievance is frivolous.
 2. The facility commander will direct that the inmate receive a copy of this policy and procedure section.

VI. VEXATIOUS GRIEVANCE WRITER

- A. An inmate who has filed repetitive grievances that are frivolous in nature, or concern an established policy or practice of the Sheriff's Department that the inmate claims violates his or her rights, when no good faith legal argument exists that the policy or practice amounts to a violation of the inmate's statutory or constitutional rights may be considered a vexatious grievance writer.
1. Only the facility commander can determine when an inmate will be classified as a vexatious grievance writer. If so, the inmate shall be considered a vexatious grievance writer for a period of 90 days.
 2. An incident report will be written documenting the determination of a vexatious grievant and establish the 90-day timeline.
 3. The inmate will be given a copy of this policy and procedure section.
 4. A Jail Population Management Unit (JPMU) deputy will add "VEX" to the inmate's hazard alerts in JIMS, via the classification evaluation update screen, thus identifying the inmate as a vexatious grievance writer.
- B. A vexatious grievant shall continue to have the right to file grievances; however, his or her grievance may, at the discretion of the facility commander, be denied without a hearing or any right of appeal.
1. The facility commander will note at the bottom of the grievance form: "This is a frivolous grievance," return a copy to the inmate and place the white copy in the inmate's custody record. The grievance will be entered into JIMS. In the "actions" area, the staff member will indicate the facility commander has

determined the grievance to be frivolous, and the inmate has been classified as a vexatious grievance writer.

2. If a grievance filed by a vexatious grievant is deemed frivolous, the vexatious grievant shall have his or her 90-day period reset and a new 90-day period shall commence. This will be documented in an incident report.

VII. GRIEVANCE AS DISTINGUISHED FROM A PERSONNEL COMPLAINT

If a grievance addresses the actions of a specific deputy or staff member, the deputy or staff member who receives and signs for the grievance will return the second page to the inmate, and then immediately give it to his or her supervisor for review. The supervisor who first receives the grievance will make a JIMS entry omitting the name(s) of the subject employee(s). Using the criteria described below, the supervisor will determine whether it is a grievance about jail conditions/practices, or a complaint about an employee. If it is determined to be a grievance about jail conditions, the supervisor will handle it as a grievance pursuant to this section. If it is to be handled as a complaint against staff, the supervisor who first received the grievance will contact the complainant to obtain a detailed statement about the allegation(s) and document it on the grievance form, omitting the name(s) of the subject employee. The corresponding box on the form will be checked and the grievance will be closed in JIMS. The supervisor will then give the grievance to his/her watch commander for review and determine the appropriate action. If no immediate action is required, the grievance will be forwarded to the supervisor of the employee named in the complaint to determine if a formal investigation is warranted. If a formal investigation is recommended, the supervisor will complete the Complaint Form (IA-1 form) and forward it to Internal Affairs who will determine if the personnel complaint should be handled at the facility level or Internal Affairs.

1. Some grievances submitted by inmates are actually complaints about employee misconduct. Conversely, some allegations of employee misconduct are grievances about jail conditions and practices. The procedures described in this section apply only to grievances. Supervisors must be able to effectively distinguish between grievances that are truly grievances, and grievances that are complaints alleging misconduct by personnel.
2. If the inmate is alleging that a particular jail practice is unfair or unlawful, this is a grievance. If the inmate is alleging that an employee's actions violated policy, this is a personnel complaint.
3. Naming a specific deputy or other employee does not automatically turn the grievance into a personnel complaint. Often, inmates will file complaints against a deputy for enforcing a DSB policy that the inmate believes is unlawful or unfair. Such complaints are grievances rather than personnel complaints, because the inmate's issue is with the policy itself, not the deputy who enforces the policy.

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| DATE: | JUNE 17, 2016 |
| NUMBER: | N.3 |
| SUBJECT: | INMATE REQUEST FORMS |
| RELATED SECTIONS: | M.15 , M.17 , N.1 , N.5 , N.7 , O.3 , S.1 , T.7 , T.9 |

PURPOSE

To establish uniform procedures for the expeditious resolution of inmate requests.

POLICY

All inmate requests will be routed to the appropriate detentions personnel for timely review and response.

PROCEDURE

I. INMATE REQUEST FORMS

Inmate request forms may take any of the below forms:

- A. Inmate request (J-21 form)
- B. Sick, dental, and mental health services request (J-212 form ENG)
- C. Check cashing request (J-48 form)
- D. Inmate request for court appearance (J-70 form)
- E. Inmate legal research request
- F. Incoming/outgoing property request (J-53/J-54 forms)
- G. Bail bondsman request
- H. Inmate worker applications (J-114A form)
- I. Inmate welfare request
- J. Commissary stores order slip
- K. Letters to watch commander or facility commander
- L. Inmate grievance (J-22 form)
- M. Request for chaplain or correctional counselor

N. Other forms used at specific facilities due to special circumstances

II. INMATE REQUEST PROCESSING

Inmate request forms will be processed in an efficient and expeditious manner. The housing deputy may provide final disposition of various requests without further processing (such as inmate fund balance, release date, court date, in facility scheduled appointments, etc.).

III. INMATE REQUEST ROUTING

Inmate request forms shall be routed out of the housing area for actions only when the housing deputy is unable, or is not authorized, to provide the final disposition. The forms will be routed to the party responsible for effecting a final disposition of the request (such as Medical Services Division, Inmate Processing Division, Reentry Services Division, etc.).

IV. INMATE REQUEST FINAL DISPOSITION

Whenever any final disposition is made, the inmate is to be notified of that disposition by returning the request form to him/her with appropriate responses noted in the remarks section. The staff member providing the final disposition will legibly initial and ARJIS the form in the appropriate section.

San Diego County Sheriff's Department Detention Services Bureau – Manual of Policies and Procedures

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| DATE: | JUNE 17, 2016 |
| NUMBER: | N.5 |
| SUBJECT: | ACCESS TO COURTS/ ATTORNEYS/ LEGAL ADVICE |
| RELATED SECTIONS: | N.3, N.7, P.15, T.7 |

PURPOSE

To establish uniform procedures facilitating inmates' timely access to the courts, attorneys, and legal advice.

POLICY

Personnel shall ensure inmates have access to courts and legal counsel including confidential correspondence with courts and any member of the State Bar, and confidential consultation with attorneys. Inmates in the custody of the Sheriff will be delivered to any court upon legal demand of that court.

PROCEDURE

I. REQUEST FOR COURT APPEARANCE

- A. Inmates shall complete an Inmate Request for Court Appearance (J-70) form when requesting to appear in court on a local matter for which they are not in custody. Completed J-70 forms will be forwarded to the Court Services Bureau who will make all necessary arrangements.
- B. Inmates sentenced to more than 90 days may request to be brought to trial on other matters outside San Diego County under Penal Code Section 1381.

II. TELEPHONES

All inmates have the availability of unlimited collect telephone use for communication with their attorneys.

III. REQUEST FOR LEGAL ASSISTANCE

When a request is received from an inmate for legal assistance, the request should be given to the facility correctional counselor.

San Diego County Sheriff's Department Detention Services Bureau – Manual of Policies and Procedures

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|--------------------------|-----------------------------------|
| DATE: | JANUARY 28, 2016 |
| NUMBER: | N.6 |
| SUBJECT: | CONDITIONS OF CONFINEMENT INMATES |
| RELATED SECTIONS: | I.41, P.3 |

PURPOSE

To establish uniform procedures for the treatment of self-represented inmates in "conditions of confinement" lawsuits.

POLICY

All facilities will provide fair and equitable treatment for self-represented inmates involved in "conditions of confinement" actions (conditions of confinement inmates are not considered "Pro-Per" inmates for the purpose of DSB P&P section N.7 against the county).

PROCEDURE

I. CONDITIONS OF CONFINEMENT STATUS

County counsel will send a copy of the first page of the court filing which will identify the plaintiff (inmate) to the supervising correctional counselor (SCC) at the San Diego Central Jail (SDCJ) of any inmate that has been granted self-representation by the court.

The SDCJ SCC will notify the Jail Population Management Unit (JPMU) sergeant of the status change. The JPMU sergeant will enter the conditions of confinement inmate (CCI) hazard into JIMS. The SCC at the facility where the conditions of confinement inmate is housed will be notified of the status change, so they may start providing the accommodations described in this section.

The watch commander is authorized to suspend for cause any and all of the conditions of confinement accommodations herein ordered.

The inmate may appeal by filing a grievance to the facility commander.

II. CONDITIONS OF CONFINEMENT SUPPLIES

The following items may be purchased from commissary. The following items may be possessed by conditions of confinement inmates in reasonable quantities:

- A. Ruled legal pad
- B. Standard legal size envelopes
- C. Golf pencils, lead black
- D. Erasers

Indigent conditions of confinement inmates will be given a supply of the above items by the correctional counselor, which will be paid for by the inmate welfare fund. Replacement of any of the items listed above shall be accomplished through a written request to the correctional counselor. The correctional counselor will determine the validity of the request and furnish the appropriate supplies.

The correctional counselor will provide - one copy of an inmate's final legal (conditions of confinement case) work product upon his/her request.

III. COMMUNICATION

A. Telephone

Conditions of confinement inmates may use the phones in their housing areas to place calls concerning their cases. Abuse of the telephone may result in the loss of telephone privileges.

B. Mail

Conditions of confinement inmates are authorized to mail all correspondence necessary for their law suit, at their own expense. Only that correspondence which meets the confidential/legal mail definition will be handled as such. All other mail will be subject to the general provisions (refer to DSB P&P section P.3 regarding inmate mail).

Indigent conditions of confinement inmates may submit their legal correspondence to the correctional counselor who will in turn, affix the needed postage or mail it through county messenger mail.

IV. ACCESS TO LEGAL RESOURCES

Conditions of confinement inmates will access legal resources through the use of the Legal Research Associates (LRA) request. Conditions of confinement inmates will be allowed two (2) LRA requests a month. The requests and responses will be logged by the correctional counselors.

V. HOUSING AND MISCELLANEOUS

Conditions of confinement inmates shall be housed in areas that are compatible with their classification status. The correctional counselor will keep a log for each conditions of confinement inmate. The log will have a list of supplies furnished (if determined to be indigent), LRA requests and responses, and special requests approved. Inmate request forms from conditions of confinement inmates requesting additional items will be forwarded to the correctional counselor for review.

VI. CELL/PROPERTY SEARCHES

Cell or property searches of conditions of confinement inmates' "legal" materials will be carried out in the method outlined in policy (refer to DSB P&P section I.41 regarding privileged communication).

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| DATE: | JUNE 17, 2016 |
| NUMBER: | N.7 |
| SUBJECT: | IN PROPRIA PERSONA STATUS (PRO PER INMATES) |
| RELATED SECTIONS: | N.3 , N.5 , P.3 , T.7 |

PURPOSE

To establish uniform procedures for the treatment of inmates granted in propria persona status.

POLICY

All facilities will provide fair and equitable treatment for inmates in propria persona status.

PROCEDURE

I. IN PROPRIA PERSONA (PRO PER) STATUS

An inmate who is granted pro per status by court order in a criminal case shall receive the privileges described in this section.

Pro per privileges are granted for criminal cases only. Civil, juvenile and family law cases are not eligible for pro per privileges but may be granted pro per status by the court.

Pro per privileges will terminate upon sentencing or the conclusion of their conditions of confinement case in the trial court.

The detention processing technician (DPT) receiving the court order will make three copies of the order and distribute one to the facility correctional counselor, one to the watch commander and one copy to a Jail Population Management Unit (JPMU) sergeant at San Diego Central Jail (SDCJ). JPMU will enter the pro per status into the Jail Information Management System (JIMS). The watch commander is authorized to suspend any and all of the pro per rights herein ordered for cause.

- A. The Sheriff or designee shall immediately notify the court of any suspension or limitation of any of the described privileges.
- B. The inmate may appeal to the facility commander. If not satisfied, the inmate may petition the court, which may in turn order a hearing to determine if the suspended privileges shall be restored.

II. PRO PER SUPPLIES

- A. The following items will be furnished by the Sheriff's Department or appointed legal assistants at the discretion of the correctional counselor. Regardless of their origin, any and all supplies given to a pro per inmate shall be distributed and accounted for by the correctional counselor. These items may be possessed by the pro per inmate in reasonable quantities.

1. A reasonable quantity of pleading paper, 8 ½ x 11 (up to ½ ream at any one time).
 2. Ruled legal pads.
 3. Standard legal size envelopes.
 4. Golf pencils, lead black.
 5. Erasers.
 6. One (1) legal size accordion file.
 7. 9 x 12 manila envelopes (for prepared mailings only).
 8. Access to the legal research area
- B. Replacement of any of the items listed above shall be accomplished through a written request to the correctional counselor. The correctional counselor will determine the validity of the request and furnish the appropriate supplies. Supplies provided by legal assistants will be received and distributed by the correctional counselor. All supplies given to the inmate will be logged by the correctional counselor in a pro per file. Any supplies that are additional to what is supplied by the Sheriff's Department must be accompanied by a court order and supplied by Office of Assigned Counsel (OAC).
- C. Access to ball point pens, for signature purposes only, will be provided through the correctional counselor. The correctional counselor will provide the pen and supervise its use. The pen will be returned to the correctional counselor immediately after all the necessary ink signatures are completed.
- D. The correctional counselor will duplicate one copy of an inmate's final legal (criminal case) work product when ready to mail. If the inmate needs additional copies made, the inmate will arrange for a legal assistant to have it done for him/her. Inmates may purchase their own legal books to assist them in researching their case (refer to DSB P&P P.3 for additional information regarding personal books). Personal books must be marked with the inmate's name and booking number. Any books not authorized to be in the inmate's possession in their cell or housing module will be stored in the correctional counselor's office, and can be checked out for use during regular legal research area hours.

III. LEGAL RUNNERS, INVESTIGATORS, AND/OR LEGAL RESEARCH AIDS

Each pro per inmate in a criminal case may be authorized a legal runner/paralegal, investigator and/or a person authorized to aid him/her, none of which shall be at the expense of the Sheriff's Department, and each of whom is subject to approval by the court. All appointed assistants, except the legal runner/paralegal, should be named specifically in the pro per court order.

- A. Procedures for visiting with a pro per inmate.
1. Visits will be conducted utilizing the social visit phone system. Contact visits may be approved by the watch commander for special circumstances (this does not include attorneys).

2. Each appointed assistant is subject to security clearance by the Sheriff's Department.
 3. All combined appointed assistants shall be authorized not more than one visit each day between the hours of 0730-2100 hours.
 4. Additional visits per day may be approved by the watch commander by submitting an inmate request form to the watch commander prior to the visit.
 5. Visits shall be reasonable length (1hr. maximum).
 6. It is the pro per inmate's responsibility to plan and coordinate which assistant will visit on a particular day. The detention facility will process assistants on a first come, first served basis.
- B. Materials brought to the detention facility by the legal runner will be examined by Sheriff's personnel for security reasons and shall be routed through the correctional counselor for logging and distribution.
1. The supplies shall be examined by a deputy insofar as it is necessary to determine that it is authorized and not a security concern.
 2. All reference materials and texts delivered to the pro per inmate will be logged by the correctional counselor in the inmate's pro per file.

IV. COMMUNICATION, TELEPHONE, MAIL, AND SUBPOENA PRIVILEGES

A. Telephone

1. Pro per inmates may use the phones in their housing areas to place calls concerning their cases.
2. Calls to the OAC can be made at no cost utilizing the speed dial number on the housing unit inmate telephone. All other calls will be made using collect or debit telephone calling options at the called party's or inmate's expense. Abuse of the telephone may result in the loss of telephone privileges.

B. Mail

1. Pro per inmates are authorized to mail all correspondence necessary for his/her defense, at their own expense. The housing deputy or pro per deputy will examine the mail in the same manner as regular legal mail.
2. Legal mail must be clearly identified by the inmate as "legal mail" or "confidential." Correspondence with the state or federal courts, any member of the State Bar or holder of public office, Citizens Law Enforcement Review Board (CLERB), Internal Affairs, Office of the Sheriff, the Board of State and Community Corrections (BSCC), and Prison Rape Elimination Act (PREA) auditors are considered confidential/legal mail.

3. Indigent pro per inmates may send legal mail to the courts or their attorney at no cost by submitting it to the correctional counselor.
4. Certain mail for other county offices may be sent via inter-office county mail without postage.

C. Subpoenas and Habeas Corpus forms

1. Subpoenas and habeas corpus forms shall be supplied to the inmate by the correctional counselor as needed.
2. Other legal forms may be obtained by the pro per inmate by writing to the appropriate court.
3. Legal forms filled out by the inmate shall be forwarded to the trial court via the legal runner.

V. LEGAL RESEARCH AREA

Legal research area operational hours should be utilized to ensure maximum access for pro per inmates but also supportive of detention facility security needs. This legal research area time will allow access to the computers and research kiosk's and available materials for legal research purposes only.

A. Male pro per inmates

1. Male pro per inmates will generally be housed at SDCJ giving them access to the legal research area.
2. Monday through Thursday mainline male pro per inmates will be afforded between forty-five minutes and two hours of legal research area time depending upon the number of pro per inmates.
3. Pro per inmates will generally be given three hours per week of legal research area time, subject to reduction if increases in the pro per inmate population require that the hours be reduced in order to accommodate the increased population.
4. Pro per inmates assigned to protective custody or administrative segregation housing will be provided access to the legal research area with only those limitations to ensure for the inmate's safety and need to be isolated from other inmates.

B. Female pro per inmates

1. Female pro per inmates will be housed at the Las Colinas Detention and Reentry Facility (LCDRF).
2. LCDRF has one designated legal research area and one research kiosk. This legal research area is located in the library building. Inmates assigned to housing units that are allowed to walk unescorted throughout the facility will have access to the legal research area located in the library. Inmates assigned to housing units

requiring escort throughout the facility will use one of the assigned rooms located within their housing unit. Counseling staff will consult with the watch commander to establish which of the rooms within the housing unit should be utilized as the legal research area.

3. Pro per inmates will be given a minimum of three hours per week access to the legal research area. A schedule for usage of the legal research area will be made by the counseling staff based off of the number of pro per inmates in the facility.

VI. HOUSING AND MISCELLANEOUS

- A. Pro per inmates shall be housed in regular housing that is compatible with their classification status.
- B. The correctional counselor will keep a log for each pro per inmate. The log will have a copy of the court order and will list supplies furnished, phone calls completed, special requests approved, etc. Inmate request forms from pro per inmates requesting additional items will be forwarded to the correctional counselor for review. The proper deputy will review the request for safety and security issues.

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| DATE: | JANUARY 28, 2016 |
| NUMBER: | N.8 |
| SUBJECT: | REVOCAION OF PRO PER PRIVILEGES |
| RELATED SECTIONS: | N.7, O.1 |

PURPOSE

To establish procedures for the revocation of an inmate's *pro per* privileges when necessary for the safety and security of the facility.

POLICY

An inmate who has been granted *pro per* status by the court, on a case where he or she is facing criminal charges or challenging the conditions of their confinement, will be granted a hearing before jail staff revokes the inmate's *pro per* privileges. The hearing will take place as soon as reasonably practical, but no sooner than 24 hours after the inmate is served with a "Notice of hearing."

The procedures contained herein are intended to comply with the California Supreme Court decision, *Wilson v. Superior Court of Los Angeles County*, (1978) 21 Cal. 3d 816 .

PROCEDURE

- I. An inmate's *pro per* privileges will only be revoked for violations of rules relating to the inmate's use of, behavior in, or transportation to, the legal research area.
- II. Staff shall revoke the *pro per* privileges of any inmate who damages property, engages in violence or threats of violence, or repeatedly demonstrates noncompliance with staff or jail rules. All revocations will be permanent. The inmate will be entitled to an immediate hearing on his or her *pro per* privileges revocation.

Revocations of *pro per* privileges will be permanent to ensure *pro per* inmates do not resort to misbehavior in the legal research area as a means of obtaining a continuance of their trial date.

- III. Any such action will be written up as a disciplinary report.
- IV. Staff shall serve the inmate with a notice of disciplinary action along with a letter notifying the inmate of the time and place of their hearing. The hearing shall take place as soon as practical, but in no event sooner than 24 hours from the time of service. The inmate's *pro per* privileges shall be temporarily suspended pending the outcome of the hearing.
 - A. The hearing described in this section shall take place in lieu of a disciplinary hearing given pursuant to DSB P&P section O.1.
 - B. The notification letter given to the inmate shall include the following:
 - 1. Notification of the Sheriff's intent to permanently revoke *pro per* privileges

2. A statement of the act(s) allegedly committed by the inmate, and the rules violated by the inmate's act(s)
 3. A description of the evidence supporting the allegations
 4. Any reports of the incident
 5. The time and date of the hearing
 6. A statement that the inmate will have the opportunity to present witnesses and documentary evidence as jail safety and security permits.
- C. The staff member serving the inmate with the notification shall ask the inmate if they wish to waive their right to a hearing. If the inmate states that they wish to waive the hearing, the inmate will be asked to sign a waiver form in the presence of two witnesses. Only inmates who sign the waiver form will be deemed to have waived their right to a hearing.
- V. The administrative lieutenant shall assign a sergeant to conduct the hearing. The hearing shall be audio recorded.
- VI. The sergeant shall review the documents given to the inmate in support of the revocation. The sergeant may question the deputy who prepared the report, as well as any other witnesses. The inmate may also question witnesses; however, the sergeant shall have the right to restrict questioning as appropriate.
- VII. The inmate may, with the prior approval of the sergeant, present other witnesses. However, the sergeant may refuse to allow the witness to be called if the value of the witness' testimony is slight, and the production of the witness would be overly burdensome.
- VIII. Within 24 hours of the close of the hearing, the sergeant shall issue a written decision either upholding or rescinding the revocation of the inmate's *pro per* privileges, and explaining the reason(s) for the decision. A copy of the decision shall be delivered to the inmate.
- IX. After the completion of the hearing process, the sergeant will send: the audio recording and copies of the hearing notice; the disciplinary action notice; the waiver form; the notification letter; the written decision of the sergeant; and, the incident report from JIMS to the administrative deputy to archive. These items will be kept together so the complete record of the hearing and all supporting documentation may be easily accessed.
- X. A decision upholding the revocation of an inmate's *pro per* privileges shall be delivered to Department 11 of the superior court – central division.
- XI. The revocation shall be entered in JIMS as a disciplinary action against the inmate.
- XII. The inmate may appeal the disciplinary findings through the procedures outlined in DSB P&P section O.1.