

**MISSION**

We protect the public by providing safe and secure custody of inmates and preparing them for successful community re-entry to reduce recidivism.

**PHILOSOPHY AND GOALS**

Corrections Bureau

Primary Objectives:

- 1) Prevent Deaths in Custody
- 2) Prevent Inmate Escapes
- 3) Reduce Recidivism

Bureau Goals:

- A. Comply with local, state, and federal standards, laws and orders
- B. Provide inmate needs: food, medical, hygiene, clothing, bedding, visiting, court appearances
- C. Maintain clean and operable correctional facilities
- D. Prepare inmates for community re-entry
- E. Hire and train correctional staff
- F. Provide security for local courts and transport inmates to courts

## **CODE OF ETHICS**

My fundamental duty is to serve the community; to safeguard lives and property; to protect the innocent against deception, the weak against oppression or intimidation and the peaceful against violence or disorder; and to respect the constitutional rights of all to liberty, equality and justice.

I will keep my private life unsullied as an example to all and will behave in a manner that does not bring discredit to me or to my agency. I will maintain courageous calm in the face of danger, scorn or ridicule; develop self-restraint; and be constantly mindful of the welfare of others. Honest in thought and deed both in my personal and official life, I will be exemplary in obeying the law and the regulations of my department. Whatever I see or hear of a confidential nature or that is confided to me in my official capacity will be kept ever secret unless revelation is necessary in the performance of my duty.

I will never act officiously or permit personal feelings, prejudices, political beliefs, aspirations, animosities or friendships to influence my decisions. With no compromise for crime, I will enforce the law courteously and appropriately without fear or favor, malice or ill will, never employing unnecessary force or violence and never accepting gratuities.

I recognize the badge of my office as a symbol of public faith, and I accept it as a public trust to be held so long as I am true to the ethics of criminal justice service. I will never engage in acts of corruption or bribery, nor will I condone such acts by other officers. I will cooperate with all legally authorized agencies and their representatives in the pursuit of justice.

I know that I alone am responsible for my own standard of professional performance and will take every reasonable opportunity to enhance and improve my level of knowledge and competence.

I will constantly strive to achieve these objectives and ideals, dedicating myself before God to my chosen profession.

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## Chapter 1 - Role and Authority



## Organizational Structure and Responsibility

### 100.1 PURPOSE AND SCOPE

The organizational structure of the office is designed to create an efficient means to accomplish its mission and goals and to provide for the best possible service to the public (Title 15 CCR § 1029(a)(1)).

### 100.2 BUREAUS

The Sheriff is responsible for administering and managing the Santa Cruz County Sheriff's Office. There are three Bureaus in the office:

- Administration Bureau
- Operations Bureau
- Corrections Bureau

#### 100.2.1 ADMINISTRATION BUREAU

The Administration Bureau is commanded by a Undersheriff, whose primary responsibility is to provide general management direction and control for that bureau. The Administration Bureau consists of Administrative, Personnel, Training, Finance, Records and Civil Services as well as Decentralized Community Policing.

#### 100.2.2 OPERATIONS BUREAU

The Operations Bureau is commanded by a Chief Deputy whose primary responsibility is to provide general management, direction and control for that bureau. The Operations Bureau consists of Uniformed Patrol, Investigations and Special Operations.

#### 100.2.3 CORRECTIONS BUREAU

The Corrections Bureau is commanded by a Chief Deputy whose primary responsibility is to provide general management, direction and control for that bureau. The Corrections Bureau consists of Main Jail, Women's Minimum Security Facility, Rountree Medium Security Facility and Special Services that include Court Security, Food Services and Medical Services.

### 100.3 CHAIN OF COMMAND

#### 100.3.1 CHAIN OF COMMAND

The chain of command of the office begins with the Sheriff, to whom all employees of the Office are responsible.

To maintain continuity, order and effectiveness in the office, a chain of command has been established and should be respected. All staff members should adhere to the chain of command in all official actions. However, nothing shall prohibit a staff member from initiating immediate action outside of the chain of command if it is necessitated by a complaint of discrimination, sexual harassment, gross malfeasance or a violation of the law.

## *Organizational Structure and Responsibility*

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### 100.3.2 SUCCESSION OF COMMAND

The Sheriff exercises command over all personnel in the office. During planned absences the Sheriff will designate a Bureau Chief to serve as acting Sheriff.

Except when designated as above, the command authority in the absence or unavailability of the Sheriff is as follows:

- (a) Undersheriff
- (b) Operations Bureau Chief Deputy
- (c) Corrections Bureau Chief Deputy
- (d) Patrol Lieutenant

### 100.3.3 UNITY OF COMMAND

The principles of unity of command ensure efficient supervision and control within the Sheriff's Office. Generally, each employee shall be accountable to one supervisor at any time for a given assignment or responsibility. Except where specifically delegated authority may exist by policy or special assignment, any supervisor may temporarily direct any subordinate if an operational necessity exists.

### 100.3.4 ORDERS

Members shall respond to and make good faith and reasonable effort to comply with the lawful order of superior officers and other proper authority.

## Authority and Legal Assistance

### 101.1 PURPOSE AND SCOPE

This policy acknowledges and reflects the legal authority under which the Santa Cruz County Sheriff's Office shall operate and maintain a local detention facility in this state. In addition to the authority vested by state law, the correctional facility operates in accordance with these laws, constitutional mandates, regulations and local ordinances.

### 101.2 POLICY

It is the policy of this office that the local detention facility will be maintained by all lawful means for the incarceration of persons suspected of violating the law or who have been adjudicated as guilty of committing a crime or civil offense by a competent legal authority, as prescribed by law.

### 101.3 LEGAL FOUNDATION

Correctional Facility staff at every level must have an understanding and true appreciation of their authority and limitations in the operation of a local detention facility. The Santa Cruz County Sheriff's Office recognizes and respects the value of all human life and the expectation of dignity without prejudice toward anyone. It is also understood that vesting law enforcement personnel with the authority to incarcerate suspected law violators to protect the public and prevent individuals from fleeing justice requires a careful balancing of individual rights and legitimate government interests.

### 101.4 LEGAL ASSISTANCE

The following are examples of areas where the services of the County Counsel and legal specialists can be of benefit to the office:

- (a) Analyze and alert the correctional facility executive and correctional facility management team to correctional facility-related case law.
- (b) Serve as a legal consultant in the construction and review of new correctional facility policies and procedures.
- (c) Serve as a legal consultant on issues related, but not limited to:
  1. Use of force
  2. Faith-based requests
  3. Complaints and grievances
  4. Allegations of abuse by staff
- (d) Serve as legal counsel in legal matters brought against this office and the Sheriff.

*Authority and Legal Assistance*

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**101.4.1 LEGAL LIAISON**

The Sheriff will designate one or more staff to act as a liaison between the Office and the County Counsel's office. The legal liaison officer will provide an orientation of the facility and detention facility policies to representatives of the County Counsel's office as needed.

The liaison officer will arrange for regularly scheduled meetings in order to provide an ongoing status report of facility issues to the legal counsel. The liaison officer will maintain an open relationship with legal counsel in order to move quickly on emerging facility issues that could have significant legal implications for the Office.

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# Custody Manual

## 102.1 PURPOSE AND SCOPE

The Custody Manual is a statement of the current policies, rules and guidelines of this office's correctional facility. All members are to conform to the provisions of this manual. All prior and existing manuals, orders and regulations which are in conflict with this manual are revoked, except to the extent that portions of existing manuals, orders and other regulations which have not been included herein shall remain in effect where they do not conflict with the provisions of this manual.

Except where otherwise expressly stated, the provisions of this manual shall be considered guidelines. It is recognized, however, that work in the custody environment is not always predictable and circumstances may arise that warrant departure from these guidelines. It is the intent of this manual to be viewed from an objective standard, taking into consideration the sound discretion entrusted to members of this office under the circumstances reasonably known to them at the time of any incident.

## 106.1 PURPOSE AND SCOPE

## 102.2 POLICY

The manual of the Santa Cruz County Sheriff's Office Correctional Facility is hereby established and shall be referred to as the Custody Manual (15 CCR 1029).

### 102.2.1 DISCLAIMER

The provisions contained in the Custody Manual are not intended to create an employment contract nor any employment rights or entitlements. The policies contained within this manual are for the internal use of the Santa Cruz County Sheriff's Office and shall not be construed to create a higher standard or duty of care for civil or criminal liability against the county, its officials or members. Violations of any provision of any policy contained within this manual shall only form the basis for office administrative action, training or discipline. The Santa Cruz County Sheriff's Office reserves the right to revise any policy content, in whole or in part.

## 102.3 RESPONSIBILITIES

The Sheriff shall be considered the ultimate authority for the provisions of this manual and shall continue to issue Office Special Orders, which shall modify the provisions to which they pertain. Office Special Orders shall remain in effect until such time as they may be permanently incorporated into the manual.

The Chief Deputy shall ensure that the Custody Manual is comprehensively reviewed at least every two years, updated as needed and the staff trained accordingly to ensure that the policies in the manual are current and reflect the mission of the Santa Cruz County Sheriff's Office (15 CCR 1029). The review shall be documented in written form sufficient to indicate that policies and procedures have been reviewed and amended as appropriate to facility changes.

## *Custody Manual*

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### 102.3.1 COMMAND STAFF

The command staff should consist of the following:

- Sheriff
- Chief Deputy
- Lieutenant

### 102.3.2 OTHER PERSONNEL

Line and supervisory staff have a unique view of how policies and procedures influence the operation of the facility and therefore are expected to bring to the attention of their supervisor issues that might be addressed in a new or revised policy.

All members suggesting revision of the contents of the Custody Manual should forward their suggestion, in writing, through the chain of command to the Chief Deputy, who will consider the recommendation.

## **102.4 DEFINITIONS**

The following words and terms shall have these assigned meanings, unless it is apparent from the content that they have a different meaning:

**Adult** - Any person 18 years of age or older.

**Office** - The Santa Cruz County Sheriffs Office

**Custody Manual** - The Office Custody Manual

**Chief Deputy** - [Unless otherwise clarified, the Chief Deputy of the Corrections Bureau](#)

**Facility or Facilities** - [Includes Main Jail, Women's Medium Security Facility and Rountree Medium Security Facility.](#)

**Juvenile** - Any person under the age of 18.

**May** - Indicates a permissive, discretionary or conditional action.

**Member** - This term applies to all persons who are employed by the Santa Cruz County Sheriffs Office or who are appointed to serve as volunteers. This includes corrections officers, general services staff, contractors and volunteers.

**Correctional officer** - All persons, regardless of rank, who are employees and who are selected and trained in accordance with state law as a corrections officer of the Santa Cruz County Sheriffs Office.

**On-duty employee** - Status during the period when he/she is actually engaged in the performance of his/her assigned duties.

**Order** - A written or verbal instruction issued by a superior.

**Rank** - The job classification title held by a corrections officer.

**Shall or will** - Indicates a mandatory action.

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**Should** - Indicates a generally required or expected action absent a rational basis for failing to conform.

**CCR** - California Code of Regulations

**CFR** - Code of Federal Regulations

**102.5 DISTRIBUTION OF MANUAL**

Copies of the Custody Manual shall be made available to all members. An electronic version of the Custody Manual will be made available to all members on the office network (15 CCR 1029).

No changes shall be made to the electronic version without authorization from the Chief Deputy.

**102.6 MANUAL ACCEPTANCE**

As a condition of employment, all members are required to read and obtain necessary clarification of this office's policies. All members are required to sign a statement of receipt acknowledging that they have received a copy or have been provided access to the Custody Manual.

**102.7 REVISIONS TO POLICIES**

All members are responsible for keeping abreast of all Custody Manual revisions. All changes to the Custody Manual will be posted on the office intranet for review prior to implementation. The Training Officer will forward revisions to the Custody Manual as needed to all personnel via electronic mail. Each member shall acknowledge receipt by return e-mail or online acknowledgement, review the revisions and seek clarification as needed.

Each supervisor will ensure that members under his/her command are familiar with and understand all revisions.

## Rules of Conduct

### 103.1 PURPOSE AND SCOPE

This policy provides employees with guidelines for conduct in order that they may participate in meeting the goals of this office in serving the community. This policy shall apply to all sworn, general service staff, volunteer and contractor members of this office (including part-time and reserve employees). This policy is intended for internal use only and shall not be construed to increase or establish an employee's civil or criminal liability. Nor shall it be construed to create or establish a higher standard of safety or care. A violation of any portion of this policy may only serve as the basis for internal disciplinary and/or administrative action.

### 103.2 POLICY

The continued employment of every employee of this office shall be based on conduct that reasonably conforms to the guidelines set forth herein. Failure of any employee to meet the guidelines set forth in this policy whether on-duty or off-duty may be cause for disciplinary action.

An employee's off-duty conduct shall be governed by this policy to the extent that it is related to acts that may materially affect or arise from the employee's ability to perform official duties or to the extent that it may be indicative of an employee being unfit for his/her position.

### 103.3 CONDUCT THAT MAY RESULT IN DISCIPLINE

The following list of causes for disciplinary action constitutes a portion of the disciplinary standards of this office. This list is not intended to cover every possible type of misconduct and does not preclude the recommendation of disciplinary action for specific action or inaction that is detrimental to efficient office service:

#### 103.3.1 ATTENDANCE

- (a) Leaving the assignment during duty hours without reasonable excuse and proper permission and approval.
- (b) Unexcused or unauthorized absence or tardiness on scheduled days of work.
- (c) Failure to report to work or to the place of assignment at the time specified and fully prepared to perform duties without a reasonable excuse.
- (d) Failure to notify the Office within 24 hours of any change in residence address, home telephone number or marital status.

#### 103.3.2 CONDUCT

- (a) Unauthorized or unlawful fighting, threatening or attempting to inflict unlawful bodily injury on another.
- (b) Initiating any civil action for recovery of any damages or injuries incurred in the course and scope of employment without first notifying the Sheriff of such action.



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- (c) Using office resources in association with any portion of an independent civil action. These resources include, but are not limited to, personnel, vehicles, equipment and confidential records.
- (d) Engaging in horseplay that results in injury or property damage or the reasonable possibility thereof.
- (e) Unauthorized possession of, loss of, or damage to office property or the property of others or endangering it through unreasonable carelessness or maliciousness.
- (f) Failure of any employee to promptly and fully report activities on their own part or the part of any other employee where such activities may result in criminal prosecution or discipline under this policy.
- (g) Failure of any employee to promptly and fully report activities that have resulted in official contact by any other law enforcement agency.
- (h) Using or disclosing one's status as an employee with the Office in any way that could reasonably be perceived as an attempt to gain influence or authority for non-office business or activity.
- (i) The use of any confidential data, information, photograph, video or other recording obtained or accessed as a result of employment with the Office for personal or financial gain or without the express authorization of the Sheriff or the authorized designee may result in discipline under this policy.
- (j) Seeking restraining orders against individuals encountered in the line of duty without the express permission of the Sheriff.
- (k) Discourteous, disrespectful or discriminatory treatment of any member of the public or any member of this office.
- (l) Unwelcome solicitation of a personal or sexual relationship while on-duty or through the use of official capacity.
- (m) Engaging in sexual abuse.
- (n) Any history of sexual abuse in a prison, jail, lockup, community confinement facility, juvenile facility or other institution (28 CFR 115.17).
- (o) Conviction or civil or administrative adjudication for engaging or attempting to engage in sexual activity that was facilitated by force, overt or implied threats of force, coercion, or if the victim did not consent or was unable to consent or refuse (28 CFR 115.17).
- (p) Engaging in on-duty sexual relations including, but not limited to, sexual intercourse, excessive displays of public affection or other sexual contact.
- (q) Engaging in personal associations with inmates. In instances where the relationship existed prior to the inmate's incarceration, staff shall submit notification of such relationship in writing to their supervisor, who will notify the Chief Deputy.

## *Rules of Conduct*

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- (r) Divulging home telephone numbers, addresses, e-mail addresses, work schedules or other confidential data regarding themselves or other employees to current inmates, former inmates or their families or the general public.
- (s) Accepting gifts of any value or favors from current or former inmates or their families. Attempts on the part of a current inmate, former inmate or his/her family to send gifts or offer favors to employees or their families must be immediately reported to the employee's supervisor.
- (t) Allowing contraband articles, including, but not limited to, weapons, clothing, food, illegal drugs, or tobacco in any jail facility.
- (u) Receiving from an inmate any articles to deliver outside the facility.

### 103.3.3 DISCRIMINATION

Discrimination against any person because of age, race, color, creed, religion, gender, sexual orientation, national origin, ancestry, marital status, physical or mental disability or medical condition will not be tolerated.

### 103.3.4 INTOXICANTS

- (a) Reporting for work or being at work following the use of intoxicants where such use may impair the employee's ability to perform assigned duties or where there is an immediate suspicion of ineffectiveness during public contact resulting from the use of intoxicants.
- (b) Unauthorized possession or use of, or attempting to bring intoxicants to the work site.
- (c) Reporting for work or being at work following the use of a controlled substance or any drug (whether legally prescribed or otherwise) where such use may impair the employee's ability to perform assigned duties without prior authorization from a supervisor.
- (d) Unauthorized possession or use of a controlled substance or other illegal drug.

### 103.3.5 PERFORMANCE

- (a) Sleeping during on-duty time or assignments.
- (b) Careless workmanship resulting in spoilage or waste of materials or work of an unacceptable nature as applicable to the nature of the work assigned.
- (c) Unsatisfactory work performance including, but not limited to, failure, incompetence, inefficiency or delay in performing and/or carrying out proper orders, work assignments or instructions of supervisors without a reasonable and bona fide excuse.
- (d) Concealing, attempting to conceal, removing or destroying defective or incompetent work.

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- (e) Disobedience or insubordination to constituted authorities, including refusal or deliberate failure to carry out or follow lawful directives and orders from any supervisor or person in a position of authority.
- (f) The wrongful or unlawful exercise of authority on the part of any employee for malicious purpose, personal gain, willful deceit or any other improper purpose.
- (g) Disparaging remarks or conduct concerning duly constituted authority to the extent that such conduct disrupts the efficiency of the Office or subverts the good order, efficiency and discipline of the Office or that would tend to discredit any member thereof.
- (h) Knowingly making false, misleading or malicious statements that are reasonably calculated to harm or destroy the reputation, authority or official standing of the Office or members thereof.
- (i) The falsification of any work-related records, the making of misleading entries or statements with the intent to deceive, or the willful and unauthorized destruction and/or mutilation of any office record, book, paper or document.
- (j) Wrongfully loaning, selling, giving away or appropriating any office property for the personal use of the employee or any unauthorized person.
- (k) The unauthorized use of any badge, uniform, identification card or other office equipment or property for personal gain or any other improper purpose.
- (l) The receipt or acceptance of a reward, fee or gift from any person for service incident to the performance of the employee's duties (lawful subpoena fees and authorized work permits excepted).
- (m) Any knowing or negligent violation of the provisions of the office manual, operating procedures or other written directive of an authorized supervisor that the Office has made available to the employees.
- (n) Dishonesty, including attempted or actual theft of office property, services or the property of others, or the unauthorized removal or possession of office property or the property of another person.
- (o) Criminal, dishonest, infamous or disgraceful conduct adversely affecting the employee/employer relationship, whether on-duty or off-duty.
- (p) Failure to disclose or misrepresenting material facts, or the making of any false or misleading statement on any application, examination form or other official document, report or form, or during the course of any work-related investigation.
- (q) Failure to take reasonable action while on-duty and when required by law, statute, resolution or approved office practices or procedures.

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- (r) Substantiated, active, continuing association with or membership in organized crime or criminal syndicates or a criminal gang with knowledge thereof, except as specifically directed and authorized by the Office.
- (s) Offer or acceptance of a bribe or gratuity.
- (t) Misappropriation or misuse of public funds.
- (u) Exceeding lawful peace officer powers by unreasonable, unlawful or excessive conduct.
- (v) Unlawful gambling or unlawful betting on office premises or at any work site.
- (w) Substantiated, active, continuing association on a personal rather than official basis with a person or persons who engage in or are continuing to engage in serious violations of state or federal laws, where the employee has or reasonably should have knowledge of such criminal activities, except where specifically directed and authorized by the Office.
- (x) Solicitations, speeches or distribution of campaign literature for or against any political candidate or position while on-duty, on office property or while in any way representing him/herself as a member of this office, without the express authorization of the Sheriff.
- (y) Engaging in political activities during assigned working hours without the express authorization of the Sheriff.
- (z) Violating any misdemeanor or felony statute.
- (aa) Any other on-duty or off-duty conduct which any employee knows or reasonably should know is unbecoming a member of the Office or which is contrary to good order, efficiency or morale, or which tends to reflect unfavorably upon the Office or its members.
- (ab) Any failure or refusal of an employee to properly perform the function and duties of an assigned position.
- (ac) Failure to maintain required and current licenses (e.g., driver license) and certifications (e.g., first aid).
- (ad) Giving false or misleading statements, or misrepresenting or omitting material information to a supervisor or other person in a position of authority, in connection with any investigation or in the reporting of any office-related business.

**103.3.6 SAFETY**

- (a) Failure to observe posted rules, signs and written or oral safety instructions while on-duty and/or within office facilities or to use required protective clothing or equipment.
- (b) Knowingly failing to report any on-the-job or work-related accident or injury within 24 hours.

*Rules of Conduct*

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- (c) Substantiated employee record of unsafe or improper driving habits or actions in the course of employment.
- (d) Failure to maintain good physical condition sufficient to adequately and safely perform law enforcement duties.
- (e) Any personal action contributing to involvement in a preventable traffic collision, or other unsafe or improper driving habits or actions in the course of employment.
- (f) Violating office safety standards or safe working practices.

**103.3.7 SECURITY**

- (a) Unauthorized, intentional release of designated confidential information, materials, data, forms or reports.

**103.3.8 SUPERVISION RESPONSIBILITY**

- (a) Failure of a supervisor to take appropriate action to ensure that employees adhere to the policies and procedures of this office and the actions of all personnel comply with all laws.
- (b) Failure of a supervisor to report in a timely manner any known misconduct of an employee to his/her immediate supervisor or to document such misconduct appropriately or as required by policy.
- (c) The unequal or disparate exercise of authority on the part of a supervisor toward any employee for malicious or other improper purpose.

**103.3.9 PRISON RAPE ELIMINATION ACT (PREA) DISCLOSURE**

Members have a continuing affirmative duty to notify the Chief Deputy in writing if they have (28 CFR 115.17):

- (a) Engaged in sexual abuse in a prison, jail, lockup, community confinement facility, juvenile facility or other institution as defined in 42 USC § 1997.
- (b) Been convicted for an offense involving engaging in or attempting to engage in sexual activity facilitated by force, by overt or implied threats of force, or by coercion, or if the victim did not consent or was unable to consent or refuse.
- (c) Been the subject of any civil or administrative adjudication finding that the member engaged in sexual activity facilitated by force, by overt or implied threats of force, or by coercion, or if the victim did not consent or was unable to consent or refuse.

**103.4 INVESTIGATION OF DISCIPLINARY ALLEGATIONS**

Regardless of the source of an allegation of misconduct, all such matters will be investigated in accordance with Personnel Complaint Procedure as described in the Sheriff's Office Policy Manual § 1020. Pursuant to Government Code §§ 3304(d) and 3508.1, the investigation should be completed within one year of the discovery of the allegation unless such investigation falls within one of the exceptions delineated within those provisions.

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103.4.1 WRITTEN REPRIMANDS

A written reprimand is a formal notice to an employee that disciplinary action will be taken unless his/her behavior or performance improves. The written reprimand advises the employee in writing of the consequences of failing to improve his/her performance or behavior and should contain the following:

- (a) **Date** provided to employee, **Name** of employee and **Name** of issuing supervisor.
- (b) Statement of action to be taken, "**Written Reprimand.**"
- (c) **Date and time of the event:** The cause of the reprimand or the period of time when the performance problem exists.
- (d) **Reasons:** List specifically what rule, procedure, policy or contract provision has been violated by the employee.
- (e) **Charges:** What facts occurred to substantiate the listed reasons.
- (f) **Prior Counseling/Discipline:** List any prior related discipline.
- (g) **Directives:** What the employee is directed to do to correct the situation to include a time line for correction if appropriate.
- (h) **Materials relied upon:** Provide copies or reference specific sections. Make readily available any applicable rule, policy or contract to the employee.
- (i) **Notice of Right to Respond:** An appeal of this Written Reprimand must first be made to (list issuing supervisor by title and name), within five (5) working days of this notice of action. The appeal must focus on the facts of the action. An appeal may be made to the appointing authority(Chief Deputy or Sheriff and name), within five (5) working days of receipt of the issuing supervisor's response to the appeal. The appeal must focus on the facts of the action. An appeal may be made to the County Personnel Director within five (5) working days of the appointing authority's decision. Such appeal is limited to process. The determination of the County Personnel Director with respect to process is final.
  - 1. For Peace Officers Only add the following: Notice under Public Safety Officers Procedural Bill of Rights: Pursuant to Government Code Section 3306, the Public Safety Officers Procedural Bill of Rights, you have the right to file a written response to any adverse comment entered into your personnel file. This written response must be submitted within thirty (30) days of such entry and will be placed in your personnel file along with this notice.
- (j) **Acknowledgement of Receipt:** Printed Name of Employee, Signature of Employee, Date signed by Employee.

The original written reprimand will be placed in the employee's permanent personnel file. A copy will be provided to the affected employee and a copy may be retained by the supervisor.

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### **103.5 POST-INVESTIGATION PROCEDURES**

#### **103.5.1 CHIEF DEPUTY RESPONSIBILITIES**

Upon receipt of any completed personnel investigation, the Chief Deputy shall review the entire investigative file, the employee's personnel file and any other relevant materials.

The Chief Deputy may make recommendations regarding the disposition of any allegations and the amount of discipline, if any, to be imposed.

- (a) Prior to forwarding recommendations to the Sheriff, the Chief Deputy may return the entire investigation to the assigned detective or supervisor for further investigation or action.
- (b) When forwarding any written recommendation to the Sheriff, the Chief Deputy shall include all relevant materials supporting the recommendation. Actual copies of an employee's existing personnel file need not be provided and may be incorporated by reference.

#### **103.5.2 RESPONSIBILITIES OF THE SHERIFF**

Upon receipt of any written recommendation for disciplinary action, the Sheriff shall review the recommendation and all accompanying materials.

The Sheriff may modify any recommendation and/or may return the file to the Chief Deputy for further investigation or action.

Once the Sheriff is satisfied that no further investigation or action is required by staff, the Sheriff shall determine the amount of discipline, if any, to be imposed.

In the event that disciplinary action is recommended, the Sheriff shall provide the employee with written notice (Skelly) within one year of the date the alleged misconduct was discovered (absent an exception set forth in Government Code § 3304(d) or Government Code § 3508.1). That notice should include:

- (a) Specific charges set forth in separate counts, describing the conduct underlying each count.
- (b) A separate recommendation of proposed discipline for each charge.
- (c) A statement that the employee has been provided with or been given access to all of the materials considered by the Sheriff in recommending the proposed discipline.
- (d) An opportunity to respond orally or in writing to the Sheriff within five days of receiving the notice.
  - 1. Upon a showing of good cause by the employee, the Sheriff may grant a reasonable extension of time for the employee to respond.

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2. If the employee elects to respond orally, the presentation shall be recorded by the Office. Upon request, the employee shall be provided with a copy of the recording.

### **103.6 EMPLOYEE RESPONSE**

The pre-discipline process is intended to provide the accused employee with an opportunity to present a written or oral response to the Sheriff after having had an opportunity to review the supporting materials and prior to imposition of any recommended discipline. The employee shall consider the following:

- (a) This response is not intended to be an adversarial or formal hearing.
- (b) Although the employee may be represented by an uninvolved representative or legal counsel, the response is not designed to accommodate the presentation of testimony or witnesses.
- (c) The employee may suggest that further investigation could be conducted or the employee may offer any additional information or mitigating factors for the Sheriff to consider.
- (d) In the event that the Sheriff elects to cause further investigation to be conducted, the employee shall be provided with the results of such subsequent investigation prior to the imposition of any discipline.
- (e) The employee may thereafter have the opportunity to further respond orally or in writing to the Sheriff on the limited issues of information raised in any subsequent materials.
- (f) Once the employee has completed his/her response or, if the employee has elected to waive any such response, the Sheriff shall consider all information received in regard to the recommended discipline. The Sheriff shall thereafter render a timely written decision to the employee imposing, modifying or rejecting the recommended discipline. In the event of a termination, the final notice of discipline shall also inform the employee of the reason for termination and the process to receive all remaining fringe and retirement benefits.
- (g) Once the Sheriff has issued a written decision, the discipline shall become effective.

#### **103.6.1 NOTICE OF DISCIPLINARY ACTION**

Notice of disciplinary action shall be served by personal delivery to the employee at the work site. The date of such delivery shall initiate the period in which an appeal may be filed.

- (a) If personal delivery to the employee at the work site cannot be accomplished, notice of disciplinary action shall be served by mailing a copy of the notice by certified mail to the employee, with addressee's signature required. The date of receipt shall initiate the period in which an appeal may be filed.



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- (b) If receipt of addressee is not received, in (a) above, notice of disciplinary action shall be served by leaving a copy of the notice at the employee's residence in the presence of a competent member of the household and by thereafter mailing a copy of the notice (by First Class Mail postage prepaid) to the employee at his/her residential address. Service of the notice in this manner shall be deemed complete on the tenth (10th) day after such mailing for purposes of computing the time limit for filing an appeal.
- (c) If service of the notice is attempted, under (b) above, on two separate days, but neither the employee nor any competent member of the household is found present, notice of disciplinary action may be made by thereafter mailing a copy of the notice (by First Class Mail postage prepaid) to the employee at his/her residential address. Service of the notice in this manner shall be deemed complete on the tenth (10th) day after such mailing for purposes of computing the time limit for filing an appeal.

Actions taken to effect service of a notice of disciplinary action should be documented.

### **103.7 RESIGNATIONS/RETIREMENTS PRIOR TO DISCIPLINE**

In the event that an employee tenders a written retirement or resignation prior to the imposition of discipline, it shall be noted in the file.

The tender of a retirement or resignation by itself shall not serve as grounds for the termination of pending discipline.

### **103.8 POST-RESPONSE PROCEDURE**

In situations resulting in the imposition of a suspension, punitive transfer, demotion or termination of a non-probationary employee, the employee shall have the right to an evidentiary appeal of the Sheriff's imposition of discipline pursuant to the operative collective bargaining agreement and personnel rules.

#### **103.8.1 SUSPENSION/DEMOTION**

Suspension is the temporary removal of an employee from his/her duties without pay. An employee may in some instances be suspended on the spot. Such an action is reserved for cases, where, for example, the employee's continued presence constitutes a clear threat to the safety of other employees or to the public. Under current case law, such suspensions are limited to five (5) working days. Suspension action is instituted after consultation with the Sheriff, County Personnel Director and County Counsel.

Demotion is the removal of an employee from his/her present class to a lower class. Demotions may be appropriate when the employee's performance was acceptable in a lower class but the employee has shown that he/she cannot function at a higher level. Failure to meet the requirements of promotional probation is not considered disciplinary action.

Standards for documentation:

- (a) There has been demonstrated "Cause" for the action.

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- (b) The action is incident specific, or reflective of a range or pattern of specific incidents.
- (c) Time limits for response and/or appeal are clearly communicated to the employee.
- (d) There is equal application to all staff under the same circumstances and to which the expectations apply.

Notice of Right to Respond:

Pursuant to County Code § 3.24.030 (b), the employee may appeal the suspension/demotion to the Civil Service Commission by filing an appeal with the County Personnel Director within seven (7) days after presentation of the final notice.

For Peace Officers only:

NOTICE UNDER PUBLIC SAFETY OFFICERS PROCEDURAL BILL OF RIGHTS

Pursuant to Government Code § 3306, the Public Safety Officers Procedural Bill of Rights, you have the right to file a written response to any adverse comment entered into your personnel file. This written response must be submitted within thirty (30) days of such entry and will be placed in your personnel file along with this notice.

103.8.2 DISMISSAL

Dismissal is the permanent removal of an employee from service. This action should only be taken when management is satisfied that the employee has been given sufficient opportunity to meet performance or behavior standards and has clearly failed to do so, or for gross misconduct which cannot be tolerated. Dismissal is seldom used for a first offense unless the violation is so serious that no other response is appropriate.

Standards for documentation:

- (a) There has been demonstrated "Cause" for the action.
- (b) The action is incident specific, or reflective of a range or pattern of specific incidents.
- (c) Time limits for response and/or appeal are clearly communicated to the employee.
- (d) There is equal expectation to all staff under the same circumstances and to which the same expectations apply.

Notice of Right to Respond:

Pursuant to County Code 3.24.030 (b), the employee may appeal the dismissal to the Civil Service Commission by filing an appeal with the County Personnel Director within seven (7) days after presentation of the final notice.

For Peace Officers only:

NOTICE UNDER PUBLIC SAFETY OFFICERS PROCEDURAL BILL OF RIGHTS

Pursuant to Government Code § 3306, the Public Safety Officers Procedural Bill of Rights, you have the right to file a written response to any adverse comment entered into your personnel file.

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This written response must be submitted within thirty (30) days of such entry and will be placed in your personnel file along with this notice.

**103.9 DISCIPLINARY ACTION AGAINST PROBATIONARY EMPLOYEES**

A probationary employee has no right to appeal. Dismissal of a probationary employee for failure to pass probation shall so be reflected in the employee's personnel file.

## **Discriminatory Harassment**

### **104.1 PURPOSE AND SCOPE**

The purpose of this policy is to prevent office members from being subjected to discrimination or sexual harassment. Nothing in this policy is intended to create a legal or employment right or duty that is not created by law.

### **104.2 POLICY**

The Santa Cruz County Sheriff's Office is an equal opportunity employer and is committed to creating and maintaining a work environment that is free of all forms of discriminatory harassment, including sexual harassment and retaliation. The Office will not tolerate discrimination against a member in hiring, promotion, discharge, compensation, fringe benefits and other privileges of employment. The Office will take preventive, corrective and disciplinary action for any behavior that violates this policy or the rights and privileges it is designed to protect.

The nondiscrimination policies of the Office may be more comprehensive than state or federal law. Conduct that violates this policy may not violate state or federal law but still could subject a member to discipline.

### **104.3 DEFINITIONS**

Definitions related to this policy include:

#### **104.3.1 DISCRIMINATION**

The Office prohibits all forms of discrimination, including any employment-related action by a member that adversely affects an applicant or member and is based on race, color, religion, sex, age, national origin or ancestry, genetic information, disability, military service, sexual orientation and other classifications protected by law.

Discriminatory harassment, including sexual harassment, is verbal or physical conduct that demeans or shows hostility or aversion toward an individual based upon that individual's protected class. It has the effect of interfering with an individual's work performance or creating a hostile or abusive work environment.

Conduct that may, under certain circumstances, constitute discriminatory harassment, can include making derogatory comments, crude and offensive statements or remarks; making slurs or off-color jokes; stereotyping; engaging in threatening acts; making indecent gestures, pictures, cartoons, posters or material; making inappropriate physical contact; or using written material or office equipment and/or systems to transmit or receive offensive material, statements or pictures. Such conduct is contrary to office policy and to a work environment that is free of discrimination.

#### **104.3.2 RETALIATION**

Retaliation is treating a person differently or engaging in acts of reprisal or intimidation against the person because he/she has engaged in protected activity, filed a charge of discrimination, participated in an investigation or opposed a discriminatory practice.

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Retaliation will not be tolerated.

### **104.3.3 SEXUAL HARASSMENT**

The Office prohibits all forms of discrimination and discriminatory harassment, including sexual harassment. It is unlawful to harass an applicant or a member because of that person's sex.

Sexual harassment includes, but is not limited to, unwelcome sexual advances, requests for sexual favors or other verbal, visual or physical conduct of a sexual nature when:

- (a) Submission to such conduct is made either explicitly or implicitly as a term or condition of employment, position or compensation.
- (b) Submission to, or rejection of, such conduct is used as the basis for any employment decisions affecting the member.
- (c) Such conduct has the purpose or effect of substantially interfering with a member's work performance or creating an intimidating, hostile or offensive work environment.

### **104.3.4 ADDITIONAL CONSIDERATIONS**

Discrimination and discriminatory harassment do not include actions that are in accordance with established rules, principles or standards, including:

- (a) Acts or omission of acts based solely upon bona fide occupational qualifications under the Equal Employment Opportunity Commission (EEOC) and the California Fair Employment and Housing Council guidelines.
- (b) Bona fide requests or demands by a supervisor that the member improve his/her work quality or output, that the member report to the job site on time, that the member comply with county or office rules or regulations, or any other appropriate work-related communication between supervisor and member.

## **104.4 RESPONSIBILITIES**

This policy applies to all office members. All members shall follow the intent of these guidelines in a manner that reflects office policy, professional law enforcement standards and the best interest of the Office and its mission.

Members are encouraged to promptly report any discriminatory, retaliatory or harassing conduct or known violations of this policy to a supervisor. Any member who is not comfortable with reporting violations of this policy to his/her immediate supervisor may bypass the chain of command and report it to a higher ranking supervisor or manager.

Complaints may also be filed with the Sheriff, the Personnel Director or the County Administrator.

Any member who believes, in good faith, that he/she has been discriminated against, harassed or subjected to retaliation, or who has observed harassment or discrimination, is encouraged to promptly report such conduct in accordance with the procedures set forth in this policy.

## *Discriminatory Harassment*

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Supervisors and managers receiving information regarding alleged violations of this policy shall determine if there is any basis for the allegation and shall proceed with resolution as stated below.

### 104.4.1 QUESTIONS OR CLARIFICATION

Members with questions regarding what constitutes discrimination or sexual harassment are encouraged to contact a supervisor, a manager, the Sheriff, the Personnel Director or the County Administrator for further information, direction or clarification.

### 104.4.2 SUPERVISOR RESPONSIBILITIES

Supervisors and managers shall:

- (a) Continually monitor the work environment and strive to ensure that it is free from all types of unlawful discrimination, including harassment or retaliation.
- (b) Take prompt, appropriate action within their work units to avoid and minimize the incidence of any form of discrimination, harassment or retaliation.
- (c) Ensure that their subordinates understand their responsibilities under this policy.
- (d) Ensure that members who make complaints or who oppose any unlawful employment practices are protected from retaliation and that such matters are kept confidential to the extent possible.
- (e) Notify the Sheriff or Personnel Director in writing of the circumstances surrounding any reported allegations or observed acts of discrimination, harassment or retaliation no later than the next business day.

### 104.4.3 SUPERVISOR'S ROLE

Because of differences in individual values, supervisors and managers may find it difficult to recognize that their behavior or the behavior of others is discriminatory, harassing or retaliatory.

Supervisors and managers shall be aware of the following considerations:

- (a) Behavior of supervisors and managers should represent the values of the Office and professional correctional facility standards.
- (b) False or mistaken accusations of discrimination, harassment or retaliation can have negative effects on the careers of innocent members.
- (c) Supervisors and managers must act promptly and responsibly in handling such situations.
- (d) Supervisors and managers shall make a prompt determination regarding the substance of any allegation based upon all available facts.

Nothing in this section shall be construed to prevent supervisors or managers from discharging supervisory or managerial responsibilities, such as determining duty assignments, evaluating or counseling members or issuing discipline, in a manner that is consistent with established procedures.

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### **104.5 INVESTIGATION OF COMPLAINTS**

Various methods of resolution exist. During the pendency of any such investigation, the supervisor of the involved member should take prompt and reasonable steps to mitigate or eliminate any continuing abusive or hostile work environment. It is the policy of the Office that all complaints of discrimination or harassment shall be fully documented, and promptly and thoroughly investigated. Any member involved in the incident or investigation should be protected against retaliation, and the complaint and related investigation should be kept confidential to the extent possible.

#### **104.5.1 SUPERVISORY RESOLUTION**

Members who believe they are experiencing discrimination, harassment or retaliation should be encouraged to inform the individual that his/her behavior is unwelcome, offensive, unprofessional or inappropriate. However, if the member feels uncomfortable or threatened or has difficulty expressing his/her concern, or if this does not resolve the concern, assistance should be sought from a supervisor or manager who is a rank higher than the alleged transgressor.

#### **104.5.2 FORMAL INVESTIGATION**

If the complaint cannot be satisfactorily resolved through the supervisory resolution process, a formal investigation will be conducted.

The employee assigned to investigate the complaint will have full authority to investigate all aspects of the complaint. Investigative authority includes access to records and the cooperation of any members involved. No influence will be used to suppress any complaint and no member will be subject to retaliation or reprisal for filing a complaint, encouraging others to file a complaint or for offering testimony or evidence in an investigation.

Formal investigation of the complaint will be confidential to the extent possible and will include, but is not limited to, details of the specific incident, frequency and dates of occurrences and names of any witnesses. Witnesses will be advised regarding the prohibition against retaliation, and that a disciplinary process, up to and including termination, may result if retaliation occurs.

Members who believe they have been discriminated against, or harassed or retaliated against because of their protected status, are encouraged to follow the chain of command but may also file a complaint directly with the Sheriff, Personnel Director or the County Administrator.

#### **104.5.3 ALTERNATIVE COMPLAINT PROCESS**

No provision of this policy shall be construed to prevent any member from seeking legal redress outside the Office. Members who believe that they have been harassed, discriminated against or retaliated against are entitled to bring complaints of employment discrimination to federal, state and/or local agencies responsible for investigating such allegations. Specific time limitations apply to the filing of such charges. Members are advised that proceeding with complaints under the provisions of this policy does not in any way affect those filing requirements.

### **104.6 DOCUMENTATION OF COMPLAINTS**

All complaints or allegations should be thoroughly documented on forms and in a manner designated by the Sheriff. The outcome of all reports shall be:

### *Discriminatory Harassment*

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- (a) Approved by the Sheriff, the County Administrator or the Personnel Director if appropriate.
- (b) Maintained in accordance with the office's established records retention schedules.

#### 104.6.1 NOTIFICATION OF DISPOSITION

The complainant and/or victim will be notified in writing of the disposition of the investigation and the actions taken to remedy or address the circumstances giving rise to the complaint.

#### **104.7 TRAINING**

All new members shall be provided with a copy of this policy as part of their orientation. The policy shall be reviewed with each new member. The member shall certify by signing the prescribed form that he/she has been advised of this policy, is aware of and understands its contents and agrees to abide by its provisions during his/her term with the Office.

All members shall receive annual training on the requirements of this policy and shall certify by signing the prescribed form that they have reviewed the policy, understand its contents and agree that they will continue to abide by its provisions.

##### 104.7.1 SUPERVISOR TRAINING

All supervisors shall receive specific training and education regarding sexual harassment and prevention of abusive conduct within six months of assuming a supervisory position. Refresher training shall be provided every two years thereafter (Government Code § 12950.1; 2 CCR 11023).

##### 104.7.2 TRAINING RECORDS

The Training Officer shall be responsible for maintaining records of all discriminatory harassment training provided to members. Records shall be retained in accordance with established records retention schedules and for a minimum of two years (2 CCR 11023).



## **Chapter 2 - Organization and Administration**

## Alcohol And Drug Use

### 200.1 PURPOSE AND SCOPE

The purpose of this policy is to establish clear and uniform guidelines regarding drugs and alcohol in the workplace.

### 200.2 POLICY

It is the policy of this office to provide a drug- and alcohol-free workplace for all members.

### 200.3 GENERAL GUIDELINES

Alcohol and drug use in the workplace or on office time can endanger the health and safety of office members and the public. Such use shall not be tolerated (41 USC § 8103).

Members who have consumed an amount of an alcoholic beverage or taken any medication, or combination thereof, that would tend to adversely affect their mental or physical abilities shall not report for duty. Affected members shall notify the Sergeant or appropriate supervisor as soon as the member is aware that he/she will not be able to report to work. If the member is unable to make the notification, every effort should be made to have a representative contact the supervisor in a timely manner. If the member is adversely affected while on-duty, he/she shall be immediately removed and released from work (see Work Restrictions in this policy).

#### 200.3.1 USE OF MEDICATIONS

Members should avoid taking any medications that will impair their ability to safely and completely perform their duties. Any member who is medically required or has a need to take any such medication shall report that need to his/her immediate supervisor prior to commencing any on-duty status.

No member shall be permitted to work or drive a vehicle owned or leased by the Office while taking any medication that has the potential to impair his/her abilities, without a written release from his/her physician.

Possession of medical marijuana or being under the influence of marijuana on- or off-duty is prohibited and may lead to disciplinary action.

### 200.4 MEMBER RESPONSIBILITIES

Members shall report for work in an appropriate mental and physical condition. Members are prohibited from purchasing, manufacturing, distributing, dispensing, possessing or using controlled substances or alcohol on office premises or on office time (41 USC § 8103). The lawful possession or use of prescribed medications or over-the-counter remedies is excluded from this prohibition.

Members who are authorized to consume alcohol as part of a special assignment shall not do so to the extent of impairing on-duty performance.

## *Alcohol And Drug Use*

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Members shall notify a supervisor immediately if they observe behavior or other evidence that they believe demonstrates that a fellow member poses a risk to the health and safety of the member or others due to drug or alcohol use.

Members are required to notify their immediate supervisors of any criminal drug statute conviction for a violation occurring in the workplace no later than five days after such conviction (41 USC § 8103).

### **200.5 EMPLOYEE ASSISTANCE PROGRAM**

There may be available a voluntary Employee Assistance Program for employees who wish to seek help for alcohol and drug problems. Insurance coverage that provides treatment for drug and alcohol abuse also may be available. Employees should contact the Personnel Department, their insurance provider or the Employee Assistance Program for additional information.

Employees who experience drug or alcohol problems are encouraged to seek a referral for help through the Employee Assistance Program or their health care provider. It is the responsibility of each employee to seek assistance before alcohol or drug problems lead to performance problems.

### **200.6 WORK RESTRICTIONS**

If a member informs a supervisor that he/she has consumed any alcohol, drug or medication that could interfere with a safe and efficient job performance, the member may be required to obtain clearance from his/her physician before continuing to work.

If the supervisor reasonably believes, based on objective facts, that a member is impaired by the consumption of alcohol or other drugs, the supervisor shall prevent the member from continuing work and shall ensure that he/she is safely transported away from the Office.

### **200.7 REQUESTING SCREENING TESTS**

A supervisor may request an employee to submit to a screening under any of the following circumstances:

- (a) A supervisor reasonably believes, based upon objective facts, that the employee is under the influence of alcohol or drugs that are impairing his/her ability to perform duties safely and efficiently.
- (b) The employee discharges a firearm, other than by accident, in the performance of his/her duties.
- (c) During the performance of his/her duties, the employee drives a motor vehicle and becomes involved in an incident that results in bodily injury to him/herself or another person or substantial damage to property.

#### **200.7.1 SUPERVISOR RESPONSIBILITY**

The supervisor shall prepare a written record documenting the specific facts that led to the decision to request the test, and shall inform the employee in writing of the following:

## *Alcohol And Drug Use*

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- (a) The test will be given to detect either alcohol or drugs, or both.
- (b) The result of the test is not admissible in any criminal proceeding against the employee.
- (c) The employee may refuse the test, but refusal may result in dismissal or other disciplinary action.

### **200.7.2 SCREENING TEST REFUSAL**

An employee may be subject to disciplinary action if he/she:

- (a) Fails or refuses to submit to a screening test as requested.
- (b) After taking a screening test that indicates the presence of a controlled substance, fails to provide proof, within 72 hours after being requested, that he/she took the controlled substance as directed, pursuant to a current and lawful prescription issued in his/her name.
- (c) Violates any provisions of this policy.

### **200.8 COMPLIANCE WITH THE DRUG-FREE WORKPLACE ACT**

No later than 30 days following notice of any drug statute conviction for a violation occurring in the workplace involving a member, the Office will take appropriate disciplinary action, up to and including dismissal, and/or requiring the member to satisfactorily participate in a drug abuse assistance or rehabilitation program (41 USC § 8104).

### **200.9 CONFIDENTIALITY**

The Office recognizes the confidentiality and privacy due to members. Disclosure of any information relating to substance abuse treatment, except on a need-to-know basis, shall only be with the express written consent of the member involved or pursuant to lawful process.

The written results of any screening tests and all documents generated by the employee assistance program are considered confidential medical records and shall be maintained separately from the employee's other personnel files.

## Financial Practices

### 201.1 PURPOSE AND SCOPE

The Sheriff shall prepare and present an annual budget request that ensures an adequate allocation of resources for facility operations and programming. Budget requests shall be prepared in the manner and detail prescribed by the office. Service goals and objectives should be delineated in the budget plan.

### 201.2 POLICY

The office's responsibilities include the development of a budget plan, submitting the plan to the County Administrator, and monitoring the facility's progress toward meeting its budget objectives throughout the fiscal year.

A fiscal system has been established that accounts for all income and expenditures on an ongoing basis. Methods for collecting, safeguarding and disbursing monies shall comply with established accounting procedures.

### 201.3 BUDGET PLAN

The Chief Deputy will establish a system of quarterly projections of expenditures for personnel, operating expenses, equipment and capital projects. A record of a historical pattern of expenditures along with a justification for new expenditures should be used as the supporting documentation in the development of the budget plan.

Once completed, the budget plan will be submitted for review and approval and/or returned to the Office for additional development. Once the budget plan has been approved by the County Administrator or the authorized designee, the office may initiate expenditures in accordance with the plan.

### 201.4 FISCAL ACCOUNTING AND MANAGEMENT OF APPROVED BUDGET

The Administrative Services Manager is responsible for monitoring the facility's progress toward meeting its budget objectives throughout the fiscal year. Data on key performance indicators should be collected and evaluated at regular intervals and reviewed by the Sheriff and the Chief Deputy's budget officials and other policy-makers. Reports should contain at a minimum the following information:

- The budget amount
- The amount expended for the month
- The year-to-date amount expended
- Any outstanding encumbrances
- The cumulative total year-to-date expenditures plus outstanding encumbrances

## *Financial Practices*

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When the Chief Deputy receives the monthly budget report, he/she should review all of the expenditure accounts for risk indicators, such as:

- Significant variations in expenditures in an account used consistently, where the amounts charged are expected to vary little, if any, from month to month.
- Expenditures that are significantly beyond the forecasted amounts or whether the year-to-date percentages expended are significantly higher than the percentage of time elapsed.
- Large balances of/or long-term outstanding encumbrances.

Fiscal data collected during the year should be used to formulate a budget for the following year.

### **201.5 TRANSFERRING FUNDS AMONG BUDGET CATEGORIES**

Unless otherwise specified, the transfer of funds among budget categories may require the approval of the County Administrator.

### **201.6 FINANCIAL AUDITS**

The Sheriff should ensure that a financial audit of the facility is conducted annually. The audit shall conform to generally accepted auditing standards.

#### **201.6.1 FINANCIAL AUDITS OF THE INMATE WELFARE FUND**

An annual financial audit of the Inmate Welfare Fund shall be conducted and shall include the office's budget and any monies placed into the Inmate Welfare Fund. The methods used for collecting, safeguarding and disbursing monies, including inmates' personal funds held by the facility, shall comply with accepted accounting procedures.

#### **201.6.2 POSITION CONTROL**

Position control is the process used by the office to exercise control over the size and cost of its workforce. It ensures that any new, regular employee added to an agency's payroll basis is filling a position that has been approved and budgeted, and that the rate of pay for the position is within the salary range for the job classification in which the position resides.

This facility is one of the most labor-intensive functions and therefore control of payroll expenditures is a crucial part of managing the facility budget. In order to exercise control of payroll expenditures, the office will utilize a system of position control as part of its ongoing budget process.

### **201.7 STAFFING PLAN**

The Chief Deputy should maintain an up-to-date staffing plan for the purpose of exercising position control. The staffing plan should include a comprehensive list of all positions in this facility. Each position has a descriptive job title that is associated with a description of the position's duties and responsibilities. Each position will have a written job description for all position classifications and post assignments that define responsibilities, duties and qualifications.

## *Financial Practices*

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The Chief Deputy should adhere to the following strategies for the management of position control and personnel costs:

- (a) Ensure that this facility is staffed with the appropriate number and type of staff. The proper allocation and deployment of staff across shifts and functional units is essential. In addition, the availability of the right classification of staff (e.g., custody staff supervising inmates, maintenance staff performing maintenance, food service staff preparing meals) with the appropriate job skills and training enhances efficiency.
- (b) Strategically time the filling of newly authorized positions or vacancies in current positions. Strategic timing is important throughout the budget year to create vacancy savings that can be used to address current budget year shortfalls.
- (c) Manage the use of overtime carefully. The historical use of overtime should be tracked to make the case for additional staff and/or to provide sufficient funding in an overtime line item. The use of overtime should also be monitored at regular intervals to verify that it is being used within projected levels.
- (d) Manage the use of part-time staff. The number of hours worked by part-time staff should be monitored to ensure that part-time employees are not working in excess of what has been authorized (e.g., a part-time employee should be working no more than an average of 20 hours per week).
- (e) Establish and maintain procedures to ensure the accuracy and integrity of payroll documentation. Time cards, time sheets and related documentation should reflect actual hours worked.
- (f) Consider the impact of position upgrades on the entire job classification. An upgrade for one position may set the stage for upgrades of similar positions within the same job classification.
- (g) Monitor the use of merit increases. Caution should be exercised in granting merit increases as a way of making up for perceived shortfalls in cost-of-living increases. Each merit increase, unless it is a one-time bonus, increases the base pay and has an impact on continuation funding in future budget years.

### 201.7.1 INSURANCE REQUIREMENTS

The office shall ensure, by way of office risk managers, the procurement of adequate liability coverage of the correctional facility operations. Coverage shall include, at minimum, workers' compensation, civil liability and the public employee blanket bond.

## Supervision of Inmates - Minimum Requirements

### 202.1 PURPOSE AND SCOPE

The purpose of this policy is to ensure the safety and security of the facility through the application of appropriate staffing levels.

### 202.2 POLICY

It is the policy of this facility to provide for the safety and security of citizens, staff and inmates through appropriate staffing levels that are sufficient to operate the facility and perform functions related to the safety, security, custody and supervision of inmates.

### 202.3 SUPERVISION OF INMATES

There shall be, at all times, sufficient staff designated to remain in the facility for the supervision and welfare of inmates, to ensure the implementation and operation of all programs and activities as required by Title 15 CCR Minimum Jail Standards, and to respond to emergencies when needed. Such staff must not leave the facility while inmates are present and should not be assigned duties that could conflict with the supervision of inmates (15 CCR 1027).

When both male and female inmates are held at this facility, a minimum of one male and one female correctional officer should be on-duty in the correctional facility at all times.

Staff members shall not be placed in positions of responsibility for the supervision and welfare of inmates of the opposite sex in circumstances that can be described as an invasion of privacy or that may be degrading or humiliating to the inmates. Staff used as program resource personnel with inmates should be of the same sex as the inmates when reasonably available. However, at least one staff member of the same sex as the inmates should be on-duty and available to the inmates during all such activities.

To the extent reasonably practicable, inmate bathrooms will contain modesty screens that preserve privacy without creating areas that cannot be properly supervised.

The Chief Deputy or the authorized designee shall be responsible for developing staffing plans to comply with this policy. Records of staff deployment should be maintained in accordance with established records retention schedules (Penal Code § 4021; 15 CCR 1027).

### 202.4 SEPARATION OF DUTIES

Maintenance personnel are employed to perform preventive, routine and emergency maintenance functions. With the exception of Custody Staff assigned to the Logistics Unit or on special assignment, other Custody staff will not be given physical plant maintenance duties that distract from their primary responsibility of supervising inmates.



## Prohibition on Inmate Control

### **203.1 PURPOSE AND SCOPE**

The purpose of this policy is to define the requirement that staff should at all times exercise control of the inmate population under their supervision and should prevent inmates from controlling other inmates within the facility.

### **203.2 POLICY**

All staff, including support staff, contractors and volunteers should exercise control and supervision of all inmates under their control. It is the policy of this office to prohibit any staff member to implicitly allow, or by dereliction of duty allow, any inmate or group of inmates to exert authority over any other inmate (Penal Code § 4019.5; 15 CCR 1083(c)).

### **203.3 EDUCATION, DRUG OR ALCOHOL PROGRAM ASSISTANTS**

Nothing in the policy is intended to restrict the legitimate use of inmates to assist in the instruction of educational or drug and alcohol programs. Any use of inmates in this manner will be expressly authorized by the Chief Deputy in a legally prescribed manner. Any program that uses inmates to assist in legitimate program activities will be closely supervised by facility employees or vocational instructors. Nothing in this section is intended to authorize an inmate program assistant to engage in disciplining other inmates.

## Equipment Inventory and Supplies

### 204.1 PURPOSE AND SCOPE

This facility must have the materials, supplies and equipment that are necessary to maintain effective and efficient operations. This policy establishes responsibilities and requirements for purchasing, storing and inventory of those items.

### 204.2 POLICY

The Chief Deputy shall ensure that all correctional facility property and fixed assets are inventoried annually and that all supplies purchased are reconciled with the invoice prior to payment.

The Santa Cruz County Sheriffs Office maintains a secure storage area for the purpose of storing supplies and equipment. The Chief Deputy shall maintain oversight of the area.

### 204.3 PURCHASING

The Chief Deputy, along with the Administrative Services Manager, is responsible for managing the purchasing process to ensure that amounts and types of purchases fall within budget parameters. The Chief Deputy must also ensure that this facility's purchasing process complies with applicable laws, regulations and office policies.

With approval of the Chief Deputy and the Administrative Services Manager, small purchases of critical need may be reimbursed by way of petty cash.

Personnel with spending authority should adhere to the following strategies:

- (a) Be knowledgeable about the county's requirements and procedures for purchasing goods and services.
- (b) Establish a working relationship with this facility's purchasing agent.
- (c) Provide the purchasing agent with information describing the types of goods and services required to operate the facility.
- (d) Ensure that staff with spending authority follow procedures that outline the process for submission and approval of purchase requisitions.
- (e) Review purchase requisitions to verify the need, urgency and priority.
- (f) Monitor service contracts to ensure that this facility is receiving the scope and quality of services specified in the contract.
- (g) Regularly monitor expenditures to make certain the purchase of goods and services is charged to the appropriate accounts and within budget limits.
- (h) Keep purchase records to maintain the integrity and availability of purchasing documents, including requisitions, purchase orders, receiving reports and invoices.

*Equipment Inventory and Supplies*

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**204.4 EQUIPMENT INVENTORY**

The Chief Deputy or authorized designee will conduct an audit on all supplies and equipment annually. The Administrative Services Manager may also conduct an interim audit on all fixed assets in order to maintain a complete and accurate accounting of equipment and its location.

## Tool and Culinary Equipment

### 205.1 PURPOSE AND SCOPE

The purpose of this policy is to establish a tightly controlled process for the use of tools and culinary equipment in order to reduce the risk of such items becoming weapons for the inmate population. While there are times that specific inmate workers may need to possess tools or equipment for legitimate daily operations, the possession and use of those tools must be carefully monitored and controlled by staff (15 CCR 1029(a)(6)).

### 205.2 POLICY

It is the policy of this facility to securely store, inventory, control and monitor the use of tools and culinary equipment to ensure accountability and the secure use of these items (Title 15 CCR § 1029(a)(6)).

#### 205.2.1 CUSTODY TOOLS

Tools include all implements that are maintained within the secure perimeter of the facility to complete specific tasks. These tools include, but are not limited to, mops, brooms, dustpans and floor polishers.

All tools, culinary items or medical equipment shall be locked in secure cabinets or storage rooms when not in use.

Any time tools are brought into a secure area where inmates are present, staff supervising the area shall count the number of tools brought in to ensure that the same number of tools is taken out.

Any tool that is used within the secure perimeter of the facility must be closely monitored and controlled by the staff supervising the area so that it cannot be used as a weapon (15 CCR 1029(a)(6)). Inmates who are assigned tasks that require these tools shall be closely supervised.

An inventory of all tools used and stored within the secure perimeter of the facility shall be developed and maintained by the Chief Deputy. Tools will be inventoried by an assigned staff member at least once every 24 hours. The loss of any tool will be immediately reported to the on-duty supervisor, who shall initiate immediate action to locate or account for the missing tool, including:

- (a) Detaining and searching any inmate who had access to the tool.
- (b) Conducting a thorough search of the immediate area for the missing item.
- (c) Initiating a facility-wide search.

The staff member responsible for the supervision of the use of the missing tool will prepare and submit a report to the Sergeant documenting the specific tool that is missing and the circumstances of the disappearance. The report will be forwarded to the Chief Deputy. All staff members involved in the search will submit a report to the on-duty supervisor documenting their findings.

## *Tool and Culinary Equipment*

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### 205.2.2 MAINTENANCE OR CONSTRUCTION TOOLS

Maintenance or construction tools are those tools and equipment that are brought into and out of the secure perimeter of the facility by employees or contractors to facilitate repairs or construction of the physical plant. Only the tools and equipment needed specifically for the intended work will be permitted into the facility. All tools and equipment will be inventoried and a list of the tools will be provided to the control booth prior to any tools or equipment being brought inside the secure perimeter.

A staff member will check the tools being brought into this facility against the inventory list. Prior to entering the secure perimeter of the facility, the contractor shall be instructed to maintain personal possession of the tools at all times. When it is necessary to complete a task in an area where inmates are present, the inmates shall be locked down by staff supervising the area.

When the person has finished working in the area, a corrections officer will ensure that all tools are accounted for. In the event of a discrepancy, the on-duty supervisor shall be immediately notified and appropriate action taken to locate or account for the items. Once all tools have been accounted for, the inmates may be released from lockdown.

### 205.2.3 EXTERIOR-USE TOOLS

Exterior-use tools are those that are used by inmate workers outside of the secure perimeter. These tools include, but are not limited to, the following:

- Handheld tools
- Power tools
- Landscape maintenance tools
- Farm equipment

Only inmate workers who are classified to work outside the secure perimeter of the facility will be allowed to possess exterior-use tools. The correctional officer responsible for supervising inmate workers on outside work crews will inventory all tools assigned for this purpose at the beginning of the shift.

Any tool issued to an inmate will be logged with the inmate's name, the tool type and serial number documented. When an inmate worker is finished with that tool, the responsible staff member shall check the tool against the check-out log and document its return. Inmate workers shall not be permitted to pass tools between each other except under the direct supervision of a corrections officer.

All tools will be checked-in and noted on the log and returned to the tool storage area at the end of each shift. Inmate workers should not be released from the work assignment until all tools are accounted for.

In the event that an exterior-use tool is missing, the correctional officer shall immediately notify a supervisor. A thorough search for the tool will be undertaken and an incident report shall be completed. Inmates may only be released from their work assignments when it has been

### *Tool and Culinary Equipment*

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determined that it is safe to do so, and upon the approval of the supervisor. The incident report with all relevant information shall be forwarded to the Chief Deputy.

#### 205.2.4 KITCHEN EQUIPMENT

Culinary tools are located in the kitchen and include common tools used in the preparation, service and delivery of meals.

All kitchen knives or metal tools with sharp edges shall be stored in a locked cabinet. There shall be an outline of the tool's assigned location in the cabinet so that any tool missing from the cabinet can be easily identified. When in use, all knives shall be tethered to the work area. All tools shall be returned to the secure cabinet when not in use.

Staff assigned to the kitchen shall inventory all kitchen tools at the beginning of his/her shift and prior to the arrival of inmate workers. Kitchen tools will only be issued to inmates who have been classified as inmate workers. Staff will supervise inmates at all times when the inmates are using tools.

Each tool issued will be assigned to an individual inmate and logged. The inmate's name and the tool type will be documented. When an inmate worker is finished with a tool, the tool shall be checked in with the correctional officer and documented. Inmate workers shall not be permitted to pass tools between each other except under the direct supervision of a corrections officer.

All tools will be returned to the kitchen tool cabinet at the end of each shift and must be accounted for prior to any inmate worker being released from the work assignment.

In the event that a kitchen tool is missing, the correctional officer shall immediately notify the on-duty supervisor, who shall initiate immediate action to locate or account for the missing tool. A thorough search for the tool will be undertaken and an incident report shall be completed by the correctional officer responsible for the supervision of the use of the tool. The incident report with all relevant information shall be forwarded to the Chief Deputy.

## Disposition of Evidence

### 206.1 PURPOSE AND SCOPE

The purpose of this policy is to provide direction regarding the proper handling and disposition of contraband and evidence to ensure that the chain of custody is maintained so that evidence is admissible in a court of law or disciplinary hearing.

### 206.2 POLICY

It is the policy of the Santa Cruz County Sheriff's Office to seize evidence and contraband in accordance with current constitutional and search-and-seizure law. Members of this office shall properly handle all contraband and evidence in order to maintain its admissibility. All contraband and evidence shall be handled in a safe manner and in a way that will maintain the chain of custody.

### 206.3 INITIAL SEIZURE OF EVIDENCE

Any staff member who first comes into possession of any evidence should retain such evidence in his/her possession until it is properly tagged and booked. When handling evidence and contraband, staff should observe the following safety precautions:

- (a) Unload any firearm located in the approved loading/unloading area outside of the facility. If it is a revolver, the cylinder should be left open. If it is a semi-automatic pistol, the magazine shall be removed and the slide locked back in an open position. The cartridges and/or magazine will be packaged separately and booked with the firearm.
- (b) Sheath any knife or other stabbing instrument in its holster (if any), or attach (tape) stiff cardboard to completely cover the blade.
- (c) Place needles, such as syringes, into a hard plastic container that cannot be punctured by the needle.
- (d) If the contraband is a suspected "home brew" alcoholic beverage, the handling correctional officer shall place a sample of the liquid in a plastic container that can be safely sealed. The remainder of the liquid will be treated as a biohazard and carefully disposed of as recommended by the environmental health official.

### 206.4 PROPERTY BOOKING PROCEDURE

All property shall be booked prior to the employee going off-duty unless otherwise approved by a supervisor. Employees booking property shall observe the following guidelines:

- (a) Complete the property form describing each item of property separately, listing all serial numbers, owner's name, finder's name and other identifying information or markings.
- (b) Mark each item of evidence with the booking employee's initials and the date booked using the appropriate method to prevent defacing or damaging the value of the property.

### *Disposition of Evidence*

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- (c) Complete an evidence/property tag and attach it to each package or envelope in which the property is stored.
- (d) Place the case number in the upper right corner of the bag or in the appropriate field of the evidence/property tag.
- (e) The original property form shall be submitted with the case report. A copy shall be placed with the property in the temporary property locker or with the property if it is stored somewhere other than a property locker.
- (f) When the property is too large to be placed in a locker, the item may be retained in the secure supply room or another area that can be secured from unauthorized entry. Place the completed property form into a numbered locker indicating the location of the property.

#### **206.4.1 NARCOTICS AND DANGEROUS DRUGS**

All narcotics and dangerous drugs shall be booked separately using a separate property form. Paraphernalia shall also be booked separately. All narcotics and dangerous drugs shall be properly weighed by the booking staff member. The weight of all narcotics and dangerous drugs shall be documented on the booking form. A copy of the booking form shall be placed with the evidence in the designated locker and shall also be distributed in accordance with current evidence booking procedures.

#### **206.4.2 EXCEPTIONAL HANDLING**

Certain property items require a separate process. Bodily fluids, such as blood or semen stains, shall be air-dried prior to booking.

#### **206.4.3 RECORDING OF PROPERTY**

The property officer receiving custody of evidence or property shall record on the property control card his/her signature, the date and time the property was received and where the property will be stored.

A property number shall be obtained for each item or group of items. This number shall be recorded on the property tag and within RMS or JMS. Any changes in the location of property held by the Office shall be noted in RMS or JMS.

#### **206.4.4 PROPERTY CONTROL**

Every time property is released or received, an appropriate entry on the evidence package and property control card shall be completed to maintain the chain of custody. No property or evidence is to be released without first receiving written authorization from a supervisor or the employee who is managing the case.

Corrections officers desiring property for court shall contact the property officer at least one day prior to the court day.



## *Disposition of Evidence*

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Request for analysis for items other than narcotics and dangerous drugs shall be completed on the appropriate forms and submitted to the property officer. This request may be filled out any time after booking the property or evidence.

### **206.4.5 STATUS OF PROPERTY**

Each person receiving property will make the appropriate entry to document the chain of custody. Temporary release of property to a law enforcement authority for investigative purposes or for court shall be noted on the property control card, stating the date, time and to whom it was released.

The property officer shall obtain the signature of the person to whom the property was released and the reason for release. Any employee receiving property shall be responsible for such property until it is returned to property or released to another authorized person or entity.

The return of the property should be recorded on the property control card, indicating date, time and the name of the person who returned the property.

### **206.5 RELEASE OR DISPOSITION OF UNCLAIMED FUNDS AND PROPERTY**

The employee managing the case or a supervisor shall authorize the disposition or release of all evidence and property coming into the care and custody of the Office.

All reasonable attempts should be made to return unclaimed property, found property or evidence not needed for an investigation.

Release of property shall be made upon receipt of an authorized release form. The release authorization shall be signed by the approving staff member and must match the items listed on the property form or must specify the items to be released. A signature of the person receiving the property shall be recorded on the original property form. Upon release, the proper entry shall be documented on the property control card log and related forms.

The Property supervisor shall ensure that all cash not needed as evidence or funds that are left unclaimed by an inmate, are transferred as soon as practical to the Administrative Services Manager. A record of the transfer shall be kept in the appropriate inmate file.

The Property supervisor or the authorized designee shall submit a report of presumed abandoned property or funds once a year to the Sheriff and the Administrative Services Manager, or more frequently as directed. The Property supervisor may dispose of property in compliance with existing laws upon receipt of proper authorization from the Sheriff.

Found property and property held for safekeeping shall be held for a minimum of 90 days during which time the property officer shall attempt to contact the rightful owner if sufficient identifying information is available. If no person appears to prove rightful ownership of the property during this period, the Office shall publish notice of its possession of any property valued at \$250 or more at least once in a newspaper of general circulation. If, after seven days following the publication, a person does not appear to claim ownership, the property shall be sold at public auction. Property

### *Disposition of Evidence*

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valued at less than \$250 shall be sold at public auction if no person appears to prove rightful ownership within 90 days (Civil Code § 2080.3).

If such property is not sold at auction or otherwise lawfully claimed, it may thereafter be destroyed in accordance with applicable law. The final disposition of all such property shall be fully documented in related reports.

The property officer shall release the property upon proper identification presented by the person receiving the property for which an authorized release has been received. A signature of the person receiving the property shall be recorded on the original property form. Upon release, the proper entry shall be documented in the property log.

After release of all property listed on the property control card, the card shall be forwarded to the Records Section for filing with the case. If some items have not been released, the property card will remain in the property section.

#### **206.6 DISPOSITION OF PROPERTY**

All property not held for evidence in a pending criminal investigation or proceeding, and held for 90 days or longer because the owner has not been located or has failed to claim the property, may be disposed of in compliance with existing laws, upon receipt of proper authorization for disposal.

Property personnel shall make reasonable efforts to attempt to contact the owner when known. Property not held for any other purpose and not claimed within 90 days after notification (or receipt, if notification is not feasible) may be auctioned to the highest bidder at a properly published public auction. If such property is not sold at auction or otherwise lawfully claimed, it may thereafter be destroyed (Civil Code § 2080.6). The final disposition of all such property shall be fully documented on the property control card and in any related reports (Civil Code § 2080.6).

#### **206.7 UNCLAIMED MONEY**

Except as otherwise provided by law, money, excluding restitution to victims, that is in the custody of this office and is no longer needed as evidence, and that remains unclaimed after three years, will be transferred to the general fund after proper notice has been given. Before transferring the money to the general fund, the Office shall publish a notice each week for a period of two consecutive weeks in a local newspaper of general circulation, in accordance with all laws, ordinances and regulations (Government Code § 50050 et seq.). Such notice shall state the amount of money, the fund in which it is held and that the money will become the property of the office on a designated date, between 45 days and 60 days after the first publication of the notice (Government Code § 50051).

If the money remains unclaimed as of the date designated in the published notice, the money will become the property of this office to fund official custody facility operations. Money representing restitution collected on behalf of victims shall either be deposited into a restitution fund or used for purposes of victim services.

*Disposition of Evidence*

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Any individual item with a value of less than \$15, or any amount of money if the depositor/owner's name is unknown, that remains unclaimed for a year or by order of the court, may be transferred to the general fund without the necessity of public notice in accordance with applicable laws, ordinances and regulations (Government Code § 50055).

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## Records and Data Practices

### 207.1 PURPOSE AND SCOPE

This policy establishes guidelines for the control and access of confidential records by staff, contractors and volunteers.

### 207.2 ACCESS TO CRIMINAL RECORDS

Official files, documents, records, electronic data, video and audio recordings and information held by the Santa Cruz County Sheriffs Office or in the custody or control of office employees, volunteers or contractors are regarded as non-public and/or confidential.

Access to confidential paper or electronically generated records in this facility is restricted at various locations according to job function and the need to know. Employees working in assigned areas will only have access to the information that is necessary for the performance of their duties. Granting access to other employees or anyone outside of the work area must meet with supervisory approval. All requests for information received from outside the office shall be forwarded to the Chief Deputy.

Custody staff, volunteers and contractors shall not access, disclose or permit the disclosure or use of such files, documents, reports, records, video or audio recordings or other confidential information except as required in the performance of their official duties and in accordance with office policies, statutes, ordinances and regulations related to data practices.

Custody staff, volunteers and contractors who are uncertain of the confidentiality status of any document should consult with a supervisor or Chief Deputy to determine the status of the documents in question.

### 207.3 STAFF TRAINING

Prior to being allowed to work inside this facility, all custody staff, volunteers and contractors will receive training on office-records, policies and confidentiality requirements, including the potential criminal and civil penalties that may result from a breach of confidentiality in violation of this policy and all applicable statutes.

## Research Involving Inmates

### 208.1 PURPOSE AND SCOPE

The purpose of this policy is to establish safeguards and guidelines to protect inmates from being used as research subjects in medical and other research experiments based only on their status as inmates and without proper approval, review or informed consent.

### 208.2 POLICY

The Santa Cruz County Sheriff's Office will conduct and support research that improves operations, enhances professional knowledge, decreases recidivism and advances the office's mission in accordance with existing laws and with appropriate protection of all inmates. However, the use of inmates for medical, pharmaceutical, or cosmetic experiments is prohibited.

### 208.3 AUTHORIZATION REQUIREMENTS

Prior to initiating any approved research, all persons conducting research in this facility must agree to abide by all office policies relating to the security and confidentiality of inmate files. Based upon the intended use of the research, guidelines will be established regarding what information shall be accessible to the researcher or the research organization.

Any requests for an exception shall include a response to the following questions as part of the proposed research project:

- Who is conducting the research?
- What is the purpose of the research?
- What is the methodology?
- Do the researchers or persons advocating research involving the use of inmates have an understanding of their ethical responsibilities, including considerations for the establishment of an Institutional Review Board (IRB), as described in 45 CFR 46.301 et seq.?
- Any other information as deemed appropriate by the Chief Deputy or Sheriff.

Inquiries regarding proposed research projects from local, state and federal executive and legislative bodies/agencies will be brought to the attention of the Sheriff immediately by the employee who receives the request. At the direction of the Sheriff, an appropriate and timely response will be made to each legitimate inquiry.

Research or studies involving more than the information identified as public information may require signed release/waiver forms from the involved inmates. The Sheriff should consult and seek guidance from the legal counsel serving the Office or other legal expert in these matters.

Inmates are not precluded from individual treatment based on the need for a specific medical procedure that is not generally available. An inmate's treatment with a new medical procedure

## *Research Involving Inmates*

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by the inmate's own physician shall be undertaken only after the inmate has received a full explanation of the positive and negative features of the treatment, and only with the inmate's informed consent.

### **208.4 LEGAL CONSIDERATIONS**

Any research conducted or supported by the United States Department of Health and Human Services (DHHS) will be required to comply with the provisions of 45 CFR 46.301 et seq.

#### **208.4.1 BIOMEDICAL RESEARCH**

Research relating to or involving biological, medical or physical science shall not be conducted on any inmate. This does not include the accumulation of statistical data in the assessment of the effectiveness of nonexperimental public health programs or treatment programs in which inmates routinely participate (Penal Code § 3502).

Records-based biomedical research using existing information, without prospective interaction with inmates, may be conducted consistent with Penal Code § 3500 et seq. and federal law.

### **208.5 INMATES IN COMMUNITY-BASED RESEARCH**

When inmates who are participants in a community-based research protocol are admitted to the facility, the following shall occur:

- (a) The intake nurse shall collect all relevant data including name and contact information of the treating physician, and all available detail about the treatment regimen and the condition being treated.
- (b) The responsible physician shall be contacted prior to the initiation of treatment.
- (c) Consultation with community researchers shall be made by the responsible physician to determine the intent of the study and any necessary parameters to measure as the treatment period progresses.
- (d) Necessary information shall be obtained so that withdrawal from the research protocol is done without harming the health of the inmate.

### **208.6 HUMAN RESEARCH STUDIES**

This office does not endorse enrolling inmates into human research studies. Requests to enroll inmates in human research studies will not ordinarily be approved. However, any request to enroll an inmate into such a study must be reviewed by the Sheriff, responsible physician and legal counsel, and authorization provided prior to enrollment. Any authorized enrollments shall comply with all state and federal guidelines.

## Inmate Records

### 209.1 PURPOSE AND SCOPE

This policy establishes the procedures required to create and maintain accurate records of all persons booked and confined in this facility.

### 209.2 POLICY

It is the policy of this office that all records shall be complete and comprehensive, resulting in reliable data that provides information about each inmate's period of confinement, as well as histories of previous confinement in this facility. All inmate records are official office documents and should be used for official business only. Inmate records are a vital component of the criminal justice system and should only be released to authorized persons.

#### 209.2.1 RECORD MAINTENANCE

It shall be the responsibility of the Records Section to maintain the following records on all persons who have been committed or assigned to this facility, including, but not limited to, the following (15 CCR 1041):

- Information gathered during the admission process as provided in the Inmate Reception Policy
- Photographs and fingerprints cross referenced to the booking number
- Duration of confinement
- Court-generated background information
- Cash and property receipts
- Classification records, including inmate classification levels and housing restrictions
- Housing history records
- Reports of disciplinary events and dispositions
- Grievances and dispositions
- Reports of incidents or crimes committed during confinement
- Request forms
- Special visit forms
- Court appearances, documents and the disposition of hearings
- Work assignments
- Program participation
- Visitation records
- Telephone records

## *Inmate Records*

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- Medical, dental, mental health, drug and alcohol screenings, assessments, treatments, medications

The inmate records shall be identified and separated according to a format developed and approved by the Chief Deputy or the authorized designee.

### **209.2.2 RELEASE OF INMATE RECORDS**

Inmate records are confidential and shall be used for official business only. Any release of inmate records shall be made only in compliance with lawful court order or as authorized by state and federal law to persons having a legitimate criminal justice need, or with a consent form signed by the inmate (15 CCR 1045). A copy of the release authorization document shall be maintained in the inmate record file.

### **209.2.3 ELECTRONIC RECORD MAINTENANCE**

All inmate records and data maintained in an electronic format shall be accessible only through a login/password-protected system capable of documenting by name, date and time any person who has accessed the information. The Chief Deputy shall be responsible for working with the information technology personnel to ensure the security of the data and to develop and maintain a copy of the security plan.

### **209.2.4 RECORDS RETENTION**

Inmate records shall be maintained consistent with the established records retention schedule.



## Report Preparation

### 210.1 PURPOSE AND SCOPE

Report preparation is a major part of each correctional officer's job. The purpose of reports is to refresh the correctional officer's memory and to provide sufficient information for a follow-up investigation and successful prosecution or a disciplinary proceeding. Report writing is the subject of substantial formal and on-the-job training.

### 210.2 REPORT PREPARATION

Employees should ensure that reports are sufficiently detailed for their purpose and free from errors prior to submission. Reports shall be prepared by the staff assigned to investigate or document an incident, approved by a supervisor and submitted to the Chief Deputy or the authorized designee in a timely manner (15 CCR 1044). Any incident resulting in death, injury or endangerment to staff or a visitor, serious injury to an inmate, escape, a major disturbance, a facility emergency or an unsafe condition at the facility shall be submitted to the Chief Deputy as soon as practicable but within 24 hours of the incident. It is the responsibility of the assigned employee to ensure that all the above listed reports meet this requirement or that supervisory approval has been obtained to delay the report. The supervisor must determine whether the report will be available in time for appropriate action to be taken, such as administrative notifications or resolution, investigative leads or an inmate disciplinary proceeding.

Handwritten reports must be prepared legibly. If the report is not prepared legibly, the employee shall be required by the reviewing supervisor to promptly correct the report. Employees who dictate reports by any means shall use appropriate grammar, as content is not the responsibility of the typist. Employees who generate reports on computers are subject to all requirements of this policy.

All reports shall accurately reflect the identity of the persons involved, all pertinent information seen, heard or assimilated by any other sense, and any actions taken. Employees shall not suppress, conceal or distort the facts of any reported incident, nor shall any employee make a false report orally or in writing. Generally, the reporting employee's opinions should not be included in reports unless specifically identified as such.

### 210.3 REQUIRED REPORTING

Written reports are required in all of the following situations on the appropriate office-approved form unless otherwise approved by a supervisor (15 CCR 1044).

#### 210.3.1 CRIMINAL ACTIVITY REPORTING

When an employee responds to an incident, or as a result of self-initiated activity, and becomes aware of any activity where a crime has occurred, the employee is required to document the activity. The fact that a victim is not desirous of prosecution is not an exception to documentation.

## *Report Preparation*

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### **210.3.2 INCIDENT REPORTING**

Incident reports generally serve as an in-house notation of occurrences in the facility and to initiate, document and support the inmate disciplinary process. The Office shall establish a filing system that differentiates between incident reports, crime reports and disciplinary actions. This policy does not require the duplication of information on two different forms. Where both exist, cross-referencing facilitates retrieval of one or both.

Incidents that shall be documented using the appropriate approved report include (15 CCR 1044):

- (a) Non-criminal incidents of rule violations by inmates.
- (b) Attempted suicide or suicidal ideation on the part of an inmate, if known.
- (c) Non-criminal breaches of security or evidence of an escape attempt.
- (d) Non-criminal security threats, including intelligence related to correctional facility activities.
- (e) Significant incidents related to medical issues, health or safety in the correctional facility.
- (f) Discovery of contraband in the possession of inmates or their housing areas.
- (g) Detaining or handcuffing any visitor at the facility.
- (h) Traffic collisions involving office vehicles.
- (i) Risk management incidents to include injuries to inmates and lost or damaged property.
- (j) Accidental injuries of staff, inmates or the general public.

### **210.3.3 DEATHS**

All deaths shall be investigated and a report completed by a qualified investigating officer to determine the manner of death and to gather information, including statements of inmates and staff who were in the area at the time the death occurred.

Reporting of deaths will be handled in accordance with the Reporting Inmate Deaths Policy.

### **210.3.4 INJURY OR DAMAGE BY OFFICE PERSONNEL**

Reports shall be taken if an injury occurs that is a result of an act of an employee. Reports shall be taken involving damage to property or equipment.

### **210.3.5 USE OF FORCE**

Reports related to the use of force shall be made in accordance with the Use of Force Policy.

## **210.4 GENERAL POLICY OF EXPEDITIOUS REPORTING**

In general, all employees and supervisors shall act with promptness and efficiency in the preparation and processing of all reports. An incomplete report, unorganized reports or reports

## *Report Preparation*

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delayed without supervisory approval are not acceptable. Reports shall be processed according to established priorities or according to special priority necessary under exceptional circumstances.

### **210.4.1 GENERAL POLICY OF HANDWRITTEN REPORTS**

Some incidents and report forms lend themselves to block print rather than typing. In general, the narrative portion of those reports in which there is a long narrative should be typed or dictated.

Supervisors may require, with the foregoing general policy in mind, block printing or typing of reports of any nature for office consistency.

### **210.4.2 GENERAL USE OF OTHER HANDWRITTEN FORMS**

County, state and federal agency forms may be block printed as appropriate. In general, the form itself may make the requirement for typing apparent.

## **210.5 REPORT CORRECTIONS**

Supervisors shall review reports for content and accuracy. If a correction is necessary, the reviewing supervisor should return it to the reporting employee for correction as soon as practicable. It shall be the responsibility of the originating employee to ensure that any report returned for correction is processed in a timely manner. It shall be the responsibility of the supervisor rejecting the report to follow up on any report corrections not received in a timely manner.

## **210.6 REPORT CHANGES OR ALTERATIONS**

Reports that have been approved by a supervisor and submitted to the Records Section for filing and distribution shall not be modified or altered except by way of a supplemental report. Reviewed reports that have not yet been submitted to the Records Section may be corrected or modified by the authoring employee only with the knowledge and authorization of the reviewing supervisor. Reviewing supervisors should not alter reports. When modifications are required, these should be the responsibility of the authoring employee.

## **210.7 ELECTRONIC SIGNATURES**

The Correctional Facility has established an electronic signature procedure for use by all employees of the Correctional Facility. The Chief Deputy or the authorized designee shall be responsible for maintaining the electronic signature system and ensuring that each employee creates a unique, confidential password for his/her electronic signature. The system use and design shall follow the requirements of Civil Code § 1633 et seq. when applicable.

- (a) Employees may only use their electronic signature for official reports or other official communications.
- (b) Each employee shall be responsible for the security and use of his/her electronic signature and shall promptly notify a supervisor if the electronic signature has or may have been compromised or misused.

# Key and Electronic Access Device Control

## 211.1 PURPOSE AND SCOPE

The control and accountability of facility keys and electronic access devices are vital factors in maintaining a safe and secure environment for inmates, staff, volunteers, contractors and the public (15 CCR 1029(a)(6)). This policy outlines the methods that the Office will use in maintaining strict security of its keys and electronic access devices. For ease of reference, the term "key" as used in this policy includes all physical means of access to or exit from the secure areas of the facility.

## 211.2 POLICY

It is the policy of this office that all keys used to access secure areas of the facility or to exit the secure areas of the facility are strictly controlled. Employees and supervisors will be held accountable for the security and safety of the facility. All key control activities shall be accurately documented on a daily basis (15 CCR 1029(a)(6)).

### 211.2.1 KEY IDENTIFICATION

All keys that open any doors within the facility shall be marked with unique identification codes that will allow for quick inventory. Keys that are bundled together as a set shall be numbered or coded with a tag to identify that set and the number of keys on the ring. The identifying numbers or code on keys shall not correspond to numbers/codes on locks.

A separate secure document identifying all keys will be maintained by the central control supervisor.

### 211.2.2 LOCK POLICY

Security perimeter entrances, Central Control shall be kept locked, except when used for admission or exit of employees, inmates or visitors, and in an emergency. Operators of sallyports shall ensure that only one of the doors of a sallyport is opened at any time for entry or exit purposes, except where the entry or exit of emergency personnel requires the operator to override the doors and allow for rapid entry or exit. Overriding of a door should only be at the request of a supervisor.

### 211.2.3 EXTERIOR DOOR AND ARMORY KEYS

Keys for exterior doors to the facility and the armory shall be kept in a locked cabinet in a secure location. Supervisors should, at the beginning and end of their respective shifts, inventory and account for these keys.

### 211.2.4 MISSING KEYS

Any staff member who discovers that a key or keyset is missing shall immediately make a verbal report to a supervisor and shall prepare a written incident report as directed by the supervisor. The supervisor shall immediately initiate a search for the missing key. If a reasonable effort to locate the key fails, the supervisor shall order a lockdown of the facility. All inmates shall be locked in their cells/housing units. Inmates shall not be allowed to pass into or out of the facility without

### *Key and Electronic Access Device Control*

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being thoroughly searched for the missing key. The supervisor shall, as soon as practicable, notify the Chief Deputy regarding the loss of the key, when it was discovered and the circumstances involved.

A methodical and thorough search of the entire facility will be made by the on-duty staff.

Additional staff may be called to assist with the search. If, after a thorough search, the key or keyset is not located, the Chief Deputy will determine whether to re-key any locks that may have been compromised, and whether this should be done immediately.

The Chief Deputy shall initiate an investigation into the disappearance of the keys to reexamine the procedures for key control, and shall notify the Sheriff of his/her findings. Based upon the findings of the investigation and any recommendations, the procedures governing this policy may be amended.

#### **211.2.5 DAMAGED KEYS OR LOCKS**

Damaged keys or locks shall be promptly reported to a supervisor. No part of a broken key shall be left in the lock. All portions of the damaged key must be turned in to the Sergeant, who will ensure duplicate keys are provided as needed. Damaged locks shall be replaced or repaired as soon as practicable. Appropriate security measures shall be taken until such time as the lock is properly restored. No lock to a security door or gate shall be permitted to be inoperable or left in an unsuitable condition. No inmate shall be secured in a cell, detention room or area that has inoperable locks.

#### **211.3 KEY CONTROL RECORDS**

A shift roster will be maintained for the accounting and security of all keysets. Each shift is responsible for reporting any key malfunctions or missing keysets.

#### **211.4 ELECTRONIC ACCESS DEVICES**

Proximity cards, fobs or other devices may be issued to staff to allow access to restricted or controlled areas of the facility. In the event of a lost or stolen device, an employee shall notify his/her supervisor as soon as it is known the device is missing. The device shall be immediately deactivated to prevent unauthorized use.

## Administrative and Supervisory Inspections

### 212.1 PURPOSE AND SCOPE

The purpose of this policy is to establish both regularly scheduled and unannounced inspections of the facility's living and activity areas. This is to encourage contact with staff and inmates and to observe inmate living and working conditions. Inspections may be useful in identifying deficiencies, which can be corrected, as well as processes working properly, which may be replicated elsewhere in the facility.

### 212.2 POLICY

Tours and inspections shall be conducted by administrative and supervisory staff throughout the correctional facility at least weekly to facilitate and encourage communication among administrators, managers, supervisors, staff employees, inmates and the visiting public.

### 212.3 INSPECTIONS

The Chief Deputy is responsible for ensuring that scheduled and unscheduled inspections are implemented to minimally include:

- (a) The general conditions and overall climate of the facility.
- (b) The living and working conditions of inmates.
- (c) Communication between administrators, managers, supervisors, staff, inmates and the visiting public.
- (d) Compliance with policies.
- (e) Safety, security and sanitation concerns.
- (f) Inmate concerns.
- (g) Meal services.

#### 212.3.1 AREAS TO BE INSPECTED

Supervisor inspections should occur in all occupied areas of the facility on a daily basis, including weekends and holidays. Inspections should be conducted randomly and special effort should be given to tour and informally inspect the following areas:

- Inmate housing areas
- Booking and receiving areas, including holding cells
- Exercise yard and recreation areas
- Visiting and program areas
- Medical and dental service areas
- Vocational work areas, e.g., the kitchen, janitorial closets

### *Administrative and Supervisory Inspections*

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- Sallyports and transportation staging areas

#### **212.4 INSPECTIONS OF SECURITY EQUIPMENT**

The Chief Deputy shall be responsible for designating a qualified person to conduct weekly inspections of all security devices, identifying those in need of repair or maintenance and providing a written report of the results of the inspection. The Chief Deputy shall document all action taken to correct identified deficiencies, including maintenance records, and shall retain those records in accordance with established records retention schedules.

#### **212.5 DOCUMENTATION AND REPORTING**

Each staff member conducting the inspection or tour shall document the activity in the appropriate station form or facility log. The log should include any significant findings that indicate remedial action or training may be needed. Significant issues of security or safety shall be addressed promptly. Commendable or successful actions that should be replicated elsewhere in the facility should also be noted in the log.

The Sergeant shall review the logs daily and ensure that any deficiencies noted are addressed or forwarded through the chain of command, as appropriate, and that commendable actions are also appropriately addressed.

## Perimeter Security

### 213.1 PURPOSE AND SCOPE

The purpose of this policy is to establish this facility's perimeters, to ensure that incarcerated inmates remain inside the perimeters, and that visitors, vendors, volunteers and employee access is granted only with proper authorization and through designated safety vestibules and sallyports. The secure perimeter of this facility will provide protection from the escape of persons being processed, held or housed, and will act as a defense against the entry of unauthorized persons. It shall be maintained to prevent contraband from entering the secure areas of the facility (Title 15 CCR § 1029(a)(6)).

### 213.2 POLICY

All entry points to the secure perimeter of the facility shall be monitored and controlled continuously by Central Control staff. The entire perimeter shall be inspected, maintained, monitored and continuously assessed to ensure its physical integrity and prevent unauthorized entry, inmate escape and contraband from entering the facility.

#### 213.2.1 VISITORS

This facility shall be maintained as a secure area and no person shall enter any portion of the inner perimeter without specific authorization from the Chief Deputy or the authorized designee. All visitors shall be required to provide satisfactory identification, such as a valid driver's license, valid passport or military identification. Visitors shall be required to sign in on the visitor log and state the reason for the visit. Visitors must wear a visitor's badge at all times and shall be escorted by one or more staff members at all times while they are in the secure areas of the facility.

### 213.3 PROCEDURE

The secure perimeter shall be maintained by assigned staff as well as a contracted law enforcement agency. The Chief Deputy or the authorized designee shall ensure that a staffing plan is in place to monitor the secure perimeter of this facility. Suspicious activity at or near the perimeter shall immediately be reported to the Sergeant and the Central Control. The Central Control staff shall initiate an appropriate law enforcement response.

Individuals suspected to be in violation of any law may be subject to detention or arrest. Warrant checks should be conducted on all individuals who are on the property without proper authorization. Individuals found to be loitering on or around the perimeter of the facility will be stopped and questioned to determine the circumstances of their presence. They may be denied entrance into the facility.

The Central Control staff shall identify all persons seeking to gain access to the secure perimeter of the facility. Persons delivering goods or services shall identify themselves to the Central Control staff prior to being allowed access to the delivery area.



## *Perimeter Security*

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Materials delivered to or transported from the facility's secure perimeter shall be inspected for contraband. Vendors making deliveries into the secure area of the facility will do so under the supervision of custody staff.

Keys to the secure perimeter shall be easily identifiable and issued only in emergency situations or with the authorization of the Chief Deputy.

Weapons lockers are provided outside all secure perimeter entrances. All weapons must be secured prior to an individual being allowed to enter the facility.

The sallyport and the secure garage are to be used for the transfer of inmates.

Operation of the sallyport doors will be done in such a manner as to effectively control movement into and out of the secure inner perimeter of this facility. Central Control staff are responsible for ensuring all perimeter surveillance equipment is in good working order and shall immediately report malfunctions or failures to the on-duty supervisor.

Outer perimeter security may be accomplished by using fencing or another type of barrier. These barriers should be designed to route vehicular and pedestrian traffic away from non-public areas. Outer perimeter lighting should be designed to illuminate all areas of the exterior to allow visual inspection by video monitor or perimeter patrols.

## Accessibility - Facility and Equipment

### 214.1 PURPOSE AND SCOPE

This policy is intended to ensure that staff and the general public have access to the facility, in compliance with the Americans with Disabilities Act (ADA) and Section 504 of the Rehabilitation Act, 29 USC § 794.

#### 214.1.1 DISABILITY DEFINED

A disability is any physical or mental impairment that substantially limits one or more major life activities. These include, but are not limited to, any disability that would substantially limit the mobility of an individual or an impairment of vision and/or hearing, speaking or performing manual tasks that require some level of dexterity. Additionally, disability includes a physical or mental impairment that would inhibit a person's ability to meet the requirements established by the Office for conducting visitation or other business in the facility.

### 214.2 POLICY

The Santa Cruz County Sheriff's Office prohibits discrimination of persons with disabilities. The Santa Cruz County Sheriff's Office adheres to the ADA and all other applicable federal and state laws, regulations and guidelines in providing reasonable accommodations to ensure that the facility is reasonably accessible to the public and usable by staff and visitors with disabilities.

#### 214.2.1 ACCOMMODATIONS

As part of the compliance with the ADA and the commitment to provide access to persons with disabilities, the Office will provide reasonable accommodations in areas that include, but are not limited to:

- Vehicle parking areas that accommodate cars and vans or other vehicles with wheelchair lifts.
- Public areas that are wheelchair accessible.
- Drinking fountains that can accommodate wheelchairs or other mobility devices.
- ADA-compliant elevators.
- Restroom areas that are wheelchair compliant and meet ADA standards for accessibility.
- Search areas and metal detection devices, including private areas where alternative search methods may be performed.
- Services and equipment for the deaf and hard of hearing.
- Visitor check-in areas.
- Visitation areas, including attorney interview rooms that can accommodate wheelchairs and other mobility devices.

## *Accessibility - Facility and Equipment*

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### 214.2.2 ADA COORDINATOR

The Chief Deputy should appoint a staff member to serve as the ADA Coordinator, whose primary responsibilities include, but are not limited to, coordinating compliance with ADA requirements. The ADA Coordinator should be knowledgeable and experienced in a variety of areas, including:

- (a) The office structure, activities and employees, including special issues relating to the requirements of the correctional facility.
- (b) The ADA and other laws that address the rights of people with disabilities, such as Section 504 of the Rehabilitation Act, 29 USC § 794.
- (c) The accommodation needs of people with a broad range of disabilities.
- (d) Alternative formats and technologies that enable staff, inmates and the public with disabilities to communicate, participate and perform tasks related to correctional facility activities.
- (e) Construction and remodeling requirements with respect to ADA design standards.
- (f) Working cooperatively with staff, inmates and the public with disabilities.
- (g) Local disability advocacy groups or other disability groups.
- (h) Negotiation and mediation.

### 214.2.3 TRAINING

The ADA Coordinator should work with the Training Officer as appropriate, developing training regarding issues specifically related, but not limited to:

- (a) The requirements of Section 504 of the Rehabilitation Act, 29 USC § 794.
- (b) Office policies and procedures relating to ADA requirements.

### 214.2.4 DISSEMINATION OF INFORMATION

The ADA Coordinator will be responsible for the dissemination of information to staff and visitors on issues specifically related, but not limited to:

- (a) Services available to members of the public who are disabled.
- (b) Accessing services to accommodate disabilities.
- (c) Registering complaints or grievances relating to issues involving the ADA.

# Community Relations and Public Information Plan

## 215.1 PURPOSE AND SCOPE

This policy provides guidelines to custody personnel when dealing with the general public or interested groups when requests are received to share information regarding the operations and policies of the facility (15 CCR 1045). (See the News Media Relations policy for guidance on media releases.)

## 215.2 RESPONSIBILITIES

The Chief Deputy is responsible for ensuring that the following information is public and available to all who inquire about it.

- (a) The Board of State and Community Corrections Minimum Standards for Local Detention Facilities as found in Title 15 of the California Code of Regulations.
- (b) Facility rules and procedures affecting inmates as specified in 15 CCR sections:
  - 1. 1045, Public Information Plan
  - 2. 1061, Inmate Education Plan
  - 3. 1062, Visiting
  - 4. 1063, Correspondence
  - 5. 1064, Library Service
  - 6. 1065, Exercise and Recreation
  - 7. 1066, Books, Newspapers, Periodicals and Writings
  - 8. 1067, Access to Telephone
  - 9. 1068, Access to Courts and Counsel
  - 10. 1069, Inmate Orientation
  - 11. 1070, Individual/Family Service Programs
  - 12. 1071, Voting
  - 13. 1072, Religious Observance
  - 14. 1073, Inmate Grievance Procedure
  - 15. 1080, Rules and Disciplinary Penalties
  - 16. 1081, Plan for Inmate Discipline
  - 17. 1082, Forms of Discipline
  - 18. 1083, Limitations on Discipline
  - 19. 1200, Responsibility for Health Care Services

### *Community Relations and Public Information Plan*

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This information is to be made available at the facility's front desk and assembled into a binder or clearly posted for public viewing. Additionally, a copy should be made available in this facility's library or provided by other means for use by inmates. At the discretion of the Sheriff, the information may also be made available electronically. No information will be released on persons whose booking process is not completed.

#### **215.3 PROHIBITED MATERIALS**

Policies, procedures and other information and materials related to the safety and security of inmates, custody personnel, the facility or the maintenance of order should not be provided as a part of the public information material unless directed by the Sheriff.

#### **215.4 TOURS OF THE CUSTODY FACILITY**

Tours of this facility may be arranged through the Chief Deputy. Authorized tours are subject to facility rules and restrictions:

- (a) Persons who tour this facility must be of an appropriate age as determined by the Sheriff.
- (b) A short application form must be completed and a background check for warrants will be conducted before an applicant is approved to participate in a tour.

A record of all facility tours should be maintained in accordance with applicable retention requirements.

#### **215.5 POLICY**

It is the policy of the Santa Cruz County Sheriff's Office to protect the privacy rights of individuals while releasing non-confidential information to interested groups when requests are received. Information that has the potential to affect the safety and security of the Correctional Facility or an investigation will not be released.

## Victim Notification of Inmate Release

### 216.1 PURPOSE AND SCOPE

The purpose of this policy is to ensure victims of crimes receive notice when an inmate held for those crimes is released, and that victims receive any other notification required by California law.

### 216.2 POLICY

It is the policy of this office to act in accordance with all laws regarding victim notification.

### 216.3 PROCEDURE

The Chief Deputy shall ensure that a system is in place for individuals to request release notification on any inmate housed in this facility.

Notification requests or requirements that are known during the booking process should be documented in the appropriate designated section of the inmate's booking file.

In the event that an individual contacts this facility and requests notification on any inmate housed in this facility, staff should notify a supervisor, who will determine whether notifications are required or appropriate, and ensure the notification request and determination is documented in the inmate's file.

### 216.4 NOTIFICATION

Members tasked with the release of an inmate or investigating an escape shall verify whether there is a required release notification in the inmate's file.

Members shall document notification efforts in the inmate's file.

Unless ordered by the court or a supervisor, no victim information shall be provided to any inmate by any employee or volunteer of this facility. Any unauthorized access or release of victim information is a direct violation of victim confidentiality and applicable policies, and may subject the person releasing the information to disciplinary action, up to and including termination from employment and/or criminal prosecution.

#### 216.4.1 REQUIRED NOTIFICATIONS

The Sergeant or the authorized designee shall make a reasonable and good faith effort to make all notifications required by law including:

- (a) Notice to any person a court identifies as a victim of the offense, a family member of the victim, or a witness to the offense not less than 15 days prior to the release of any person convicted of stalking under Penal Code § 646.9 or convicted of a felony involving domestic violence (Penal Code § 646.92(a)).
- (b) Notice to any person a court identifies as a victim of the offense, a family member of the victim, or a witness upon escape and capture of any person convicted of violating

*Victim Notification of Inmate Release*

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- Penal Code § 646.9 or convicted of a felony offense involving domestic violence (Penal Code § 646.92(d)).
- (c) Notice to any victim or other affected person who has requested notification that an inmate convicted of the offenses listed in Penal Code § 692.02(a)(13) has been ordered placed on probation and the proposed date of release (Penal Code § 679.02(a)(14)).
  - (d) If the crime was a homicide, notice to any victim or the next of kin of the victim within 60 days of an inmate's placement in a reentry or work furlough program, or of the inmate's escape (Penal Code § 679.02(a)(6)).
  - (e) Notice of the release of any inmate to victims of crime who have requested to be notified.
  - (f) Notice to law enforcement agencies known to be involved with the case upon any escape and capture of an inmate.

Notification should be made by telephone, certified mail, or electronic mail, using the method of communication selected by the person to be notified, if that method is reasonably available. In the event the person's contact information provided to the Office is no longer current, the Office shall make a diligent, good faith effort to learn the whereabouts of the victim in order to comply with these notification requirements. Notification shall only be left on a messaging system if the person has indicated in the notification request that such notification is acceptable or if staff has attempted and cannot make other contact with the person.

If contact cannot be made and no means exist to leave a message with the person, the Sergeant or the authorized designee should request the law enforcement agency having jurisdiction where the person resides perform a welfare check. Subsequent and continuing attempts shall be made to contact the person using the numbers listed in the notification request. All attempts to contact shall be documented on the victim notification request form.

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# Community Service Program

## 217.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for developing community service programs that are intended to provide work opportunities for inmates and needed services to the community.

## 217.2 POLICY

It is the policy of the Santa Cruz County Sheriff's Office to promote community service programs that provide work opportunities for inmates and will support public works projects, such as maintenance to county roadways or parks. Activities that benefit individuals, businesses or other private entities that are not considered a public works project are prohibited.

## 217.3 PROGRAM GUIDELINES

Any community service program is subject to the approval of the Chief Deputy or the authorized designee.

Any such program shall be subject to the following guidelines:

- (a) The program complies with all statutes, ordinances, regulations, labor agreements, permissions or restrictions relating to inmates whenever they are assigned to public works and community service projects.
- (b) There is an availability of inmates who, as a matter of classification, are deemed to be eligible for participation in the community service program.
- (c) The number of work opportunities available in the community will determine the availability of opportunities to participate in the community service program.
- (d) Staff assigned to manage the program should strive to develop work assignments that give inmates an opportunity to develop good work habits and attitudes that can be applied to jobs obtained after release.
- (e) Victim and community input should be solicited and considered when developing community service programs.
- (f) There shall be sufficient staff assigned to supervise inmate work crews.
- (g) Inmates shall receive appropriate training for the work assignment and the use of any related tools or equipment.
- (h) The inmate workday should approximate the typical workday in the community for the type of work being performed. The normal work hours should not exceed eight hours per shift and must include adequate break and meal time.
- (i) Inmate performance while in the program should be regularly evaluated and recorded. Poor performance in the work program or violation of rules may render the inmate ineligible to participate in the work program. Any violation of work rules may result in



### *Community Service Program*

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disciplinary action that may include the loss of credits previously awarded for good behavior and work time. Inmates who do not comply with program rules, or for any reason cannot work, will be reclassified in accordance with the policies and procedures of the Santa Cruz County Sheriff's Office.

- (j) The working conditions for any inmate must comply with all applicable federal, state or local work safety laws and regulations.

#### **217.4 SELECTION PROCESS**

Participation in any community service program is strictly voluntary. A classification process that clearly describes the criteria for program participation will be developed by the supervisor in charge of the program.

Any inmate desiring to participate in a community service program is subject to the following:

- (a) The inmate must submit to a screening process, including a criminal history check, to ensure that his/her criminal history is compatible with work in non-secure areas.
- (b) The inmate must agree in writing to participate in a community service program.
- (c) Inmates may be charged a fee for participation in the program in order to offset the cost of administration and staffing.

## Vehicle Safety

### 218.1 PURPOSE AND SCOPE

It is the policy of this office to maintain and operate the vehicles assigned to this facility in a lawful and safe manner. The Office utilizes office-owned motor vehicles for a variety of applications. To maintain a system of accountability and ensure that office-owned vehicles are used appropriately, regulations relating to the use of these vehicles have been established. The term "office-owned" as used in this section also refers to any vehicle leased or rented by the Office.

### 218.2 USE AND SECURITY OF OFFICE VEHICLES

All staff members who operate office-owned or leased vehicles must comply with all applicable state laws and must possess a valid driver's license endorsed for the type of vehicle operated.

A list of individuals who are authorized to drive office vehicles shall be maintained by the Chief Deputy. The list shall be updated monthly to ensure that only qualified personnel who are in possession of a current and appropriately endorsed operator's license are on the list.

#### 218.2.1 USE OF SEAT BELTS

The use of seat belts and other safety restraints significantly reduces the chance of death or injury in case of a traffic collision. This policy establishes guidelines for seat belt use to promote maximum operator and passenger safety, thus reducing the possibility of death or injury as the result of a motor vehicle crash. This policy will apply to all members operating or riding in office vehicles.

All members shall wear properly adjusted safety restraints when operating or riding in a seat equipped with restraints, in any vehicle owned, leased or rented by this office, while on- or off-duty, or in any privately owned vehicle while on-duty. The member driving such a vehicle shall ensure that all other occupants, including non-members, are also properly restrained.

Exceptions to the requirement to wear safety restraints may be made only in exceptional situations where, due to unusual circumstances, wearing a seat belt would endanger the member or the public. Members must be prepared to justify any deviation from this requirement.

Whenever possible, inmates should be secured in a prisoner restraint system or, when a prisoner restraint system is not available, by seat belts. The inmate should be in the seating position for which seat belts have been provided by the vehicle manufacturer. The prisoner restraint system is not intended to be a substitute for handcuffs or other appendage restraints.

No person shall operate any office vehicle in which the seat belt in the driver's position is inoperable. No person shall be transported in a seated position in which the seat belt is inoperable.

No person shall modify, remove, deactivate or otherwise tamper with the vehicle safety belts, except for vehicle maintenance and repair staff, who shall do so only with the express authorization of the Sheriff.

## *Vehicle Safety*

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Members who discover an inoperable restraint system shall report the defect to the appropriate supervisor. Prompt action will be taken to replace or repair the system.

### **218.2.2 VEHICLE SECURITY**

Office vehicles will be locked and the keys will be secured when not in use. The staff will make every effort to ensure that the vehicles are parked in a secure location.

Under no circumstances will inmates be allowed to operate a vehicle or have possession of any vehicle keys. Inmate workers who are assigned to clean vehicles must be closely supervised by staff.

The loss of any vehicle key shall be promptly reported, in writing, to the on-duty supervisor.

### **218.3 VEHICLE INSPECTIONS**

All office-owned vehicles are subject to inspection and or search at any time by a supervisor. No member assigned to or operating such vehicle shall be entitled to any expectation of privacy with respect to the vehicle or any of its contents, regardless of who owns the contents.

### **218.4 VEHICLE SAFETY REPAIRS**

Anyone authorized to drive office vehicles is responsible for assisting in maintaining the vehicles so that they are properly equipped, maintained and refueled and present a clean appearance.

Anyone authorized to drive office vehicles is responsible for inspecting the interior and exterior of any assigned vehicle before placing the vehicle into service and again at the conclusion of his/her shift. Any previously unreported damage, mechanical problems, unauthorized contents or other problems with the vehicle shall be promptly reported to a supervisor and documented as appropriate.

Vehicles that are deemed as unsafe shall not be used until necessary repairs are made. The written request for repairs shall be submitted before the operator checks out a replacement vehicle. The Chief Deputy or the authorized designee shall monitor the maintenance requests and ensure that the necessary repairs are made before the vehicle is placed back into service.

Annual vehicle safety inspections will be conducted on all vehicles that are owned, leased or used by the Office. The inspection will be conducted by a qualified individual designated by the Chief Deputy. Inspection reports will be forwarded to and maintained by the Chief Deputy.

### **218.5 USE OF PERSONAL VEHICLES**

The use of personal vehicles for official business must be approved by the Chief Deputy. The Chief Deputy or the authorized designee should verify that the personal vehicle meets the state's insurance requirements. All policies and procedures applicable to facility vehicles shall apply to the personal vehicle while it is being used for official business.

## *Vehicle Safety*

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### **218.6 COLLISION DAMAGE, ABUSE AND MISUSE**

When any office-owned or leased vehicle is involved in a traffic collision, the involved member shall promptly notify a supervisor. A traffic collision report shall be filed with the agency having jurisdiction. The member shall complete the office's vehicle collision form.

When a collision involves any office vehicle or when a member of this office is an involved driver in a collision that occurs in this jurisdiction, and the collision results in serious injury or death or potentially involves any criminal charge, an outside agency should be summoned to handle the investigation. If the member is incapable of completing the office's vehicle collision form, a supervisor shall complete the form.

Any damage to a vehicle that was not caused by a traffic collision shall be immediately reported during the shift in which the damage was discovered. It shall be documented in memorandum format and forwarded to the Sergeant. An administrative investigation will be conducted to determine if there is any vehicle abuse or misuse. If it is determined that misuse or abuse was a result of negligent conduct or operation, appropriate disciplinary action may result.

### **218.7 TOLL ROAD USE**

Law enforcement vehicles are not routinely exempt from incurring toll road charges. Pursuant to the non-revenue policy of the toll roads, law enforcement agencies responding to an emergency or incident on the toll roads while on-duty are exempt from paying the toll.

Commuting or returning to the Office after an emergency does not qualify for this exemption; personnel using office-owned vehicles are subject to the toll charge.

To avoid unnecessary toll road violation charges, all members operating a office-owned vehicle on a toll road shall adhere to the following:

- (a) Members operating office-owned vehicles for any reason other than an initial response to an emergency shall stop and pay the appropriate toll charge.
- (b) Members may submit for reimbursement from the Office for any toll fees.
- (c) Members driving office-owned vehicles through a toll plaza or booth during a response to an emergency shall draft a memo to his/her supervisor within five working days, explaining the circumstances.

## Staffing Analysis

### 219.1 PURPOSE AND SCOPE

The purpose of this policy is to establish a comprehensive staffing plan and analysis to identify staffing needs sufficient to maintain the safety and security of the facility, staff, visitors, inmates and the public.

### 219.2 POLICY

It is the policy of the Santa Cruz County Sheriff's Office to ensure the safety, security and efficient operation of this facility by assigning custody personnel according to a detailed staffing plan that is developed and maintained in accordance with law.

### 219.3 STAFFING PLAN REQUIREMENTS

The Chief Deputy shall ensure that a staffing plan conforming to the class type and size of this facility is prepared and maintained as described in the following section. The plan should detail all custody personnel assignments, including work hours and weekly schedules, and should account for holidays, vacations, training schedules and other atypical situations (15 CCR 1027).

At minimum, the staffing plan will include the following:

- Facility administration and supervision
- Facility programs, including exercise and recreation
- Inmate supervision and custody
- Support services including medical, food services, maintenance and clerical
- Other jail-related functions such as escort and transportation of inmates

### 219.4 STAFFING ANALYSIS

The Sheriff or the authorized designee shall complete an annual comprehensive staffing analysis to evaluate personnel requirements and available staffing levels. The staffing analysis will be used to determine staffing needs and to develop staffing plans.

This analysis shall include information gathered in collaboration with the health care provider in each facility regarding staffing requirements. The analysis relating to health care personnel shall be annually reviewed for adequacy by the health authority.

The Chief Deputy, in conjunction with the PREA coordinator, should ensure that staffing levels are sufficient to consistently and adequately fill essential positions, as determined by the staffing plan (28 CFR 115.13). Relief factors for each classification and position should be calculated into the staffing analysis to ensure staffing levels will consistently meet requirements. Staff should be deployed in an efficient and cost-effective manner that provides for the safety and security of the staff, inmates and the public.

## *Staffing Analysis*

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The staffing analysis should be used to identify whether required activities are being performed competently and in compliance with current laws and office policies. If deficiencies are noted, the staffing analysis should also include recommendations regarding what corrective measures may be needed, including the following:

- (a) Operational change
- (b) Equipment requirement
- (c) Additional training
- (d) Supervisory intervention
- (e) Additional personnel

### **219.5 REPORTING**

The Sheriff will cause a report of the findings of the staff analysis to be submitted to the officials responsible for funding the correctional facility operation.

# Employee Speech, Expression and Social Networking

## 220.1 PURPOSE AND SCOPE

This policy is intended to address issues associated with employee use of social networking sites and to provide guidelines for the regulation and balancing of employee speech and expression with the legitimate needs of the Office.

Nothing in this policy is intended to prohibit or infringe upon any communication, speech or expression that is protected or privileged under law. This includes speech and expression protected under state or federal constitutions as well as labor or other applicable laws. For example, this policy does not limit an employee from speaking as a private citizen, including acting as an authorized member of a recognized bargaining unit, about matters of public concern, such as misconduct or corruption.

Employees are encouraged to consult with their supervisor regarding any questions arising from the application or potential application of this policy.

### 220.1.1 APPLICABILITY

This policy applies to all forms of communication including, but not limited to, film, video, print media, public or private speech, use of all Internet services, including the World Wide Web, e-mail, file transfer, remote computer access, news services, social networking, social media, instant messaging, blogs, forums, video and other file-sharing sites.

## 220.2 POLICY

Public employees occupy a trusted position in the community, and thus, their statements have the potential to contravene the policies and performance of this office. Due to the nature of the work and influence associated with the law enforcement profession, it is necessary that employees of this office be subject to certain reasonable limitations on their speech and expression. To achieve its mission and efficiently provide service to the public, the Santa Cruz County Sheriff's Office will carefully balance the individual employee's rights against the Office's needs and interests when exercising a reasonable degree of control over its employees' speech and expression.

## 220.3 SAFETY

Employees should consider carefully the implications of their speech or any other form of expression when using the Internet. Speech and expression that may negatively affect the safety of the Santa Cruz County Sheriff's Office employees, such as posting personal information in a public forum, can result in compromising an employee's home address or family ties. Employees should therefore not disseminate or post any information on any forum or medium that could reasonably be anticipated to compromise the safety of any employee, an employee's family or associates. Examples of the type of information that could reasonably be expected to compromise safety include:

*Employee Speech, Expression and Social Networking*

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- Disclosing a photograph and name or address of a corrections officer who is working undercover.
- Disclosing the address of a fellow correctional officer.
- Otherwise disclosing where another correctional officer can be located off-duty.

**220.4 PROHIBITED SPEECH, EXPRESSION AND CONDUCT**

To meet the office's safety, performance and public-trust needs, the following are prohibited unless the speech is otherwise protected (for example, an employee speaking as a private citizen, including acting as an authorized member of a recognized bargaining unit, on a matter of public concern):

- (a) Speech or expression made pursuant to an official duty that tends to compromise or damage the mission, function, reputation or professionalism of the Office or its employees.
- (b) Speech or expression that, while not made pursuant to an official duty, is significantly linked to, or related to, the Office and tends to compromise or damage the mission, function, reputation or professionalism of the Office or its employees. Examples may include:
  1. Statements that indicate disregard for the law or the state or U.S. Constitution.
  2. Expression that demonstrates support for criminal activity.
  3. Participating in sexually explicit photographs or videos for compensation or distribution.
- (c) Speech or expression that could reasonably be foreseen as having a negative impact on the credibility of the employee as a witness. For example, posting statements or expressions to a website that glorify or endorse dishonesty, unlawful discrimination or illegal behavior.
- (d) Speech or expression of any form that could reasonably be foreseen as having a negative impact on the safety of the employees of the correctional facility. For example, a statement on a blog that provides specific details as to how and when prisoner transportations are made could reasonably be foreseen as potentially jeopardizing employees by informing criminals of details that could facilitate an escape or attempted escape.
- (e) Speech or expression that is contrary to this office's Code of Ethics.
- (f) Use or disclosure, through whatever means, of any information, photograph, video or other recording obtained or accessible as a result of employment with the correctional facility for financial or personal gain, or any disclosure of such materials without the express authorization of the Sheriff or the authorized designee.



*Employee Speech, Expression and Social Networking*

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- (g) Posting, transmitting or disseminating any photographs, video or audio recordings, likenesses or images of office logos, emblems, uniforms, badges, patches, marked vehicles, equipment or other material that specifically identifies the Office on any personal or social networking or other website or web page, without the express authorization of the Sheriff.
- (h) Accessing websites for non-authorized purposes, or use of any personal communication device, game device or media device, whether personally or office-owned, for personal purposes while on-duty, except in the following circumstances:
  - 1. When brief personal communication may be warranted by the circumstances (e.g., inform family of extended hours).
  - 2. During authorized breaks such usage should be limited as much as practicable to areas out of sight and sound of the public and shall not be disruptive to the work environment.

Employees must take reasonable and prompt action to remove any content, including content posted by others, that is in violation of this policy from any web page or website maintained by the employee (e.g., social or personal website).

#### 220.4.1 UNAUTHORIZED ENDORSEMENTS AND ADVERTISEMENTS

While employees are not restricted from engaging in the following activities as private citizens or as authorized members of a recognized bargaining unit, employees may not represent the Office or identify themselves in any way that could be reasonably perceived as representing the Office in order to do any of the following, unless specifically authorized by the Sheriff (Government Code § 3206; Government Code § 3302):

- (a) Endorse, support, oppose or contradict any political campaign or initiative.
- (b) Endorse, support, oppose or contradict any social issue, cause or religion.
- (c) Endorse, support or oppose any product, service, company or other commercial entity.
- (d) Appear in any commercial, social or nonprofit publication or any motion picture, film, video, public broadcast or on any website.

Additionally, when it can reasonably be construed that an employee, acting in his/her individual capacity or through an outside group or organization (e.g., bargaining group), is affiliated with this office, the employee shall give a specific disclaiming statement that any such speech or expression is not representative of the Office.

Employees retain their right to vote as they choose, to support candidates of their choice and to express their opinions as private citizens, including as authorized members of a recognized bargaining unit, on political subjects and candidates at all times while off-duty. However, employees may not use their official authority or influence to interfere with or affect the result of an election or a nomination for office. Employees are also prohibited from directly or indirectly using their official authority to coerce, command or advise another employee to pay, lend or contribute

*Employee Speech, Expression and Social Networking*

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anything of value to a party, committee, organization, agency or person for political purposes (5 USC § 1502).

**220.5 PRIVACY EXPECTATION**

Employees forfeit any expectation of privacy with regard to anything published or maintained through file-sharing software or any Internet site open to public view (e.g., Facebook, MySpace).

The Office also reserves the right to access, audit and disclose for whatever reason all messages, including attachments, and any information transmitted over any technology that is issued or maintained by the Office, including the office e-mail system, computer network or any information placed into storage on any office system or device.

All messages, pictures and attachments transmitted, accessed or received over office networks are considered office records and, therefore, are the property of the Office. The Office reserves the right to access, audit and disclose for whatever reason all messages, including attachments, that have been transmitted, accessed or received through any office system or device, or any such information placed into any office storage area or device. This includes records of all key strokes or web-browsing history made at any office computer or over any office network. The fact that access to a database, service or website requires a user name or password will not create an expectation of privacy if it is accessed through office computers or networks.

**220.6 CONSIDERATIONS**

In determining whether to authorize any speech or conduct that is prohibited under this policy, the factors that the Sheriff or authorized designee should consider include:

- (a) Whether the speech or conduct would negatively affect the efficiency of delivering public services.
- (b) Whether the speech or conduct would be contrary to the good order of the Office or the efficiency or morale of its members.
- (c) Whether the speech or conduct would reflect unfavorably upon the Office.
- (d) Whether the speech or conduct would negatively affect the member's appearance of impartiality in the performance of his/her duties.
- (e) Whether similar speech or conduct has been previously authorized.
- (f) Whether the speech or conduct may be protected and outweighs any interest of the Office.

**220.7 TRAINING**

Subject to available resources, the Office should provide training regarding employee speech and the use of social networking to all members of the office.

## Information Technology Use

### **221.1 PURPOSE AND SCOPE**

The purpose of this policy is to provide guidelines for the proper use of office information technology resources, including computers, electronic devices, hardware, software and systems.

### **221.2 POLICY**

Santa Cruz County Sheriff's Office members shall review/understand the "County Worker Acceptable Use Policy" and agree to comply with its rules and requirements contained within.

## Portable Audio / Video Recorders

### 222.1 PURPOSE AND SCOPE

This policy provides guidelines for the use of portable audio/video recording devices by members of this department while in the performance of their duties. Portable audio/video recording devices include all recording systems whether body-worn, hand held or integrated into portable equipment.

This policy does not apply to mobile audio/video recordings, interviews or interrogations conducted at any Santa Cruz County Sheriff's Office facility, authorized undercover operations, wiretaps or eavesdropping (concealed listening devices).

### 222.2 POLICY

The Santa Cruz County Sheriffs Office may provide members with access to portable recorders, either audio or video or both, for use during the performance of their duties. The use of recorders is intended to enhance the mission of the office by accurately capturing contacts between members of the office and the public.

### 222.3 MEMBER PRIVACY EXPECTATION

All recordings made by members on any department-issued device at any time, and any recording made while acting in an official capacity for this department, regardless of ownership of the device it was made on, shall remain the property of the Department. Members shall have no expectation of privacy or ownership interest in the content of these recordings.

### 222.4 ACTIVATION OF THE PORTABLE RECORDER

This policy is not intended to describe every possible situation in which the portable recorder should be used, although there are many situations where its use is appropriate. Members should activate the recorder any time the member believes it would be appropriate or valuable to record an incident.

The portable recorder should be activated in any of the following situations:

- (a) All enforcement and investigative contacts including stops and field interview (FI) situations
- (b) Traffic stops including, but not limited to, traffic violations, stranded motorist assistance and all crime interdiction stops
- (c) Self-initiated activity in which a member would normally notify Netcom
- (d) Any other contact that becomes adversarial after the initial contact in a situation that would not otherwise require recording

Members should remain sensitive to the dignity of all individuals being recorded and exercise sound discretion to respect privacy by discontinuing recording whenever it reasonably appears to

## *Portable Audio / Video Recorders*

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the member that such privacy may outweigh any legitimate law enforcement interest in recording. Requests by members of the public to stop recording should be considered using this same criterion. Recording should resume when privacy is no longer at issue unless the circumstances no longer fit the criteria for recording.

At no time is a member expected to jeopardize his/her safety in order to activate a portable recorder or change the recording media. However, the recorder should be activated in situations described above as soon as reasonably practicable.

### **222.4.1 SURREPTITIOUS USE OF THE PORTABLE RECORDER**

Members of the Department may surreptitiously record any conversation during the course of a criminal investigation in which the member reasonably believes that such a recording will be lawful and beneficial to the investigation (Penal Code § 633).

Members shall not surreptitiously record another department member without a court order unless lawfully authorized by the Sheriff or the authorized designee

### **222.4.2 CESSATION OF RECORDING**

Once activated, the portable recorder should remain on continuously until the member reasonably believes that his/her direct participation in the incident is complete or the situation no longer fits the criteria for activation. Recording may be stopped during significant periods of inactivity such as report writing or other breaks from direct participation in the incident.

Members shall cease audio recording whenever necessary to ensure conversations are not recorded between a person in custody and the person's attorney, religious advisor or physician, unless there is explicit consent from all parties to the conversation (Penal Code § 636).

### **222.5 PROHIBITED USE OF PORTABLE RECORDERS**

Members are prohibited from using department-issued portable recorders and recording media for personal use and are prohibited from making personal copies of recordings created while on-duty or while acting in their official capacity.

Members are also prohibited from retaining recordings of activities or information obtained while on-duty, whether the recording was created with department-issued or personally owned recorders. Members shall not duplicate or distribute such recordings, except for authorized legitimate department business purposes. All such recordings shall be retained at the Department.

Members are prohibited from using personally owned recording devices while on-duty without the express consent of the Patrol Lieutenant. Any member who uses a personally owned recorder for

### *Portable Audio / Video Recorders*

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department-related activities shall comply with the provisions of this policy, including retention and release requirements, and should notify the on-duty supervisor of such use as soon as reasonably practicable.

Recordings shall not be used by any member for the purpose of embarrassment, harassment or ridicule.

#### **222.6 IDENTIFICATION AND PRESERVATION OF RECORDINGS**

To assist with identifying and preserving data and recordings, members should download, tag or mark these in accordance with procedure and document the existence of the recording in any related case report.

A member should transfer, tag or mark recordings when the member reasonably believes:

- (a) The recording contains evidence relevant to potential criminal, civil or administrative matters.
- (b) A complainant, victim or witness has requested non-disclosure.
- (c) A complainant, victim or witness has not requested non-disclosure but the disclosure of the recording may endanger the person.
- (d) Disclosure may be an unreasonable violation of someone's privacy.
- (e) Medical or mental health information is contained.
- (f) Disclosure may compromise an undercover officer or confidential informant.

Any time a member reasonably believes a recorded contact may be beneficial in a non-criminal matter (e.g., a hostile contact), the member should promptly notify a supervisor of the existence of the recording.

#### **222.7 REVIEW OF RECORDED MEDIA FILES**

When preparing written reports, members should review their recordings as a resource (see the Officer-Involved Shootings and Deaths Policy for guidance in those cases). However, members shall not retain personal copies of recordings. Members should not use the fact that a recording was made as a reason to write a less detailed report.

Supervisors are authorized to review relevant recordings any time they are investigating alleged misconduct or reports of meritorious conduct or whenever such recordings would be beneficial in reviewing the member's performance.

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Recorded files may also be reviewed:

- (a) Upon approval by a supervisor, by any member of the Department who is participating in an official investigation, such as a personnel complaint, administrative investigation or criminal investigation.
  
- (b) Pursuant to lawful process or by court personnel who are otherwise authorized to review evidence in a related case.
  
- (c) By media personnel with permission of the Sheriff or the authorized designee.
  
- (d) In compliance with a public records request, if permitted, and in accordance with the Records Maintenance and Release Policy.

All recordings should be reviewed by the Custodian of Records prior to public release (see the Records Maintenance and Release Policy). Recordings that unreasonably violate a person's privacy or sense of dignity should not be publicly released unless disclosure is required by law or order of the court.

**222.8 COORDINATOR**

The Sheriff or the authorized designee shall appoint a member of the Department to coordinate the use and maintenance of portable audio/video recording devices and the storage of recordings, including (Penal Code § 832.18):

- (a) Establishing a system for downloading, storing and security of recordings. (b) Designating persons responsible for downloading recorded data.
  
- (c) Establishing a maintenance system to ensure availability of operable portable audio/video recording devices.
  
- (d) Establishing a system for tagging and categorizing data according to the type of incident captured.
  
- (e) Establishing a system to prevent tampering, deleting and copying recordings and ensure chain of custody integrity.

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- (f) Working with counsel to ensure an appropriate retention schedule is being applied to recordings and associated documentation.
  
- (g) Maintaining logs of access and deletions of recordings.

**222.9 RETENTION OF RECORDINGS**

Recordings of the following should be retained for a minimum of two years (Penal Code § 832.18):

- (a) Incident involving use of force by a deputy
- (b) Officer-involved shootings
  
- (c) Incidents that lead to the detention or arrest of an individual
  
- (d) Recordings relevant to a formal or informal complaint against a deputy or the Santa Cruz County Sheriff's Office

Recordings containing evidence that may be relevant to a criminal prosecution should be retained for any additional period required by law for other evidence relevant to a criminal prosecution (Penal Code § 832.18).

All other recordings should be retained for a period consistent with the requirements of the organization's records retention schedule but in no event for a period less than 180 days.

Records or logs of access and deletion of recordings should be retained permanently (Penal Code § 832.18).

**222.9.1 RELEASE OF AUDIO AND VIDEO RECORDINGS**

Requests for the release of audio/video recordings shall be processed in accordance with the Records Maintenance and Release Policy.



## **Chapter 3 - Recruitment Selection and Planning**

## Employee Orientation

### 300.1 PURPOSE AND SCOPE

The purpose of this policy is to define the parameters for new employee orientation. The purpose of the orientation is to provide new employees with basic information about the facility and the environment in which they will be working. Orientation is not meant to supplant other basic training required by law, ordinance or regulations.

### 300.2 NEW EMPLOYEE ORIENTATION

Each new facility employee shall receive an orientation prior to assuming his/her duties. At a minimum, the orientation shall include:

- Working conditions
- Code of ethics
- Personnel policy manual
- Employee rights and responsibilities
- Overview of the criminal justice system
- Tour of the facility
- Facility goals and objectives
- Facility organization
- Staff rules and regulations
- Program overview

### 300.3 EMPLOYEE ACKNOWLEDGEMENTS

Office personnel assigned to provide the new employee orientation will ensure that each new employee is given copies of work rules and regulations, office ethics, and any other office documents, for which the employee will be held accountable.

A staff member will collect a signature page from the employee, acknowledging receipt, review and understanding of the documents. A copy of the signature page shall be retained in the employee's personnel file in accordance with established records retention schedules.

## Continuing Professional Education

### 301.1 PURPOSE AND SCOPE

This policy is designed to support the ongoing professional education of office personnel at all levels. Continuing professional education provides a broad view of the world and by extension enhances the understanding of the correctional mission as it applies to the Office and the community.

#### 301.1.1 PHILOSOPHY

The office seeks to encourage continuing education whenever practical. All continuing education programs will be within the framework of negotiated employee agreements and the availability of funds to provide ongoing efforts for self improvement. The Office encourages all personnel to participate in formal education on a continuing basis.

### 301.2 OBJECTIVES

Training involves activities whereby correctional officers, professional staff, support and contractor personnel learn and demonstrate an understanding of the specific job skills required for each position.

Individuals who engage in furthering their education in conjunction with skills-based training make for well-rounded employees who can better serve the mission of the office and the community.

Supervisors should accommodate, to the extent feasible and schedules permitting, requests by personnel for shift adjustments and available leave time to assist personnel with their continuing education efforts.

### 301.3 REQUIRED TRAINING

With the exception of the year that the staff member is enrolled in a core training module, all staff members shall complete the annual required training specified in Section 184 of Title 15 CCR (15 CCR 1025).

## Training for Managers and Supervisors

### 302.1 PURPOSE AND SCOPE

This policy establishes training requirements and guidelines for supervisory and management staff, and encourages all personnel to participate in basic and continuing professional training.

### 302.2 POLICY

It is the policy of this office to administer a training program that provides for the professional growth and continued development of its personnel in accordance with all laws, ordinances and regulations. All training is provided with the intent to improve the competency of staff within the confines of funding, the requirements of a given assignment, staffing levels and legal mandates (15 CCR 1021; 15 CCR 1023).

### 302.3 TRAINING OBJECTIVES

The objectives of the training program are to accomplish the following:

- (a) Improve the competency of staff at all levels.
- (b) Ensure that staff can carry out the mission of the office through a thoroughly demonstrated knowledge of office policies and procedures.
- (c) Increase the technical expertise and overall effectiveness of personnel.
- (d) Provide for continued professional development of office personnel.

### 302.4 TRAINING FOR NEW MANAGERS AND SUPERVISORS

All Chief Deputy and supervisors (full- or part-time) are required to have 80 hours of management and supervision training as specified by the Commission on Peace Officers and Standards and Training (POST) or the Standards and Training for Corrections Program (STC) within the first year of their appointment. Supervisors shall thereafter receive a minimum of 24 hours of refresher training annually related to facility management and supervision. Managers shall receive 40 hours of annual training (15 CCR 1021; 15 CCR 1023; 15 CCR 1025).

#### 302.4.1 SUPERVISORY TRAINING

All supervisory personnel shall have completed core training as specified in the Correctional Officer Training Program Policy in this manual, prior to assuming supervisory responsibilities (Title 15 CCR § 1021).

### 302.5 TRAINING RECORDS

The office shall use training courses certified by a competent government or standards-setting organization whenever practicable. All training should include testing to identify and document the employee's knowledge of the subject matter.

It shall be the responsibility of the Training Officer to ensure that the following is maintained on file for all training provided by the office:

*Training for Managers and Supervisors*

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- The course outline or lesson plan
- A roster signed and dated by those in attendance
- The name of the person coordinating the training

It shall be the responsibility of the involved employee to provide his/her immediate supervisor or the Training Officer with evidence of completed training or education in a timely manner. The Training Officer shall ensure that copies of such training records are placed in the employee's training file and retained in accordance with established records retention schedules.

## Jail Training Officer Program

### 303.1 PURPOSE AND SCOPE

The Correctional Facility Training Officer Program is intended to provide a standardized program to facilitate the correctional officer's transition from the academic setting to the actual performance of general corrections duties.

It is the policy of this office to assign all new correctional officers to a structured Correctional Facility Training Officer Program that is designed to prepare the new correctional officer to perform in a custody assignment, and to provide training on all skills needed to operate in a safe, productive and professional manner.

### 303.2 TRAINING OFFICER

The Training Officer (TO) is an experienced correctional officer trained in the art and science of supervising, training and evaluating entry-level corrections officers in the application of their previously acquired knowledge and skills.

#### 303.2.1 SELECTION PROCESS

Training officers will be selected based on certain requirements, including:

- (a) A desire to perform the training mission.
- (b) A minimum of one year as a corrections officer.
- (c) A demonstrated ability to be a positive role model.
- (d) Successfully passed an internal oral interview selection process.
- (e) Evaluation by supervisors and current TOs.
- (f) A certificate from the state's law enforcement certifying agency, where applicable.

#### 303.2.2 TRAINING

All TOs shall successfully complete a 40-hour course of instruction prior to being assigned a trainee.

All TOs must complete a 24-hour update course every three years while assigned to the position of TO.

### 303.3 TRAINING OFFICER RESPONSIBILITIES

- (a) TOs shall complete and submit a written evaluation on the performance of their assigned trainee to the TO's immediate supervisor on a daily basis.
- (b) TOs shall review the performance evaluations with the trainee each day.
- (c) An end-of-phase performance evaluation on the assigned trainee should be completed by the TO at the end of each phase of training.

*Jail Training Officer Program*

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- (d) TOs shall be responsible for signing off all completed topics contained in the Training Manual, noting the methods of learning and evaluating the performance of the assigned trainee.

**303.4 TRAINING OFFICER PROGRAM SUPERVISOR**

The supervisor will be selected from the rank of SCO or above by the Chief Deputy or the authorized designee and shall possess supervisory credentials from the state's law enforcement certifying agency, where applicable. The supervisor's responsibilities include the following:

- (a) Assignment of trainees to TOs.
- (b) Conduct TO meetings.
- (c) Maintain and ensure TO/trainee performance evaluations are completed in a timely manner.
- (d) Maintain, update and issue the training manual to each trainee.
- (e) Monitor individual TO performance.
- (f) Monitor the overall TO program.
- (g) Develop ongoing training for TOs.

## Selection Process

### 304.1 PURPOSE AND SCOPE

The employment policy of the Santa Cruz County Sheriff's Office shall provide equal opportunities for applicants and its employees regardless of race, sexual orientation, age, pregnancy, religion, creed, color, national origin, ancestry, physical or mental handicap, marital status, veteran status or sex, and shall not show partiality or grant any special favors to any applicant, employee or group of employees, in conformance with Title VII of the Civil Rights Act of 1964 and the guidelines issued by the Equal Employment Opportunity Commission. The rules governing employment practices for this office are maintained by the Personnel Department.

### 304.2 APPLICANT QUALIFICATIONS

In addition to being at least 18 years of age, applicants must be either a United States citizen or naturalized citizen prior to appointment and meet all standards that have been adopted for employment in a custody facility.

Applicants for job openings will be selected based on merit, ability, competence and experience. All correctional officer applicants must meet the minimum standards described in applicable laws, ordinances and regulations, in addition to the employment standards established by this office.

### 304.3 EMPLOYMENT STANDARDS

Employment standards shall be established for each job classification in order to define job responsibilities and requirements of a particular position, and shall include minimally, the equipment, tasks, abilities, knowledge and skills required to perform the duties of the job in a satisfactory manner. The Personnel Department maintains standards for all job classifications.

#### 304.3.1 CRIMINAL RECORD CHECK

Every person who may have inmate contact as a member or contractor shall, prior to service, undergo a thorough background investigation to verify his/her personal integrity and high ethical standards, and to identify any past behavior that may be indicative of the candidate's unsuitability to perform duties relevant to the operation of the Santa Cruz County Sheriff's Office.

The Office shall either conduct follow-up criminal background records checks at least once every five years on members or contractors who may have contact with inmates or have in place a system for otherwise capturing such information (28 CFR 115.17).

#### 304.3.2 OPERATION OF A MOTOR VEHICLE

If operating a vehicle is a requirement for the job classification, the following should apply:

- (a) The ability to possess a valid California driver's license prior to appointment.
- (b) The ability to drive safely.
- (c) The ability to control a motor vehicle at high speeds.



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- (d) The ability to operate a motor vehicle in all types of weather conditions.
- (e) Disqualifying factors include:
  - 1. Receipt of three or more moving violations (or any single violation of a potential life-threatening violation, such as reckless driving, speed contest, suspect of a pursuit, etc.) within three years prior to the date of application. Moving violations for which there is a factual finding of innocence shall not be included.
  - 2. Involvement as a driver in two or more chargeable (at fault) collisions within three years prior to the date of application.
  - 3. A conviction for driving under the influence of alcohol and/or drugs within three years prior to the date of application, or any two convictions for driving under the influence of alcohol and/or drugs.

### 304.3.3 INTEGRITY

The conduct and behavior of a corrections officer, both on- and off-duty, should be established and maintained at standards high enough to support public confidence in and respect for the office. Circumstances that may be disqualifying during a background investigation include:

- (a) Accepting a bribe, gratuity or a payoff in exchange for special consideration.
- (b) Failure to report unethical or illegal conduct on the part of other custody employees.
- (c) Failure to consistently demonstrate strong moral character and integrity in dealing with the public.
- (d) Failure to be honest in any instance involving work or when questioned about non-work issues.
- (e) Any forgery, alteration or intentional omission of material facts on an official employment application or other official office document, or sustained episodes of academic cheating.
- (f) A prior felony conviction.
- (g) Conviction of any criminal offense classified as a misdemeanor under state law within three years prior to the date of application.
- (h) Conviction of two or more misdemeanor offenses under state law as an adult.
- (i) Conviction of any offense classified as a misdemeanor under state law while employed as a peace officer (including military police officers).
- (j) Admission of having committed any act amounting to a felony under state law within three years prior to the date of application or while employed as a corrections officer or peace officer (including military police officers).

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- (k) Admission of administrative conviction of any act while employed as a corrections officer or peace officer (including military police officers) involving lying, falsification of any official report or document or theft.
- (l) Admission of any act of domestic violence as defined by law, committed as an adult.
- (m) Admission of any criminal acts committed against children, including, but not limited to, molesting or annoying children, child abduction, child abuse, lewd and lascivious acts with a child, indecent exposure, or acts of consensual unlawful intercourse between two minors where more than four years difference in age existed at the time of the acts.
- (n) Any history of actions resulting in civil lawsuits against the applicant or his/her employer may be disqualifying.

### 304.3.4 DEPENDABILITY

- (a) A record of being motivated to perform well.
- (b) A record of dependability and follow through on assignments.
- (c) A history of taking the extra effort required for complete accuracy in all details of work.
- (d) A willingness to work the hours needed to complete a job.
- (e) Disqualifying factors include:
  - 1. Missing any scheduled appointment during the process without prior permission.
  - 2. Having been disciplined by any employer (including military) as an adult for abuse of leave, gross insubordination, dereliction of duty or persistent failure to follow established policies and regulations.
  - 3. Having been involuntarily dismissed (for any reason other than layoff) from two or more employers as an adult.
  - 4. Having held more than seven paid positions with different employers within the past four years, or more than 15 paid positions with different employers in the past 10 years (excluding military). Students who attend school away from their permanent legal residence may be excused from this requirement.
  - 5. Having undergone personal bankruptcy more than once, having current financial obligations for which legal judgments have not been satisfied, currently having wages garnished, or any other history of financial instability.
  - 6. Resigning from any paid position without notice shall be disqualifying, except where the presence of a hostile work environment is alleged.
  - 7. Having any outstanding warrant of arrest at time of application.

### 304.3.5 LEARNING ABILITY

- (a) The ability to comprehend and retain information.

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- (b) The ability to recall information pertaining to laws, statutes and codes.
- (c) The ability to learn and to apply what is learned.
- (d) The ability to learn and apply the material, tactics and procedures that are required of a corrections officer.
- (e) Disqualifying factors include:
  - 1. Being under current academic dismissal from any college or university where such dismissal is still in effect and was initiated within the past two years prior to the date of application.
  - 2. Having been academically dismissed from any certified basic correctional officer or law enforcement academy, wherein no demonstrated effort has been made to improve in the deficient areas. Subsequent successful completion of another basic correctional officer or law enforcement academy shall rescind this requirement.

### 304.3.6 PERSONAL SENSITIVITY

- (a) The ability to resolve problems in a way that shows sensitivity for the feelings of others.
- (b) Empathy.
- (c) Discretion, not enforcing the law blindly.
- (d) Effectiveness in dealing with people without arousing antagonism.
- (e) The ability to understand the motives of people and how they will react and interact.
- (f) Disqualifying factors include:
  - 1. Having been disciplined by any employer (including the military and/or any correctional officer or law enforcement training facility) for acts constituting racial, ethnic or sexual harassment or discrimination.
  - 2. Uttering any epithet derogatory of another person's race, religion, gender, national origin or sexual orientation.
  - 3. Having been disciplined by any employer as an adult for fighting in the workplace.

### 304.3.7 JUDGMENT UNDER PRESSURE

- (a) The ability to apply common sense during pressure situations.
- (b) The ability to make sound decisions on the spot.
- (c) The ability to use good judgment in dealing with potentially explosive situations.
- (d) The ability to make effective, logical decisions under pressure.
- (e) The following shall be disqualifying:

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1. Admission of administrative conviction or criminal convictions for any act amounting to assault under color of authority or any other violation of federal or state civil rights laws.
2. Any admission of administrative conviction or criminal conviction for failure to properly report witnessed criminal conduct committed by another correctional officer or law enforcement officer.

### **304.3.8 ILLEGAL USE OR POSSESSION OF DRUGS**

Refer to Santa Cruz County Sheriff's Office Recruiting and Hiring Illegal Use and/or Possession of Drugs guidelines.

### **304.3.9 NOTICES**

Background investigators shall ensure that investigations are conducted and notices provided in accordance with the requirements of the Fair Credit Reporting Act (FCRA) (15 USC § 1681d; 16 CFR 640.1 et seq.).

## **304.4 DISQUALIFICATION GUIDELINES**

As a general rule, performance indicators, candidate information and records shall be evaluated by considering the candidate as a whole, and taking into consideration the following:

- Age at the time the behavior occurred
- Passage of time
- Patterns of past behavior
- Severity of behavior
- Probable consequences if past behavior is repeated or made public
- Likelihood of recurrence
- Relevance of past behavior to public safety employment
- Aggravating and mitigating factors
- Other relevant considerations

A candidate's qualifications will be assessed on a case-by-case basis, using a totality-of-the-circumstances framework.

No person shall be hired who has (28 CFR 115.17):

- (a) Engaged in sexual abuse in a prison, jail, lockup, community confinement facility, juvenile facility or other institution (as defined in 42 USC § 1997).
- (b) Been convicted of engaging or attempting to engage in sexual activity in the community facilitated by force, by overt or implied threats of force, or by coercion, or if the victim did not consent or was unable to consent or refuse.

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- (c) Been civilly or administratively adjudicated to have engaged in the activity described in paragraph (b) of this section.

The Office shall ask all candidates who may have contact with inmates to disclose any conduct described above in written applications or interviews. Material omissions regarding such misconduct, or the provision of materially false information, are grounds for termination.

## Chemical Agents

### 305.1 PURPOSE AND SCOPE

This policy establishes the required training for corrections officers to be authorized to carry and use chemical agents and identifies the appropriate medical treatment of individuals exposed to a chemical agent.

### 305.2 POLICY

The Office authorizes the use of selected chemical agents. Chemical agents are weapons used to minimize the potential for injury to corrections officers, inmates and others. Chemical agents should only be used in situations where such force reasonably appears justified and necessary.

### 305.3 CHEMICAL AGENT TRAINING

Only corrections officers trained and having shown adequate proficiency in the use of any chemical agent and the office's Use of Force Policy are authorized to carry and use a chemical agent.

- (a) All initial and proficiency training for chemical agents will be documented in the correctional officer's training file.
- (b) Corrections officers failing to demonstrate continuing proficiency with chemical agents or knowledge of the Use of Force Policy will lose their authorization to carry or use the chemical agent and will be provided remedial training. If, after two remedial training sessions, a corrections officer fails to demonstrate proficiency with chemical agents or knowledge of the Use of Force Policy, the correctional officer may be subject to discipline.
- (c) The Training Officer shall be responsible for ensuring that all personnel who are authorized to use chemical agents have also been trained in the proper medical treatment of persons who have been affected by the use of chemical agents. Training should include the initial treatment, (e.g., providing the proper solution to cleanse the affected area) and knowing when to summon medical personnel for more severe effects.

### 305.4 PROFICIENCY TESTING

The Training Officer shall ensure that all training delivered to staff should also test proficiency in order to document that the employee understands the subject matter, and that proficiency training is monitored and documented by a certified weapons or tactical instructor.

### 305.5 TRAINING RECORDS

It shall be the responsibility of the Training Officer to ensure that the following is maintained on file for all training provided by the Office:

- A course outline or lesson plan

## *Chemical Agents*

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- A roster signed and dated by those in attendance
- The name of the person coordinating the training

The Training Officer shall ensure that copies of such training records are placed in the employee's training file and retained in accordance with established records retention schedules.

### **305.6 REVIEW, INSPECTION AND APPROVAL**

Every chemical agent delivery device will be periodically inspected by the Rangemaster or the designated instructor for a particular device.

## Prison Rape Elimination Act Training

### 306.1 PURPOSE AND SCOPE

This policy establishes an education and training process related to implementation of the Prison Rape Elimination Act of 2003 (PREA) and the implementing regulation (PREA Rule) (28 CFR 115.5 et seq.).

### 306.2 POLICY

The Santa Cruz County Sheriff's Office endeavors to comply with the training standards in the PREA Rule and to ensure that all staff, volunteers and contractors are aware of their responsibilities and that staff, volunteers, contractors and inmates are aware of the policies and procedures of the facility as they relate to PREA.

### 306.3 MEMBER TRAINING

All staff, volunteers and contractors who may have contact with inmates shall receive office-approved training on the prevention and detection of sexual abuse and sexual harassment within this facility. The Training Officer shall ensure that the staff receives training and testing in prevention and intervention techniques, that they have sufficient knowledge to answer any questions the arrestees and inmates may have regarding sexual assault or abuse, and that they are familiar enough with the reporting process to take an initial report of a sexual assault or abuse. The Training Officer shall be responsible for developing and administering this training, covering at minimum (28 CFR 115.31; 28 CFR 115.32):

- (a) The zero-tolerance policy for sexual abuse and sexual harassment and how to report such incidents.
- (b) The dynamics of sexual abuse and sexual harassment in confinement.
- (c) The common reactions of sexual abuse and sexual harassment victims.
- (d) Prevention and intervention techniques to avoid sexual abuse and sexual harassment in the correctional facility.
- (e) Procedures for the investigation of a report of sexual abuse and/or sexual harassment.
- (f) Individual responsibilities under sexual abuse and sexual harassment prevention, detection, reporting and response policies and procedures.
- (g) An individual's right to be free from sexual abuse and sexual harassment.
- (h) The right of inmates to be free from retaliation for reporting sexual abuse and sexual harassment.
- (i) How to detect and respond to signs of threatened and actual sexual abuse.
- (j) How to communicate effectively and professionally with inmates, including lesbian, gay, bisexual, transgender, intersex or gender non-conforming inmates.



### *Prison Rape Elimination Act Training*

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- (k) How to comply with relevant laws related to mandatory reporting of sexual abuse and sexual harassment to outside authorities.
- (l) How to avoid inappropriate relationships with inmates.

Training shall be tailored according to the sex of the inmates at the facility. Staff should receive additional training on security measures and the separation of male and female populations in the same facility if inmates have been reassigned from a facility that houses only male or female inmates.

Training should include written testing to validate knowledge and understanding of the material. The Training Officer shall document, through signature or electronic verification, that staff, volunteers and contractors have received and understand the training. The Training Unit will maintain training records on all those receiving training in accordance with procedures developed by the Training Officer.

The Training Officer shall ensure that members undergo annual refresher training that covers the office's sexual abuse and sexual harassment policies and related procedures (28 CFR 115.31)

#### **306.4 SPECIALIZED MEDICAL TRAINING**

All full- and part-time qualified health care and mental health professionals who work regularly in the facility shall receive all of the member training listed above, as well as training that includes (28 CFR 115.35):

- (a) Detecting and assessing signs of sexual abuse and sexual harassment.
- (b) Preserving physical evidence of sexual abuse.
- (c) Responding effectively and professionally to victims of sexual abuse and sexual harassment.
- (d) Reporting allegations or suspicions of sexual abuse and sexual harassment.

If the qualified health care and mental health professionals employed by this facility conduct forensic examinations, they shall receive the appropriate training to conduct such examinations.

The Training Officer shall maintain documentation that the facility's health care and mental health professionals have received the training referenced above, either from this office or elsewhere.

#### **306.5 SPECIALIZED INVESTIGATIVE TRAINING**

Specialized investigative training for investigators shall include the uniform evidence protocol to maximize potential for obtaining useable physical evidence; techniques for interviewing sexual abuse victims; proper use of *Miranda* and *Garrity* warnings; sexual abuse evidence collection in confinement settings; and the criteria and evidence required to substantiate a case for administrative action or referral for prosecution (28 CFR 115.21; 28 CFR 115.34).

## Health Care Provider Orientation

### 307.1 PURPOSE AND SCOPE

The purpose of this policy is to establish an orientation period for all new health care staff working in the facility, in cooperation with the health authority. The goal is to improve the competency of the health care staff and the effectiveness of the care delivered, as well as to maintain the safety and security of the custody environment and to comply with all applicable laws, regulations and national health care standards observed by the Office.

### 307.2 NEW HEALTH CARE STAFF ORIENTATION

All new health care staff shall complete an orientation program before independently working in their assignments. At a minimum, the orientation program will cover the following:

- (a) The purpose, goals, policies and procedures for the Santa Cruz County Sheriff's Office
- (b) Security and contraband regulations
- (c) Access control to include use of keys
- (d) Appropriate conduct with inmates
- (e) Responsibilities and rights of facility employees and contractors
- (f) Universal and standard precautions
- (g) Occupational exposure
- (h) Personal protective equipment (PPE)
- (i) Biohazardous waste disposal
- (j) An overview of the correctional field as it relates to custody functions
- (k) Health care delivery protocols

### 307.3 HEALTH CARE STAFF REFRESHER TRAINING

All health care staff shall meet refresher-training requirements as established by the local public health entity or their minimum licensing requirements as established by the state licensing body.

### 307.4 FACILITY-SPECIFIC TRAINING

The Training Officer should include these staff members in training and training exercises relative to facility safety and security including, but not limited to, the following:

- Emergency medical triage in the facility
- Emergency evacuation routes and procedures
- Communication systems during facility emergencies
- Security during facility emergencies

### *Health Care Provider Orientation*

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- Qualified health care professional response during "officer down" incidents
- Responding to critical facility emergencies
- Facility hostage policy and medical response tactics
- Medical emergency transportation procedures
- Media relations

#### **307.5 TESTING**

All training delivered to qualified health care professionals should include a testing component to document that the employees understand the subject material.

#### **307.6 TRAINING RECORDS**

The Contract Medical Provider shall be responsible for developing and maintaining training records in accordance with established records retention schedules. The Contract Medical Provider shall also maintain a file of professional licensure and certifications for each member of the health care staff. The Training Coordinator shall have access to professional licensure and certification files.

## Briefing Training

### 308.1 PURPOSE AND SCOPE

Briefing training is generally conducted at the beginning of the correctional officer's assigned shift. Briefing training provides an opportunity for an important exchange of information between employees and supervisors.

### 308.2 POLICY

Briefing training covers a wide range of topics selected by the management/supervisory and training staff.

The supervisor conducting briefing training is responsible for the preparation of the materials necessary for constructive training. Supervisors may delegate this responsibility to a subordinate correctional officer in their absence or for training purposes. The briefing training will be based upon a structured program to provide topics related to, but not limited to, the following:

- Custody facility policies and procedures
- Office Special Orders not yet established into policy
- Reviewing recent incidents for training purposes
- In preparation or response to an unusual occurrence
- Statutory requirements or court orders
- Operation of new equipment, including computer software
- Notifying the staff of changes in schedules and assignments
- Any other topic as determined by the Sheriff or Chief Deputy

### 308.3 COMPUTER-BASED TRAINING OPTIONS

The Lexipol Daily Training Bulletins (DTBs) is a web-based system that provides training on the Santa Cruz County Sheriffs Office Custody Manual and other important topics. Generally, one training bulletin is available for each day of the month. However, the number of DTBs may be adjusted by the Training Officer.

Personnel assigned to participate in DTBs should only use the password and login name assigned to them by the Training Officer. Personnel should not share their password with others and should frequently change their password to protect the security of the system. After each session, employees should logoff the system to prevent unauthorized access. The content of the DTBs is copyrighted material and shall not be shared with others outside of the office.

Employees who are assigned to participate in the DTB program should complete each DTB at the beginning of their shift or as otherwise directed by their supervisor. Employees should not allow uncompleted DTBs to build up over time. Personnel may be required to complete DTBs missed during extended absences (e.g., vacation, medical leave) upon returning to duty. Although the

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DTB system can be accessed from any Internet-active computer, employees shall only take DTBs as part of their on-duty assignment as there will be no authorization for taking or viewing DTBs while off-duty.

Supervisors will be responsible for monitoring the progress of personnel under their command to ensure compliance with this policy.

**308.4 TRAINING RECORDS**

The Training Officer will assist the Sergeants with identifying relevant topics for delivery during briefing training and will be responsible for maintaining all briefing training records.

## Support Personnel Training

### **309.1 PURPOSE AND SCOPE**

The Office has developed a training program for professional support and contractor personnel, whether full- or part-time, to increase competency in their assigned tasks and to help ensure that all support personnel understand the issues that are unique to their position as it relates to this facility. This policy establishes minimum training guidelines for those employees and contractors.

### **309.2 TRAINING COORDINATOR RESPONSIBILITIES**

The Training Officer is responsible for coordinating training and will ensure that the training and orientation given to each general service or contract employee is properly documented and placed in the worker's training file. At a minimum the record should contain the name of the individual, the assignment, the date the orientation was presented, the orientation outline indicating the subject material and the name of the instructor. To the extent applicable, copies of tests and passing scores should also be included as a part of the record.

### **309.3 PART-TIME PERSONNEL**

General service personnel working part-time shall receive formal orientation and training commensurate with the scope of their work assignments, as determined by the Chief Deputy, before assignment to duties within the facility. At a minimum the orientation should cover institutional rules, security and operational issues. General service and contract personnel who fail to successfully complete all required training shall not be permitted to work in the secure portions of the facility.

### **309.4 PERSONNEL WITH MINIMAL INMATE CONTACT**

New professional support and contractor personnel who have minimal inmate contact will receive a minimum of 16 hours of training during the first year of employment.

Minimal inmate contact is defined as tasks that do not involve the supervision of inmates, inmate discipline or specific tasks that involve custody and control of inmates. Training topics shall include, but not be limited to:

- Custody policies and procedures
- Emergency response procedures
- Job specific training

### **309.5 PERSONNEL WITH REGULAR INMATE CONTACT**

All new professional and support employees, including contractors, who have regular or daily inmate contact, shall receive training prior to being independently assigned to a particular job function.

## *Support Personnel Training*

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Inmate contact is defined as tasks that involve the direct provision of services to inmates (e.g. custody assistants, vocational supervisors, teachers, food service, commissary, chaplain) but that do not involve the custodial supervision of inmates involving custody, discipline and control.

Training topics shall include, but not be limited to:

- Security procedures and regulations
- Planning
- Development and implementation of treatment and recreation programs
- Supervision of inmates
- Signs of suicide risk
- Suicide precautions
- Use of force regulations and tactics
- Report writing
- Inmate rules and regulations
- Key control
- Rights and responsibilities of inmates
- Safety procedures
- All emergency plans and procedures
- Interpersonal relations
- Social/cultural lifestyles of the inmate population
- Cultural diversity for understanding staff and inmates
- Communication skills
- Cardiopulmonary resuscitation (CPR/first aid)
- Universal precautions for the prevention of disease
- Counseling techniques
- Interaction of the elements of the criminal justice system
- Sexual harassment/sexual misconduct awareness

### **309.6 TESTING**

All training delivered to support personnel should include testing to document that the employee understands the subject material presented.

## Chapter 4 - Emergency Planning



## Facility Emergencies

### 400.1 PURPOSE AND SCOPE

The purpose of this policy is to establish a plan to appropriately respond to emergencies within the facility and to ensure all affected personnel receive timely training regarding emergency response. This policy is intended to protect the community, employees, visitors, inmates and all others who enter the correctional facility while allowing the facility to fulfill its primary purpose.

Facility emergencies related to fire will be addressed in the Fire Safety Policy.

### 400.2 POLICY

It is the policy of this office to have emergency response plans in place to quickly and effectively respond to and minimize the severity of any emergency within the facility.

### 400.3 PROCEDURE

The Chief Deputy should develop, publish and review emergency response plans that address the following (15 CCR 1029(a)):

- (a) Fires
- (b) Escapes
- (c) Disturbances/Riots
- (d) Taking of hostages
- (e) Civil disturbances
- (f) Natural disasters
- (g) Periodic testing of emergency equipment
- (h) Storage, issues, and use of weapons, ammunition, chemical agents, and related security devices
- (i) Other emergencies as needs are identified

The facility emergency response plans are intended to provide the staff with current methods, guidelines and training for minimizing the number and severity of emergency events that may threaten the security of the facility or compromise the safety of staff, inmates or the community.

The emergency response plans are intended to provide information on specific assignments and tasks for personnel. Where appropriate, the emergency response plans will include persons and emergency departments to be notified.

The emergency response plans should include procedures for continuing to house inmates in the facility; the identification of alternative facilities outside the boundaries of the disaster or threat and the potential capacity of those facilities; inmate transportation options; and contact information for allied agencies.

## *Facility Emergencies*

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The emergency response plans shall be made available to the staff, volunteers and contractors working in the facility as needed.

### **400.4 LOCKDOWN**

Upon detecting any significant incident that threatens the security of the facility, such as a riot or hostage situation, staff shall immediately notify Central Control and the Sergeant. The Sergeant, or in his/her absence Central Control, may determine whether to order a partial or full lockdown of the facility and shall notify the Chief Deputy as soon as practicable.

If a lockdown is ordered, all inmates will be directed back to their housing units/cells. All inmates in transit within the facility will either be escorted back to their housing units/cells or to another secure location (holding cell). The Sergeant should instruct any staff not directly involved in the lockdown to escort any visitors and non-essential contractors out of the facility.

A headcount shall be immediately conducted for all inmates, visitors, contractors and staff. The Sergeant shall be immediately notified of the status of the headcount. If any person is unaccounted for the Sergeant shall direct an immediate search of the facility and notify the Chief Deputy of the situation as soon as practicable.

Lockdown is not to be used as a form of punishment. It may only be used to ensure order.

### **400.5 HUNGER STRIKE**

Upon being made aware that one or more inmates is engaging in a hunger strike, the staff or housing SCO will start a "Meal Refusal Log" then notify the Sergeant, who will notify the Chief Deputy. The Chief Deputy should evaluate the basis for the strike and seek an appropriate resolution.

Should the Chief Deputy be unable to resolve the grievance leading to the strike, the Chief Deputy will notify the Sheriff and provide updates on the status of the hunger strike.

#### **400.5.1 NOTIFICATION OF QUALIFIED HEALTH CARE PROFESSIONALS**

The Chief Deputy or the authorized designee should notify the Responsible Physician to review, coordinate and document any medical actions taken, based upon protocols and/or at the direction of qualified health care professionals, in response to a hunger strike.

Qualified health care professionals should monitor the health of inmates involved in the hunger strike and make recommendations to the Chief Deputy or the supervisory staff responsible for oversight of the incident.

If an inmate is engaging in a hunger strike due to a mental condition, the appropriate medical protocols for mental illness will be followed.

#### **400.5.2 RESPONSE TO HUNGER STRIKES**

Beginning at the line staff level, a resolution to grievances should be sought at the lowest level. The Inmate Grievances Policy shall guide staff on resolving inmate grievances.

## *Facility Emergencies*

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If the hunger strike remains unresolved, the Chief Deputy may direct the appropriate staff to examine the inmate commissary purchases made in advance of the hunger strike, and to monitor commissary purchases made during the hunger strike. Additional staff should be directed to observe the cell area, including trash containers, of the inmates involved for evidence of food items purchased from the commissary and of food hoarding.

### **400.5.3 LEGAL GUIDANCE**

If all attempts to resolve the grievance are unsuccessful or not reasonably possible, the Sheriff should consider consulting with legal resources or the health authority as appropriate to develop other steps to resolve the issues.

## **400.6 RESPONSE TO DISTURBANCES**

The staff should attempt to minimize the disruption to normal facility operations caused by a disturbance by attempting to isolate the disturbance to the extent possible. The staff should immediately notify the Sergeant or the Chief Deputy of the incident. The Sergeant or Chief Deputy may direct additional staff as needed to resolve the disturbance (15 CCR 1029(7)(B)).

### **400.6.1 NOTIFICATIONS**

The Sergeant should notify the Chief Deputy of the disturbance as soon as practicable. Based on the seriousness of the event, the Chief Deputy should notify the Sheriff.

### **400.6.2 NOTIFICATION OF QUALIFIED HEALTH CARE PROFESSIONALS**

The Chief Deputy or the authorized designee should notify the appropriate qualified health care professionals in order to review, coordinate and document medical actions based upon protocols and/or at the direction of the Responsible Physician.

### **400.6.3 REPORTING**

The Sergeant or Chief Deputy should direct that an incident report to be completed containing the details of the disturbance no later than the end of the shift. If appropriate, a crime report shall be initiated and prosecution sought.

## **400.7 RIOTS**

Riots occur when an unruly inmate or inmates forcibly and/or violently take control or attempt to take control of any area within the confines of the correctional facility.

Staff should make reasonable attempts to prevent inmate-on-inmate violence but should take measures to avoid being engulfed in the problem, thereby exacerbating the situation.

### **400.7.1 RESPONSE TO RIOTS**

Once the area of the disturbance is secured and isolated from other areas of the facility, time is generally on the side of staff. If possible, the process of quelling the disturbance should slow down in order for staff to develop response plans, to ensure there are adequate facility personnel to effectively take the required actions, and that responding staff are appropriately equipped with protective gear.

## *Facility Emergencies*

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Staff should evaluate their response given the totality of circumstances in any situation, but generally should not enter the space where a riot is occurring until sufficient staff members are present to safely suppress the riot. Nothing in this policy shall prohibit any staff member from assisting staff members who are being assaulted.

All inmates who have participated in a riot shall be separated and secured as soon as practicable. If necessary, injured inmates shall receive a medical evaluation and treatment. If the injured inmate is medically cleared to remain in the correctional facility, he/she will be reclassified and moved to appropriate housing.

Other housing units must be secured, with sufficient staff remaining at their posts to continue to supervise the unaffected units. When the riot has been suppressed, all involved staff should return to their assigned posts as soon as possible.

### **400.7.2 QUALIFIED HEALTH CARE PROFESSIONALS RESPONSE**

A supervisor or the authorized designee should notify the appropriate qualified health care professionals and identify a staging area for medical emergency responders and for medical triage should it appear to be necessary.

The Responsible Physician or the authorized designee should be included in developing the response plan as it relates to the potential for a medical response, medical triage and treatment activities, and the safety and security of medical personnel during the incident.

### **400.7.3 NOTIFICATIONS**

As soon as practicable, the Sergeant or a responsible staff member shall notify the Chief Deputy, who in turn, shall notify the Sheriff.

### **400.7.4 REPORTING**

The Chief Deputy or Sergeant shall direct that a report be written detailing the incident by the end of the shift. If appropriate, a crime report will also be prepared by the responsible law enforcement agency.

### **400.7.5 DEBRIEFING**

All responding staff, including medical responders, shall be debriefed on the incident as soon as practicable after the conclusion of the emergency incident. The staff shall examine the incident from the perspective of what worked, what actions were less than optimal and how the response to a future incident might be improved.

If appropriate, the details of the incident will be used to develop a training course for responding to facility disturbances. The goal of any debriefing process is continuous improvement. The debriefing should be focused on the incident and an improved response. A moderator should be used to ensure that no individual or group involved in the response is publicly ridiculed.

## **400.8 HOSTAGES**

The office does not recognize the taking of hostages as a reason to relinquish control of the correctional facility environment. All staff, inmates, visitors, volunteers and contractors shall be

## *Facility Emergencies*

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informed of the "no hostage" policy prior to entering the facility for the first time and shall sign an acknowledgment, which the facility shall retain.

It is the policy of the Santa Cruz County Sheriffs Office to use all available resources necessary to bring about a successful end to a hostage situation (Title 15 CCR § 1029(7)(B)).

### **400.8.1 RESPONSE TO HOSTAGE INCIDENT**

Central Control should immediately be notified at the earliest sign of a hostage incident. Central Control shall notify the Sergeant and Chief Deputy. The Chief Deputy will notify the Sheriff as soon as practicable.

The Sergeant or Chief Deputy shall make every effort to ensure that the hostage incident remains confined to the smallest area possible. All door controls accessible to the inmate shall be disabled. Emergency exits that lead outside the secure perimeter shall be guarded.

### **400.8.2 NOTIFICATION OF QUALIFIED HEALTH CARE PROFESSIONALS**

At the direction of the Sergeant or the authorized designee, the qualified health care professionals should be notified in order to identify a location and form a logistical plan for medical triage. The location also shall serve as a medical staging area for other medical emergency responders.

### **400.8.3 HOSTAGE RESCUE**

Communications with the hostage-taker should be established as soon as practicable. Hostage-taker demands for the staff to open doors will not be met. A hostage rescue team should be immediately summoned and the established protocols for resolving the situation shall be implemented. The Chief Deputy and Sheriff should be consulted regarding decisions faced by the hostage rescue team.

### **400.8.4 REPORTING AND DEBRIEFING**

Following the conclusion of a hostage incident, the Chief Deputy should direct that an incident report be completed by the end of the shift. All aspects of the incident should be reviewed, focusing on the incident and the outcome, with the intent of using the incident as an opportunity for continuous improvement and to identify additional training or systemic changes that may be required.

## **400.9 ESCAPES**

Upon being made aware that an escape may have occurred, or did in fact occur, the staff member should immediately notify Central Control. Central Control should notify the Sergeant or Chief Deputy. As soon as practicable, the Chief Deputy should notify the Sheriff.

Once the escape is verified and immediate actions taken inside the facility (lockdown, etc.), the Sergeant should notify all local law enforcement agencies.

### **400.9.1 INMATE COUNTS**

## *Facility Emergencies*

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As soon as the facility is fully locked down, a full inmate/bunk side count should be taken.

All inmates who are outside of the secure perimeter of the facility (e.g., court, work details) should be located and identified. Any missing inmate should have his/her identity disclosed and his/her facility record should be accessed by the Chief Deputy (15 CCR 1029(6)).

### **400.9.2 SEARCH**

Concurrent with the lockdown, the area surrounding the facility should be searched for the escapee. Areas where an inmate may be hiding or may have discarded correctional facility clothing should be searched first. Any witnesses should be interviewed.

Classification officers or supervision staff (after hours), will develop a flyer with the inmate's name, description, the inmate's latest picture, classification status and charges, and supply it to the custody staff and local law enforcement. Local law enforcement should also be given the inmate's last known address and a list of his/her associates.

### **400.9.3 REPORTING**

The Sergeant or a designated staff member should submit an incident report to the Chief Deputy. A crime report should also be written regarding the escape. The incident report should focus on events and physical plant weaknesses that contributed to the escape. The Chief Deputy should review the reports, interview involved parties and develop action plans to minimize the risk of future occurrences.

## **400.10 CIVIL DISTURBANCES OUTSIDE OF THE JAIL**

Upon being notified that jail space will be needed in response to a civil disturbance involving mass arrests, the Sergeant should notify the Chief Deputy. The Chief Deputy should make the determination regarding the magnitude of the event and whether it warrants notification of the Sheriff.

The size of the event may also require a lockdown, suspension of any programs that are not critical to correctional facility operations, and/or implementation of alternate staffing plans. To accommodate the influx of inmates, the Sergeant shall develop a housing plan that will not adversely affect the safety and security of the facility. Program spaces, such as exercise yards, classrooms and dayrooms, may be used to temporarily house a limited number of additional inmates.

In the event that the correctional facility can no longer accept additional inmates without compromising the safety and security of the facility, mutual aid may be requested from allied counties. Title 15 CCR standards may be temporarily suspended. The Chief Deputy shall notify the California Board of State and Community Corrections (BSCC) in writing in the event that such a suspension lasts longer than three days. Suspensions lasting for more than 15 days require approval of the chairperson of the BSCC (15 CCR 1012).

## *Facility Emergencies*

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### **400.11 REVIEW OF EMERGENCY PROCEDURES**

The Chief Deputy shall ensure that there is a review of emergency response plans at least annually. This review should be documented with reports submitted to the Chief Deputy or the authorized designee within 10 days of the review for approval. This review should also include the signatures or initials of the facility staff responsible for the review. At a minimum, the review shall include:

- (a) Assignments of persons to specific tasks in emergency situations.
- (b) Instructions in the use of the alarm systems and signals.
- (c) Systems for the notification of appropriate persons outside of the facility.
- (d) Information on the location and use of emergency equipment in the facility.
- (e) Specification of evacuation routes and procedures.

### **400.12 TRAINING**

The staff shall be trained annually on this policy. This facility will provide emergency preparedness training as part of orientation training for all personnel assigned to the facility and for those who may be required to respond to the facility in an emergency. The staff shall also receive refresher training at least annually in the emergency response plans. The Training Officer is responsible for developing and delivering appropriate initial training and annual refresher training.

Emergency planning training should occur in the form of classroom instruction (or roll call training), mock practical exercises and drills. Each type of emergency covered in the emergency response plan must be included in the training.

A lesson plan, staff training sign-up sheet with the dates and the times training should be provided, and proof of competency (testing) for each participant should be maintained by the Training Officer.

The Training Officer shall forward an annual report to the Sheriff and Chief Deputy on the status of emergency response plan training. Any training deficiencies identified in this report should be rectified within 90 days of the report.

The facility emergency plans and all training shall be documented by the Training Officer and retained in accordance with established records retention schedules.

## Emergency Staffing

### 401.1 PURPOSE AND SCOPE

The facility must operate at all times as a safe and secure environment, regardless of staffing levels. Consequently, contingency plans must be made in advance for any staffing emergency or planned job action, regardless of the length of the staffing deficit.

The purpose of this policy is to establish roles and responsibilities for creating and implementing emergency staffing plans, providing appropriate emergency staffing training to supervisory and management personnel, and identifying an update schedule and distribution list for the plan, as identified by the Sheriff or the authorized designee.

### 401.2 POLICY

It is the policy of this office to be prepared to operate a safe and secure facility in the event of a work staffing emergency. Staffing emergencies that could negatively affect the good order of the facility may include, but are not limited to, an outbreak of infectious disease, a work stoppage or strike by the staff, a natural disaster or other disruption. The Sheriff or the authorized designee shall be responsible for ensuring that an appropriate emergency staffing plan exists.

#### 401.2.1 EMERGENCY STAFFING

In the event the Chief Deputy becomes aware that a staffing emergency exists or may occur, staff members who are present may be ordered to remain at their posts. The Chief Deputy will notify the Sheriff. Plans should include measures to achieve minimum staffing for the facility within four hours of a staffing emergency and may include the following operational adjustments:

- The facility may go to a lockdown. Minimum activities, including visiting, exercise and other programs will be suspended only if necessary. Meals, cleaning, medical services, court transportation and attorney visits will continue. Other activities will be assessed by the Chief Deputy on a case-by-case basis.
- Supervisory and management personnel may have time-off cancelled or rescheduled for the duration of the staffing emergency.
- Staff from other areas of the office who have custody experience may be used to fill vacancies in the facility.
- Assistance from allied agencies may be requested to help management and supervisors in safely staffing the facility.
- Contracting with surrounding facilities may be necessary if adequate staffing cannot be obtained to safely operate the facility.
- In the event of a health-related staffing emergency, the office Exposure Control Officer and medical staff shall be notified in accordance with the Communicable Diseases Policy.



## *Emergency Staffing*

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### 401.2.2 LEGAL ASSISTANCE

In cases where the Chief Deputy becomes aware that a work stoppage is planned or has occurred, legal counsel should be consulted for assistance in preparing the necessary legal action to either prevent the work stoppage or to cause it to cease. Immediate contact with the employees' representatives may also be necessary to prevent or conclude the job action.

### 401.2.3 TRAINING

The Chief Deputy or the authorized designee should be responsible for:

- (a) Establishing a distribution list for the contingency plan.
- (b) Establishing a periodic review and update of the plan.
- (c) Ensuring that all supervisors and managers are periodically trained on the plan.
- (d) Ensuring that all supervisors and managers are provided a copy of the plan and/or a means to access it in the event of an emergency.
- (e) Documenting all training.
- (f) Maintaining training records for each supervisor and manager and ensuring that those personnel periodically receive appropriate update training on the plan.

## Fire Safety

### 402.1 PURPOSE AND SCOPE

The threat of fire and toxic smoke in the facility represents a significant risk to the safety and security of the community, the staff, inmates, volunteers, contractors and visitors. The purpose of this policy is to clearly identify and conform to applicable federal, state and/or local fire safety codes, and to establish a process of creating, disseminating and training all individuals in the facility on the emergency plans for fire safety and evacuation.

### 402.2 POLICY

It is the policy of this office that fire prevention strategies are a high priority.

The Chief Deputy shall ensure that a fire alarm and automatic detection system are installed, maintained and periodically tested. Any variance, exception or equivalency issues must be approved by the fire jurisdiction authorities, and must not constitute a serious life-safety threat to the occupants of the facility (15 CCR 1029(7)(A); 15 CCR 1032 et seq.).

#### 402.2.1 FIRE CODES

The office shall conform to all federal, state and local fire safety codes.

#### 402.2.2 FIRE PREVENTION RESPONSIBILITY

All staff, volunteers and contractors who work in the facility are responsible for the prevention of fires. They should be trained and given the tools to carry out the tasks necessary to reduce the risk of fire.

### 402.3 FIRE SUPPRESSION PRE-PLANNING

Pursuant to Penal Code § 6031.1(b), the Chief Deputy shall, in cooperation with the local fire department or other qualified entity, develop a plan for responding to a fire. The plan shall include, but not be limited to (15 CCR 1032):

- (a) A fire suppression pre-plan developed with the local fire department, to be included as part of this policy.
- (b) Fire prevention, safety inspection plans and record retention schedules developed by designated staff or as required by applicable law.
- (c) Fire prevention inspections as required by Health and Safety Code § 13146.1(a) and (b), which requires inspections at least once every two years.
- (d) Documentation of all fire prevention inspections, all orders to correct and all proofs of correction should be maintained for a minimum of two years or as otherwise required by law.
- (e) An evacuation plan (see the Evacuation Plan Policy).
- (f) A plan for the emergency housing of inmates in case of fire.

## *Fire Safety*

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- (g) The cross-training of responders and facility staff via drills should occur at least quarterly if practicable.

### **402.4 FIRE PREVENTION EQUIPMENT**

All required fire alarms, sprinklers and detection devices shall be present and in good working order at all times.

Should such a device become inoperative, the Chief Deputy or the authorized designee shall be responsible for ensuring that emergency repairs are undertaken as soon as possible and that staff is provided with an alternative emergency fire safety and evacuation plan.

Any time any fire prevention system is inoperative and poses a serious life-safety risk, that portion of the facility shall not be inhabited by inmates or staff.

### **402.5 FIREFIGHTING EQUIPMENT**

The Chief Deputy shall ensure that the facility is equipped with the necessary firefighting equipment (e.g. fire hoses, extinguishers) in an amount and in a location as recommended by the local fire authority or other qualified entity. The locations of firefighting equipment will be shown on the facility fire plan (schematic).

While the staff is not trained as fully qualified firefighters, the Chief Deputy or the authorized designee will ensure that the staff is trained to initially respond to a fire with the purpose of facilitating the safety of the occupants, including evacuation, if necessary.

### **402.6 INSPECTIONS**

The facility shall be inspected by an appointed staff member, who is qualified to perform fire and safety inspections on a monthly basis to ensure that fire safety standards are maintained. These inspections will be focused on, but not limited to, fire prevention, staff training and proficiency, firefighting equipment availability and functionality, alarms, fire detectors, fire safety equipment, and staff familiarity with prevention and suppression techniques, suppression pre-planning, SCBA use, emergency response, fire safety equipment use and the evacuation plan.

The Chief Deputy or the authorized designee shall ensure that staff conduct weekly fire and safety inspections of the facility and that all fire safety equipment is tested at least quarterly (15 CCR 1029(7)(E)).

A staff member shall be assigned to coordinate with local or state fire officials for the inspections as required once every two years, pursuant to Health and Safety Code § 13146.1(a); Health and Safety Code § 13146.1 (b). The result of all fire inspections and fire equipment testing shall be provided to the Chief Deputy and the Sheriff, and the records maintained for at least two years (15 CCR 1032(b)).

## *Fire Safety*

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### **402.6.1 FURNISHINGS**

All furnishings allowed in the facility shall meet fire authority standards for fire performance characteristics. Prior to the introduction of any furnishing into the facility, the staff shall receive clearance from the local fire authority as to its appropriateness.

### **402.6.2 FLAMMABLE, TOXIC AND CAUSTIC MATERIALS**

The Chief Deputy, in collaboration with the local environmental health expert, will review the type of materials introduced into the facility to ensure that they are controlled and used safely. All such materials will be safely stored and only used by inmates under the direction of the staff.

### **402.7 EMERGENCY HOUSING OF INMATES**

The Chief Deputy or the authorized designee shall develop a plan for the emergency housing of inmates in the event of a fire (15 CCR 1032(e)). The plan should include procedures for continuing to house inmates in the facility, identification of alternate facilities and the potential capacity of those facilities, inmate transportation options, and contact information for allied agencies. This plan shall be reviewed annually and revised if necessary.

## Emergency Power and Communications

### 403.1 PURPOSE AND SCOPE

The Santa Cruz County Sheriff's Office facility must continue to operate as a safe and secure environment regardless of emergencies, including electrical outages. The purpose of this policy is to establish guidelines regarding back-up power and communication systems, and the inspection, preventive maintenance and testing of the systems to ensure a seamless transition in the event of a loss of power.

### 403.2 POLICY

It is the policy of this office to ensure that power to critical systems and communications continues to operate within the facility in the event of a loss of power.

#### 403.2.1 PREVENTIVE MAINTENANCE

It is the responsibility of the Sheriff and Chief Deputy to ensure that there is sufficient emergency power to operate all essential lighting, security equipment, safety equipment and communications systems. The emergency power system should have sufficient fuel to allow the facility to operate continuously for a three-day period, if necessary, without external resources.

The emergency power system should be inspected, tested and maintained as necessary. In the event that the system fails, the Chief Deputy or Sergeant should contact the designated maintenance authority or repair company to obtain necessary repairs as soon as practicable. If the emergency power system cannot be repaired within eight hours, portable emergency generators should be secured as a temporary emergency power source until the repair or replacement of the primary system occurs.

#### 403.2.2 SAFETY AND SECURITY

All safety and security equipment will be repaired or replaced in an expedited manner by qualified personnel. In the event that safety and security equipment become inoperable or damaged and it is not safe to operate a secure portion of the facility, that portion of the facility should be vacated and the inmates housed elsewhere. Or, staffing should be increased sufficiently for the area to remain safe and secure until the repair can be completed.

#### 403.2.3 INSPECTION AND TESTING

The Chief Deputy or the authorized designee is responsible for scheduled testing of emergency power systems (15 CCR 1029). The power system manufacturer should be contacted for the required testing intervals and load information. The emergency power system should be load-tested in accordance with the manufacturer's recommendations or at least quarterly.

All emergency equipment and systems should be inspected and tested by a qualified individual at least quarterly.

Power generators should be inspected and tested by a qualified individual at least weekly.

*Emergency Power and Communications*

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All testing and inspections shall be documented and the results included in a report to the Chief Deputy.

## Evacuation Plan

### 404.1 PURPOSE AND SCOPE

The purpose of this policy is to promote planning and to establish procedures, responsibilities and training requirements for the staff of the Santa Cruz County Sheriff's Office Correctional Facility in case of fire and other emergency evacuations.

### 404.2 POLICY

The community, staff, volunteers, contractors and inmates should have a well-researched and validated evacuation plan that can be implemented in the event any portion of the facility requires evacuating due to an emergency (e.g. fire, smoke, flood and storm) (15 CCR 1032(d)). All custody staff should be knowledgeable about the evacuation plan, policy and procedures.

### 404.3 EVACUATION PLAN

The Santa Cruz County Sheriff's Office maintains an evacuation plan to be implemented in the event of a fire, natural disaster or other emergency (15 CCR 1032(d)). At minimum the evacuation plan shall address the following:

- Location of facility floor plans and building plans
- Procedures on how inmates are to be released from locked areas
- Relocation areas to be used for housing inmates in the event of a full or partial evacuation
- Notifications
- Training and drill requirements for staff
- Reporting requirements

The Chief Deputy shall ensure that the evacuation plan is maintained and updated as needed and is reviewed for accuracy at least annually by a qualified independent inspector and in coordination with the local fire authority.

A current copy of the evacuation plan shall be maintained in the Administration office and in the command area of each annex facility.

#### 404.3.1 EXITS

All exits in a facility should be distinctly and permanently marked. Exit signs and directional arrows for traffic flow will be clearly visible and maintained in all public areas of the facility.

Except for temporary reasons, such as maintenance or repairs, all exits to the facility shall remain free from obstacles at all times regardless of the frequency of use. It is the duty of all staff to remove any obstructions that block, either partially or completely, staff's ability to observe or use any exit.

## *Evacuation Plan*

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All housing areas and places of assembly that are designed for occupancy of 50 individuals or more shall have two available exits.

### **404.3.2 EVACUATION PLANS AND ROUTES**

Plans for evacuation routes will be posted in all public areas of the facility. All custody staff will be familiar with evacuation routes for inmates.

### **404.3.3 EMERGENCY HOUSING OF INMATES**

The Chief Deputy or the authorized designee shall develop a plan on the emergency housing of inmates in the event of a full or partial evacuation of the facility. The plan will address when inmates should be housed in place, identification of alternate facilities and the potential capacity of those facilities, inmate transportation options, and contact information for allied agencies. This plan shall be reviewed at least annually and revised if necessary.

### **404.4 TRAINING DRILLS**

The Chief Deputy should ensure that drills of the evacuation plan are conducted at least annually on each shift and for all facility locations. Drills will include staff and volunteers. The local fire agency may be invited to participate in one or more drills annually. Nonviolent and compliant inmates may participate. Violent and/or dangerous inmates or those known to be a flight risk will not be involved in the drills.

Drills should be designed to ensure that all staff members are proficient in their duties during each type of evacuation. Each drill should be documented as to its scope and participants. Upon completion of the drill, each staff member will be required to complete a test to document knowledge and to show proficiency.



## **Chapter 5 - Inmate Management**

# Population Management System

## 500.1 PURPOSE AND SCOPE

The purpose of this policy is to establish a system of inmate population accounting that promotes the safety and security of the facility on a daily operational basis. It assembles data that enables the office to forecast staffing and facility growth needs into the future, and to plan for the associated expenditures.

## 500.2 POLICY

It is the policy of this facility that an inmate population management system should be established and maintained to account for the admission, processing and release of inmates. The Chief Deputy or the authorized designee is responsible for ensuring that detailed daily reports of the facility's inmate population are completed and maintained by the staff. The reports shall reflect the average daily population of sentenced and non-sentenced inmates by categories of adult male, adult female and juvenile male and juvenile female. The Chief Deputy should collect and submit the data to the Sheriff in a monthly report within 10 working days of the end of each month. The Sheriff or the authorized designee should maintain the data in an accessible format for historical purposes, trend analysis and to respond to funding opportunities (15 CCR 1040).

### 500.2.1 DATA COLLECTION

For each reporting period, the report should include, but will not be limited to:

- (a) Current number of beds in:
  - 1. Compliance with local or state standards
  - 2. General housing
  - 3. Medical/mental health
- (b) Average Daily Population (ADP) for:
  - 1. Minimum security
  - 2. Maximum security
  - 3. High security
  - 4. Administrative segregation
- (c) Highest one-day inmate population
- (d) Number and/or percentage of:
  - 1. Bookings
  - 2. Male inmates
  - 3. Female inmates

*Population Management System*

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4. Non-sentenced inmates
  5. Felony inmates
  6. Pretrial inmates released
  7. Sentenced inmates released early due to lack of space
  8. Inmates receiving psychotropic medication
- (e) Number of inmates:
1. Enrolled in work release program
  2. Enrolled in work furlough program
  3. Assigned to home electronic monitoring program
- (f) Number of:
1. Inmate-on-inmate assaults
  2. Inmate-on-staff assaults
  3. Escapes/attempted escapes
  4. Active misdemeanor warrants
  5. Active felony warrants
  6. Inmate grievances and dispositions
  7. Inmate disciplinary reports and dispositions
- (g) Any other demographic information (e.g., gang activity)

The Chief Deputy or the authorized designee is responsible for ensuring that all required information is supplied to the Board of State and Community Corrections as required (15 CCR 1040).

## Inmate Counts

### 501.1 PURPOSE AND SCOPE

Inmate counts are vital to the security of the facility, the safety of the staff and the welfare of the inmates. This policy establishes guidelines for the frequency of inmate counts, which ensures that all inmates and their status can be accounted for at any time.

### 501.2 POLICY

It is the policy of this office to account for all inmates within and under the control of this facility through scheduled and other counts as needed (15 CCR 1029(6)).

### 501.3 PROCEDURE

The Chief Deputy or the authorized designee shall be responsible for creating and maintaining a written procedure establishing the process and frequency of counts. Inmate counts shall be conducted at least once every eight hours. Emergency counts may be conducted at the direction of the Sergeant as needed. Electronic counts shall not be substituted for direct staff observation.

All counts shall be documented on the daily activity log and verified by the Sergeant. Counts shall include all inmates in custody, including those at the hospital or court.

Any discrepancy in the count should immediately be reported to the Chief Deputy and resolved prior to the release of the shift personnel responsible for the count. A formal count in which all inmates are personally identified by a corrections officer should be conducted once a day at a time established by the Chief Deputy. The result of the formal count will be used to calculate the average daily population statistics for the facility.

In the event that an escape is discovered during the inmate count, the Sergeant will initiate action to investigate the escape by promptly notifying law enforcement agencies and the Chief Deputy, initiating a search, and complying with other procedures as needed in accordance with the Facility Emergencies Policy.

A complete report of the incident will be prepared and provided to the Chief Deputy and Sheriff as soon as practicable.

## Inmate Reception

### 502.1 PURPOSE AND SCOPE

The Santa Cruz County Sheriff's Office has a legal and methodical process for the reception of arrestees into this facility. This policy establishes guidelines for security needs, the classification process, identification of medical/mental health issues and the seizure and storage of personal property.

### 502.2 POLICY

This office shall use the following standardized policies when receiving arrestees to be booked into this facility. This is to ensure security within the facility and that arrestees are properly booked and afforded their applicable rights.

### 502.3 PRE-BOOKING SCREENING

All arrestees shall be screened prior to booking to ensure the arrestee is medically acceptable for admission and that all arrest or commitment paperwork is present to qualify the arrestee for booking. Required paperwork may include the following:

- (a) Arrest reports
- (b) Probable cause declarations
- (c) Warrants or court orders
- (d) Victim notification information
- (e) Special needs related to religious practices, such as diet, clothing and appearance (see the Religious Programs Policy)
- (f) Accommodation requests related to disabilities (see the Inmates with Disabilities Policy)
- (g) Information regarding suicidal statements or actions

Any discrepancies or missing paperwork should be resolved before accepting the arrestee for booking from the arresting or transporting correctional officer.

Prior to accepting custody of an arrestee who claims to have been arrested due to a mistake of the arrestee's true identity or an arrestee who claims that identity theft led to the issuance of a warrant in the arrestee's name, staff shall make reasonable efforts to investigate the arrestee's claim of identity fraud or mistake. Staff shall notify a supervisor when an arrestee makes a claim of mistaken identity or identity fraud.

#### 502.3.1 IMMIGRATION DETAINERS

No individual should be held based solely on a federal immigration detainer under 8 CFR 287.7 unless the person has been charged with a federal crime or the detainer is accompanied by a warrant signed by a Judicial Magistrate.

## *Inmate Reception*

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### **502.3.2 NOTICE TO INDIVIDUALS**

Individuals shall be given a copy of documentation received from Immigration and Customs Enforcement (ICE) regarding a hold, notification or transfer request and whether the Office intends to comply with the request (Government Code § 7283.1). Pursuant to Penal Code section 7285.5(a), the Sheriff's Office is not authorized to:

- Hold a person beyond their scheduled release date.
- Provide release dates of persons in custody.
- Allow inmate interviews
- Allow for the transfer of an inmate in our custody.

### **502.4 SEARCHES BEFORE ADMISSION**

All arrestees and their property shall be searched for contraband by the booking correctional officer before being accepted for booking. All contraband items will be handled according to facility policy. Items of possible evidentiary value may be turned over to the arresting or transporting correctional officer for processing or processed according to the facility's rules for handling evidence. Approved personal property and clothing will be accepted. Items not approved will be returned to the arresting or transporting correctional officer prior to the arrestee being accepted for booking. A description of the items returned to the arresting or transporting correctional officer should be documented on the arrestee's booking record.

Strip searches shall be conducted in accordance with the Searches Policy.

### **502.5 TRANSITION FROM RECEPTION TO GENERAL POPULATION**

The Sergeant is responsible to ensure only arrestees who qualify are placed into general population cells or housing. Those who will not be placed into general population include:

- (a) Arrestees who are eligible for release following citation.
- (b) Arrestees who are intoxicated or under the influence of any chemical substance.
- (c) Arrestees who are arranging bail. They shall be permitted a reasonable period of time, at the discretion of the supervisor to make telephone calls before being placed in general population.

#### **502.5.1 MONITORING FOR SIGNS OF INTOXICATION AND WITHDRAWAL**

Withdrawal from alcohol or drugs can become a life-threatening condition requiring professional medical intervention. It is the policy of this office to provide proper medical care to inmates who suffer from drug or alcohol overdose or withdrawal.

Staff shall respond promptly to medical symptoms presented by inmates to lessen the risk of a life-threatening medical emergency and to promote the safety and security of all persons in the facility.

## *Inmate Reception*

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Custody staff should remain alert to signs of drug and alcohol overdose and withdrawal, which include, but are not limited to, sweating, nausea, abdominal cramps, anxiety, agitation, tremors, hallucinations, rapid breathing and generalized aches and pains. Any staff member who suspects that an inmate may be suffering from overdose or experiencing withdrawal symptoms shall promptly notify the supervisor, who shall ensure that the appropriate medical staff is notified.

### **502.5.2 INMATE SEPARATION**

Inmates should be separated from the general population during the admission process. Newly admitted inmates should be separated according to the facility's classification plan.

### **502.6 INMATE TELEPHONE CALLS**

Every inmate, whether adult or juvenile, detained in this facility shall be entitled to at least three completed telephone calls immediately upon being admitted and no later than three hours after arrest. Either the arresting or booking correctional officer must ask the inmate if he/she is a custodial parent with responsibility for a minor child as soon as practicable, but no later than three hours after the arrest, except when physically impossible. If the inmate is a custodial parent with responsibility for a minor child, the inmate shall be entitled to make two additional telephone calls for the purpose of arranging care for the minor child (Penal Code § 851.5).

The calls may be of a duration that reasonably allows the inmate to make necessary arrangements for matters that he/she may be unable to complete as a result of being arrested. The calls are not intended to be lengthy conversations and the custody staff may use their judgment in determining the reasonable duration of the calls.

There is no obligation for the custody staff to make a telephone call on an inmate's behalf, for example in the case of a person who is so intoxicated that he/she cannot make a call. The custody staff is not required to wake an intoxicated person so that the person may complete a call. An intoxicated person should be provided the opportunity to make the telephone calls once the person awakes.

#### **502.6.1 TELEPHONE CALL PROCEDURES**

The Office will pay the cost of local calls. Long distance calls will be paid by the inmate, using calling cards or by calling collect.

Calls between the inmate and his/her attorney shall be deemed confidential and shall not be monitored, eavesdropped upon or recorded.

The provisions of Penal Code § 851.5 shall be posted in bold block type in a conspicuous place within the custody facility.

#### **502.6.2 POSTING OF TELEPHONE INFORMATION**

A sign containing the information as required in Penal Code § 851.5 in bold block type shall be posted in a conspicuous place where the inmates make their booking telephone calls.

The public defender's telephone number shall be posted with the sign.

*Inmate Reception*

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The signs shall be in English, Spanish and any other language spoken by a substantial number of the public, as specified in Section 7296.2 of the Government Code, who are served by this agency (Penal Code § 851.5).

**502.6.3 ONGOING TELEPHONE ACCESS**

Ongoing telephone access for inmates who are housed at this facility will be in accordance with the Inmate Telephone Access Policy.

**502.7 SHOWERING AND CLOTHING EXCHANGE**

Inmates should be given the opportunity to shower before being dressed in clean jail clothing. Showering should occur before an inmate is transferred from the temporary holding area to general population housing (see the Inmate Hygiene Policy).



## **Inmate Safety Checks**

### **503.1 PURPOSE AND SCOPE**

The purpose of this policy is to establish a requirement for conducting visual safety checks at least every 60 minutes for all inmates, and for creating and maintaining a log to document all safety checks.

### **503.2 POLICY**

It is the policy of the Santa Cruz County Sheriff's Office that all correctional staff shall conduct safety checks at least every 60 minutes on all inmates, or more frequently as determined by inmate custody status and/or housing classification.

Safety checks shall be made through direct visual observation. Cameras and monitors may supplement the required visual observation safety checks but they shall not replace the need for direct visual observation. Safety checks will be clearly documented on permanent logs in accordance with the office Daily Activity Logs and Shift Reports Policy (15 CCR 1027).

### **503.3 SAFETY CHECKS**

The staff shall adhere to the following procedures when conducting safety checks (15 CCR 1027):

- (a) Safety checks shall be conducted at least once every 60 minutes and more frequently if necessary.
- (b) Safety checks shall be conducted on an irregular schedule (staggered) so that inmates cannot predict when the checks will occur.
- (c) Safety checks shall be done by personal observation of the correctional officer and shall be sufficient to determine whether the inmate is experiencing any stress or trauma.
- (d) Cameras and monitors may supplement the required visual observation safety checks but they shall not replace the need for direct visual observation.
- (e) Safety checks will be clearly documented on permanent logs in accordance with the office Daily Activity Logs and Shift Reports Policy.
- (f) Actual times of the checks and notations should be recorded on the daily activity logs.
- (g) Log entries shall never be made in advance of the actual check. Log entries made in this manner do not represent factual information and are prohibited.
- (h) Special management Inmates shall be checked more frequently as detailed in the Special Management Inmates Policy.

### **503.4 CATEGORIES OF SAFETY CHECKS AND SUPERVISORY SUPPORT**

Safety Check Categories, Documentation, Count Discrepancy and Supervision

## *Inmate Safety Checks*

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(1) Safety Checks fall into three general categories: Formal Inmate Counts, Hourly Safety Checks and Special or Emergency Counts.

(a) **Formal Counts** -Such counts will be performed a minimum of five times every calendar day throughout the facility. These counts will generally occur at shift change, at meals and clothing exchange. The officer will account for inmates by checking them with the established housing roster. This check will consist of an officer walking through the housing unit and checking every room even if unassigned, shower stall and recreation yard. It is necessary for the officer to see the inmate's person and observe the inmate's breathing and general well-being.

(b) **Hourly Safety Checks** -Housing Officers shall conduct Hourly Safety Checks of inmates in their respective assigned units a minimum of once an hour throughout the shift. Formal Counts may constitute an Hourly Safety Check. Hourly Safety Checks shall be made at irregular intervals rather than in a predictable pattern but will be conducted at least once an hour. Officers will verify an inmates welfare by direct visual observation of breathing and by seeing the skin of the inmate. If unable to verify an inmate's welfare and presence (such as an inmate sleeping under a blanket), the officer shall take immediate action to confirm the inmate's presence and welfare. The Hourly Safety Check will consist of an officer walking through the housing unit and checking every room even if unassigned, shower stall and recreation yard. The West Housing Officer shall conduct Hourly Safety Checks on the Inmate Worker's assigned to laundry and the laundry room. Booking officers shall conduct Hourly Safety Checks of inmates placed in holding rooms, attorney rooms, visiting rooms or medical rooms. Inmates placed in any room who are Special Management Inmates will be checked on according to that classification (C 510).

(c) **Special or Emergency Counts** -Counts conducted at the request of the Facility or Watch Commander. These will be verified in the same manner as Formal Counts.

### (2) Documentation

(a) Officers shall document their individual identifier and time Formal Counts, Hourly Safety Checks or Emergency Counts are conducted. Officers shall use the Electronic Recording System when available. Officers shall notify the supervisor and Logistics Officer of any malfunctions of the Electronic Recording System. Officers shall document any malfunction, omission or discrepancy in the performance of any Safety Check. In the case of automated systems being unavailable, manual logs will be completed. A Safety Check not documented is a Safety Check not completed.

(b) The Watch Commander and Supervising Correctional Officer will note in the daily log that a review of the Management Reports for Safety Checks for the shift was completed and fully documented. Additional documentation is required for Special Management Inmates (C 510).

### (3) Count Discrepancy

(a) During counts, the officer will compare the number of inmates in the assigned area with the number on the roster. Inmates temporarily located outside the area are temporarily excluded from the count. If a discrepancy occurs, the officer shall immediately notify the supervisor and/or Watch

### *Inmate Safety Checks*

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Commander and begin a recount. If the recount does not reconcile, the Watch Commander shall initiate an Emergency Count for the facility and initiate escape procedures.

#### (4) Supervision

(a) Available sworn personnel, including supervisors, may supplement officers in making the required Safety Checks but need to note their personal identifier as the one responsible for the check. The Supervising Correctional Officer shall directly supervise the performance of a minimum of one Safety Check in each housing area or booking area during each shift to insure quality and attention to duty (may supervise portions). More supervision is required for Special Management Inmates (C 510).

## Special Management Inmates

### 504.1 PURPOSE AND SCOPE

Inmates who pose a heightened risk to themselves or others require special management, including frequent interaction and increased supervision by staff. Interaction with special management inmates is essential to maintaining a safe, secure and humane environment. This policy establishes guidelines and procedures for interacting with special management inmates in the custody of the Santa Cruz County Sheriff's Office.

#### 504.1.1 DEFINITIONS

Definitions related to this policy include:

**Administrative segregation** - The physical separation of an inmate who is prone to escape or assault staff or other inmates, or one who is mentally deficient, in need of medical isolation or infirmary status. This is a non-punitive classification process.

**Protective custody** - A level of custody either requested or required for an inmate's protection from others.

**Special management inmate** - An inmate who falls into either of the previously mentioned classifications.

### 504.2 POLICY

This office shall provide for the secure and segregated housing of any inmate but shall not impose more deprivation of privileges than is necessary to obtain the objective of protecting the inmate, staff or the public (15 CCR 1053).

### 504.3 SPECIAL MANAGEMENT INMATES HOUSING CRITERIA

The safety and security of this facility is dependent on a classification system that identifies inmates who pose a risk to themselves or to others. Inmates who pose such a risk must be promptly and appropriately segregated from the general inmate population until such time that they no longer pose a risk. Staff must have the ability to promptly segregate these inmates pending further review.

Individuals who may be classified as special management inmates include, but are not limited to, inmates who are:

- In protective custody or court-imposed segregation.
- Exhibiting mental health concerns.
- An escape threat.
- A serious violence threat.
- Known to have gang affiliation.
- A known management problem.

### *Special Management Inmates*

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- A suicide risk.
- Exhibiting medical issues.
- Physically impaired.

#### **504.4 CIRCUMSTANCES REQUIRING IMMEDIATE SEGREGATION**

Inmates will generally be assigned to segregation through the classification process. The Chief Deputy or Sergeant has the authority to immediately place any inmate into segregation when it reasonably appears necessary to protect the inmate or others (see the Disciplinary Segregation Policy) (15 CCR 1081(d)).

Reasons that an inmate may be placed into immediate segregation include the following:

- (a) The inmate requests protection or is under court-ordered protection, or the staff has determined that the inmate requires protection.
- (b) There is reason to believe the inmate poses a danger to him/herself or others.
- (c) The inmate poses an escape risk.
- (d) The inmate requires immediate mental health evaluation and medical housing is not reasonably available.
- (e) The inmate is charged with a disciplinary infraction and is awaiting a disciplinary hearing. In the judgment of the staff, the inmate may become disruptive or dangerous if left in general population.
- (f) The inmate is in the process of being transferred to a higher security classification.
- (g) Other circumstances where, in the judgment of the staff, the inmate may pose a threat to him/herself, others or the security of the facility.

##### **504.4.1 REVIEW PROCESS**

The Chief Deputy shall be notified when any inmate is placed in immediate segregation and shall be informed of the circumstances leading to the order to segregate. Within 72 hours of the inmate being placed into segregation, the Chief Deputy or the authorized designee must review the circumstances surrounding the segregation to determine which of the following actions shall be taken:

- (a) The inmate is designated for administrative segregation.
- (b) The inmate is designated for protective custody.
- (c) The inmate remains segregated pending a disciplinary hearing.
- (d) The inmate is returned to general inmate population.

## *Special Management Inmates*

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### **504.5 PROTECTIVE CUSTODY**

The correctional officer responsible for assigning classifications to incoming inmates shall clearly document the reason an inmate should be placed into protective custody. Inmates in need of protective custody may be placed in a segregation unit when there is documentation that the protective custody is warranted and segregation is the least restrictive alternative reasonably available.

Inmates who are in protective custody shall receive all services and programs that are available to inmates in general population and that are deemed a privilege. Any deviation from allowing usually authorized items or activities shall be documented on the inmate's file.

### **504.6 MAINTENANCE OF PRIVILEGES**

Administrative segregation and protective custody shall consist of separate and secure housing but shall not involve any deprivation of privileges other than what is necessary to protect the inmates or staff (15 CCR 1053).

Inmates who are classified for housing in administrative segregation or protective custody shall, at a minimum, be allowed access to programs and services including, but not limited to, the following:

- Inmate telephones
- Family visitation
- Educational programming appropriate to the inmate classification
- Access to commissary services
- Library and law library services
- Social services
- Faith-based guidance, counseling and religious services
- Recreation activities and exercise
- Social and professional visits

Nothing in this policy prohibits changing the delivery of programs or services to segregated inmates in order to provide for the safety and security of other inmates and staff.

### **504.7 REVIEW OF STATUS**

The Sergeant or classification officer shall review the status of all inmates who are housed in segregation units and designated for administrative segregation or protective custody. This review shall occur every seven days for the first two months of segregation and at least once every 30 days thereafter. The review should include information about these inmates to determine whether their status in administrative segregation and protective custody is still warranted.

## *Special Management Inmates*

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If other reasonable housing options exist that will provide for the safety of the inmate, the inmate should be moved out of segregation. In reviewing an alternative housing decision, the safety of the inmate shall receive the utmost consideration.

### **504.8 LOG PROCEDURES**

Handwritten logs should be completed in ink. Once an entry is made it should not be modified. If corrections or changes are needed they should be done by way of a supplemental entry. Electronically captured logs will be maintained in a way that prevents entries from being deleted or modified once they are entered. Corrections or changes must be done by way of supplemental entries. At a minimum the log will contain the following:

- Inmate name
- Inmate identification number
- Housing location
- Classification status
- Date admitted
- Date and time of entry and exit from the cell
- Type of infraction or reason for admission
- Tentative release date
- Any special medical or psychiatric problems or needs
- Counseling for behavior

Log entries should be legible, entered promptly and provide sufficient detail to adequately reflect the events of the day for future reference.

The date and time of the observation or incident and the name and identification number of the staff member making the log entry shall be included on each entry.

Supervisors should review the logs frequently during the shift and enter comments as appropriate. At minimum, supervisors should enter the date and time of each review.

All safety checks will be documented in detail and should include the exact time of the safety check and the identification information of the employee conducting the check. All documentation will be gathered and provided to the Sergeant or Chief Deputy for review at the end of each 12-hour shift.

#### **504.8.1 LOG INSPECTION AND ARCHIVAL OF LOGS**

The Sergeant shall review and evaluate the logs and pass any significant incidents via the chain of command to the Chief Deputy for review.

The logs will be retained by the Office in accordance with established records retention schedules, but in no case less than one year.

*Special Management Inmates*

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**504.9 HEALTH CONSIDERATIONS**

Due to the possibility of self inflicted injury and depression during periods of segregation, health evaluations should include notations of any bruises and other trauma markings and the qualified health care professional's comments regarding the inmate's attitude and outlook.

A) Unless medical attention is needed more frequently, each inmate in segregation should receive a visit by medical staff three times per week. A medical assessment should be documented in the inmate's medical file.

B) Unless mental health attention is needed more frequently, each inmate in segregation should receive a visit by mental health staff three times per week.

Where reasonably practical, a qualified health care professional should provide screening for suicide risk during the three days following admission to the segregation unit.



## Management of Weapons and Control Devices

### 505.1 PURPOSE AND SCOPE

This policy will address the availability and control of weapons.

### 505.2 POLICY

It is the policy of the Santa Cruz County Sheriff's Office that the presence and the use of weapons in the correctional facility will be tightly controlled and supervised to reduce the potential for injury. Staff will only carry and use those weapons for which they have been trained in and are qualified to use.

### 505.3 FIREARMS

With the exception described below, armed personnel shall secure all firearms in gun lockers located at the entry points prior to entering the secure perimeter. Firearms shall not be stored inside the secure perimeter at any time. If it is necessary to load or unload a firearm, personnel shall use the clearing barrels located outside of the facility's secure perimeter to facilitate the safe loading and unloading of firearms.

Firearms shall only be allowed in the secure perimeter of the facility when it is necessary to protect the safety and security of staff, inmates, contractors, volunteers or the public.

Firearms shall only be allowed inside the secure perimeter with the approval of the Chief Deputy or authorized designee and under the direct supervision of a supervisor.

### 505.4 OTHER WEAPONS, TOOLS AND CHEMICAL AGENTS

Office-approved weapons, tools and chemical agents, including, but not limited to, pepper projectiles, batons, ECDs, impact weapons, weapon-fired projectiles, noise/flash distraction devices, sting grenades and similar devices, may be possessed and used only by custody staff members who have received office-authorized training and are qualified to use them.

Office-approved weapons, tools and chemical agents shall only be allowed inside the secure perimeter with the approval of the Chief Deputy or the authorized designee.

### 505.5 STORAGE OF WEAPONS, CHEMICAL AGENTS AND CONTROL DEVICES

The armory shall be located in a secure and readily accessible repository outside of inmate housing and activity areas. It shall be secured at all times. Access to the armory shall be limited to the Chief Deputy and the Sergeant or the authorized designee. Only personnel who have received office-approved training in the maintenance of the stored equipment and who have been designated by the Chief Deputy are authorized to be inside the armory.

The following equipment shall be stored and secured in the armory:

- (a) All office-approved weapons

### *Management of Weapons and Control Devices*

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- (b) All office-approved control devices and associated supplies, with the exception of the ECD
- (c) All security equipment, such as helmets, face shields, stab or protective vests and handheld shields
- (d) All office-approved chemical agents

Explosive materials will be stored in a safe approved by the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) and in compliance with 27 CFR 555.201 et seq.

#### 505.5.1 WEAPONS LOCKER

There should be a secure weapons locker located outside of the secure perimeter of the correctional facility.

#### 505.5.2 INVENTORY

The Chief Deputy should designate one or more properly trained staff to be responsible for maintaining all weapons, chemical agents and control devices in a safe and secure manner, and to inventory and report the condition and availability of the facility's weapons and control devices on a monthly basis.

To facilitate the inventory, all weapons, chemical agents and control devices shall be stored in assigned locations inside the armory. A log sheet shall be maintained within the armory at all times, detailing the exact location of each item. The removal of any weapon, chemical agent or control device shall be documented on the log sheet, showing who removed the item, the date and time of removal and the reason for removal. An additional log entry shall be made indicating the date and time of the item's return.

The Sergeant and the Chief Deputy shall be immediately notified in the event that any weapon, chemical agent or control device is determined to be missing. An immediate and thorough search of the facility shall take place in order to locate the item.

#### 505.5.3 REVIEW, INSPECTION AND APPROVAL

Every control device and chemical agent will be periodically inspected for serviceability and expiration dates by the Rangemaster or the instructor designated to train on the use of a particular control device or chemical agent. The Rangemaster or the designated instructor is responsible to ensure replacement of outdated or unserviceable items.

## Inmate Classification

### 506.1 PURPOSE AND SCOPE

This policy describes the Santa Cruz County Sheriff's Office's classification process, which is designed to identify security and health issues so that inmates may be held in such a way as to foster a safe and secure facility.

#### 506.1.1 DEFINITIONS

Definitions related to this policy include:

**Civil detainee** - Any person held in custody for a reason other than for criminal matters.

### 506.2 POLICY

All arrestees and detainees entering this facility will be processed to determine whether they will be housed in the facility, released for being intoxicated only, cited and released, released on their own recognizance (O.R.) or bail, or released back to the community through an appropriate release mechanism authorized by the appropriate court, including alternatives to incarceration programs, such as electronic supervision.

It is the policy of this office to properly classify inmates according to security and health risks so that appropriate supervision, temporary holding and housing assignments may be made.

### 506.3 RELEASE AT OR FOLLOWING CLASSIFICATION

An individual arrested for intoxication only, with no further proceedings anticipated, should be released as soon as custodial staff reasonably determine the person is no longer impaired to the extent that the person cannot care for his/her own safety.

### 506.4 CLASSIFICATION PLAN

The Chief Deputy or the authorized designee should create and maintain a classification plan to guide staff in the processing of individuals brought into the facility.

The plan should include an initial screening process, as well as a process for determining appropriate housing assignments (28 CFR 115.42). The plan should include use of an objective screening instrument, procedures for making decisions about classification and housing assignments, as well as intake and housing forms and a process to ensure that all classification and housing records are maintained in each inmate's permanent file. The plan should include an evaluation of the following criteria:

- Age
- Sex
- Current charges
- Behavior during arrest and intake process
- Criminal and incarceration history

## *Inmate Classification*

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- Mental and emotional stability
- Potential risk of safety to others or self
- Special management inmate status
- Special needs assessment for vulnerable inmates
- Behavioral or physical limitations or disabilities
- Medical status
- Level of sobriety at booking
- Suicidal ideation
- Escape history and degree of escape risk
- History of assaultive behavior
- The need to be separated from other classifications of inmates (e.g., juvenile offenders, gang affiliation, confidential informant, former law enforcement, sexual orientation)
- Prior convictions for sex offenses against an adult or child
- Whether the inmate is or is perceived to be gay, lesbian, bisexual, transgender, intersex or gender non-conforming (see Prison Rape Elimination Act Policy for Transgender and intersex definitions)
- Previous sexual victimization
- The inmate's own perceptions of his/her vulnerability
- Whether the inmate is detained solely for civil immigration purposes
- Whether the inmate is a foreign national and if so from what country (see Foreign Nations and Diplomats Policy)
- Prior acts of sexual abuse, prior convictions for violent offenses and history of prior institutional violence or sexual abuse, and known to the Office (28 CFR 115.41)
- Any other criteria as deemed appropriate by the Sheriff or the authorized designee

The plan should include a methodology for evaluating the classification process and a periodic review for the purpose of continuous quality improvement.

Information obtained in response to screening questions shall be considered confidential and shall only be made available to those who have a legitimate need to know (28 CFR 115.41).

### 506.4.1 INMATE RESPONSE TO SCREENING

Inmates may not be compelled by threat of discipline to provide information or answers regarding (28 CFR 115.41):

- (a) Whether the inmate has a mental, physical or developmental disability.

## *Inmate Classification*

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- (b) Whether the inmate is or is perceived to be gay, lesbian, bisexual, transgender, intersex or gender nonconforming.
- (c) Whether the inmate has previously experienced sexual victimization.
- (d) The inmate's own perception of vulnerability.

### **506.5 INITIAL CLASSIFICATION**

The initial classification process is intended to identify predatory, violent and at-risk inmates. It should occur early in the intake process to allow for appropriate supervision while an inmate is being temporarily held in this facility and until a decision is made to place the individual into a more permanent housing assignment.

Inmates should be interviewed by an intake correctional officer as soon as possible in the booking process. The intake correctional officer shall complete the initial classification form. The initial classification form should include a place for the intake correctional officer to make a housing recommendation. This recommendation should be based on the initial classification form, an assessment of the inmate's condition and the inmate's interview.

The initial classification form shall be placed in the inmate's file and provided to the classification correctional officer, who will, within the limits of available resources, determine the appropriate temporary housing location.

### **506.6 CLASSIFICATION UPON HOUSING**

Once it has been determined that the person arrested will not be released from custody, a classification of the inmate will be conducted as soon as possible after which the inmate will be moved to more permanent housing.

#### **506.6.1 INTERVIEW**

The comprehensive classification process begins with a review of any initial classification information obtained during the reception and booking process, as well as an interview by the classification correctional officer. The review of initial classification documents and the questions, answers and observations from the inmate's interview will be documented and numerically scored, representing the security level and housing assignment appropriate for each inmate.

Individualized determinations shall be made about how to ensure the safety of each inmate (28 CFR 115.42).

#### **506.6.2 OVERRIDE**

The classification correctional officer has the authority to override the scores when it appears necessary to more appropriately assign housing. The override capability exists to use the classification correctional officer's training and expertise in those instances when the numerical scores are not reflective of the inmate's potential security or health risk. All overrides will be reviewed by a supervisor and are intended to be an exception, rather than the rule.

## *Inmate Classification*

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Inmates who have an identified history of sexual victimization shall be offered a meeting with a qualified health care or mental health professional within 14 days of screening (28 CFR 115.81).

### **506.7 REVIEWS AND APPEALS**

Once an inmate is classified and housed, he/she may appeal the decision of the classification correctional officer. The appeal process shall begin at the first-line supervisor level. The decision by the supervisor may be appealed to the Chief Deputy or the authorized designee. The decision by the Chief Deputy or the authorized designee is final.

#### **506.7.1 PERIODIC CLASSIFICATION REVIEWS**

The classification correctional officer shall review the status of all inmates who have been incarcerated in the facility for more than 30 days. Additional reviews should occur each 30 days thereafter. The review should examine changes in the inmate's behavior or circumstances and should either raise, lower or maintain the classification status (28 CFR 115.41).

Housing and program assignments for each transgender or intersex inmate shall be reassessed at least twice each year to review any threats experienced by the inmate (28 CFR 115.42).

Inmate risk levels shall be reassessed when required due to a referral, request, incident of sexual abuse, or receipt of additional information that increases the inmate's risk of sexual victimization or abusiveness (28 CFR 115.41).

#### **506.7.2 STAFF REQUESTED REVIEW**

At any point during an inmate's incarceration, a staff member may request a review of the inmate's classification. The reason for the review, the review itself and the outcome of the review shall be documented in the inmate's permanent file. Nothing in this section shall prohibit staff from immediately moving an inmate to another location in the facility based on exigent circumstances. Under such circumstances, the staff member moving the inmate must immediately document the action and notify the classification correctional officer.

### **506.8 HOUSING ASSIGNMENTS**

Inmates should be housed based upon the following criteria:

- Classification level
- Age
- Sex (males and females will be housed in separate units)
- Legal status (e.g., pretrial or sentenced)
- Special problems or needs
- Behavior
- Any other criteria identified by the Chief Deputy

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### 506.8.1 SPECIAL MANAGEMENT ISSUES AND ALERT CODES

Inmates who are indentified as having Special Management Issues may require an Override, Alert Code or be housed in Specialized Housing. Alert codes should be removed when the condition is no longer valid. Special Management issues include but are not limited to the following:

**Protective Custody:** An inmate who would be assaulted by other inmates based on the socially unacceptable nature of the crime for which she/he was arrested, an inmate targeted for assault, past or present assaultive behavior toward law enforcement personnel.

**Psychological impairment:** Inmate is admitted to jail but CIT assigns to a medical or mental health unit, or observed by staff to meet the criteria of 5150 WI.

**Mental Deficiency:** Inmate cannot adequately care for him or herself due to low functioning ability.

**Escape History:** This alert should be used generally under the following circumstances; the inmate has been in the facility before and made efforts to escape but does not currently pose any threat to escape, the inmate is facing serious charges that may contribute to a desire for escape, or the inmate has "walked away" from a minimum security facility on past occasions and should not be housed in a minimum security facility.

**Escape Risk:** Escape Risk should be used if the inmate displays any immediate signs or conduct consistent with an escape plan, information is received that indicates the inmate is planning to escape, the inmate possesses items and/or a plan that suggests escape planning or efforts, or the inmate has made an attempt to actively escape while in custody. A JMS entry should support the alert.

**Assault History:** This alert is used generally under the following circumstances: the inmate has been in the facility before and made threats of assault, attempted assault or assaulted staff while in custody but does not pose a current risk; the inmate has been evaluated and is no longer an immediate Assault Risk.

**Assault Risk:** This alert is used if the inmate has displayed pre-booking behavior or post booking behavior that leads staff to believe the inmate will assault staff or other inmates should the opportunity arise. Inmates with an Assault Risk alert should be dressed in striped clothing and escorted by no less than two officers at any time. A JMS entry should support the alert.

**Known Gang Affiliation:** Inmate admits gang affiliation, has gang-related tattoos, observed using gang signs or symbols, or possessed gang-related written material.

**Known Management Problem:** Inmate in possession of serious contraband including weapons, drugs or dangerous items, inmate compels others to commit crimes or commit rule violations, inmate refuses to cooperate with Corrections Staff, or engages in behavior that threatens any person or the security of the facility, inmate states he is unwilling to follow the rules or get along with others.

**Suicide Risk:** This alert is used if the inmate is in crisis and has displayed either pre-booking behavior or post-booking behavior that leads staff to believe the inmate will harm him or herself should the opportunity become available. Inmates with a Suicide Risk alert should be placed on

## *Inmate Classification*

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15 minute checks. Clothing and other personal items will be closely monitored and controlled for a person with a Suicide Risk alert.

**Suicide History:** This alert is used if the inmate has made previous threats of suicide or attempted suicide while in custody, but the inmate has been evaluated and is no longer at risk for immediate self harm or crisis.

**Medical History:** This alert should be generally used under the following circumstances: the inmate has been in the facility before and had medical conditions that are known to staff, the inmate will remain in custody and has specific medical conditions that staff should be aware, or the inmate has been evaluated by medical staff and is no longer an immediate Medical Risk.

**Medical Risk:** This alert should be used if the inmate has an existing medical condition that leads staff to believe the inmate is at great risk while incarcerated. Whenever possible, inmates with this alert should be housed in the medical (O) unit. A JMS entry should support this alert. The Medical Risk alert does not prevent staff intervention if immediate medical care is required.

**Physical Impairment:** Inmate cannot care for him or herself due to a physical disability.

**Pregnant PC 3407 Restraint Limits:** Shall be applied to pregnant inmates while in correctional facility. Pregnant PC 3407 Restraint Limits alert should be applied when an inmate has been medically assessed and determined to be pregnant or in recovery after delivery. The alert should also be applied when it is reasonable to believe a person is pregnant, absent a medical evaluation.

Restraints will not be used on inmates who are known to be pregnant unless based on an individualized determination that restraints are reasonably necessary for the legitimate safety and security needs of the inmate, the staff or the public. Handcuffs may be applied to the wrists in front of the body should restraints be necessary. The restraints shall be the least restrictive available and the most reasonable under the circumstances. The on-call Lieutenant should be notified in the event a pregnant female is handcuffed.

In no event will an inmate who is known to be pregnant be restrained by the use of leg restraints/irons, waist restraints/chains, or handcuffs behind the body (Penal Code § 3407).

**Senior Alert** applies to those inmates 65 years of age or older. The purpose of the "Senior Alert" is to increase staff awareness for those inmates 65 years in age or older. A "Senior Alert" will be assigned by booking personnel to the inmate upon initial intake. The housing officer should be advised of alert by booking personnel prior to placement into a housing unit. Inmates with a "Senior Alert" should be placed and reside on a lower bunk.

**Detox Protocol** shall be applied to inmates actively detoxing from drugs and/or alcohol while in correctional facility. The Detox Protocol alert should be applied when an inmate has been medically assessed and assigned detoxification protocol by Medical. The alert applies to both alcohol and opiate withdrawal, and requires Jail Medical to complete incremental medical assessments of each inmate. These assessments include checking vital signs and depending on the inmate's treatment plan, may include delivery of medication. Depending on the risk level



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and type of withdrawal, the inmate will be seen by Jail Medical every 6 to 8 hours, or on an as needed basis.

### **506.8.2 SEPARATION**

Male and female inmates shall be housed to ensure visual and physical separation.

Civil detainees shall be housed separately from pretrial and sentenced inmates.

### **506.9 CLASSIFICATION SPACE ALLOCATION**

The classification plan depends on the ability of the facility to physically separate different classes of inmates. To ensure that allocated space meets the current population needs, the Chief Deputy or the authorized designee should periodically meet with representatives of the classification corrections officers to discuss the fixed resources (e.g., cells, dorms, dayrooms).

The Chief Deputy should report at least quarterly to the Sheriff on the ability of the facility to operate safely and securely and to perform its mission.

### **506.10 SINGLE-OCCUPANCY CELLS**

Single-occupancy cells may be used to house the following categories of inmates:

- Maximum security
- Administrative segregation
- Severe medical disabilities (upon consultation with medical staff and the availability of medical beds)
- Severe mental illness (upon consultation with mental health staff and the availability of mental health beds)
- Sexual predators
- Any inmate with an elevated risk of being exploited or victimized by others
- Any inmate whose condition or status indicates a special need for single-occupancy housing

The classification supervisor shall notify the Chief Deputy or the authorized designee when single-occupancy cells are not available for housing the above described inmates. In such cases, a risk assessment shall be used to identify inmates in the above categories who may be safely housed together.

### **506.11 PRISON RAPE ELIMINATION ACT (PREA) CONSIDERATIONS**

Housing, bed, work and program assignments should be made to separate inmates at high risk of being sexually victimized from those at high risk of being sexually abusive (28 CFR 115.42). Inmates identified as being at high risk for sexually aggressive behavior will be monitored and housed in an area that will minimize the risk to other inmates and staff. All inmates identified as being at risk of victimization shall be monitored and housed in an area to minimize the risk to their

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safety. However, inmates at high risk for sexual victimization shall not be placed in involuntary protective custody unless an assessment of all available alternatives has been made and it has been determined that there is no available alternative means of separation from likely abusers (28 CFR 115.43; 28 CFR 115.68).

Housing and program assignments of a transgender or intersex inmate shall include individualized consideration for the inmate's health and safety and any related supervisory, management or facility security concerns. A transgender or intersex inmate's views with respect to his/her own safety shall be given serious consideration.

Lesbian, gay, bisexual, transgender or intersex inmates shall not be placed in dedicated facilities, units or wings solely on the basis of such identification or status, unless such placement is pursuant to a consent decree, legal settlement or legal judgment (28 CFR 115.42).

### **506.12 EDUCATION, WORK AND OTHER RELEASE**

Unless an inmate is incarcerated for an offense for which release is prohibited by law or otherwise prohibited by court order, an inmate incarcerated in the correctional facility may be released for a period reasonable and necessary for the following reasons:

- To seek or maintain employment
- To attend education classes
- To obtain medical treatment
- Any other reasonable purpose as determined by the Chief Deputy or the authorized designee

Education and work-release inmates who leave the secure perimeter of the correctional facility to complete programs should be housed separately from inmates in general population.

There should be no contact between the inmates in general population and those being authorized for education, work or other release. This is to minimize the risk of introducing contraband into the correctional facility and to maintain facility security.

### **506.13 STAFF TRAINING IN CLASSIFICATION**

Classification corrections officers should receive training specific to inmate classification before being assigned primary classification duties. Individuals not specifically trained in inmate classification may work in classification provided that they are under the immediate supervision of a trained and qualified staff member.

## Conducted Energy Device

### 507.1 PURPOSE AND SCOPE

This policy provides guidelines for the issuance and use of the electronic control device (ECD).

### 507.2 POLICY

The ECD is intended to control a violent or potentially violent inmate where there is a risk of immediate danger or injury. It is anticipated that the appropriate use of such a device should result in fewer serious injuries to custody staff and inmates.

Staff members who have completed office-approved training may be issued a ECD for use during the current assignment. Staff members who have been issued a ECD shall only use the device consistent with this policy and the Use of Force Policy.

Staff shall only use the ECD and cartridges that have been issued by the Office. The device may be carried as part of a uniformed correctional officer's equipment.

- (a) The ECD shall be maintained in a secure storage location (see the Management of Weapons and Control Devices Policy).
- (b) Each ECD shall be clearly and uniquely numbered.
- (c) Officers shall pass the device to the next officer assigned to their position. If the next officer does not accept it or is unavailable, the device shall be secured in the weapons locker by the officer who last used it. The officer will complete the log at that location.
- (d) Correctional Officers shall be responsible for ensuring that their issued ECD is properly maintained and in good working order at all times. Correctional officers carrying a ECD should perform a spark test on the unit prior to every shift.
- (e) The ECD should be marked with a distinctive color or marking to distinguish it from firearms or any other device.
- (f) Officers should not hold both a firearm and the ECD at the same time.

### 507.3 VERBAL AND VISUAL WARNINGS

A verbal warning of the intended use of the ECD should precede its application, unless it would otherwise endanger the safety of corrections officers or when it is not practicable due to the circumstances. The purpose of the warning is to:

- (a) Provide the inmate with a reasonable opportunity to voluntarily comply.
- (b) Provide other corrections officers and inmates with a warning that a ECD may be deployed.

If, after a verbal warning, an inmate is unwilling to voluntarily comply with a corrections officer's lawful orders and it appears both reasonable and feasible under the circumstances, the correctional officer may, but is not required to, display the laser in a further attempt to gain

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compliance prior to the application of the ECD. The aiming laser should never be intentionally directed into the eyes of another as it may permanently impair his/her vision.

The fact that a verbal and/or other warning was given or the reasons it was not given shall be documented by the correctional officer deploying the device in the related report.

### **507.4 USE OF THE ECD**

As with any correctional equipment, the ECD has limitations and restrictions requiring consideration before its use. The ECD should only be used when its operator can safely approach the subject within the operational range of the device.

Although the ECD is generally effective in controlling most individuals, corrections officers should be aware that the device may not achieve the intended results and be prepared with other options.

#### **507.4.1 APPLICATION OF THE ECD**

Authorized personnel may use the ECD when circumstances perceived by the correctional officer at the time indicate that such application is reasonably necessary to control an inmate in any of the following circumstances:

- (a) The inmate is violent or is physically resisting such that it presents an immediate danger.
- (b) The inmate has demonstrated, by words or action, an intention to be violent or to physically resist, and reasonably appears to have the potential to harm corrections officers, him/herself or others.

#### **507.4.2 SPECIAL DEPLOYMENT CONSIDERATIONS**

The use of the ECD should generally be avoided unless the totality of the circumstances indicates that other available options reasonably appear ineffective or would present a greater danger to the correctional officer, the subject or others, and the correctional officer reasonably believes that the need to control the individual outweighs the risk of using the device. This includes:

- (a) Inmates who are known to be pregnant.
- (b) Elderly inmates.
- (c) Inmates with obviously low body mass.
- (d) Inmates who are handcuffed or otherwise restrained.
- (e) Inmates who have been recently sprayed with a flammable chemical agent or who are otherwise in close proximity to any known combustible vapor or flammable material, including alcohol-based oleoresin capsicum (OC) spray.
- (f) Inmates whose position or activity may result in collateral injury (e.g., falls from height).

ECD corrections officers corrections officers

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The ECD can be used with direct contact to complete the circuit should one of the probes fail to complete the circuit.

The ECD can be used in the drive stun mode if there is an immediate danger where the use of probes would be

The ECD shall not be used to torture, psychologically torment, elicit statements or to punish any inmate.

### 507.4.3 TARGETING CONSIDERATIONS

Reasonable efforts should be made to target lower center mass and avoid intentionally targeting the head, neck, chest and groin. If the dynamics of a situation or officer safety do not permit the correctional officer to limit the application of the ECD probes to a precise target area, corrections officers should monitor the condition of the inmate if one or more probes strikes the head, neck, chest or groin until the inmate is released to the care of qualified medical personnel.

### 507.4.4 MULTIPLE APPLICATIONS OF THE ECD

Corrections officers should apply a ECD for only one standard cycle and then evaluate the situation before applying any subsequent cycles. Multiple applications of the ECD against a single individual are generally not recommended and should be avoided unless the correctional officer reasonably believes that the need to control the individual outweighs the potentially increased risk posed by multiple applications.

If the first application of the ECD appears to be ineffective in gaining control of an inmate and if circumstances allow, the correctional officer should consider certain factors before additional applications of the device, including:

- (a) Whether the probes are making proper contact.
- (b) Whether the inmate has the ability and has been given a reasonable opportunity to comply.
- (c) Whether verbal commands, other options or tactics may be more effective

Corrections officers should generally not intentionally apply more than one ECD at a time against a single subject.

### 507.4.5 DOCUMENTATION

All ECD discharges shall be documented in the related incident report and on the ECD report form. Notification shall be made to a supervisor in compliance with the office Use of Force Policy.

The report shall contain the basis for the immediate danger to officer or others. Unintentional discharges, pointing the device at a person, laser activation and arcing of a ECD will also be documented on the ECD report form. Any report documenting the discharge of a ECD cartridge will include the cartridge serial number and an explanation of the circumstances surrounding the discharge.

The onboard ECD memory will be downloaded through the data port by a supervisor or Rangemaster and saved with the related incident report. Photographs of probe sites should be taken, confetti tags should be collected and the expended cartridge along with both probes and wire should be submitted into evidence for future reference by the correctional officer collecting

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the cartridge. The cartridge serial number should be noted and documented on the evidence paperwork. The evidence packaging should be marked "biohazard" if the probes penetrated the inmate's skin.

The correctional officer should include the following in the arrest/crime report:

- (a) Identification of all personnel firing ECDs.
- (b) Identification of all witnesses.
- (c) Medical care provided to the inmate.
- (d) Observations of the inmate's physical and physiological actions.
- (e) Any known or suspected drug use, intoxication or other medical problems.

The office should periodically analyze the report forms to identify trends, including deterrence and effectiveness. The Training Officer should also conduct audits of data downloads and reconcile ECD report forms with recorded activations. ECD information and statistics, with identifying information removed, should periodically be made available to the public.

### **507.5 MEDICAL TREATMENT**

Absent extenuating circumstances or unavailability, only qualified medical personnel should remove ECD probes from an inmate's body. Used ECD probes shall be considered a sharps biohazard, similar to a used hypodermic needle, and handled appropriately. Universal precautions should be taken accordingly.

All inmates who have been struck by ECD probes or who have been subjected to the electric discharge of the device shall be medically assessed prior to continued processing or housing. Additionally, any inmate who falls under any of the following categories should, as soon as practicable, be examined by qualified medical personnel:

- (a) The person is suspected of being under the influence of controlled substances and/or alcohol.
- (b) The person may be pregnant.
- (c) The person reasonably appears to be in need of medical attention.
- (d) The ECD probes are lodged in a sensitive area (e.g., groin, female breast, head, face and neck).
- (e) The person requests medical treatment.

Persons who exhibit extreme agitation, violent irrational behavior accompanied by profuse sweating, extraordinary strength beyond their physical characteristics and imperviousness to pain (sometimes called "excited delirium"), or who require a protracted physical encounter with multiple corrections officers to be brought under control, may be at an increased risk of sudden death

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and should be examined by qualified medical personnel as soon as practicable. Any individual exhibiting signs of distress after such an encounter shall be medically cleared.

Any inmate exhibiting signs of distress or who is exposed to multiple or prolonged applications (e.g., more than 15 seconds) shall be promptly examined by qualified medical personnel or medically evaluated.

If any individual refuses medical attention, such a refusal should be witnessed by another correctional officer and/or medical personnel and shall be fully documented in related reports.

If an audio recording is made of the contact or an interview with the individual, any refusal should be included, if possible.

### **507.6 TRAINING**

Personnel who are authorized to carry the ECD shall be permitted to do so only after successfully completing the initial office-approved training. Any personnel who have not carried a ECD as a part of their assignment for a period of six months or more shall be recertified by the office-approved ECD instructor prior to again carrying or using the device.

Proficiency training for personnel who have been issued ECDs should occur every year. A reassessment of a corrections officer's knowledge and/or practical skill may be required at any time if deemed appropriate by the Training Officer. All training and proficiency for ECDs will be documented in the correctional officer's training file.

Command staff and supervisors should receive ECD training as appropriate for the investigations they conduct and review.

Corrections officers who do not carry ECDs should receive training that is sufficient to familiarize them with the device and with working with corrections officers who use the device.

The Training Officer is responsible for ensuring that all members who carry ECDs have received initial and annual proficiency training. Periodic audits should be used for verification.

Application of ECDs during training could result in injury to personnel and should not be mandatory for certification.

The Training Officer should ensure that all training includes:

- (a) A review of this policy.
- (b) A review of the Use of Force Policy.
- (c) Target area considerations, including techniques or options to reduce the unintentional application of probes near the head, neck, chest and groin.
- (d) Handcuffing a subject during the application of a ECD and transitioning to other force options.
- (e) Restraint techniques that do not impair respiration following the application of a ECD.

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- (f) De-escalation techniques.

**507.6.1 TESTING**

All training delivered to the staff should include testing to document that the employee understands the subject matter presented.



## Control of Inmate Movement

### 508.1 PURPOSE AND SCOPE

The purpose of this policy is to establish a process for the safe and secure movement of inmates between areas within the facility and transportation from the facility to court, medical appointments or other jurisdictions.

### 508.2 POLICY

The staff should be vigilant in the control and movement of inmates between areas within the facility and when transporting inmates outside the secure confines of the facility (15 CCR 1029(a) (6)). Control may be by direct or indirect visual observation. All staff should consider all inmate movement as a high-risk activity. The staff should be aware of their surroundings at all times and take necessary steps to prevent the possession and exchange of contraband.

### 508.3 MOVEMENT OF INMATES

Movement of one or more inmates in the facility should be done in an orderly manner with inmates walking in a single-file line with hands placed to the rear. Staff members should have situational awareness during the movement of inmates and should consider the design of the facility, areas of poor visibility and the presence of other inmates being moved. The staff should avoid areas where inmates may have access to contraband items.

Inmates should be restrained during movement based upon individual security classification, with higher risk inmates in handcuffs, waist chains and leg irons. An exception to this procedure is when an inmate has a physical disability where restraint devices may cause serious injury. Pregnant inmates shall be moved in accordance with the Use of Restraints Policy.

Whenever a high-security inmate is not able to be restrained, the staff should compensate by utilizing wheelchairs, and should secure the inmate to the chair. It may also be necessary to increase the number of staff present to ensure the safe movement of high-security inmates.

The staff should be watchful in and around passageways and ensure that sallyport doors are secured to prevent escape.

## Use of Force

### 509.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines governing application of force, limitations on the use of force, supervisor's responsibilities and reporting requirements for incidents involving the application of force.

#### 509.1.1 DEFINITIONS

Definitions related to this policy include:

**Deadly force** - Any application of force that is reasonably anticipated and intended to create a substantial likelihood of death or very serious injury.

**Excessive force** - The use of more force than is objectively reasonable under the circumstances to accomplish a lawful purpose.

**Use of force** - Any application of physical techniques or tactics, chemical agents or weapons to another person. It is not a use of force when the inmate allows him/herself to be searched, escorted, handcuffed or restrained.

**Use of force team technique** - The use of force team technique ordinarily involves trained staff clothed in protective gear, who enter the inmate's area in tandem, each with a specific task, to achieve immediate control of the inmate.

### 509.2 POLICY

It is the policy of this office to accomplish the department functions with minimal reliance on the use of force and generally as the last alternative.

### 509.3 USE OF FORCE

Employees may use force as reasonably appears necessary in the performance of their duties, but excessive force shall not be used. Corrections officers must use only that amount of force that appears reasonably necessary under the circumstances in order to gain control of the inmate, to protect and ensure the safety of inmates, staff and others, to prevent serious property damage, prevent escape, obtain compliance with facility rules and staff orders and to ensure the institution's security and good order or for other lawful purposes (15 CCR 1029(a)(3)).

The Office has provided a number of tools, weapons and training on techniques to use when responding to resistance and violent encounters. While various degrees of force exist, each correctional officer is expected to use only that degree of force that is reasonable under the circumstances to successfully accomplish the legitimate and lawful purpose in accordance with this policy.

It is recognized, however, that circumstances may arise in which staff may reasonably believe it would be impractical or ineffective to use any of the standard tools, weapons or methods provided by the Office. Staff members may find it more effective or practical to improvise their response to

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rapidly unfolding conditions they are confronting. In such circumstances, the use of any improvised device or method must nonetheless be objectively reasonable and utilized only to the degree reasonably necessary to accomplish a legitimate penological purpose.

In any review of an incident to determine whether a particular use of force conforms to this policy, the Office will evaluate the apparent need for an application of force, the relationship between that need and the amount of force used, the threat reasonably perceived, any efforts made to temper the severity of a forceful response and the extent of any injury to the inmate.

Prior to resorting to the use of force, staff should, when practicable, attempt verbal persuasion, orders or other tactics to avoid or mitigate the need for forceful action.

Force shall never be used as punishment or retaliation.

Medical checks will be performed on all inmates who have been subjected to force as soon as practicable, regardless of apparent injury.

Nothing in this policy is intended to require that force options be used in a particular order. However, the force option used must be objectively reasonable under the circumstances to accomplish a lawful objective.

### 509.3.1 FACTORS USED TO DETERMINE THE REASONABLENESS OF FORCE

When determining whether to apply force and evaluating whether a corrections officer has used reasonable force, a number of factors should be taken into consideration, as time and circumstances permit. These factors include, but are not limited to:

- (a) Immediacy and severity of the threat to corrections officers or others.
- (b) The conduct of the individual being confronted, as reasonably perceived by the correctional officer at the time.
- (c) Correctional officer/inmate factors (age, size, relative strength, skill level, injuries sustained, level of exhaustion or fatigue, the number of corrections officers available vs. inmates).
- (d) The effects of drugs or alcohol.
- (e) Inmate's mental state or capacity.
- (f) Proximity of weapons or dangerous improvised devices.
- (g) The degree to which the inmate has been effectively restrained and his/her ability to resist despite being restrained.
- (h) The availability of other options and their possible effectiveness.
- (i) The seriousness of the suspected offense or reason for contact with the inmate.
- (j) Training and experience of the correctional officer.
- (k) Potential for injury to corrections officers, inmates and others.

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- (l) Whether the inmate appears to be resisting or is attacking the correctional officer.
- (m) The risk and reasonably foreseeable consequences of escape.
- (n) The apparent need for immediate control of the inmate or a prompt resolution of the situation to maintain or restore order.
- (o) Whether the conduct of the inmate being confronted no longer reasonably appears to pose an imminent threat to the correctional officer or others.
- (p) Awareness of the inmate's propensity for violence.
- (q) Any other exigent circumstances.

### **509.3.2 DUTY TO INTERCEDE**

Any correctional officer present and observing another staff member using force that is clearly not within this policy is expected, when reasonable to do so, to intercede to prevent the use of such force and in all cases report the use promptly to a supervisor.

## **509.4 USE OF OTHER WEAPONS, TOOLS AND CHEMICAL AGENTS**

### **509.4.1 NOISE/FLASH DISTRACTION DEVICES**

Noise/flash distraction devices, sting grenades, chemical grenades and similar devices shall be used only at the direction of a supervisor and only by staff who have been trained in and are qualified for the use of the devices.

### **509.4.2 ELECTRONIC CONTROL DEVICES**

The use of electronic control device (ECD) shall be in accordance with the office Conducted Energy Device Policy.

Other electronic control devices shall only be used in accordance with the law allowing such use. Prior judicial approval should be obtained for any other electronic control devices.

### **509.4.3 CHEMICAL AGENTS**

Chemical agents shall only be used in the facility as authorized by the Chief Deputy or the authorized designee. Oleoresin capsicum (OC) spray should not be used in the medical unit or other designated areas where inmates are assigned to respiratory isolation or on any inmate who is under control with or without restraints.

Office-approved OC spray or foam may be possessed and used only by staff members who have received office-authorized training in its use.

Inmates who have been affected by the use of chemical agents shall be promptly provided with the proper solution to decontaminate the affected areas. Those inmates who complain of severe effects shall be examined by a qualified health care professional.

If the inmate refuses to decontaminate, such a refusal shall be documented. If an inmate has been exposed in a cell and not removed from the cell where the exposure occurred, in-cell decontamination shall be afforded to the inmate, including:

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- (a) Health-trained custody staff advising the inmate how to decontaminate in the cell.
- (b) Clean clothing if the inmate's clothing was contaminated.
- (c) Monitoring of the in-cell inmate at least every 15 minutes, for a period of not less than 45 minutes, by health-trained custody staff.

### **509.4.4 PROJECTILE CHEMICAL AGENTS**

Pepper projectile systems are plastic spheres filled with a derivative of OC powder. A compressed gas launcher delivers the projectiles with enough force to burst the projectiles on impact, releasing the OC powder. Although classified as a non-lethal weapon, the potential exists for the projectiles to inflict injury if they strike the head, neck, spine or groin. Therefore, personnel deploying the pepper projectile system should not intentionally target those areas except when the correctional officer reasonably believes the inmate may cause serious bodily injury or death to the correctional officer or others. The use of the pepper projectile system is subject to the following requirements:

- (a) Corrections officers encountering a situation that requires the use of the pepper projectile system shall notify a supervisor as soon as practicable. The supervisor shall respond to all such deployments. The supervisor shall ensure that all notifications and reports are completed as required by the Use of Force Policy.
- (b) Each deployment of a pepper projectile system shall be documented and, if reasonably practicable, recorded on video. This includes situations where the launcher was directed toward the inmate, regardless of whether the launcher was used. Only non-incident deployments are exempt from the reporting requirement (e.g., training, product demonstrations).

### **509.4.5 IMPACT WEAPONS**

The need to immediately incapacitate the inmate must be weighed against the risk of causing serious injury or death. The head and neck should not be intentionally targeted with an impact weapon, except when the correctional officer reasonably believes the inmate may cause serious bodily injury or death to the correctional officer or others.

### **509.4.6 KINETIC ENERGY PROJECTILES**

Kinetic energy projectiles, when used properly, are less likely to result in death or serious physical injury and can be used by a trained and qualified member in an attempt to de-escalate a potentially deadly situation.

## **509.5 IMMEDIATE AND CALCULATED USE OF FORCE**

An immediate use of force occurs when force is used to respond without delay to a situation or circumstance that constitutes an imminent threat to security or safety. For example, the immediate or unplanned use of force by staff to stop an inmate from inflicting life-threatening injuries to him/herself or to stop an assault on any other person, including other inmates.

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The destruction of government property may require the immediate use of force by staff in some circumstances. A verbal warning should be given before an immediate use of force unless the circumstances preclude it.

If there is no need for immediate action, staff should attempt to resolve the situation through voluntary compliance or, if it reasonably appears necessary, the calculated use of force. A calculated use of force is called for when an inmate's presence or conduct poses a threat to safety or security and the inmate is located in an area that can be controlled or isolated, or when time and circumstances permit advance planning, staffing and organization.

The assistance of non-custody staff (e.g., psychologists, counselors) should be considered when attempting to resolve a situation without confrontation.

A supervisor shall be present in any situation involving the calculated use of force. The supervisor shall notify the Sergeant for approval and consultation prior to any calculated use of force action.

### 509.5.1 CONFRONTATION AVOIDANCE PROCEDURES

Prior to any calculated use of force, the supervisor shall confer with the appropriate persons to gather pertinent information about the inmate and the immediate situation. Based on the supervisor's assessment of the available information, he/she should direct staff to attempt to obtain the inmate's voluntary cooperation and consider other available options before determining whether force is necessary.

The supervisor should consider including the following persons and resources in the process:

- (a) Mental health specialist
- (b) Qualified health care professional
- (c) Chaplain
- (d) Office Records Section
- (e) Any other relevant resources

Regardless of whether discussions with any of the above resources are accomplished by telephone or in person, the purpose is to gather information to assist in developing a plan of action, such as the inmate's medical/mental history (e.g., hypoglycemia, diabetes), any recent incident reports or situations that may be contributing to the inmate's present condition (e.g., pending criminal prosecution or sentencing, recent death of a loved one, divorce). The assessment should include discussions with staff members who are familiar with the inmate's background or present status. This may provide insight into the cause of the inmate's immediate agitation. It also may identify other staff who have a rapport with the inmate and could possibly resolve the incident peacefully, without the use of force.

If force is determined necessary and other means of gaining control of an inmate are deemed inappropriate or ineffective, then the use of force team technique should be used to control the inmate and to apply restraints, if required.

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Consideration should also be given to preventing exposure to communicable diseases in calculated use of force situations and to ensuring that medical services personnel are available.

### **509.6 REPORTING THE USE OF FORCE**

Every staff use of force is an incident that shall be reported on the appropriate report form. Any staff member who uses force and any staff directly observing the incident shall make a verbal report to a supervisor as soon as practicable and shall submit the appropriate documentation prior to going off-duty, unless directed otherwise by a supervisor.

The documentation will reflect the actions and responses of each staff member participating in the incident, as witnessed by the reporting staff member.

The report should include:

- (a) A clear, detailed description of the incident, including any application of weapons or restraints.
- (b) The identity of all involved in the incident (e.g. inmates, staff and others).
- (c) The specific reasons for the application of force.
- (d) The threat as perceived by the staff involved.
- (e) Efforts were made to temper the severity of a forceful response, and if there were none, the reasons why.
- (f) Description of any injuries to anyone involved in the incident, including the result of any medical checks that show the presence or absence of injury.

A video recording is required for all calculated use of force incidents and should include the introduction of all staff participating in the process. The recording and documentation will be part of the investigation package. The supervisor should ensure the recording is properly processed for retention and a copy is forwarded with the report to the Chief Deputy within three working days.

The supervisor responsible for gathering the reports may allow a reasonable delay in preparation of a report in consideration of immediate psychological and/or physical condition of the involved correctional officer.

### **509.7 SUPERVISOR RESPONSIBILITY**

When a supervisor is able to respond to an incident in which there has been a reported use of force, the supervisor is expected to:

- (a) Obtain the basic facts from the involved corrections officers. Absent an allegation of misconduct or excessive force, this will be considered a routine contact in the normal course of duties.
- (b) In cases involving the use of deadly force or when serious injury has resulted, obtain an oral statement from the employee. The statement should be restricted to concerns

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of anything that may present an ongoing threat to the security of the facility or public safety.

- (c) Take appropriate measures to address public safety concerns, document the essence of the oral statements in writing and submit it to the Sergeant.
- (d) Ensure that the appropriate investigation authority is notified, if needed.
- (e) Ensure that any parties involved in a use of force situation are examined by medical staff, regardless of whether any injuries are reported or detectable, and afforded medical treatment as appropriate.
- (f) Separately obtain a recorded interview with all inmates upon whom force was used. If this interview is conducted without the person having voluntarily waived his/her *Miranda* rights, the supervisor should ensure the following in the event a report is submitted to a prosecuting authority:
  - 1. The fact that a recorded interview was conducted by a supervisor and retained for the use of force review should be clearly documented.
  - 2. The content of the interview should not be summarized or included in any related reports submitted to the prosecuting authority.
- (g) The recording of the interview should be distinctly marked for retention until all potential for civil litigation has expired.
- (h) Once any initial medical assessment or first aid has been completed, ensure that photographs have been taken of any areas involving visible injury or complaint of pain as well as overall photographs of uninjured areas. These photographs should be retained until all potential civil litigation has expired.
- (i) Identify any witnesses not already included in related reports.
- (j) Review and approve all related reports.

If the supervisor determines that any application of force was not within policy, he/she should detail those findings in a separate report. If there is an injury or complaint of an injury, the supervisor should also prepare a risk management report and should submit all reports to the Sergeant.

In the event that a supervisor is unable to respond to the scene of an incident involving a reported application of force, the supervisor is still expected to complete as many of the above items as circumstances permit.

If an inmate has made an allegation of an unnecessary or excessive use of force, the interview should be video-recorded and shall be documented on the appropriate report form.

### **509.8 USE OF DEADLY FORCE**

Use of deadly force is justified in the following circumstances:



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- (a) A correctional officer may use deadly force to protect him/herself or others from what he/she reasonably believes would be an imminent threat of death or serious bodily injury.
- (b) A correctional officer may use deadly force to stop an escaping inmate when the correctional officer has probable cause to believe that the inmate has committed, or intends to commit, a felony involving the infliction or threatened infliction of serious bodily injury or death, and the correctional officer reasonably believes that there is an imminent or future potential risk of serious bodily injury or death to any other person if the inmate is not immediately apprehended. Under such circumstances, a verbal warning should precede the use of deadly force, where feasible.

Imminent does not mean immediate or instantaneous. An imminent danger may exist even if the inmate is not at that very moment pointing a weapon at someone. For example, an imminent danger may exist if a corrections officer reasonably believes any of the following:

- 1. The inmate has a weapon or is attempting to access one and it is reasonable to believe the inmate intends to use it against the correctional officer or another.
- 2. The inmate is capable of causing serious bodily injury or death without a weapon and it is reasonable to believe the inmate intends to do so.

### **509.8.1 USE OF DEADLY FORCE-REPORTING**

An employee, who intentionally or accidentally uses deadly force, whether on- or off-duty, shall ensure that a supervisor is notified of the incident without delay.

The supervisor shall ensure that the chain of command is notified and all necessary health and safety, medical and security measures are initiated.

The Sergeant shall promptly notify the Chief Deputy of any incident involving a staff member employing deadly force, or any incident where a death or serious bodily injury may have been caused by a staff member.

### **509.9 USE OF FORCE REVIEW**

The Sergeant shall review all related reports of use of force incidents occurring on his/her command. The review is to determine whether the use of force was in compliance with policy, procedure and applicable law, and to determine if follow-up action or investigation is necessary.

### **509.10 TRAINING**

The Chief Deputy shall work with the Training Officer to ensure legal and facility training mandates are met. This training shall include the following:

- (a) Self-defense
- (b) Use of force to control inmates

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- (c) Weapons training
- (d) Confrontation avoidance procedures:
  - 1. Communication techniques
  - 2. Cultural diversity
  - 3. Dealing with the mentally ill
  - 4. Application of restraints
  - 5. Reporting procedures
- (e) Forced cell extraction techniques
- (f) Use of force team techniques
- (g) General restraint training (soft and hard restraints)

### 509.10.1 TRAINING FOR CONTROL DEVICES

The Training Officer shall ensure that all personnel who are authorized to carry a control device have been properly trained and certified to carry the specific control device and are retrained or recertified as necessary.

- (a) Proficiency training shall be monitored and documented by a certified, control-device weapons or tactics instructor.
- (b) All training and proficiency for control devices will be documented in the correctional officer's training file.
- (c) Corrections officers who fail to demonstrate proficiency with the control device or knowledge of this office's Use of Force Policy will be restricted from carrying the control device until demonstrating proficiency. If a corrections officer cannot demonstrate proficiency with a control device or knowledge of this office's Use of Force Policy after remedial training, the correctional officer may be subject to discipline.

### 509.10.2 PERIODIC TRAINING

Supervisors should conduct and document regular periodic briefings concerning this policy and the storage and use of weapons and control devices. Any test sheets or documentation of performance should be forwarded to the Training Officer to be included in the employee's training record.

## Civil Detainees

### 510.1 PURPOSE AND SCOPE

This policy provides safeguards to ensure that persons held under a civil detainer are afforded appropriate standards of custody.

Nothing in this policy prevents application of discipline under the Inmate Discipline Policy.

#### 510.1.1 DEFINITIONS

Definitions related to this policy include:

**Civil detainee** - Any person in custody held for a reason other than for criminal matters.

**Enhanced security concern** - A status applicable to a civil detainee that indicates the person poses an enhanced threat to staff or others due to the person's past criminal behavior, criminal sophistication or other actions.

### 510.2 POLICY

It is the policy of the Santa Cruz County Sheriff's Office that any restrictions placed on civil detainees must be for legitimate, non-punitive purposes that cannot be reasonably accomplished through less restrictive means.

### 510.3 SCREENING

Civil detainees should undergo the same screening process as inmates, including attention to whether the person poses an enhanced security concern.

### 510.4 CONDITIONS OF CONFINEMENT IN HOUSING

All civil detainees should be housed and transported separately from other inmates.

#### 510.4.1 ACCESS TO MAIL

Civil detainees shall have the same access to books, periodicals and magazines as any other general population inmate, except incoming books and magazines must only be censored with a substantial government interest, and only when it is necessary or essential to address the particular government interest. Government interests that would justify confiscation of incoming books, periodicals or magazines from a civil detainee may include:

- (a) Maintaining facility security and safety, such as a book covering improvised weapons or promoting aggression.
- (b) Preventing dangerous conduct.
- (c) Complying with a court order or court ordered treatment plan.

Outgoing and incoming mail may be inspected but not read, unless there is specific and articulable information to believe a particular security or safety issue is at hand.

## Use of Restraints

### 511.1 PURPOSE AND SCOPE

This policy establishes guidelines for the application, supervisory oversight and restrictions on the use of restraints on persons incarcerated in this facility.

This policy shall apply to the use of specific types of restraints, such as four/five-point restraints, safety chairs, ambulatory restraints and similar restraint systems, as well as all other restraints, including handcuffs, waist chains and leg irons when such restraints are used to restrain any inmate for prolonged periods.

#### 511.1.1 DEFINITIONS

Definitions related to this policy include:

**Clinical restraints** - Restraints applied when an inmate's disruptive, assaultive and/or self-injurious behavior is related to a medical or mental illness. Clinical restraints can include leather, rubber or canvas hand and leg restraints with contact points on a specialized bed (four/five-point restraints) or a portable safety chair.

**Custody restraints** - Includes steel handcuffs and leg restraints, polyurethane or nylon soft restraints, waist restraints and chair restraints that are applied to control an inmate who is assaultive, engaging in self-injurious behavior or attempting to damage property.

**Therapeutic seclusion** - Isolation of an agitated, vulnerable and/or severely anxious inmate with a serious mental illness as part of his/her treatment when clinically indicated for preventive therapeutic purposes.

### 511.2 POLICY

It is the policy of this office that restraints shall be used only to prevent self-injury, injury to others or property damage. Restraints may also be applied according to inmate classification, such as maximum security, to control the behavior of a high-risk inmate while he/she is being moved outside the cell or housing unit.

Restraints shall never be used for retaliation or as punishment. Restraints shall not be applied for more time than is necessary to control the inmate. Restraints are to be applied only when less restrictive methods of controlling the dangerous behavior of an inmate have failed or appear likely to fail (15 CCR 1029(a)(4)); 15 CCR 1058). Each incident where restraints are used shall be documented as an assessment within JMS by the handling staff member prior to the end of their shift.

This policy does not apply to the temporary use of restraints, such as handcuffing or the use of leg irons to control an inmate during movement and transportation inside or outside the facility.

## *Use of Restraints*

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### **511.3 USE OF RESTRAINTS - CONTROL**

Supervisors shall proactively oversee the use of restraints on any inmate. Whenever feasible the use of restraints other than routine use during transfer, shall require the approval of a Supervisor prior to application. In instances where prior approval is not feasible, the Supervisor shall be apprised of the use of restraints as soon as practicable.

Restraint devices, such as safety chairs, shall only be used on an inmate when it reasonably appears necessary to overcome resistance, prevent escape or bring an incident under control, thereby preventing injury to the inmate or others, or eliminating the possibility of property damage. Restraints shall not be applied for more time than is reasonably necessary to achieve the above goals. Approval to place an inmate in the safety chair must come from the on duty supervisor. A supervisor shall oversee all safety chair placements. Hydration (water or juices) shall be provided no less than once every two hours or upon request. Continued placement in the safety chair shall be evaluated every hour by the supervisor and documented on the Observation Log as well as a JMS Chair Assessment. Inmates shall be removed from the safety chair immediately after being declared no longer a threat to themselves or staff. Retaining an inmate in a safety chair for longer than 6 hours requires Lieutenant approval. The Lieutenants approval shall be noted on the restraint log.

A qualified health care professional shall be called to observe the application of the restraints, when feasible prior to the application or as soon as practicable after the application, and to check the inmate for adequate circulation.

The safety chair will not be used on an inmate who has been sprayed with OC spray within 30 minutes prior to placement in the safety chair. The only exception is if there is constant direct supervision by medical staff and a supervisor while the inmate remains restrained in the chair to monitor the inmate's health. Direct supervision shall take place for at least 30 minutes after being exposed to OC spray, or longer if it is deemed necessary to ensure the medical welfare of the inmate.

The use of restraints for purposes other than for the controlled movement or transportation of an inmate shall be documented on appropriate logs to include, at minimum, the type of restraint used, when it was applied, a detailed description of why the restraint was needed and when it was removed (15 CCR 1058).

The following provisions shall be followed when utilizing restraints to control an inmate:

- (a) Restraints shall not be used as punishment, placed around a person's neck or applied in a way that is likely to cause undue physical discomfort or restrict blood flow or breathing (e.g., hog-tying).
- (b) Restrained inmates shall not be placed face down or in a position that inhibits breathing.
- (c) Restraints shall not be used to secure a person to a fixed object except as a temporary emergency measure. A person who is being transported shall not be locked in any

## *Use of Restraints*

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manner to any part of the transporting vehicle except for items installed for passenger safety, such as seat belts.

- (d) Inmates in restraints shall be housed either alone or in an area designated for restrained inmates.
- (e) Restraints shall be applied for no longer than is reasonably necessary to protect the inmate or others from harm.
- (f) Staff members shall conduct direct face-to-face observation at least twice every 30 minutes to check the inmate's physical well-being and behavior. Restraints shall be checked to verify correct application and to ensure they do not compromise circulation. All checks shall be documented, with the actual time recorded by the person doing the observation, along with a description of the inmate's behavior. Any actions taken should also be noted in the log.
- (g) The specific reasons for the continued need for restraints shall be reviewed, documented and approved by the Lieutenant or Watch Commander at least every hour.
- (h) As soon as possible, but within four hours of placement in restraints, the inmate shall be medically assessed to determine whether he/she has a serious medical condition that is being masked by the aggressive behavior. The medical assessment shall be a face-to-face evaluation by a qualified health care professional and shall recur once every six hours of continued restraint thereafter.
- (i) As soon as possible, but within six hours of placement in restraints, the inmate must be evaluated by a mental health professional to assess whether the inmate needs immediate and/or long-term mental health treatment.

### **511.4 USE OF RESTRAINTS - CLINICAL**

Inmates may be considered for clinically ordered restraints or seclusion when exhibiting dangerous behavior that is believed to be a product of a medical or mental illness and that puts the inmate or others at risk of physical harm, or when medical care is urgently required and the inmate is not considered competent to give or withhold consent.

Clinical restraints and/or therapeutic seclusion shall only be used when an inmate's safety or the safety of others cannot be protected by less restrictive means, and only upon the direct order of a qualified health care professional and notification of a Lieutenant or the authorized designee prior to taking action. Restraints shall be used no longer than is reasonably necessary to provide for the legitimate safety concerns of the inmate, staff or others.

The following provisions shall be used any time clinical restraints or therapeutic seclusion is authorized:

- (a) Excluding short-term use to gain immediate control of an inmate exhibiting dangerous or destructive behavior, an inmate may be placed in clinical restraints or therapeutic seclusion only on the orders of a qualified health care professional and only after

## *Use of Restraints*

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- making a determination that less restrictive interventions are ineffective to prevent the inmate from causing property damage or serious injury to him/herself or others.
- (b) Medical restraints or therapeutic seclusion shall never be ordered or otherwise applied as a means of coercion, discipline, punishment, convenience or retaliation.
  - (c) The qualified health care professional's order may only be in effect for up to 12 hours for adult inmates and up to two hours for inmates age 17 or younger.
  - (d) Within one hour of the application of restraints or therapeutic seclusion, a face-to-face observation of the inmate to evaluate the need for continued restraint or therapeutic seclusion shall be conducted by a qualified health care professional.
  - (e) If deemed clinically necessary, the qualified health care professional who gave the initial order for restraints or therapeutic seclusion may renew the original order for an additional four hours for an adult or up to two hours for a person who is age 17 or younger.
  - (f) Inmates placed in medical restraints shall be placed in designated cells within the medical unit. The restraints shall be applied in the least restrictive manner possible, based on the qualified health care professional's evaluation and order.
  - (g) Inmates placed in restraints shall only be placed in a face-up position.
  - (h) A qualified health care professional shall conduct face-to-face checks at minimum every 15 minutes to assess the inmate's condition and behavior. The restraints shall be checked for proper application and to ensure that circulation is not compromised. Checks shall be documented in the inmate's medical file.
  - (i) Except in the event of a medical emergency for the inmate, only a qualified health care professional shall determine when an inmate shall be released from medical restraints or therapeutic seclusion.

### **511.5 RANGE OF MOTION**

Inmates placed in restraints for longer than two hours should receive a range-of-motion procedure that will allow for the movement of the extremities. Range-of-motion exercise will consist of alternate movement of the extremities (i.e., right arm and left leg) for a minimum of 10 minutes every two hours.

### **511.6 FOOD AND HYDRATION**

Inmates who are confined in restraints shall be given food and fluids. Provisions shall be made to accommodate any toileting needs at least once every two hours. Food shall be provided during normal meal periods. Hydration (water or juices) will be provided no less than once every two hours or when requested by the inmate.

Offering food and hydration to inmates will be documented to include the time, the name of the person offering the food or water/juices, and the inmate's response (receptive, rejected). Inmates shall be provided the opportunity to clean themselves or their clothing while they are in restraints.

## *Use of Restraints*

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### **511.7 AVAILABILITY OF CARDIOPULMONARY RESUSCITATION EQUIPMENT**

Cardiopulmonary resuscitation (CPR) equipment, such as barrier masks, shall be provided by the facility and located in close proximity to the location where inmates in restraints are held.

### **511.8 RESTRAINED INMATE HOLDING**

Restrained inmates should be protected from abuse by other inmates. Under no circumstances will restrained inmates be housed with inmates who are not in restraints. In most instances, restrained inmates are housed alone or in an area designated for restrained inmates (15 CCR 1058).

### **511.9 PREGNANT INMATES**

Restraints will not be used on inmates who are known to be pregnant unless based on an individualized determination that restraints are reasonably necessary for the legitimate safety and security needs of the inmate, the staff or the public. Should restraints be necessary, the restraints shall be the least restrictive available and the most reasonable under the circumstances.

In no event will an inmate who is known to be pregnant be restrained by the use of leg restraints/irons, waist restraints/chains, or handcuffs behind the body (Penal Code § 3407).

Known or suspected pregnant women will not be placed in the restraint chair.

Upon confirmation of an inmate's pregnancy, she shall be advised, orally or in writing, of the standards and policies governing pregnant inmates, including, but not limited to, the provisions of this chapter, the relevant regulations, and the correctional facility policies (Penal Code § 3407 (e)).

#### **511.9.1 INMATES IN LABOR**

No inmate in labor, delivery or recovery shall be restrained by the use of leg restraints/irons, waist restraints/chains, or handcuffs behind the body (Penal Code § 3407).

No inmate who is in labor, delivery or recovery from a birth shall be otherwise restrained except when all of the following exist (Penal Code § 3407):

- (a) There is a substantial flight risk or some other extraordinary medical or security circumstance that dictates restraints be used to ensure the safety and security of the inmate, the staff of this or the medical facility, other inmates or the public.
- (b) A supervisor has made an individualized determination that such restraints are necessary to prevent escape or injury.
- (c) There is no objection from the treating medical care provider.
- (d) The restraints used are the least restrictive type and are used in the least restrictive manner.

Restraints shall be removed when medical staff responsible for the medical care of the pregnant inmate determines that the removal of restraints is medically necessary (Penal Code § 3407).

The supervisor should, within 10 days, make written findings specifically describing the type of restraints used, the justification and the underlying extraordinary circumstances.



## Searches

### 512.1 PURPOSE AND SCOPE

The purpose of this policy is to provide clear direction on maintaining the safety and security of the facility by conducting searches, in balance with protecting the rights afforded by the United States Constitution.

The introduction of contraband, intoxicants or weapons into the Santa Cruz County Sheriff's Office facility poses a serious risk to the safety and security of staff, inmates, volunteers, contractors and the public. Any item that is not available to all inmates may be used as currency by those who possess the item, and will allow those in possession of the item to have control over other inmates. Any item that may be used to disengage a lock, other electronic security devices or the physical plant itself, seriously jeopardizes the safety and security of this facility. Carefully restricting the flow of contraband into the facility can only be achieved by thorough searches of inmates and their environment.

Nothing in this policy is intended to prohibit the otherwise lawful collection of trace evidence from an inmate/arrestee.

#### 512.1.1 DEFINITIONS

Definitions related to this policy include:

**Contraband** - Anything unauthorized for inmates to possess or anything authorized to possess but in an unauthorized quantity.

**Modified strip search** - A search that requires a person to remove or rearrange some of his/her clothing that does not include a visual inspection of the breasts, buttocks or genitalia of the person but may include a thorough tactile search of an inmate's partially unclothed body. This also includes searching the inmate's clothing once it has been removed.

**Pat-down search** - The normal type of search used by corrections officers within this facility to check an individual for weapons or contraband. It involves a thorough patting down of clothing to locate any weapons or dangerous items that could pose a danger to the correctional officer, the inmate or other inmates.

**Physical body cavity search** - A search that includes a visual inspection and may include physical intrusion into a body cavity. Body cavity means the stomach or rectal cavity of a person, and the vagina of a female person.

**Strip search** - A search that requires a person to remove or rearrange some or all of his/her clothing to permit a visual inspection of the underclothing, breasts, buttocks, anus or outer genitalia of the person. This includes monitoring of a person showering or changing clothes where the person's underclothing, buttocks, genitalia or female breasts are visible to the monitoring employee.

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### **512.2 POLICY**

It is the policy of this office to ensure the safety of staff, inmates and visitors by conducting effective and appropriate searches of inmates and areas within the facility in accordance with applicable laws (15 CCR 1029(a)(6)).

Searches shall not be used for intimidation, harassment, punishment or retaliation.

### **512.3 PAT-DOWN SEARCHES**

Pat-down searches will be performed on all inmates/arrestees upon entering the secure booking area of the facility. Additionally, pat-down searches should occur frequently within the facility. At a minimum, the staff shall conduct pat-down searches in circumstances that include:

- (a) When inmates leave their housing units to participate in activities elsewhere in the facility (e.g., exercise yard, medical, program, visiting) and when they return.
- (b) During physical plant searches of entire housing units.
- (c) When inmates come into contact with other inmates housed outside of their housing units, such as work details.
- (d) Any time the staff believes the inmates may have contraband on their persons.

Except in emergencies, male staff may not pat down female inmates and female staff may not pat down male inmates. Absent the availability of a same sex staff member, it is recommended that a witnessing staff member be present during any pat-down search of an individual of the opposite sex. All cross-gender pat-down searches shall be documented (28 CFR 115.15).

### **512.4 MODIFIED STRIP SEARCHES, STRIP SEARCHES AND PHYSICAL BODY CAVITY SEARCHES**

Corrections officers will generally consider the reason for the search, the scope, intrusion, manner and location of the search, and will utilize the least invasive search method to meet the need for the search.

#### **512.4.1 STRIP SEARCHES PRIOR TO PLACEMENT IN A HOUSING UNIT**

Strip searches prior to placement in a housing unit shall be conducted as follows:

- (a) No person held prior to placement in a housing unit shall be subjected to a modified strip search or strip search unless there is reasonable suspicion based upon specific and articulable facts to believe the person has a health condition requiring immediate medical attention or is concealing a weapon or contraband. Factors to be considered in determining reasonable suspicion include, but are not limited to:
  - 1. The detection of an object during a pat-down search that may be a weapon or contraband and cannot be safely retrieved without a modified strip search or strip search.

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2. Circumstances of a current arrest that specifically indicate the person may be concealing a weapon or contraband. A felony arrest charge or being under the influence of a controlled substance should not suffice as reasonable suspicion absent other facts.
  3. Custody history (past possession of contraband while in custody, assaults on staff, escape attempts, etc.).
  4. The person's actions or demeanor.
  5. Criminal history (level of experience in a custody setting, etc.).
- (b) No modified strip search or strip search of an inmate shall be conducted prior to admittance to a housing unit without prior authorization from the Sergeant.
- (c) The staff member conducting the modified strip search or strip search shall:
1. Document the name and sex of the person subjected to the strip search.
  2. Document the facts that led to the decision to perform a strip search of the inmate.
  3. Document the reasons less intrusive methods of searching were not used or were insufficient.
  4. Document the supervisor's approval.
  5. Document the time, date and location of the search.
  6. Document the names, sex and roles of any staff present.
  7. Itemize in writing all contraband and weapons discovered by the search.
  8. Process all contraband and weapons in accordance with the office's current evidence procedures.
  9. If appropriate, complete a crime report and/or disciplinary report.
  10. Ensure the documentation is placed in the inmate's file. A copy of the written authorization shall be retained and made available to the inmate or other authorized representative upon request.

### **512.4.2 STRIP SEARCHES UPON ENTRY INTO A HOUSING UNIT**

Strip searches will be conducted on all inmates upon admission into a housing unit.

Arrestees who are eligible for release or who will be released when they are no longer intoxicated will not be placed into a housing unit or have unmonitored or unsupervised contact with previously housed inmates.

Arrestees who are arranging bail shall be permitted a reasonable period of time, not less than 12 hours, before being placed in a housing unit.

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### 512.4.3 MODIFIED STRIP SEARCHES AND STRIP SEARCHES OF INMATES IN A HOUSING UNIT

A strip search of an inmate in a housing unit should be conducted when the inmate has entered an environment where contraband or weapons may be accessed. This includes, but is not limited to, the following:

- (a) Upon return from contact visits
- (b) Upon leaving the kitchen, shop, farm, etc.
- (c) Upon return to the housing unit from outside the confines of the facility (court, work-release, work detail, medical visits)

Inmates returning from court with release orders shall not be subject to strip searches or modified strip searches unless the reasonable suspicion exists based on specific and articulable facts that the person is concealing a weapon or contraband. The inmate should not be returned to the housing unit, except for retrieving his/her personal property under the direct visual supervision of staff.

Staff members may conduct modified strip searches and strip searches of inmates outside the above listed circumstances only with supervisor approval. Staff members and supervisors must make a determination to conduct a strip search by balancing the scope of the particular search, intrusion, the manner in which it is conducted, the justification for initiating it and the place in which it is conducted. Less invasive searches should be used if they would meet the need for the search. For example, a pat-down or modified strip search may be sufficient as an initial effort to locate a larger item, such as a cell phone.

The staff member conducting a modified strip or strip search outside the above listed circumstances shall:

- Document in writing the facts that led to the decision to perform a strip search of the inmate.
- Document the reasons less intrusive methods of searching were not used or were insufficient.
- Document the supervisor's approval.
- Document the time, date and location of the search.
- Document the names of staff present, their sex and their roles.
- Itemize in writing all contraband and weapons discovered by the search.
- Process all contraband and weapons in accordance with the office's current evidence procedures.
- If appropriate, complete a crime report and/or disciplinary report.

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- Ensure the completed documentation is placed in the inmate's file. A copy of the written authorization shall be retained and made available to the inmate or other authorized representative upon request.

### 512.4.4 MODIFIED STRIP SEARCH AND STRIP SEARCH PROCEDURES

All modified strip searches and strip searches shall be conducted in a professional manner under sanitary conditions and in an area of privacy so that the search cannot be observed by persons not participating in the search.

Unless conducted by a qualified health care professional or in case of an emergency, a modified strip search or strip search shall be conducted by staff members of the same sex as the person being searched (Penal Code § 4030). Any cross-gender modified strip searches and cross-gender strip searches shall be documented (28 CFR 115.15).

Whenever possible, a second staff member of the same sex should be present during the search for security purposes and to witness the discovery of evidence.

The staff member conducting a strip search shall not touch the breasts, buttocks or genitalia of the person being searched. These areas may be touched through the clothing during a modified strip search.

- (a) The searching staff member will instruct the inmate to:
  1. Remove his/her clothing.
  2. Raise his/her arms above the head and turn 360 degrees.
  3. Bend forward and run his/her hands through his/her hair.
  4. Turn his/her head first to the left and then to the right so the searching correctional officer can inspect the inmate's ear orifices.
  5. Open his/her mouth and run a finger over the upper and lower gum areas, then raise the tongue so the correctional officer can inspect the interior of the inmate's mouth. Remove dentures if applicable.
  6. Turn around and raise one foot first, then the other so the correctional officer can check the bottom of each foot.
  7. For a visual cavity search, turn around, bend forward and spread the buttocks if necessary to view the anus.
- (b) At the completion of the search, the inmate should be instructed to dress in either his/her street clothes or correctional facility-supplied clothing, as appropriate.

### 512.4.5 PHYSICAL BODY CAVITY SEARCH

Physical body cavity searches shall be completed as follows:

- (a) No person shall be subjected to a physical body cavity search without the approval of the Chief Deputy or the authorized designee and only with the issuance of a search

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warrant. A copy of any search warrant and the results of the physical body cavity search shall be included with the related reports and made available, upon request, to the inmate or authorized representative (except for those portions of the warrant ordered sealed by a court).

- (b) Only a physician may conduct a physical body cavity search. Except in exigent circumstances, only a physician who is not responsible for providing ongoing care to the inmate may conduct the search (15 CCR 1206(o)).
- (c) Except for the physician conducting the search, persons present must be of the same sex as the person being searched. Only the necessary staff needed to maintain the safety and security of the medical personnel shall be present (Penal Code § 4030).
- (d) Privacy requirements, including restricted touching of body parts and sanitary condition requirements are the same as required for a strip search.
- (e) All such searches shall be documented including:
  - 1. The facts that led to the decision to perform a physical body cavity search of the inmate.
  - 2. The reasons less intrusive methods of searching were not used or were insufficient.
  - 3. The Chief Deputy's approval.
  - 4. A copy of the search warrant.
  - 5. The time, date and location of the search.
  - 6. The medical personnel present.
  - 7. The names, sex and roles of any staff present.
  - 8. Any contraband or weapons discovered by the search.
- (f) Completed documentation should be placed in the inmate's file. A copy of the written authorization shall be retained and made available to the inmate or other authorized representative upon request.
- (g) All contraband and weapons should be processed in accordance with the office's current evidence procedures.
- (h) If appropriate, the staff member shall complete a crime report and/or disciplinary report.

### 512.4.6 BODY SCANNER SEARCH

When a scanner is reasonably available, a body scanner should be performed on all inmates/arrestees upon entering the secure booking area of the facility.

If a body scanner is used, members (Penal Code § 4030):

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- (a) Within sight of the visual display of a body scanner depicting the body during a scan shall be of the same sex as the person being scanned, except for physicians or licensed medical personnel.
- (b) Should ask female inmates if they are pregnant prior to a body scan and should not knowingly use a body scanner on a woman who is pregnant.

The body scanner should generally be used whenever reasonably practicable in place of a modified strip search, strip search or body cavity search of an inmate in housing unless one of those searches is reasonably necessary after the scan.

### **512.5 TRANSGENDER SEARCHES**

Staff shall not search or physically examine a transgender or intersex inmate for the sole purpose of determining genital status (see Prison Rape Elimination Act Policy for transgender and intersex definitions). If genital status is unknown, it may be determined during conversations with the inmate, by reviewing medical records or, if necessary, by obtaining that information as part of a broader medical examination conducted in private by a qualified health care professional (28 CFR 115.15).

### **512.6 HOUSING UNIT SEARCHES**

Housing unit searches shall occur as directed by a supervisor. These searches should include all of the living spaces occupied by inmates. Housing unit searches should be scheduled in a manner that does not create a pattern where the inmates can predict such searches. During a housing unit search:

- (a) All inmates shall vacate their living areas and be searched by staff.
- (b) Inmates should be escorted to a separate holding area, such as the recreation yard.
- (c) Staff shall search the living areas of the inmates, including bedding, personal storage areas, bunks and other areas with inmate access.
- (d) Any weapons or contraband located shall be processed in accordance with the current evidence procedures.
- (e) The staff shall attempt to identify the inmate who possessed the contraband and file appropriate inmate discipline and/or crime reports.
- (f) Any alcoholic beverage possessed by inmates shall be seized and the appropriate inmate disciplined and/or criminal charges filed.
- (g) Any authorized item found in excess of the limited quantity (e.g., food items, newspapers) shall be seized and discarded.

At the conclusion of the housing unit search, closely supervised inmate workers should clean the unit. All authorized inmate personal property shall be respected and living areas should be returned to an orderly condition.

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### **512.7 PHYSICAL PLANT SEARCHES**

The following areas of this facility shall be periodically searched for contraband:

- (a) Exercise yards shall be searched for contraband prior to and after each inmate group occupies the yard.
- (b) Holding cells shall be searched prior to and after each inmate occupies the cell.
- (c) Program areas, such as classrooms and multipurpose rooms shall be searched after each use by an inmate or inmate group.
- (d) Laundry areas shall be searched before and after each inmate group occupies the area.
- (e) Kitchen areas shall be frequently searched for contraband and to account for tools, knives and food items.
- (f) Inmate visiting and public areas shall be frequently inspected for contraband.
- (g) The facility perimeter shall be searched at least once each shift for contraband.

#### **512.7.1 CANINE-ASSISTED SEARCHES**

It is the policy of this facility to use canines to assist the staff in searching for contraband. Such searches shall occur only with the approval of a supervisor. Only canines trained in the detection of contraband, such as drugs, alcohol and weapons, will be allowed within the secure perimeter of the facility. Canines trained solely in crowd control or to assist in physically subduing individuals will not be used in the facility.

Canines will generally be used to assist the staff in general physical plant or living area searches. Contact between inmates and canines should be kept to a minimum (see the Canines Policy).

### **512.8 CRIMINAL EVIDENCE SEARCHES**

The Chief Deputy or the authorized designee shall be notified, as soon as practicable, any time it is suspected that a crime has been committed in the facility or other area controlled by the facility staff, and there is a need to search for evidence related to the crime.

Any evidence collected in connection with an alleged crime shall be reported, documented and stored to protect it from contamination, loss or tampering, and to establish the appropriate chain of custody. A search for evidence may be conducted by staff whenever there is a need for such action.

### **512.9 TRAINING**

The Training Officer shall provide training for staff in how to conduct pat-downs, modified strip searches and strip searches in a professional and respectful manner and in the least intrusive manner possible, consistent with facility security needs. This training shall include cross-gender pat downs and searches, as well as searches of transgender and intersex inmates (28 CFR 115.15).



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## Reporting In-Custody Deaths

### 513.1 PURPOSE AND SCOPE

This policy provides direction on how in-custody deaths shall be reported.

#### 513.1.1 DEFINITIONS

Definitions related to this policy include:

**In-custody death** - The death of any person, for whatever reason (natural, suicide, homicide, accident), who is in the process of being booked or is incarcerated at any facility of this office.

### 513.2 POLICY

It is the policy of this office to follow state and local guidelines for reporting in-custody deaths (15 CCR 1046).

### 513.3 MANDATORY REPORTING

All in-custody deaths shall be reported within 10 days of the death to the state Attorney General's office, in accordance with reporting guidelines and statutory requirements (Government Code § 12525).

If the decedent is a boarder for another agency, the Chief Deputy shall notify that agency so that agency will assume responsibility for the notification of the decedent's family.

Pursuant to Article 37 of the Vienna Convention on Consular Relation 1963, in the case of the death of a foreign national, telephonic notification to the appropriate consulate post should be made without unreasonable delay and confirmatory written notification shall be made within 72 hours of the death to the appropriate consulate post. The notification shall include the inmate's name, identification number, date and time of death and the attending physician's name.

In the event that a juvenile dies while in-custody, the Chief Deputy or the authorized designee shall notify the court of jurisdiction and the juvenile offenders' parent or guardian (15 CCR 1047). A copy of the report provided to the state Attorney General's office shall be submitted to the Board of State and Community Corrections within 10 days of the death (15 CCR 1046(b)(1)).

### 513.4 PROCEDURE

Upon determining that a death of any person has occurred while in the custody of this office, the Sergeant is responsible for ensuring that the Sheriff and all appropriate investigative authorities, including the Coroner, are notified without delay and all written reports are completed.

The Sergeant shall also promptly notify the Chief Deputy and make any other notifications required by policy or direction. The Chief Deputy shall observe all pertinent laws and allow appropriate investigating agencies full access to all facts surrounding the death.

The Office shall establish policies and procedures for the investigation of any in-custody death.

### *Reporting In-Custody Deaths*

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The decedent's personal belongings shall be disposed of in a responsible and legal manner. All property and records shall be retained according to established records retention schedules.

The individual designated by the decedent shall be notified of all pertinent information as required by law.

During an investigation, all inquiries regarding the death shall be referred to the Public Information Officer. Corrections officers shall not make a public comment.

#### **513.5 IN-CUSTODY DEATH REVIEW**

The Sheriff is responsible for establishing a team of qualified staff to conduct an administrative review of every in-custody death. At a minimum, the review team should include the following (15 CCR 1046(a)):

- (a) Sheriff and/or the Chief Deputy
- (b) County Counsel
- (c) Investigative staff
- (d) Responsible Physician, qualified health care professionals, supervisors or other staff who are relevant to the incident

## Staff and Inmate Contact

### 514.1 PURPOSE AND SCOPE

Frequent contact and interaction with inmates allow for continual assessment of the safety and security of the facility and the health and welfare of the inmates under supervision. This policy provides guidelines for the interaction between staff and inmates.

### 514.2 POLICY

The Chief Deputy shall ensure that inmates have adequate ways to communicate with the detention staff and that staff communicate and interact with the inmates in a timely and professional manner.

### 514.3 GENERAL CONDUCT GUIDELINES

Staff members are encouraged to interact with the inmates under their supervision on a continual basis and are expected to take prompt and appropriate action to address health and safety issues that are discovered or brought to their attention.

All custody staff, including support staff, contractors and volunteers, will at all times present a professional and command presence in their contact with inmates. Staff shall address inmates in a civil manner. The use of profanity or derogatory comments based on race, sex, age, personal appearance or sexual identity is strictly prohibited.

Written communication (request slips, inmate communication, grievances, rules infraction forms, disciplinary reports) shall be answered in a timely manner. Such communication shall be filed with the inmate's records.

Custody staff shall not dispense legal advice, opinion, or recommend attorneys, bond agents or other professional services to inmates. Staff shall not allow personal feelings to interfere with the provision of their required functions or the legal rights of the persons incarcerated in this facility. Staff shall not become overly familiar with inmates or their families and friends.

Special favors or privileges that are not permitted or required by office policies or at the direction of supervisory or management staff shall not be provided.

Custody staff shall not engage in sexual acts or salacious conversations or exchange inappropriate notes or letters with inmates.

Staff shall promptly report all attempts by inmates to initiate sexual acts salacious conversations and forward any correspondence from an inmate or former inmate to the Chief Deputy or the authorized designee.

Staff shall not allow a condition to exist that implies the inmates are in control of other inmates or any area of the facility.

Staff shall report all attempts to intimidate or instill feelings of fear to the supervisor.

*Staff and Inmate Contact*

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While profanity and harsh language are prohibited, the Office recognizes the necessity for staff to give inmates direction in a firm, determined and authoritative manner in order to maintain proper supervision and control. Authoritative directions to inmates are particularly indicated when activities or events pose a threat to the safety or security of this facility.

# Transportation of Inmates Outside the Secure Facility

## 515.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for the transportation of inmates outside this facility and to ensure that the staff assigned to transportation duties is qualified and adequately trained.

## 515.2 POLICY

It is the policy of the Santa Cruz County Sheriff's Office to provide safe, secure and humane transportation for all inmates and other persons as required by law.

This office shall transfer all inmates from the correctional facility to the place of imprisonment pursuant to the sentence of the court as soon as practicable after the sentence, in accordance with all laws relating to the transfer of inmates and costs related to transfers to facilities and jurisdictions.

## 515.3 PROCEDURES

Only staff members who have completed office-approved training on inmate transportation should be assigned inmate transportation duty. All staff members who operate transportation vehicles shall hold a valid license for the type of vehicle being operated.

Any member who transports an inmate outside the secure confines of this facility is responsible for:

- (a) Obtaining all necessary paperwork for the inmate being transported (e.g., medical/dental records, commitment documents).
- (b) Submitting a completed transportation plan to the transportation supervisor. Items that should be addressed in the plan include:
  1. Type of restraints to be used on the inmates being transported.
  2. The routes, including alternate routes, to be taken during the transportation assignment. Routes should be selected with security for the community in mind.
  3. Emergency response procedures in the event of a collision, breakdown of a transportation vehicle, or other unforeseen event.
- (c) Ensuring that all inmates are thoroughly searched and appropriate restraints are properly applied.
  1. Inmates who are known to be pregnant will not be handcuffed behind their backs or placed in leg restraints/irons or waist restraints/chains while being transported (see the Use of Restraints Policy).
- (d) Ensuring that all vehicle security devices (e.g., window bars, inside cages, door locks) are in good repair and are operational.

### *Transportation of Inmates Outside the Secure Facility*

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- (e) Thoroughly searching the transporting vehicle for contraband before any inmate is placed inside, and again after removing the inmate from the transporting vehicle.

#### **515.3.1 CLASSIFICATION OF INMATES**

There are four levels of classification for the purposes of inmate transportation and hospital security.

- 1) **Minimum Security:** Inmates classified as minimum security may be transported and guarded by a correctional officer. Such inmates may be suitable for guard by private security with approval of the watch commander.
- 2) **Medium Security:** Inmates classified as medium security may be transported and guarded by a deputy sheriff or a correctional officer. Such inmates may be suitable for guard by private security with approval of the watch commander.
- 3) **Maximum Security:** Inmates classified as maximum security shall be transported by a deputy sheriff and a correctional officer. Such inmates shall be guarded by a deputy sheriff unless the facility manager determines the inmate may be guarded by private security.
- 4) **High Risk Inmate:** Inmates who are determined to be high risk for assault or escape shall be transported by two deputy sheriffs or a deputy sheriff and a correctional officer. Such inmates shall be guarded by a deputy sheriff and a correctional officer unless the facility manager determines the inmate may be guarded by private security.

In a medical emergency, two correctional officers may escort an inmate of any classification in an ambulance. The patrol supervisor shall be notified an emergency exists which requires immediate response by a deputy sheriff. As soon as possible, the inmate shall be guarded consistent with the inmate classification level described above.

#### **515.4 TRAINING**

The Training Officer shall ensure that all employees charged with inmate transportation duties receive training appropriate for the assignment.

Documentation of all training presented shall be retained in the employee's training file in accordance with established records retention schedules.

## Safety and Sobering Cells

### 516.1 PURPOSE AND SCOPE

This policy establishes the requirement for placing inmates into and the continued placement of inmates in safety cells or sobering cells.

#### 516.1.1 DEFINITIONS

Definitions related to this policy include:

**Safety cell** - Safety cells are limited to one inmate and shall be used to hold only those inmates who display behavior which results in the destruction of property or reveals intent to cause physical harm to self or others.

**Sobering cell** - A sobering cell shall only be used for the holding of inmates who are a threat to their own safety or the safety of others due to their state of intoxication. Erratic behavior based off suspected drug influence is not considered intoxication. Intoxication generally refers to behavior resulting from alcohol intoxication. Such inmates shall be removed from the sobering cell as they are able to continue in the processing. The sobering cell is limited to eight inmates and bedding or temporary beds shall not be placed into the cell.

### 516.2 POLICY

This facility will employ the use of safety and sobering cells to protect inmates from injury or to prevent the destruction of property by an inmate in accordance with applicable law.

A sobering or safety cell shall not be used as punishment or as a substitute for treatment. The Chief Deputy or the authorized designee shall review this policy annually with the Responsible Physician.

### 516.3 SAFETY CELL PROCEDURES

The following guidelines apply when placing any inmate in a safety cell:

- (a) Placement of an inmate into a safety cell requires approval of a supervisor or the responsible Physician.
- (b) A safety cell log shall be initiated every time an inmate is placed into the safety cell and should be maintained for the entire time the inmate is housed in the cell for observation. Cell logs will be retained in accordance with established office retention schedules.
- (c) A safety check consisting of direct visual observation that is sufficient to assess the inmate's well-being and behavior shall occur every 15 minutes. Each safety check of the inmate shall be documented. Supervisors shall inspect the logs for completeness every two hours and document this action on the safety cell log. Deficient checks should be documented in a memo prepared by the officer for supervisor review and retention with the log.

## *Safety and Sobering Cells*

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- (d) Inmates should be permitted to remain normally clothed or should be provided a safety suit, except in cases where the inmate has demonstrated that clothing articles may pose a risk to the inmate's safety or the facility. In these cases, the reasons for not providing clothing shall be documented on the safety cell log.
- (e) Inmates in safety cells shall be given the opportunity to have fluids (water, juices) at least hourly. Corrections officers shall provide the fluids in paper cups. The inmates shall be given sufficient time to drink the fluids prior to the cup being removed. Each time an inmate is provided the opportunity to drink fluids will be documented on the safety cell log.
- (f) Inmates will be provided meals during each meal period. Inmates shall be given ample time to complete their meals prior to the plate or container being removed. All meals provided to inmates in safety cells will be documented on the safety cell log.
- (g) The Sergeant shall review the appropriateness for continued retention in the safety cell at least every eight hours. The reason for continued retention or removal from the safety cell shall be documented on the safety cell log.
- (h) A medical assessment of the inmate in the safety cell shall occur within 12 hours of placement or at the next daily sick call, whichever is earliest. Continued assessment of the inmate in the safety cell shall be conducted by a qualified health care professional and shall occur at least every 24 hours thereafter. Medical assessments shall be documented.
- (i) A mental health assessment shall be conducted within 24 hours of an inmate's placement in the safety cell. The mental health professionals' recommendations shall be documented.

### **516.4 SOBERING CELL PROCEDURES**

The following guidelines apply when placing any inmate in a sobering cell:

- (a) A sobering cell log shall be initiated every time an inmate is placed into a sobering cell. The log shall be maintained for the entire time the inmate is housed in the cell. Cell logs will be retained in accordance with established office retention schedules.
- (b) A safety check consisting of direct visual observation that is sufficient to assess the inmate's well-being and behavior shall occur at least every 15 minutes. Each visual observation of the inmate by staff shall be documented. Supervisors shall check the logs for completeness every two hours and document this action on the sobering cell log.
- (c) Qualified health care professionals shall assess the medical condition of the inmate in the sobering cell at least every six hours in accordance with the office Detoxification and Withdrawal Policy. Only inmates who continue to need the protective housing of a sobering cell will continue to be detained in such housing.



*Safety and Sobering Cells*

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- (d) Inmates will be removed from the sobering cell when they no longer pose a threat to their own safety and the safety of others and are able to continue the booking process.
- (e) Females and males will be detained in separate sobering cells.

## Biological Samples

### 517.1 PURPOSE AND SCOPE

This policy provides guidelines for the collection of biological samples from those inmates required to provide samples upon conviction and/or arrest for certain offenses. This policy does not apply to biological samples collected at a crime scene or taken from a person in conjunction with a criminal investigation. Nor does it apply to biological samples collected from those required to register, for example, as sex offenders.

### 517.2 POLICY

The Santa Cruz County Sheriff's Office will assist in the expeditious collection of required biological samples from arrestees and offenders in accordance with the laws of this state and with as little reliance on force as practicable.

### 517.3 PERSONS SUBJECT TO BIOLOGICAL SAMPLE COLLECTION

The following inmates must submit a biological sample (Penal Code § 296):

- (a) A person, including a juvenile, upon conviction or other adjudication of any felony offense
- (b) A person, including a juvenile, upon conviction or other adjudication of any offense if the person has a prior felony on record

### 517.4 PROCEDURE

When an inmate is required to provide a biological sample, a trained employee shall attempt to obtain the sample in accordance with this policy.

#### 517.4.1 COLLECTION

The following steps should be taken to collect a sample:

- (a) Verify that the inmate is required to provide a sample pursuant to Penal Code § 296 and Penal Code § 296.1.
- (b) Verify that a biological sample has not been previously collected from the offender by querying the individual's criminal history record for a DNA collection flag or, during regular business hours, calling the California Department of Justice (DOJ) designated DNA laboratory. There is no need to obtain a biological sample if one has been previously obtained.
- (c) Use the designated collection kit provided by the California DOJ to perform the collection and take steps to avoid cross contamination.

## *Biological Samples*

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### **517.5 CALCULATED USE OF FORCE TO OBTAIN SAMPLES**

If an inmate refuses to cooperate with the sample collection process, corrections officers should attempt to identify the reason for refusal and seek voluntary compliance without resorting to using force.

The Sergeant shall review and approve any calculated use of force. The supervisor shall be present to supervise and document the calculated use of force.

#### **517.5.1 VIDEO RECORDING**

A video recording should be made any time force is used to obtain a biological sample. The recording should document all staff participating in the process, in addition to the methods and all force used during the collection. The recording should be part of the investigation file, if any, or otherwise retained in accordance with the office's established records retention schedule (15 CCR 1059).

If the use of force includes a cell extraction, the extraction shall also be video recorded, including audio. The video recording shall be retained by the facility in accordance with established records retention schedules. Notwithstanding the use of the video as evidence in a criminal proceeding, the tape shall be retained by the jail administration (15 CCR 1059).

### **517.6 LEGAL MANDATES AND RELEVANT LAWS**

California law provides for the following:

#### **517.6.1 DOCUMENTATION RELATED TO FORCE**

The Sergeant shall prepare prior written authorization for the use of any force (15 CCR 1059).

The written authorization shall include information that the subject was asked to provide the requisite sample and refused, as well as any related court order authorizing the force.

#### **517.6.2 BLOOD SAMPLES**

A blood sample should only be obtained under this policy when:

- (a) The California DOJ requests a blood sample and the subject consents, or
- (b) A court orders a blood sample following a refusal.

The withdrawal of blood may only be performed in a medically approved manner by health care providers trained and qualified to draw blood. A California DOJ collection kit shall be used for this purpose (Penal Code § 298(a); Penal Code § 298(b)(2)).

#### **517.6.3 LITIGATION**

The Sheriff or the authorized designee should notify the California DOJ's DNA Legal Unit in the event this office is named in a lawsuit involving the DNA Data Bank.

## End of Term Release

### 518.1 PURPOSE AND SCOPE

The purpose of this policy is to establish and maintain procedures governing the end of term release of inmates to ensure that inmates are not released in error.

### 518.2 POLICY

It will be the policy of the Santa Cruz County Sheriff's Office to provide for the timely, efficient and legal release of inmates.

### 518.3 RELEASE PROCEDURE

Inmates who have reached the end of their sentenced term or who are ordered released by the court will be scheduled for release at staggered times on their release date to avoid congestion in the release area.

The Office, to the extent reasonably practicable, will not release an inmate in severe weather in such a manner as to endanger the inmate's health, safety or well-being. The inmate may be offered a safe mode of transportation to the closest place of safety or the opportunity to remain in a public area of the facility until the inclement weather passes.

The Sergeant or release officer shall sign and date the release paperwork on the same day the inmate is to be released.

Inmates shall not be released or moved during inmate count, change of shift or at any time that would pose a potential safety threat or disrupt the orderly operation of the facility.

All inmates must be positively identified by the staff prior to being released from the facility. Inmate identities should be verified using biometric scans or using intake records bearing the inmate's name, photograph and facility identification number.

The inmate should be permitted to make arrangements for transportation prior to release.

Before any inmate may be released, the following conditions must be met:

- (a) The identity of the inmate has been verified.
- (b) All required paperwork for release is present. The staff shall review the active inmate file to verify the validity of the documents authorizing the release. The file should also be reviewed for other release-related or pending matters, including:
  1. Verifying calculations and release-date adjustments for good time.
  2. Any pending arrangements for follow-up, such as medications needed, appointments or referral to community or social resources.
- (c) Releasing staff must complete National Crime Information Center (NCIC) and local warrant checks to ensure that there are no outstanding warrants or detention orders.

### *End of Term Release*

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If any agency has outstanding charges against the inmate, the staff shall notify the agency that the inmate is available for release.

- (d) If an inmate has known mental health concerns, the inmate shall be evaluated by the mental health staff and medically authorized for release. To the extent reasonably practicable, individuals who have been determined to be severely mentally ill should be released during business hours to facilitate their ability to receive services immediately after release.
- (e) All personal property shall be returned to the inmate during the release process. The inmate must acknowledge receiving his/her property by signed receipt. Any discrepancies shall be promptly reported to the Sergeant.
- (f) All facility property must be returned by the inmate. Any missing or damaged facility property should be documented and promptly reported to the Sergeant. The inmate shall remain in custody until the Sergeant reviews the damage and authorizes the release.
- (g) A forwarding address for the inmate should be on file and verified with the inmate.
- (h) Inmates on probation or parole should be directed by the staff to report to the probation or parole office immediately upon release. The parole authorities having jurisdiction shall be notified of the inmate's release, if required.
- (i) If needed, inmates may be allowed to make a reasonable number of telephone calls to arrange for transportation.
- (j) Arrangements shall be made for completion of any pending action, such as grievances, or claims of damaged or lost possessions.

The housing sheet, release log and daily census log shall be updated accordingly after the inmate's release. The Sergeant shall ensure all release documents are complete and properly signed by the inmate and the staff where required.

#### **518.3.1 DISCHARGE OF INMATES WITH MENTAL ILLNESS OR SUBSTANCE ADDICTION**

Inmates who are eligible for release and suffer from mental illness or substance addiction may be offered to stay in the facility for up to 16 additional hours or until normal business hours, whichever is shorter, in order for the inmate to be discharged to a treatment center or be discharged during daylight hours. The inmate may revoke his/her consent and be released as soon as possible and practicable (Penal Code § 4024).

#### **518.3.2 DISCHARGE OF INMATES CONVICTED OF FELONIES**

Inmates who have been convicted of a felony and meet the conditions in Penal Code § 4852.01 shall be advised of the right to petition for certificate of rehabilitation and pardon prior to release. The Records Section shall inform the inmate in writing of the inmate's right to petition, and of the procedures for filing a petition and obtaining the certificate (Penal Code § 4852.21).

## Over-Detention and Inadvertent Releases

### 519.1 PURPOSE AND SCOPE

This policy is intended to provide guidance to staff and management in the event of over-detention or inadvertent release.

#### 519.1.1 DEFINITIONS

Definitions related to this policy include:

**Inadvertent release** - Any instance of an inmate being mistakenly released.

**Over-detention** - Any instance of an inmate being mistakenly detained beyond his/her scheduled release date.

### 519.2 POLICY

It is the policy of this office to reasonably ensure that over-detention and inadvertent releases do not occur.

### 519.3 OVER-DETENTION

Any custody staff member who discovers or receives information of an over-detention, or a complaint from an inmate regarding over-detention (which could be discovered through a grievance), should immediately notify the Sergeant (see the Inmate Grievances Policy).

The Sergeant should direct the jail records unit to immediately conduct an investigation to determine the correct release date of the inmate and to report the findings to the Sergeant.

Inmates who are found to be over-detained shall be processed for immediate release in accordance with the End of Term Release Policy. The Sergeant shall ensure that the Chief Deputy is notified, an entry is made to the daily activity log and that a report is completed.

#### 519.3.1 OVER-DETENTION GRIEVANCES

Any custody staff member who receives information or a complaint from an inmate regarding over-detention should assist the inmate with completing a grievance form and forward the form directly to the Sergeant as soon as practicable.

The Sergeant receiving a grievance regarding an over-detention should direct the jail records unit to immediately conduct an investigation to determine the correct release date of the inmate and to report the findings to the Sergeant.

If the Sergeant decides not to release the inmate, the Sergeant should ensure the inmate receives a grievance hearing within 24 hours of the grievance submission. The hearing documentation should reflect efforts made to investigate the allegation (see the Inmate Grievances Policy).

### 519.4 INADVERTENT RELEASE

Whenever an inadvertent release is discovered, the custody staff member making the discovery shall immediately notify the Sergeant. The notification shall be documented in the daily activity log.

*Over-Detention and Inadvertent Releases*

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**519.4.1 INADVERTENT RELEASE INVESTIGATION**

The Sergeant should direct the jail records unit to immediately conduct an investigation to determine the cause of the inadvertent release.

The Sergeant will coordinate a response based upon the seriousness of the threat the inmate may pose to the community. The threat assessment should be based upon the inmate's criminal history and the reason he/she is currently in custody, among other factors.

In the case of an inadvertent release, the Sergeant should immediately notify the Chief Deputy and ensure a report is completed. The Chief Deputy should notify the Sheriff.

An appropriate evaluation of the circumstances shall be made to determine whether the inadvertent release should be classified as an escape.

**519.4.2 RETURNING THE INMATE TO CUSTODY**

When the inmate is located and returned to the facility, the appropriate notifications should be made as soon as possible.

## Chapter 6 - Inmate Due Process



## Inmate Discipline

### 600.1 PURPOSE AND SCOPE

This policy addresses the fair and equitable application of inmate rules and disciplinary sanctions for those who fail to comply.

### 600.2 POLICY

It is the policy of this office to maintain written general categories of prohibited inmate behavior that are clear, consistent and uniformly applied. Written rules and guidelines will be made available to all inmates. They will include a process for resolving minor infractions and a hearing process for a more serious breach of inmate rules. Criminal acts may be referred to the appropriate criminal agency (15 CCR 1081).

### 600.3 DUE PROCESS

Inmates who are subject to discipline as a result of rule violations shall be afforded the procedural due process by the Sheriff that is established in the policies, procedures and practices relating to inmate discipline. All inmates will be made aware of the rules of conduct related to maintaining facility safety, security and order, as well as clearly defined penalties for rule violations. Staff will not engage in arbitrary actions against inmates. All disciplinary actions will follow clearly established procedures. All disciplinary sanctions will be fairly and consistently applied (15 CCR 1081(c) et seq.).

The process for an inmate accused of a major rule violation includes:

- (a) A fair hearing in which the Chief Deputy or the authorized designee presents factual evidence supporting the rule violation and the disciplinary action.
- (b) Advance notice to the inmate of the disciplinary hearing, to allow the inmate time to prepare a defense.
- (c) An impartial hearing officer.
- (d) The limited right to call witnesses and/or present evidence on his/her behalf.
- (e) The appointment of an assistant or representative in cases where the inmate may be incapable of self-representation.
- (f) A formal written decision that shows the evidence used by the hearing officer, the reasons for any sanctions and an explanation of the appeal process.
- (g) Reasonable sanctions for violating rules that relate to the severity of the violation.
- (h) The opportunity to appeal the finding.

#### 600.3.1 INMATE RULES AND SANCTIONS

The Chief Deputy is responsible for ensuring that inmate rules and sanctions are developed, distributed, reviewed annually and revised as needed.

## *Inmate Discipline*

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Inmates cannot be held accountable for rules of which they are unaware. However, it is impossible to define every possible prohibited act or rule violation that might be encountered in a detention facility. Therefore, a current list of recognized infractions that are generally prohibited should be available in each housing unit. All inmates, regardless of their housing unit, shall have access to these rules. Inmate rules shall be translated into the languages that are understood by the inmates (see the Inmate Handbook and Orientation Policy).

Disciplinary procedures governing inmate rule violations should address rules, minor and major violations, criminal offenses, disciplinary reports, pre-hearing detention and pre-hearing actions or investigations.

### 600.3.2 RULE VIOLATION REPORTS

California Penal Code § 4019.5 requires a record of all disciplinary infractions and punishment administered will be made. This requirement may be satisfied by retaining copies of rule violation reports, including the disposition of each violation (15 CCR 1084). Rule violation reports are required for major rule violations or any other violation that will require investigation or a formal resolution. The staff member who observed or detected the rule violation or who was charged with investigating a rule violation is responsible for completing the rule violation report. The rule violation report shall include, at minimum:

- The date, time and location of the incident.
- Specific rules violated.
- A written description of the incident.
- The identity of known participants in the incident.
- Identity of any witnesses to the incident.
- Description and disposition of any physical evidence.
- Action taken by staff, including any use of force.
- Name and signature of the reporting correctional officer.
- Date and time of the report.

The supervisor investigating the violation shall ensure that certain items are documented in the investigation or rule violation report, including:

- Date and time the explanation and the written copy of the complaint and appeal process was provided to the inmate.
- The inmate's response to the charges.
- Reasons for any sanctions.
- The identity of any staff or witnesses involved, as revealed by the inmate.
- The findings of the hearing officer.

## *Inmate Discipline*

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- The inmate's appeal, if any.
- The appeal findings, if applicable.

### **600.4 RULE VIOLATION PROCEDURES**

Minor acts of non-conformance to the rules may be handled informally by any correctional officer(15 CCR 1081(b)).

A violation of rules observed by general service employees, volunteers or contractors will be reported to a corrections officer for further action. Corrections officers are authorized to recommend informal sanctions on minor violations.

Any staff member imposing informal discipline shall complete the reporting portion of the disciplinary report and provide the form to the supervisor for review prior to the imposition of the sanction.

Disciplinary sanctions that may be imposed for minor rule violations include:

- Counseling the inmate regarding expected conduct.
- Assignment to extra work detail.
- Removal from work detail (without losing work time credits).
- Loss of television, telephone and/or commissary privileges for a period not to exceed 72 hours.
- Lockdown in the inmate's assigned cell or confinement in the inmate's bunk area for a period not to exceed 24 hours.

An inmate may request that a supervisor review the imposed sanction. However, this request must be made within one hour of receiving notice of the sanction. The supervisor should respond to the request within a reasonable time (generally within two hours) and shall have final authority as to the imposition of informal discipline.

#### **600.4.1 MULTIPLE MINOR RULE VIOLATIONS**

Staff may initiate a major rule violation report if an inmate is charged with three or more minor rule violations in a consecutive 30-day period. Copies of all minor rule violations will be attached to the major rule violation report. A staff member shall conduct a hearing according to the procedures of a major rule violation.

#### **600.4.2 MAJOR RULE VIOLATIONS**

Major rule violations are considered a threat to the safety, security or efficiency of the facility, its staff members, inmates or visitors. Staff members witnessing or becoming aware of a major rule violation shall take immediate steps to stabilize and manage the situation, including immediate notification of a supervisor. The supervisor shall assess the situation and initiate any emergency action, if necessary, and notify the Sergeant (15 CCR 1081(c)).

## *Inmate Discipline*

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The staff member who learned of the rule violation shall write and submit a disciplinary report, along with all relevant evidence, to the appropriate supervisor prior to the end of the shift.

### **600.4.3 ADMINISTRATIVE SEGREGATION HOUSING**

Inmates who are accused of a major rule violation may be moved to administrative segregation housing for pre-hearing detention, with the Sergeant's approval, if there is a threat to safety or security. Inmates placed in pre-hearing detention are subject to the property and privilege restrictions commensurate with segregated confinement (15 CCR 1081(d)).

The Chief Deputy or the authorized designee shall, within 72 hours including weekends and holidays, review the status of any inmate in pre-hearing detention to determine whether continued pre-hearing segregation housing is appropriate.

### **600.5 INVESTIGATIONS**

Investigations involving major rule violations should be initiated within 24 hours of the initial report and completed in sufficient time for the inmate to have a disciplinary hearing, which is required within 72 hours of the time the inmate was informed, in writing, of the charges. If additional time is needed, the investigating supervisor will request more time in writing from the Sergeant. The inmate will be notified in writing of the delay.

If upon completion of the investigation, the investigating supervisor finds insufficient evidence to support a major rule violation, he/she may discuss alternative sanctions with the Sergeant, including handling the incident as a minor violation or recommending that charges be removed. Such alternatives shall be documented in the inmate's file.

If the investigating supervisor determines that sufficient evidence exists to support a major rule violation, he/she will act as the hearing coordinator and will be responsible for:

- Reviewing all reports for accuracy and completeness.
- Overseeing or conducting any required additional investigation.
- Making a determination as to the final charges.
- Making preliminary decisions about the appointment of a staff member to act as an assistant to the inmate.
- Identifying any witnesses that may be called to the hearing.

### **600.6 NOTIFICATIONS**

An inmate charged with a major rule violation shall be given a written description of the incident and the rules violated at least 24 hours prior to a disciplinary hearing.

Unless waived in writing by the inmate, hearings may not be held in less than 24 hours from the time of notification (15 CCR 1081(c)(1)).

## *Inmate Discipline*

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### **600.7 HEARING OFFICER**

The Chief Deputy shall appoint at least one hearing officer to preside and conduct disciplinary hearings of major rule violations. The hearing officer should be a qualified supervisor or suitably trained designee who will have the responsibility and authority to rule on charges of inmate rule violations. The hearing officer shall also have the power to impose sanctions. The hearing officer shall not investigate nor preside over any inmate disciplinary hearing on cases where he/she was a witness or was directly involved in the incident that generated the complaint (15 CCR 1081(a)).

### **600.8 HEARING PROCEDURE**

Inmates charged with major rule violations are entitled to be present at a hearing unless waived in writing or excluded because their behavior poses a threat to facility safety, security and order (15 CCR 1081(c)(2)). Staff shall inform the hearing officer when any inmate is excluded or removed from a scheduled hearing and shall document the reasons for the exclusion or removal. A copy of the report shall be forwarded to the Chief Deputy.

Hearings may be postponed or continued for a reasonable period of time for good cause. Reasons for postponement or continuance shall be documented and forwarded to the Chief Deputy (15 CCR 1081(c)(1)).

The hearing officer shall disclose to the accused inmate all witnesses who will be participating in the hearing. Inmates have no right to cross-examine witnesses. However, the accused inmate may be permitted to suggest questions that the hearing officer, in his/her discretion, may ask.

#### **600.8.1 EVIDENCE**

Accused inmates have the right to make a statement, present evidence and call witnesses at the hearing. Requests for witnesses shall be submitted in writing by the inmate no later than 12 hours before the scheduled start of the hearing. The written request must include a brief summary of what the witness is expected to say.

The hearing officer may deny the request when it is determined that allowing the witness to testify would be unduly hazardous to institutional safety or correctional goals, when the witness's information would not be relevant or would be unnecessarily duplicative, or is otherwise unnecessary. The reason for denying a witness to testify shall be documented in the hearing report. The reason for denial of any documents requested by the inmate shall also be documented in the hearing record.

A witness's signed written statement may be submitted by the inmate as an alternative to a live appearance. The hearing officer shall review and determine whether the statement is relevant to the charges and shall document the reason for exclusion when any written statement is not given consideration.

Absent a safety or security concern, all staff reports and evidence, including exculpatory evidence, obtained during the disciplinary investigation shall be made available to the accused inmate prior to the hearing.

## *Inmate Discipline*

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### 600.8.2 CONFIDENTIAL INFORMANTS

If information from any confidential informant is to be presented at the hearing, information establishing the reliability and credibility of the informant shall be provided to the hearing officer prior to the hearing. The hearing officer shall review such information to determine whether the informant is reliable and credible.

### 600.8.3 STAFF ASSISTANCE

A staff member shall be assigned to assist an inmate who is incapable of representing him/herself at a disciplinary hearing due to literacy, developmental disabilities, language barriers or mental status. The scope of the duties of the assistant shall be commensurate with the reasons for the appointment. The assistant should be allowed sufficient time to confer with the inmate to fulfill his/her obligations. In these cases, the inmate does not have a right to appoint a person to assist in his/her disciplinary hearing. The final decision regarding the appointment rests with the hearing officer.

Inmate discipline is an administrative and not a judicial process. Inmates do not have a right to an attorney in any disciplinary hearing. Additionally, disciplinary matters may be referred for criminal prosecution and jail disciplinary action concurrently as there is no double jeopardy defense for an administrative process.

### 600.8.4 DISCIPLINARY DECISIONS

Disciplinary decisions shall be based on the preponderance of evidence presented during the disciplinary hearing.

The disciplinary process shall consider whether an inmate's mental disabilities or mental illness contributed to the inmate's behavior when determining what type of discipline, if any, should be imposed (28 CFR 115.78(c)).

### 600.8.5 REPORT OF FINDINGS

The hearing officer shall write a report regarding the decision and detailing the evidence and the reasons for the disciplinary action. A copy of the report shall be provided to the inmate. The original shall be filed with the record of the proceedings. All documentation related to the disciplinary process shall be retained and a copy should be placed in the inmate's file (15 CCR 1081(c)(4)).

If it is determined that the inmate's charge is not sustained at the end of the disciplinary hearing, the documentation shall be removed from the inmate's file but otherwise maintained in accordance with records retention requirements.

All disciplinary hearing reports and dispositions shall be reviewed by the Chief Deputy or the authorized designee soon after the final disposition. Inmates in disciplinary segregation shall receive visits from the Chief Deputy or the authorized designee at least once every seven days as part of the disciplinary review process (15 CCR 1081(c)(3)).

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### **600.9 DISCIPLINARY APPEALS**

Inmates wishing to appeal the decision of the hearing officer must do so in writing within five days of the decision. All appeals will be forwarded to the Chief Deputy or the authorized designee for review.

Only appeals based on the following will be considered:

- (a) The disciplinary process or procedures were not followed.
- (b) There was insufficient evidence to support the hearing officer's decision.
- (c) The discipline imposed was not proportionate to the violation committed.

A final disposition shall be rendered as soon as possible if the inmate's appeal is granted or discipline is reduced but no later than 10 days after the appeal. The decision of the review authority shall be final and the result of the appeal shall be provided to the inmate in writing.

### **600.10 LIMITATIONS ON DISCIPLINARY ACTIONS**

The U.S. and State Constitutions expressly prohibit all cruel or unusual punishment. Additionally, there shall be the following limitations (15 CCR 1083(a) through (i)):

- In no case shall any inmate or group of inmates be delegated the authority to punish any other inmate or group of inmates (Penal Code § 4019.5).
- In no case shall a safety cell, as specified in the Juvenile Housing Policy and the Safety and Sobering Cells Policy, be used for disciplinary purposes.
- In no case shall any restraint device be used for disciplinary purposes.
- Food shall not be withheld as a disciplinary measure.
- Correspondence privileges shall not be withheld except in cases where the inmate has violated correspondence regulations, in which case correspondence other than legal mail may be suspended for no longer than 72 hours without the review and approval of the Chief Deputy.
- In no case shall access to the courts and/or legal counsel be suspended as a disciplinary measure.
- No inmate may be deprived of the implements necessary to maintain an acceptable level of personal hygiene.
- Disciplinary segregation in excess of 30 days without review by the Chief Deputy is prohibited. The review shall include a consultation with health care staff. Such reviews shall continue at least every 15 days thereafter until the disciplinary status has ended.
- Discipline may be imposed for sexual activity between inmates. However, such activity shall not be considered sexual abuse for purposes of discipline unless the activity was coerced (28 CFR 115.78(g)).

## *Inmate Discipline*

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- No discipline may be imposed for sexual contact with staff unless there is a finding that the staff member did not consent to such contact (28 CFR 115.78(e)).
- No inmate may be disciplined for falsely reporting sexual abuse or lying, even if an investigation does not establish evidence sufficient to substantiate the allegation, if the report was made in good faith based upon a reasonable belief that the alleged conduct occurred (28 CFR 115.78(f)).

### **600.11 GUIDELINES FOR DISCIPLINARY SANCTIONS**

The sanctions imposed for rule violations can range from counseling, loss of privileges, extra work, loss of good and/or work time and segregation and a disciplinary isolation diet as provided in the Disciplinary Segregation Policy. To the extent that there is available therapy, counseling or other interventions designed to address and correct underlying reasons or motivations for sexual abuse, the facility shall consider whether to require an inmate being disciplined for sexual abuse to participate in such interventions as a condition of access to programming or other benefits (28 CFR 115.78(d)).

Discipline shall be commensurate with the nature and circumstances of the offense committed, the inmate's disciplinary history and the sanctions imposed for comparable offenses by other inmates with similar histories (28 CFR 115.78(b); 15 CCR 1082).

Inmates shall be subject to disciplinary sanctions pursuant to a formal disciplinary process following an administrative finding that the inmate engaged in inmate-on-inmate sexual abuse or following a criminal finding of guilt for inmate-on-inmate sexual abuse (28 CFR 115.78(a)).

In all cases, sanctions should be imposed for the purpose of controlling or changing an inmate's behavior and not for the purpose of punishment (15 CCR 1082).

Acceptable forms of discipline shall consist of, but not be limited to the following (15 CCR 1082):

- Loss of privileges
- Extra work detail
- Short-term lockdown for less than 24 hours
- Removal from work details
- Forfeiture of "work time" credits earned under Penal Code § 4019
- Disciplinary detention
- Disciplinary isolation diet

The Sheriff or the Chief Deputy shall be responsible for developing and implementing a range of disciplinary sanctions for violations.



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**600.12 TRAINING**

The Chief Deputy or the authorized designee is responsible for ensuring that a wide range of training and disciplinary tools are available to aid staff and that preprinted forms are available for documenting rule violations in a consistent and thorough manner.

The Training Officer is responsible for developing and delivering, or procuring, training for staff members who participate in the disciplinary hearing process. Training topics should include the legal significance of due process protections and the hearing officer's role in assuring that those protections are provided.

## Disciplinary Segregation

### 601.1 PURPOSE AND SCOPE

This policy specifically addresses disciplinary segregation and guiding principles relating to the conditions attached to that segregation. It will provide guidance to the staff on acceptable practices with regard to management of inmates in disciplinary segregation or classified as requiring special management needs.

#### 601.1.1 DEFINITIONS

Definitions related to this policy includes:

**Disciplinary segregation** - A status assigned to an inmate after a disciplinary hearing in which the inmate was found to be in violation of a correctional facility rule or state or federal law. This status results in separating the inmate from the rest of the inmate population to serve the consequence imposed.

### 601.2 POLICY

The Santa Cruz County Sheriff's Office will maintain a disciplinary segregation unit to house inmates who, after an impartial due process hearing, are being sanctioned for violating one or more correctional facility rules. Restrictions on privileges will be subject to the disciplinary process and in accordance with this policy.

### 601.3 DISCIPLINARY SEGREGATION

Inmates may be placed into disciplinary segregation only after an impartial hearing to determine the facts of the rule violation, in accordance with the office Inmate Discipline Policy. The hearing officer shall impose discipline in accordance with the discipline schedule established by the Chief Deputy. Maximum discipline for any one incident, regardless of the number of rules violated, shall not exceed 60 days. Inmates who are in disciplinary segregation for more than 30 days shall have their case reviewed by the Chief Deputy. The Chief Deputy's review will include a consultation with health care staff. The case will be reviewed every 15 days thereafter, including consultations with health care staff. This review shall be documented (15 CCR 1082(g); 15 CCR 1083(a)).

### 601.4 INMATE ACCESS TO SERVICES

The ability to discipline inmates for conduct violations is not absolute. Absent legitimate government reason, inmates continue to have a right to receive certain services. However, inmates in disciplinary segregation, in accordance with the Inmate Discipline Policy, or special management inmates, who are disciplined for one or more rule violations, may be subject to loss of privileges or credit for good time and work.

Services to provide for basic human needs must continue to be made available. There are minimum service requirements that must be maintained to ensure the facility continues to operate in a constitutional manner. All custody staff will adhere to the following policy sections to guide

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them in the supervision of inmates held in disciplinary isolation or classified as requiring special management needs.

### 601.4.1 MEDICATION, CLOTHING AND PERSONAL ITEMS

Inmates placed in disciplinary segregation are considered special management inmates and shall not be denied prescribed medication.

Special management inmates will be provided with clothing that identifies their status, but in no case will this clothing be used to intentionally disgrace the inmate.

Absent unusual circumstances, special management inmates will continue to have the same access to personal items in their cell as general population inmates have, including the following:

- Clean laundry
- Barbering and hair care services
- Clothing exchanges
- Bedding and linen exchanges

Inmates in disciplinary segregation shall not be deprived of bedding or clothing except in cases where the inmate destroys such articles or uses them to attempt suicide (15 CCR 1083(b)). The decision to continue to deprive the inmate of these articles must be made by the Chief Deputy or the authorized designee and reviewed every 24 hours.

### 601.4.2 SHOWERING AND PERSONAL HYGIENE

Inmates in disciplinary segregation should be allowed to shower with the same frequency as the general inmate population, if reasonably practicable, but at minimum shall be afforded the opportunity to shower at least every other day and shave daily (15 CCR 1083(e)). The opportunities for each inmate to shave and shower will be documented on the disciplinary segregation unit logs.

Exceptions to this policy can only be made when the restriction is determined to be reasonably necessary for legitimate government purposes. Any exceptions to this basic requirement must be reviewed and approved by the Sergeant. The circumstances necessitating a restriction must be clearly documented on the unit log.

### 601.4.3 DENIAL OF AUTHORIZED ITEMS OR ACTIVITIES

Personal items may be withheld when it reasonably appears that the items will be destroyed by the inmate or it is reasonably believed that the personal item will be used for a self-inflicted injury or to harm others.

Whenever an inmate in disciplinary segregation is denied personal care items or activities that are usually authorized to the general population inmates, except for restrictions imposed as a result of a disciplinary hearing, the correctional officer taking such action shall prepare a report describing the circumstances that necessitated the need to restrict personal items or activities. The report

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shall be submitted to a supervisor for review, who will then forward it to the Chief Deputy. A copy of the report shall be placed in the inmate's file.

### 601.4.4 MAIL AND CORRESPONDENCE

Inmates in disciplinary segregation shall have the same privileges to write and receive correspondence as inmates in general population, except in cases where inmates violated correspondence regulations. In such cases, mail privilege may be suspended. The Chief Deputy or the authorized designee shall approve all mail privilege suspensions that exceed 72 hours. Legal mail shall not be suspended from delivery to the inmate (15 CCR 1083(h)).

### 601.4.5 VISITATION

Inmates in disciplinary segregation shall have the same opportunities for visitation as general population inmates, except when the visitation privileges are suspended pursuant to a sanction imposed by the disciplinary hearing officer. Disciplinary sanctions that limit or curtail visitation must be clearly documented and approved by a supervisor.

### 601.4.6 READING AND LEGAL MATERIALS

Inmates in disciplinary segregation shall have the same access to reading materials and legal materials as the general population inmates, unless the restriction is directed by a court of law or there is a reasonable basis to believe the materials will be used for illegal purposes or pose a direct threat to the security and safety of the facility. In such cases the basis for the action shall be documented in the inmate's file and unit log. Access to courts and legal counsel shall not be suspended as a disciplinary measure (15 CCR 1083(i)).

### 601.4.7 EXERCISE

Inmates in disciplinary segregation shall be given a minimum of three hours of exercise per week outside of their cell. Exceptions to this may occur if there are legitimate security or safety considerations. The circumstances relating to the limitation of exercise shall be documented in an incident report. The report shall be reviewed and the restriction shall be approved by a supervisor.

### 601.4.8 LIMITED TELEPHONE PRIVILEGES

Inmates in disciplinary segregation may have their telephone privilege restricted or denied. Exceptions include the following:

- (a) Making legal calls
- (b) Responding to verified family emergencies, when approved by the sergeant or Chief Deputy

All telephone access based on the above exceptions shall be documented on the unit log.

### 601.4.9 BEDDING AND CLOTHING

Inmates in disciplinary segregation shall not be deprived of bedding or clothing except in cases where the inmate destroys such articles or uses them to harm him/herself or others or for something other than the intended purpose. Clothing and bedding shall be returned to the inmate

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as soon as it is reasonable to believe the behavior that caused the action will not continue. The decision to continue to deprive the inmate of these articles must be made by the Chief Deputy or the authorized designee and reviewed at least every eight hours. This review shall be documented and placed into the inmate's file.

### **601.5 DISCIPLINARY ISOLATION DIET**

Under no circumstances will an inmate be denied food as a means of punishment (15 CCR 1083(f)). A disciplinary isolation diet may only be used for major violations of correctional facility rules (15 CCR 1083(g)). No inmate receiving a prescribed medical diet is to be placed on a disciplinary isolation diet without review and written approval of a physician or pursuant to a written plan approved by the physician. Disciplinary isolation diets shall be served twice during each 24-hour period and must meet statutorily prescribed minimum food and nutritional requirements as described in the Disciplinary Isolation Diet Policy.

Before any inmate is placed on a disciplinary isolation diet, the following shall occur:

- (a) The physician shall review the medical condition and history of the inmate and approve the alternative meal service.
- (b) The Chief Deputy shall review the incident report and medical reports and shall approve the use of a disciplinary isolation diet.
- (c) Custody and medical staff shall monitor these special circumstances and report their observations to the Chief Deputy.
- (d) Disciplinary isolation diets shall not be served in any case for more than 72 hours without the written approval of the Chief Deputy and a physician.

### **601.6 INITIAL EVALUATION OF INMATES UPON PLACEMENT**

After notification from staff that an inmate is being placed in segregation, the Sergeant shall ensure that the following occurs:

- (a) A qualified health care professional shall review the inmate's health record to determine whether existing medical, dental or mental health needs contraindicate the placement or require special accommodations.
- (b) If contraindications or special accommodations are noted, the qualified health care professional shall inform the Sergeant and coordinate the appropriate plan for the inmate based on the safety needs of the facility and the medical needs of the inmate.

### **601.7 MENTAL HEALTH CONSIDERATIONS**

Due to the possibility of self-inflicted injury and depression during periods of segregation, health evaluations should include notations of any bruises and other trauma markings, and the qualified health care professional's comments regarding the inmate's attitude and outlook.

### *Disciplinary Segregation*

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- (a) A qualified health care professional should visit each inmate a minimum of once a day and more often if needed. A medical assessment should be documented in the inmate's medical file.
- (b) Mental health staff or a qualified mental health professional should also conduct weekly rounds.

When an inmate is classified as a special management inmate due to the presence of a serious mental illness and is placed in a segregation setting, the mental health progress notes and management plan should reflect the changed environment. When an inmate is expected to remain in segregation for more than 30 days (based upon disciplinary decisions, protective needs or other factors) the special management treatment plan should be updated to reflect this.

Where reasonably practicable, a qualified health care professional should provide screening for suicide risk following admission to the segregation unit.

#### **601.8 LOG PROCEDURES**

All management, program staff and qualified health care professional visits shall be documented on the appropriate records and logs and retained in accordance with established records retention schedules.

Handwritten logs should be completed in ink. Once an entry is made it should not be modified. If corrections or changes are needed they should be done by way of a supplemental entry.

Electronically captured logs will be maintained in a way that prevents entries from being deleted or modified once they are entered. Corrections or changes must be done by way of supplemental entries. At a minimum the log will contain the following:

- (a) Inmate name
- (b) Inmate identification number
- (c) Housing location
- (d) Classification status
- (e) Date admitted
- (f) Date and time of entry and exit from the cell
- (g) Type of infraction or reason for admission
- (h) Tentative release date
- (i) Any special medical or psychiatric problems or needs
- (j) Counseling for behavior

Log entries should be legible, entered promptly and provide sufficient detail to adequately reflect the events of the day for future reference.

### *Disciplinary Segregation*

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The date and time of the observation or incident and the name and identification number of the staff member making the log entry shall be included on each entry.

Supervisors should review the logs frequently during the shift and enter comments as appropriate. At minimum, supervisors should enter the date and time of each review.

All safety checks will be documented in detail and should include the exact time of the safety check and the identification information of the employee conducting the check. All documentation will be gathered and provided to the Sergeant or Chief Deputy at midnight each day.

#### **601.8.1 LOG INSPECTION AND ARCHIVAL OF LOGS**

The Sergeant shall review and evaluate the logs and pass any significant incidents via the chain of command to the Chief Deputy for review.

The logs will be retained by the Office in accordance with established records retention schedules but in no case less than one year.

## Inmates with Disabilities

### 602.1 PURPOSE AND SCOPE

This policy provides guidelines for addressing the needs and rights of inmates detained by this office, in accordance with the Americans with Disabilities Act (ADA).

#### 602.1.1 DEFINITIONS

Definitions related to this policy include:

**Disability** - The ADA defines a disability as a physical or mental impairment that limits one or more major life activities. These include, but are not limited to, any disability that would substantially limit the mobility of an individual or an impairment of vision and/or hearing, speaking or performing manual tasks that require some level of dexterity.

### 602.2 POLICY

This office will take all reasonable steps to accommodate inmates with disabilities while they are in custody and will comply with the ADA and any related state laws. Discrimination on the basis of disability is prohibited.

### 602.3 JAIL COMMANDER RESPONSIBILITIES

The Chief Deputy, in coordination with the Responsible Physician and the ADA Coordinator (see Accessibility - Facility and Equipment Policy), will establish written procedures to assess and reasonably accommodate disabilities of inmates. The procedures will include, but not be limited to:

- Establishing housing areas that are equipped to meet the physical needs of disabled inmates, including areas that allow for personal care and hygiene in a reasonably private setting and for reasonable interaction with inmates.
- Establishing classification criteria to make housing assignments to inmates with disabilities.
- Assigning individuals with adequate training to assist disabled inmates with basic life functions as needed. Inmates should not provide this assistance except as allowed in the Inmate Assistants Policy.
- Establishing transportation procedures for moving inmates with limited mobility.
- Establishing guidelines for services, programs and activities for the disabled and ensuring that inmates with disabilities have an equal opportunity to participate in or benefit from all aspects of the facility's efforts to prevent, detect and respond to sexual abuse and sexual harassment (28 CFR 115.16).
- Enlisting or contracting for trained service personnel who have experience working with disabled people.
- Establishing procedures for the request and review of accommodations.



### *Inmates with Disabilities*

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- Establishing guidelines for the accommodation of individuals who are deaf or hard of hearing, have common disabilities such as sight and mobility impairments, developmental disabilities and common medical issues, such as epilepsy.
- Identification and evaluation of all developmentally disabled inmates, including contacting the regional center for the developmentally disabled to assist with diagnosis and/or treatment within 24 hours of identification, excluding holidays and weekends (15 CCR 1057).

The Chief Deputy is responsible for ensuring the Santa Cruz County Sheriff's Office correctional facilities are designed or adapted to reasonably accommodate inmates with disabilities. At a minimum this includes:

- Access to telephones equipped with a telecommunications device for the deaf (TDD) for inmates who are deaf, hard of hearing or speech-impaired.
- If orientation videos are used to explain facility rules to newly admitted inmates, subtitles may be displayed on the video presentation to assist inmates who have impaired hearing.
- Some cells and dormitories should be equipped with wheelchair accessible toilet and shower facilities. Inmates with physical disabilities should be allowed to perform personal care in a reasonably private environment.
- Tables designed for eating should be accessible to those in wheelchairs.

#### **602.4 CORRECTIONAL OFFICERS RESPONSIBILITIES**

Corrections officers should work with qualified health care professionals to aid in making accommodations for those with physical disabilities.

Corrections officers who work in the classification process should be aware of inmates with disabilities before making housing decisions. For example, persons with mobility issues may require a lower bunk and accessible toilet and shower facilities. When necessary or required, a supervisor of classification correctional officer should consult with the qualified health care professional or the Responsible Physician regarding housing location.

Corrections officers should assist an inmate with a disability by accommodating the inmate consistent with any guidelines related to the inmate's disability. If there are no current guidelines in place, corrections officers receiving an inmate request for accommodation of a disability should direct the inmate to provide the request in writing or assist the inmate in doing so, as needed. The written request should be brought to the on-duty supervisor as soon as practicable but during the correctional officer's current shift. Generally, requests should be accommodated upon request if the accommodation would not raise a safety concern or affect the orderly function of the correctional facility. The formal written request should still be submitted to the on-duty supervisor.

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Requests that are minor and do not reasonably appear related to a significant or ongoing need may be addressed informally, such as providing extra tissue to an inmate with a cold. Such requests need not be made in writing.

### **602.5 ACCOMMODATION REQUESTS**

Inmates shall be asked to reveal any accommodation requests during the intake classification process. Any such request will be addressed according to the classification process.

Requests for accommodation after initial entry into the facility should be made through the standard facility request process and should be reviewed by a supervisor within 24 hours of the request being made. The reviewing supervisor should evaluate the request and, if approved, notify the Chief Deputy, ADA Coordinator (see the Accessibility - Facility and Equipment Policy) and any other staff as necessary to meet the accommodation. The supervisor should make a record of the accommodation in the inmate's file.

A supervisor who does not grant the accommodation, either in part or in full, should forward the request to the Chief Deputy and the ADA Coordinator within 48 hours of the request being made. The Chief Deputy, with the assistance of the ADA Coordinator and/or legal counsel, should make a determination regarding the request within five days of the request being made.

### **602.6 TRAINING**

The ADA Coordinator should work with the Training Officer to provide periodic training on such topics as:

- (a) Policies, procedures, forms and available resources for disabled inmates.
- (b) Working effectively with interpreters, telephone interpretive services and related equipment.
- (c) Training for management staff, even if they may not interact regularly with disabled individuals, so that they remain fully aware of and understand this policy and can reinforce its importance and ensure its implementation.

## **Inmate Access to Courts and Counsel**

### **603.1 PURPOSE AND SCOPE**

The purpose of this policy is to protect the constitutional rights of inmates to access the courts and legal counsel, while holding inmates accountable to the rules and regulations that govern conduct in this facility. The staff at every level is reminded the fundamental constitutional right of access to courts does not end when a person is incarcerated.

### **603.2 POLICY**

It is the policy of this office that all inmates will have access to the courts and the ability to consult with legal counsel (15 CCR 1068).

### **603.3 INMATE ACCESS**

Staff should not unreasonably interfere with inmates' attempts to seek counsel and where appropriate should assist inmates with making confidential contact with attorneys and authorized representatives.

Access to courts and legal counsel may occur through court-appointed counsel, attorney or legal assistant visits, telephone conversations or written communication. To facilitate access, this facility will minimally provide:

- Confidential attorney visiting areas that include the means by which the attorney and the inmate can share legal documents.
- Telephones that enable confidential attorney-client calls.
- Reasonable access to legal materials.
- A means of providing assistance through the court process by individuals trained in the law. This assistance will be available to illiterate inmates and those who cannot speak or read English or who have disabilities that would impair their ability to access.
- Writing materials, envelopes and postage for indigent inmates for legal communications and correspondence.

The Chief Deputy shall be responsible for ensuring that information regarding access to courts and legal counsel and requesting legal materials or legal assistance is included in the inmate handbook, that is provided during inmate orientation.

### **603.4 CONFIDENTIALITY**

All communication between inmates and their attorneys is confidential, including telephone conversations, written communication and video conferencing. The content of written attorney-client communication will not be reviewed or censored but the documents may be inspected for contraband.

### *Inmate Access to Courts and Counsel*

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Outgoing and incoming legal correspondence shall be routed through the staff, who have received special training in inspecting confidential documents and who are accountable for maintaining confidentiality. Incoming legal correspondence shall be opened and inspected for contraband in the presence of the recipient inmate.

Inmates may seek the assistance of other inmates in writing writs and other legal correspondence to the courts, when needed subject to the security and safety needs of the inmates, staff and the facility.

#### **603.5 INMATE REQUEST FOR ASSISTANCE**

Written materials addressing how an inmate can access local attorneys and key legal documents shall be available in each housing unit. Staff shall provide these materials to any inmate upon request. However, staff shall not provide legal advice or assist any inmate in the completion of any legal document.

Habeas corpus forms shall be made available to any inmate by the staff upon request.

Legal forms filled out by the inmate shall be forwarded to court administration directly or via an appointed legal assistant.

#### **603.6 VISITATION RELATED TO LEGAL DEFENSE**

Visits with inmates that are related to legal defense, including attorneys, paralegals and investigators, will be permitted only in the areas designated for legal visitation or by way of video visitation to assure confidentiality (15 CCR 1068(b)). Contact visits may be approved by the Chief Deputy for special circumstances.

- (a) Visits shall be of a reasonable length of time to discourage any allegation the defense of the inmate was hindered due to the length of time allowed for the legally authorized visit. These visits shall be of such a length of time that they do not interfere with the security, order and discipline of this facility. The permissible time for visitation should be flexible but shall not substantially interfere with other facility schedules, such as medical examinations, meal service or other required activities.
- (b) Only materials brought to this facility by an approved legal assistant shall be allowed.
- (c) All materials shall be subject to security inspections by the staff and shall be routed through the Sergeant for logging and distribution.

#### **603.7 MAIL**

Legal mail shall be handled in accordance with the Inmate Mail Policy.

#### **603.8 IN PROPRIA PERSONA (PRO PER) INMATES**

Inmates may be granted pro per status by court order only. Any time a court order is received designating an inmate as having been granted pro per status, all relevant records systems at the

### *Inmate Access to Courts and Counsel*

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facility shall be updated to reflect this information. A copy of the court order shall be maintained in the inmate's file in accordance with established records retention schedules.

The court may, but is not required to, appoint to an inmate who is designated pro per a back-up attorney, paralegal or other person to assist the inmate with legal research. All information related to appointed assistants should be recorded in the relevant facility records.

Any provision of legal materials shall be in accordance with court directives and in consultation with the County Counsel.

#### **603.8.1 PRO PER STATUS MISUSE**

Any inmate who is granted pro per status and is found to be misusing or abusing that status to the extent that it poses a demonstrable threat to the safety and security of the facility shall be immediately reported to the Chief Deputy. The Chief Deputy may recommend the suspension or a limitation of the inmate's pro per privileges if they adversely affect the safety and security of the correctional facility.

The inmate may petition the court if he/she is dissatisfied with the action taken.

#### **603.8.2 PRO PER STATUS - MATERIALS AND SUPPLIES**

The facility may provide the following materials and supplies to a pro per inmate. These items may be retained by the inmate but must be kept in the container supplied for such purpose. The items may include:

- Up to one-half of a ream of 8½-inch x 11-inch plain bond typing paper
- Up to three ruled legal notepads
- Standard legal size envelopes
- One dozen (maximum) facility authorized writing implements.
- Two erasers
- One legal size accordion file
- 9-inch x 12-inch manila envelopes and 10-inch x 14-inch manila envelopes
- Up to a maximum of four law books at one time (paperback or hardback)

Unless otherwise ordered by the court, the Office shall have no obligation to supply materials beyond those listed above. Replacement of any of the listed items shall be accomplished through a written request to the Sergeant or the authorized designee. Supplies provided by a court legal liaison will be received and distributed by the Sergeant or the authorized designee. All supplies distributed to the inmate will be recorded in the inmate's pro per activities record. Supplies not listed in this policy are subject to approval by the Chief Deputy or the authorized designee.

Access to ballpoint pens, for signature purposes only, will be provided through a supervisor. The use of the pen will be supervised by the staff and taken from the inmate immediately after its use.

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Copies of an inmate's final legal (criminal case) work product, upon the inmate's request, may be provided subject to arrangements with the court.

Inmates may purchase their own legal books and materials. However, such materials will be subject to safety inspection and rules pertaining to items permitted to be in the inmate's possession. Personal books must be marked with the inmate's name and booking number.

Any books or materials found in the inmate's possession beyond what is authorized will be returned or placed in the inmate's property.

#### 603.8.3 PRO PER INMATES INTERVIEWING WITNESSES

A pro per inmate may be permitted to interview prospective witnesses in the regular visitation area. Requests for visits outside of normal visiting hours will be directed to a supervisor for approval and should be accommodated when practicable.

Interviews conducted by pro per inmates are subject to the following rules and restrictions:

- (a) No interview will be permitted without notification from a judge confirming or validating the prospective witness. The pro per inmate is responsible for providing the judge with the list of prospective witnesses for validation.
- (b) No visit shall be permitted by a prospective witness who is in the custody of this office or otherwise detained by a government agency, except upon a specific court order.

#### 603.8.4 TELEPHONE USAGE

Pro per inmates may use the telephones in their housing areas to place calls concerning their cases. Court-authorized pro per telephone calls shall not be monitored and shall be provided without charge to the inmate in accordance with the orders of the court (see the Inmate Telephone Access Policy).

## Foreign Nationals and Diplomats

### 604.1 PURPOSE AND SCOPE

This policy addresses the privileges and immunities afforded to members of foreign diplomatic missions and consular posts.

This policy also addresses the legal requirements related to consular notifications that should occur when a foreign national is in custody.

### 604.2 POLICY

The Santa Cruz County Sheriff's Office Correctional Facility will treat foreign diplomatic and consular personnel with due regard for the privileges and immunities to which they are entitled under international law. The Office will investigate all claims of immunity and accept custody of the person when appropriate.

The Santa Cruz County Sheriff's Office Correctional Facility will also honor the laws related to foreign nationals in custody by making proper consular notifications and by assisting those who wish to contact their consular representative.

### 604.3 DIPLOMATIC AND CONSULAR IMMUNITY

#### 604.3.1 AVAILABILITY OF RESOURCES

The Sergeant will ensure that current contact information for the U.S. Department of State and the U.S. Mission to the United Nations is readily available for office members who need to verify a claim of diplomatic or consular immunity. Relevant material for law enforcement published by the U.S. Department of State Bureau of Diplomatic Security should be readily available as well.

#### 604.3.2 ADDRESSING CLAIMS OF DIPLOMATIC OR CONSULAR IMMUNITY

When an arrestee who claims diplomatic or consular immunity is brought to the Santa Cruz County Sheriff's Office Correctional Facility the receiving correctional officer shall first inform the Sergeant and then generally proceed as follows:

- (a) Do not accept custody of the person from the transporting correctional officer. The person should not be brought inside the Santa Cruz County Sheriff's Office Correctional Facility unless doing so would facilitate the investigation of his/her claim of immunity.
- (b) Do not handcuff the person, or, if handcuffs have been applied, remove them unless there is an articulable threat that would justify their use.
- (c) If the person has already been accepted into custody, inform the person that he/she will be detained until his/her identity and immunity can be confirmed. Attempt to obtain a U.S. Department of State-issued identification card or other identification or documents that may relate to the claimed immunity.

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- (d) In all cases, verify the status and level of immunity by contacting the U.S. Department of State or the U.S. Mission to the United Nations, as appropriate.

It will be the responsibility of the Sergeant to communicate the claim of immunity to the on-duty supervisor of the arresting office (if not the Santa Cruz County Sheriff's Office). The Sergeant may assist another agency in determining the person's immunity status.

The Sergeant is responsible for ensuring appropriate action is taken based upon information received regarding the person's immunity status.

### **604.3.3 REPORTING**

If the person's immunity status has been verified, the Sergeant should ensure a report is prepared describing the details and circumstances of any detention or custody. A copy of the report should be faxed or mailed as soon as possible to the U.S. Department of State in Washington, D.C. or to the U.S. Mission to the United Nations in New York in cases involving a member of the United Nations community.

## **604.4 CONSULAR NOTIFICATIONS**

### **604.4.1 CONSULAR NOTIFICATION LIST AND CONTACTS**

The Chief Deputy will ensure that the U.S. Department of State's list of countries and jurisdictions that require mandatory notification is readily available to office members. There should also be a published list of foreign embassy and consulate telephone and fax numbers, as well as standardized notification forms that can be faxed and then retained for the record. Prominently displayed placards informing inmates of rights related to consular notification should also be posted.

Inmates detained solely for civil immigration purposes shall be provided information on how to contact relevant consular officials and officials at the U.S. Department of Homeland Security (28 CFR 115.51).

### **604.4.2 CONSULAR NOTIFICATION ON BOOKING**

Office members assigned to book inmates shall:

- (a) Inform the foreign national, without delay, that he/she may have his/her consular officers notified of the arrest or detention and may communicate with them. Members shall ensure this notification is acknowledged and documented.
- (b) Determine whether the foreign national's country is on the U.S. Department of State's mandatory notification list.
- (c) If the foreign national's country is not on the list for mandatory notification but the foreign national requests that his/her consular officers be notified, then:
  - 1. Notify the nearest embassy or consulate of the foreign national's country of the person's arrest or detention by faxing the appropriate notification form. If



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no fax confirmation is received, a telephonic notification should be made and documented.

2. Forward any communication from the foreign national to his/her consular officers without delay.
- (d) If the foreign national's country is on the list for mandatory notification, then:
1. Notify the nearest embassy or consulate of the foreign national's country, without delay, of the person's arrest or detention by faxing the appropriate notification form. If no fax confirmation is received, a telephonic notification should be made and documented.
  2. Tell the foreign national that this notification has been made and inform him/her without delay that he/she may communicate with his/her consular officers.
  3. Forward any communication from the foreign national to his/her consular officers without delay.
  4. Document all notifications to the embassy or consulate and retain the faxed notification and any fax confirmation for the inmate's file.

Members should never discuss anything with consulate personnel beyond the required notifications, such as whether the inmate is requesting asylum. Requests for asylum should be forwarded to the Sergeant.

## **Inmate Rights - Protection from Abuse**

### **605.1 PURPOSE AND SCOPE**

The purpose of this policy is to establish guidelines to ensure that inmates are afforded a safe, healthful environment free from abuse, corporal punishment or harassment, and that inmate property is protected.

### **605.2 POLICY**

It is the policy of this office to make every reasonable effort to protect inmates from personal abuse, corporal punishment, personal injury, disease, property damage and harassment by other inmates or staff. Staff shall take reasonable actions to safeguard vulnerable inmates from others and shall use the classification policies and procedures to make housing decisions that will provide for inmate safety. Abuse of inmates by staff or other inmates will not be tolerated.

The Chief Deputy or the authorized designee shall be responsible for including prohibitions against inmate abuse and harassment, rules regarding respect for the property of others, and the prevention of disease in the inmate handbook.

### **605.3 RESPONSIBILITY**

It shall be the responsibility of all facility staff to adhere to policies, procedures and practices, and to make every reasonable effort to prevent inmate injury, harassment and abuse, to prevent theft or damage to inmate property and to eliminate conditions that promote disease. These procedures include, but are not limited to:

- Following the classification guidelines for inmate housing.
- Closely supervising inmate activities and interceding as needed to prevent violence, harassment or abuse of inmates.
- Using force only when necessary and to the degree that is reasonable.
- Reporting all inmate injuries, investigating the cause of reported injuries and documenting these efforts in an incident report.
- Enforcing all rules and regulations in a fair and consistent manner.
- Preventing any practice of inmates conducting kangaroo courts or dispensing discipline toward any other inmate.
- Conducting required safety checks of all inmate housing areas.
- Checking all safety equipment for serviceability and making a report of any defective equipment to the appropriate supervisor or Chief Deputy.
- Referring sick or injured inmates to a qualified health care professional without unnecessary delay.
- Maintaining high standards of cleanliness throughout the correctional facility.

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- Documenting all abuse protection efforts in facility logs and incident reports as applicable.

**605.4 TRAINING**

The Training Officer shall be responsible for developing and delivering a training curriculum on the topic of protecting inmates from abuse to all staff. A roster of attendees shall be maintained from each class. Training completion documents shall be filed in each employee's training file.

## Prison Rape Elimination Act

### 606.1 PURPOSE AND SCOPE

This policy provides guidance for compliance with the Prison Rape Elimination Act of 2003 (PREA) and the implementing regulation that establishes standards (PREA Rule) to prevent, detect and respond to sexual abuse and sexual harassment (28 CFR 115.11).

#### 606.1.1 DEFINITIONS

Definitions related to this policy include:

**Intersex** - A person whose sexual or reproductive anatomy or chromosomal pattern does not seem to fit typical definitions of male or female. Intersex medical conditions are sometimes referred to as disorders of sex development.

**Sexual abuse** - Any of the following acts, if the inmate does not consent, is coerced into such act by overt or implied threats of violence or is unable to consent or refuse:

- (a) Contact between the penis and the vulva or the penis and the anus, including penetration, however slight
- (b) Contact between the mouth and the penis, vulva or anus
- (c) Penetration of the anal or genital opening of another person, however slight, by a hand, finger, object or other instrument
- (d) Any other intentional touching, either directly or through the clothing, of the genitalia, anus, groin, breast, inner thigh or the buttocks of another person, excluding contact incidental to a physical altercation (28 CFR 115.6)

Sexual abuse also includes abuse by a staff member, contractor or volunteer as follows, with or without consent of the inmate, detainee or resident:

- Contact between the penis and the vulva or the penis and the anus, including penetration, however slight
- Contact between the mouth and the penis, vulva or anus
- Contact between the mouth and any body part where the staff member, contractor or volunteer has the intent to abuse, arouse or gratify sexual desire
- Penetration of the anal or genital opening, however slight, by a hand, finger, object or other instrument, that is unrelated to official duties, or where the staff member, contractor or volunteer has the intent to abuse, arouse or gratify sexual desire
- Any other intentional contact, either directly or through the clothing, of or with the genitalia, anus, groin, breast, inner thigh or the buttocks, that is unrelated to official duties, or where the staff member, contractor or volunteer has the intent to abuse, arouse or gratify sexual desire

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- Any attempt, threat or request by a staff member, contractor or volunteer to engage in the activities described above
- Any display by a staff member, contractor or volunteer of his/her uncovered genitalia, buttocks or breast in the presence of an inmate, detainee or resident
- Voyeurism by a staff member, contractor or volunteer (28 CFR 115.6)

**Sexual harassment** - Repeated and unwelcome sexual advances; requests for sexual favors; verbal comments, gestures or actions of a derogatory or offensive sexual nature by one inmate, detainee or resident that are directed toward another; repeated verbal comments or gestures of a sexual nature to an inmate, detainee or resident by a staff member, contractor or volunteer, including demeaning references to gender, sexually suggestive or derogatory comments about body or clothing, or obscene language or gestures (28 CFR 115.6).

**Transgender** - a person whose gender identity (i.e., internal sense of feeling male or female) is different from the person's assigned sex at birth.

#### **606.2 POLICY**

This office has zero tolerance with regard to sexual abuse and sexual harassment in this facility. This office will take appropriate affirmative measures to protect all inmates from sexual abuse and harassment, and promptly and thoroughly investigate all allegations of sexual abuse and sexual harassment.

#### **606.3 PREA COORDINATOR**

The Chief Deputy shall appoint an upper-level manager with sufficient time and authority to develop, implement and oversee office efforts to comply with PREA standards. The PREA coordinator shall review facility policies and practices and make appropriate compliance recommendations to the Chief Deputy (28 CFR 115.11).

The PREA coordinator's responsibilities shall include:

- (a) Developing a written plan to coordinate response among staff first responders, medical and mental health practitioners, investigators and facility management to an incident of sexual abuse. The plan must also outline the office's approach to identifying imminent sexual abuse toward inmates and preventing and detecting such incidents (28 CFR 115.11; 28 CFR 115.65; 28 CFR 115.62).
- (b) Ensuring that within 30 days of intake, inmates are provided with comprehensive education, either in person or through video, regarding their rights to be free from sexual abuse and sexual harassment and to be free from retaliation for reporting such incidents, and regarding the office's policies and procedures for responding to such incidents (28 CFR 115.33).
- (c) Developing a staffing plan to provide adequate levels of staffing and video monitoring, where applicable, in order to protect detainees from sexual abuse. This includes documenting deviations and the reasons for deviations from the staffing plan, as well as reviewing the staffing plan a minimum of once per year. In calculating adequate

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staffing levels and determining the need for video monitoring, facilities shall take into consideration (28 CFR 115.13).

1. Generally accepted detention and correctional practices.
  2. Any judicial findings of inadequacy.
  3. Any findings of inadequacy from federal investigative agencies.
  4. Any findings of inadequacy from internal or external oversight bodies.
  5. All components of the facility's physical plant, including blind spots or areas where staff or inmates may be isolated.
  6. The composition of the inmate population.
  7. The number and placement of supervisory staff.
  8. Institution programs occurring on a particular shift.
  9. Any applicable state or local laws, regulations or standards.
  10. The prevalence of substantiated and unsubstantiated incidents of sexual abuse.
  11. Any other relevant factors.
- (d) Ensuring that, when designing, acquiring, expanding or modifying facilities, or when installing or updating a video-monitoring system, electronic surveillance system or other monitoring technology, consideration is given to the office's ability to protect inmates from sexual abuse (28 CFR 115.18).
- (e) Ensuring that any contract for the confinement of office detainees or inmates includes the requirement to adopt and comply with the PREA standards including obtaining incident-based and aggregated data, as required in 28 CFR 115.187. Any new contract or contract renewal shall provide for office contract monitoring to ensure that the contractor is complying with the PREA standards (28 CFR 115.12).
- (f) Making reasonable efforts to enter into agreements with community service providers to provide inmates with confidential, emotional support services related to sexual abuse. The facility shall provide inmates with access to outside victim advocates for emotional support services related to sexual abuse by giving inmates mailing addresses and telephone numbers, including toll-free hotline numbers where available, of local, state or national victim advocacy or rape crisis organizations. Persons detained solely for civil immigration purposes shall be given contact information for immigrant services agencies. The facility shall enable reasonable communication between inmates and these organizations and agencies in as confidential a manner as possible. The facility shall inform inmates, prior to giving them access, of the extent to which such communications will be monitored and the extent to which reports of abuse will be forwarded to authorities in accordance with mandatory reporting laws (28 CFR 115.53).
- (g) Ensuring the protocol describing the responsibilities of the Office and of another investigating agency, if another law enforcement agency will be responsible for

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conducting any sexual abuse or sexual harassment investigations, is published on the facility website or by other means, if no website exists (28 CFR 115.22).

- (h) Implementing a process by which inmates may report sexual abuse and sexual harassment to a public/private entity or an office that is not part of the Office, and that the outside entity or office is able to receive and immediately forward inmate reports of sexual abuse and sexual harassment to the Chief Deputy, allowing the inmate anonymity (28 CFR 115.51).
- (i) Establishing a process to ensure accurate, uniform data is collected for every allegation of sexual abuse at facilities under the direct control of this office, using a standardized instrument and set of definitions. Upon request, the Office shall provide all such data from the previous calendar year to the U.S. Department of Justice (DOJ) no later than June 30 (28 CFR 115.87).
  - 1. The data collected shall include, at a minimum, the data necessary to answer all questions from the most recent version of the Survey of Sexual Violence conducted by the U.S. Department of Justice (DOJ).
  - 2. The data shall be aggregated at least annually.
- (j) Establishing a process to monitor the conduct and treatment of detainees or staff who have reported sexual abuse, and the conduct and treatment of detainees who were reported to have suffered sexual abuse.
- (k) Ensuring that the following are published on the office's website or by other means, if no website exists:
  - 1. Office policy governing investigations of allegations of sexual abuse and sexual harassment or the referral of such investigations of sexual abuse or sexual harassment (unless the allegation does not involve potentially criminal behavior) (28 CFR 115.22)
  - 2. Information on how to report sexual abuse and sexual harassment on behalf of an inmate (28 CFR 115.54)
- (l) Ensuring audits are conducted pursuant to 28 CFR 115.401 through 28 CFR 115.405 (28 CFR 115.93).
- (m) Implementing a protocol requiring mid-level or higher-level supervisors to conduct and document unannounced inspections to identify and deter sexual abuse and sexual harassment. The protocol shall prohibit announcing when such inspections are to occur, unless it is necessary for operational considerations (28 CFR 115.13).
- (n) Ensuring agreements with outside investigating agencies include PREA requirements, including a requirement to keep the Santa Cruz County Sheriff's Office informed of the progress of the investigation (28 CFR 115.71).

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**606.4 REPORTING SEXUAL ABUSE, HARASSMENT AND RETALIATION**

Any employee, agency representative, volunteer or contractor who becomes aware of an incident of sexual abuse, sexual harassment or retaliation against inmates or staff shall immediately notify a supervisor, who will forward the matter to a sexual abuse investigator (28 CFR 115.61). Staff may also privately report sexual abuse and sexual harassment of inmates (e.g., report to the Chief Deputy) (28 CFR 115.51).

The facility shall provide information to all visitors or third parties on how they may report any incident, or suspected incident, of sexual abuse or sexual harassment to a staff member (28 CFR 115.54).

Inmates may report sexual abuse or sexual harassment incidents anonymously or to any staff member they choose. Staff shall accommodate all inmate requests to report allegations of sexual abuse or harassment. Staff shall accept reports made verbally, in writing, anonymously or from third parties and shall promptly document all verbal reports (28 CFR 115.51).

Threats or allegations of sexual abuse and sexual harassment, regardless of the source, shall be documented and referred for investigation. Sexual abuse and sexual harassment reports shall only be made available to those who have a legitimate need to know, and in accordance with this policy and applicable law (28 CFR 115.61).

**606.4.1 REPORTING TO OTHER FACILITIES**

If there is an allegation that an inmate was sexually abused while he/she was confined at another facility, the Chief Deputy shall notify the head of that facility as soon as possible but not later than 72 hours after receiving the allegation. The Chief Deputy shall ensure that the notification has been documented (28 CFR 115.63).

**606.5 RETALIATION**

All inmates and staff who report sexual abuse or sexual harassment, or who cooperate with sexual abuse or sexual harassment investigations, shall be protected from retaliation.

Protective measures, including housing changes, transfers, removal of alleged abusers from contact with victims, administrative reassignment or reassignment of the victim or alleged perpetrator to another housing area, and support services for inmates or staff who fear retaliation shall be utilized (28 CFR 115.67).

The Chief Deputy or the authorized designee shall assign a supervisor to monitor, for at least 90 days, the conduct and treatment of inmates or staff who report sexual abuse or sexual harassment, as well as inmates who were reported to have suffered sexual abuse, to determine if there is any possible retaliation. The supervisor shall act promptly to remedy any such retaliation. The assigned supervisor should consider inmate disciplinary reports, housing or program changes, negative staff performance reviews or reassignment of staff members. Monitoring may continue beyond 90 days if needed. Inmate monitoring shall also include periodic status checks. The Chief Deputy should take reasonable steps to limit the number of people with access to the names of



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individuals being monitored and should make reasonable efforts to ensure that staff members who pose a threat of retaliation are not entrusted with monitoring responsibilities.

If any other individual who cooperates with an investigation expresses a fear of retaliation, the facility shall take reasonable measures to protect that individual against retaliation (28 CFR 115.67).

#### **606.5.1 REPORTS BY INMATES**

Inmates may report sexual assault or abuse incidents anonymously or to any staff member they choose and shall not be required to use their normal point of contact. Staff shall accommodate all inmate requests to report allegations of sexual abuse and assaults.

Retaliation against an inmate by any staff member for filing a sexual abuse, assault or harassment incident will not be tolerated.

#### **606.6 FIRST RESPONDERS**

If an allegation of inmate sexual abuse is made, the first correctional officer to respond shall (28 CFR 115.64):

- (a) Separate the parties.
- (b) Request medical assistance as appropriate. If no qualified health care or mental health professionals are on-duty when a report of recent abuse is made, staff first responders shall take preliminary steps to protect the victim and shall immediately notify the appropriate qualified health care and mental health professionals (28 CFR 115.82).
- (c) Establish a crime scene to preserve and protect any evidence. Identify and secure witnesses until steps can be taken to collect any evidence.
- (d) If the time period allows for collection of physical evidence, request that the alleged victim, and ensure that the alleged abuser, do not take any actions that could destroy physical evidence (e.g., washing, brushing teeth, changing clothes, urinating, defecating, smoking, drinking, eating).
- (e) Consider whether a change in classification or housing assignment for the victim is needed or whether witnesses to the incident need protection, both of which may include reassignment of housing.
- (f) Determine whether the alleged perpetrator should be administratively segregated or administratively transferred during the investigation.

If the first responder is not a corrections officer, the responder shall request the alleged victim to refrain from any actions that could destroy physical evidence and then immediately notify a corrections officer.

Should an investigation involve inmates who have disabilities or who have limited English proficiency, the first responder shall not rely on inmate interpreters, inmate readers or other types of inmate assistants, except in limited circumstances where an extended delay in obtaining an

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interpreter could compromise inmate safety, the performance of first responder duties or the investigation of sexual abuse or sexual harassment allegations (28 CFR 115.16).

**606.7 SEXUAL ABUSE AND SEXUAL HARASSMENT INVESTIGATIONS**

An administrative investigation, criminal investigation or both shall be completed for all allegations of sexual abuse and sexual harassment (28 CFR 115.22). Administrative investigations shall include an effort to determine whether the staff's actions or inaction contributed to the abuse. All administrative and/or criminal investigations shall be documented in written reports that include a description of the physical and testimonial evidence, the reasoning behind credibility assessments, and investigative facts and findings. Only investigators who have completed office-approved training on sexual abuse and sexual harassment investigation shall be assigned to investigate these cases (28 CFR 115.71).

When practicable, an investigator of the same sex as the victim should be assigned to the case. Sexual abuse and sexual harassment investigations should be conducted promptly and continuously until completed. Investigators should evaluate reports or threats of sexual abuse and sexual harassment without regard to an inmate's sexual orientation, sex or gender identity. Investigators should not assume that any sexual activity among inmates is consensual.

The departure of the alleged abuser or victim from the employment or control of the correctional facility or Office shall not provide a basis for terminating an investigation (28 CFR 115.71).

If the investigation is referred to another agency for investigation, the Office shall request that the investigating agency follow the requirements as provided in 28 CFR 115.21 (a) through (e). The referral shall be documented. The Office shall cooperate with the outside agency investigation and shall request to be informed about the progress of the investigation (28 CFR 115.71) If criminal acts are identified as a result of the investigation, the case shall be presented to the appropriate prosecutor's office for filing of new charges (28 CFR 115.71).

Evidence collection shall be based on a uniform evidence protocol that is developmentally appropriate for youth, if applicable, and adapted from or otherwise based on the most recent edition of the DOJ's Office on Violence Against Women publication, "A National Protocol for Sexual Assault Medical Forensic Examinations, Adults/Adolescents," or similarly comprehensive and authoritative protocols developed after 2011 (28 CFR 115.21).

Inmates alleging sexual abuse shall not be required to submit to a polygraph examination or other truth-telling device as a condition for proceeding with an investigation (28 CFR 115.71).

If a victim is under 18 or considered a vulnerable adult under state law, the assigned investigator shall report the allegation to the designated social services agency as required (28 CFR 115.61).

**606.7.1 INVESTIGATIVE FINDINGS**

All completed written investigations shall be forwarded to the Chief Deputy or, if the allegations may reasonably involve the Chief Deputy, to the Sheriff. The Chief Deputy or Sheriff shall review

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the investigation and determine whether any allegations of sexual abuse or sexual harassment have been substantiated by a preponderance of the evidence (28 CFR 115.71; 28 CFR 115.72).

The staff shall be subject to disciplinary sanctions, up to and including termination, for violating this policy. Termination shall be the presumptive disciplinary sanction for staff members who have engaged in sexual abuse. All discipline shall be commensurate with the nature and circumstances of the acts committed, the staff member's disciplinary history, and the sanctions imposed for comparable offenses by other staff with similar histories.

All terminations for violations of sexual abuse or sexual harassment policies, or resignations by staff who would have been terminated if not for their resignation, shall be reported to the law enforcement agency that would handle any related investigation and to any relevant licensing bodies (28 CFR 115.76).

#### 606.7.2 REPORTING TO INMATES

The Chief Deputy or the authorized designee shall inform a victim inmate in writing whether an allegation has been substantiated, unsubstantiated or unfounded. If the Office did not conduct the investigation, the Office shall request relevant information from the investigative agency in order to inform the inmate.

If a staff member is the accused (unless the Office has determined that the allegation is unfounded), the inmate shall also be informed whenever:

- (a) The staff member is no longer assigned to the inmate's unit or employed at the facility.
- (b) The Office learns that the staff member has been indicted or convicted on a charge related to sexual abuse within the facility.

If another inmate is the accused, the alleged victim shall be notified whenever the Office learns that the alleged abuser has been indicted or convicted on a charge related to sexual abuse within the facility.

All notifications or attempted notifications shall be documented. When notification is made while the inmate is in custody, the inmate will sign a copy of the notification letter. The letter will be added to the case file (28 CFR 115.73).

#### **606.8 SEXUAL ABUSE AND SEXUAL HARASSMENT BETWEEN STAFF AND INMATES**

Sexual abuse and sexual harassment between staff, volunteers or contract personnel and inmates is strictly prohibited. The fact that an inmate may have initiated a relationship or sexual contact is not recognized as a defense to violating this policy.

Any incident involving allegations of staff-on-inmate sexual abuse or sexual harassment shall be referred to the Professional Standards Unit for investigation.

##### 606.8.1 SEXUAL ABUSE BY CONTRACTOR OR VOLUNTEER

Any contractor or volunteer who engages in sexual abuse within the facility shall be immediately prohibited from having any contact with inmates. He/she shall be promptly reported to the law

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enforcement agency that would investigate such allegations and brought to the attention of any relevant licensing bodies (28 CFR 115.77).

**606.9 SEXUAL ABUSE VICTIMS**

Inmates who are victims of sexual abuse shall be transported to the nearest appropriate location for treatment of injuries and collection of evidence, and for crisis intervention services (28 CFR 115.82). Depending on the severity of the injuries, transportation may occur by a staff member or by ambulance, in either case with appropriate security to protect the staff, the inmate and the public, and to prevent escape.

A victim advocate from a rape crisis center should be made available to the victim. If a rape crisis center is not available, the Office shall make available a qualified member of a community-based organization, or a qualified health care or mental health professional from the Office, to provide victim advocate services. Efforts to secure services from a rape crisis center shall be documented. A rape crisis center refers to an entity that provides intervention and related assistance, such as the services specified in 42 USC § 14043g(b)(2)(C), to sexual assault victims of all ages. A rape crisis center that is part of a government unit may be used if it is not part of the criminal justice system (such as a law enforcement agency) and it offers a level of confidentiality comparable to the level at a nongovernmental entity that provides similar victim services (28 CFR 115.21).

**606.10 EXAMINATION, TESTING AND TREATMENT**

Examination, testing and treatment shall include the following:

- (a) Forensic medical examinations shall be performed as evidentiarily or medically appropriate, without financial cost to the victim. Where possible, these examinations shall be performed by Sexual Assault Forensic Examiners (SAFEs) or Sexual Assault Nurse Examiners (SANE)s. If neither SAFEs nor SANEs are available, other qualified medical practitioners can perform the examination. The Office shall document its efforts to provide SAFEs or SANEs (28 CFR 115.21).
- (b) If requested by the victim, a victim advocate, a qualified office staff member or a qualified community organization staff member shall accompany the victim through the forensic medical examination process and investigatory interviews. That person will provide emotional support, crisis intervention, information and referrals (28 CFR 115.21).
- (c) Provisions shall be made for testing the victim for sexually transmitted diseases (28 CFR 115.82).
- (d) Counseling for the treatment of sexually transmitted diseases, if appropriate, shall be provided.
- (e) Victims shall be offered information about, and given access to, emergency contraception, prophylaxis for sexually transmitted infections and follow-up treatment

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for sexually transmitted diseases (28 CFR 115.82; 28 CFR 115.83). This shall be done in a timely manner.

- (f) Victims of sexually abusive vaginal penetration while incarcerated shall be offered pregnancy tests. If pregnancy results from the abuse, such victims shall receive comprehensive information about, and access to, all lawful pregnancy-related medical services (28 CFR 115.83). This shall be done in a timely manner.
- (g) Victims shall be provided with follow-up services, treatment plans and, when necessary, referrals for continued care following their transfer to, or placement in, other facilities or their release from custody (28 CFR 115.83).
- (h) Treatment services shall be provided to the victim without financial cost and regardless of whether the victim names the abuser or cooperates with any investigation arising out of the incident (28 CFR 115.82; 28 CFR 115.83).
- (i) The health authority or mental health staff shall obtain informed consent from inmates before reporting information to correctional facility staff about prior sexual victimization that occurred somewhere other than an institutional setting, unless the inmate is under the age of 18 (28 CFR 115.81).
- (j) Medical and mental health practitioners shall ensure that information related to sexual victimization that occurred in an institutional setting is limited to medical and mental health practitioners and other staff unless it is necessary to inform correctional facility staff about security or management decisions (28 CFR 115.81).

**606.11 PROTECTIVE CUSTODY**

Inmates at high risk for sexual victimization shall not be placed in involuntary protective custody unless an assessment of available alternatives has been made and it has been determined that there is no reasonably available alternative means of separation. Inmates may be held in involuntary protective custody for less than 24 hours while an assessment is completed.

If an involuntary protective custody assignment is made because of a high risk for victimization, the Chief Deputy shall clearly document the basis for the concern for the inmate's safety and the reasons why no alternative means of separation can be arranged (28 CFR 115.43).

The facility shall assign these inmates to involuntary protective custody only until an alternative means of separation from likely abusers can be arranged, not ordinarily in excess of 30 days.

Inmates placed in temporary protective custody shall continue to have reasonable access to programs, privileges, education and work opportunities. If restrictions are put in place, the Chief Deputy shall document the following:

- (a) The opportunities that have been limited
- (b) The duration of the limitation
- (c) The reasons for such limitations

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Every 30 days, the Chief Deputy shall afford each such inmate a review to determine whether there is a continuing need for protective custody (28 CFR 115.43).

**606.12 SEXUAL ABUSE INCIDENT REVIEW**

An incident review shall be conducted at the conclusion of every sexual abuse investigation unless the allegation has been determined to be unfounded (28 CFR 115.86). The review should occur within 30 days of the conclusion of the investigation.

The review team shall include upper-level management officials and seek input from line supervisors, investigators and qualified health care and/or mental health professionals, as appropriate:

- (a) Consider whether the investigation indicates a need to change policy or practice in order to better prevent, detect or respond to sexual abuse.
- (b) Consider whether the incident or allegation was motivated by race; ethnicity; gender identity; lesbian, gay, bisexual, transgender or intersex identification status or perceived status; gang affiliation; or other group dynamics at the facility.
- (c) Examine the area in the facility where the incident allegedly occurred to assess whether physical barriers may enable abuse.
- (d) Assess the adequacy of staffing levels in the area during different shifts.
- (e) Assess whether monitoring technology should be deployed or augmented to supplement supervision by staff.
- (f) Prepare a written report of the team's findings, including, but not limited to, determinations made pursuant to paragraphs (a)-(e) of this section, and any recommendations for improvement. The report should be submitted to the Sheriff and the PREA coordinator.

The Chief Deputy or the authorized designee shall implement the recommendations for improvement or document the reasons for not doing so.

**606.13 DATA REVIEWS**

This office shall conduct an annual review of collected and aggregated incident-based sexual abuse data. The purpose of these reviews is to assess and improve the effectiveness of sexual abuse prevention, detection and response policies, practices and training by:

- (a) Identifying problem areas.
- (b) Identifying corrective actions taken.
- (c) Recommending corrective actions.
- (d) Comparing current annual data and corrective actions with those from prior years.
- (e) Assessing the office's progress in addressing sexual abuse.

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The reports shall be approved by the Chief Deputy and made available through the office website. Material may be redacted from the reports when publication would present a clear and specific threat to the safety and security of the facility. However, the nature of the redacted material shall be indicated (28 CFR 115.88).

All aggregated sexual abuse data from Santa Cruz County Sheriff's Office facilities and private facilities with which it contracts shall be made available to the public at least annually through the office website. Before making aggregated sexual abuse data publicly available, all personal identifiers shall be removed (28 CFR 115.89).

**606.14 RECORDS**

All case records and reports associated with a claim of sexual abuse and sexual harassment, including incident reports, investigative reports, offender information, case disposition, medical and counseling evaluation findings, and recommendations for post-release treatment or counseling shall be retained in accordance with confidentiality laws.

The Office shall retain all written reports from administrative and criminal investigations pursuant to this policy for as long as the alleged abuser is held or employed by the Office, plus five years (28 CFR 115.71).

All other data collected pursuant to this policy shall be securely maintained for at least 10 years after the date of the initial collection, unless federal, state or local law requires otherwise (28 CFR 115.89).

**606.15 PRESERVATION OF ABILITY TO PROTECT INMATES**

The Office shall not enter into or renew any collective bargaining agreement or other agreement that limits the office's ability to remove alleged staff sexual abusers from contact with any inmates pending the outcome of an investigation or of a determination of whether and to what extent discipline is warranted (28 CFR 115.66).

## Indigent Inmates

### 607.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for providing basic services to indigent inmates. An inmate's access to health care, programs, services and activities is not precluded by the inmate's inability to pay.

### 607.2 POLICY

It is the policy of this office that no inmate shall be denied access to hygiene products, medical and mental health services, outgoing legal correspondence or qualified inmate programs due to a lack of funds.

The Chief Deputy or the authorized designee shall establish policies and procedures for providing basic services to indigent inmates. A debit accounting procedure should also be established by the financial services division to recoup fees from inmates who have received funds after having accessed discretionary services, but before inmates have access to the funds for non-discretionary items, such as commissary products.

The Chief Deputy should also establish a weekly schedule for the delivery of requested indigent services, excluding medical and mental health services, which may be requested at any time. A list of eligible indigent materials, such as hygiene products and other approved items for indigent inmates, along with the debit policies from inmate accounts, shall be communicated in the inmate orientation materials.

### 607.3 INDIGENT INMATE HYGIENE PRODUCTS

Inmates who are indigent shall be provided with basic hygiene products upon request. The products shall include the following (15 CCR 1265):

- One bar of bath soap or equivalent
- One unbreakable comb or brush
- Toothpaste or powder
- Toothbrush
- Shampoo or equivalent
- Toilet paper
- Materials as appropriate to the special hygiene needs of women

### 607.4 INMATE REQUESTS FOR HYGIENE PRODUCTS

Inmates who are indigent may request additional hygiene products once a week by filling out a canteen form, indicating their indigence by using the proper code. The cost of these products will



## *Indigent Inmates*

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be recorded in the inmate's personal funds account and debited from any future funds credited to that account.

### **607.5 INDIGENT INMATE REQUESTS FOR NON-EMERGENCY MEDICAL AND MENTAL HEALTH SERVICES**

Indigent inmates shall be permitted to request non-emergency medical and mental health services without regard to their ability to pay. Such requests should be made by the inmate by completing an inmate request form. Qualified co-payments will be recorded in the inmate's personal funds account and debited from any future funds credited to that account.

### **607.6 INDIGENT INMATE REQUESTS FOR WRITING MATERIALS**

Indigent inmates may request writing materials on a weekly basis, as provided by an approved schedule established by the Chief Deputy. Writing materials shall include the following (Penal Code § 6030):

- At least two pre-stamped envelopes for correspondence with family and friends
- Six sheets of writing paper
- One writing implement

Indigent inmates shall receive an amount of pre-stamped envelopes and writing paper sufficient to maintain communication with an elected official, officials of the Board of State and Community Corrections, attorneys and other officers of the court (15 CCR 1063(e)). Requests shall be screened and granted based on need by the inmate programs coordinator. Inmates should not be permitted to maintain an excess supply of writing materials without the approval of a supervisor.

### **607.7 INDIGENT INMATE ACCESS TO PROGRAMS**

Inmates should not be denied access to educational and vocational programs based solely on their indigent status.

## Grooming

### 608.1 PURPOSE AND SCOPE

The purpose of this policy is to allow inmates to have freedom in personal grooming, except when a legitimate government interest justifies the development of grooming standards that are based upon orders of the court, inmate classification, work status, safety and security, or health and hygiene.

### 608.2 POLICY

It is the policy of this facility to allow inmates freedom in personal grooming, except when a valid government interest justifies that grooming standards be established. The Chief Deputy or the authorized designee shall establish inmate grooming standards specific to inmate classification, work status, facility safety and security, or inmate health and hygiene. Any established standards should not unreasonably interfere with religious observances. Grooming standards should be identified in the inmate handbook.

### 608.3 HAIRCUTS

Inmates will be provided haircuts and hair-cutting tools subject to established facility rules. If hair length, style or condition presents a security or sanitation concern, haircuts may be mandatory. Inmates who significantly alter their appearance may be required to submit to additional booking photos.

Inmates shall not cut names, numbers or other designs into their hair. Inmates shall not manipulate their hair into any style, including, but not limited to, braids, ponytails, cornrows or twists, that could facilitate the concealment and movement of contraband and weapons.

#### 608.3.1 HAIR CARE SERVICES

The Chief Deputy or the authorized designee shall establish written procedures for inmate hair care services (15 CCR 1267(a)). The procedures will include schedules for hair care services and allow rescheduling for conflicts, such as court appearances.

Inmates shall generally be permitted to receive hair care services once per month after being in custody for at least 30 days. Staff may suspend access to hair care services if an inmate appears to be a danger to him/herself or others or to the safety and security of the facility.

### 608.4 SHAVING

Inmates may shave daily. Facial hair shall be clean and well groomed. Long beards may allow inmates to conceal weapons or contraband. Inmates may be required to trim facial hair if it poses a security or safety risk. Inmates may be required to submit to new booking photographs if their appearance is significantly altered due to facial hair. Inmates with facial hair who work around food shall wear appropriate facial coverings.

An inmate may be denied access to razors if he/she appears to be a danger to him/herself or others, or if such access may jeopardize the safety and security of the facility.

## *Grooming*

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Inmates may be restricted from significantly altering their appearance for reasons of identification in court (15 CCR 1267(b)).

### **608.5 NAILS**

Nail clippers will be kept at the control station and will be issued to inmates upon request. Inmate workers are required to keep their nails clean and trimmed. Inmates with long nails may be required to trim their nails if there is a security concern and the inmate is admitted to general population.

### **608.6 GROOMING EQUIPMENT**

Grooming equipment is to be inventoried and inspected by the staff at the beginning of each shift and prior to being issued to inmates. The staff shall ensure that all equipment is returned by the end of the shift and is not damaged or missing parts.

Grooming equipment will be disinfected before and after each use by the methods approved by the State Board of Barbering and Cosmetology to meet the requirements of 16 CCR 979, 16 CCR 980; 15 CCR 1267(c). Cleaning methods include:

- Removing foreign matter.
- Cleaning tools with soap or detergent and water.
- Immersing non-electrical equipment in disinfectant.
- Spraying electrical equipment with disinfectant.
- Storing cleaned equipment in clear, covered containers that are labeled as such.

Disinfectant solution shall be changed at least once per week or whenever the solution is cloudy or dirty. Solution will be stored in covered containers with labeled instructions for its use and the Environmental Protection Agency registration number.

### **608.7 SHOWERING**

Inmates shall be permitted to shower upon assignment to a housing unit, at least every other day thereafter and more often if practicable (15 CCR 1266).

### **608.8 PERSONAL CARE ITEMS**

Inmates are expected to maintain their hygiene using approved personal care items. Personal care items, including toothbrushes, combs and soap, are available through the inmate commissary and will be charged to the inmate's account.

Indigent inmates shall receive hygiene items necessary to maintain an appropriate level of personal hygiene.

No inmate will be denied the necessary personal care items. For sanitation and security reasons, personal care items shall not be shared (15 CCR 1265 et seq.).

## **Inmate Non-Discrimination**

### **609.1 PURPOSE AND SCOPE**

The constitutional rights of inmates regarding discrimination are protected during incarceration. These protections extend to administrative decisions, e.g., classification, access to programs and the availability of services. This policy is intended to guide the staff toward non-discriminatory administrative decisions by defining classes protected by the 1964 Civil Rights Act and detailing an inmate complaint and discrimination investigation process.

### **609.2 POLICY**

All decisions concerning inmates housed at this facility shall be based on reasonable criteria that support the health, safety, security and good order of the facility. This policy prohibits the staff from discriminating against an inmate based upon age, sex, race, religion, national origin or sexual orientation. It establishes a process by which the inmate can report possible discrimination.

Reasonable and comparable opportunities for participation in vocational, educational and religious programs shall be made available to all inmates. Males and females housed at the same facility shall have comparable access to all services and programs. Neither sex shall be denied opportunities on the basis of its smaller representation in the total population.

The Chief Deputy should periodically conduct interviews with inmates and staff members to identify and resolve potential problem areas related to discrimination before they occur.

### **609.3 INMATES REPORTING DISCRIMINATION**

Inmates who wish to report an allegation of discrimination may communicate with facility management by way of the following:

- (a) Inmate Grievance Form provided by the facility staff
- (b) Confidential correspondence addressed to the Chief Deputy or Sheriff or other government official, including the courts or legal representative
- (c) Verbally to any supervisor or other staff member of this facility

#### **609.3.1 HANDLING COMPLAINTS OF DISCRIMINATION**

Staff shall promptly forward all written allegations of discrimination by inmates to the Sergeant. If the allegation is presented verbally, the receiving staff member shall prepare an incident report identifying the circumstances prompting the allegation, the individuals involved and any other pertinent information that would be useful to investigating the allegation.

Unless the grievance or written complaint submitted by the inmate is clearly identified as confidential and addressed to the Chief Deputy, Sheriff or other official, the Sergeant shall review the complaint and attempt to resolve the issue. In any case, the Sergeant shall document the circumstances of the allegation and what actions, if any, were taken to investigate or resolve the

### *Inmate Non-Discrimination*

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complaint. All reports of alleged discrimination shall be forwarded to the Chief Deputy for review and further investigation or administrative action as needed.

Administrative evaluations and response to allegations of discrimination shall be based upon objective criteria:

- (a) The inmate's classification
- (b) The inmate's criminal history
- (c) Current and past behavior and disciplinary history
- (d) Housing availability
- (e) The availability of programs
- (f) The ability to safely provide the requested services

#### **609.4 DISCRIMINATION GRIEVANCE/COMPLAINT AUDITS**

The Chief Deputy should perform an annual audit of all inmate discrimination grievances and complaints to evaluate whether any policy or procedure changes or training are indicated. The Chief Deputy should record these findings in a confidential memorandum to the Sheriff. Specific details of complaints and identifying information, such as names of the involved persons, dates or times, are not part of this process and should not be included in the memorandum. If the audit identifies any recommended changes or content that may warrant a critical revision to this Custody Manual, the Chief Deputy should promptly notify the Sheriff.

Any training issues identified as a result of this audit should be forwarded to the Training Officer, who shall be responsible for ensuring all necessary and required training is scheduled and completed.

## Inmate Grievances

### 610.1 PURPOSE AND SCOPE

The purpose of this policy is to establish a process by which inmates may file grievances and receive a formal review regarding the conditions of their confinement.

### 610.2 POLICY

It is the policy of this office that any inmate may file a grievance relating to conditions of confinement, which includes release date, housing, medical care, food services, hygiene and sanitation needs, recreation opportunities, classification actions, disciplinary actions, program participation, telephone and mail use procedures, visiting procedures and allegations of sexual abuse (15 CCR 1073).

Grievances will not be accepted if they are challenging the rules and policies themselves, state or local laws, court decisions and probation/parole actions.

Retaliation for use of the grievance system is prohibited.

#### 610.2.1 ACCESS TO THE GRIEVANCE SYSTEM

All inmates shall be provided with a grievance process for resolving complaints arising from facility matters with at least one level of appeal.

Inmates will receive information concerning the grievance procedure during the orientation process. Information will also be contained in the inmate handbook. Information regarding the grievance process will be provided to inmates in the language they understand.

The information will include (15 CCR 1073(a) and (b)):

- A grievance form or instructions for registering a grievance.
- Instructions for the resolution of the grievance at the lowest appropriate staff level.
- The appeal process to the next level of review.
- Written reasons for denial of a grievance at each level of review.
- A provision of required timeframes for responses.
- A provision for resolving questions of jurisdiction within the facility.
- Consequences for abusing the grievance system.

### 610.3 INMATE GRIEVANCE PROCEDURES

Staff shall attempt to informally resolve all grievances at the lowest level. All attempts to resolve a grievance shall be documented in the inmate's file. If there is no resolution at this level, the inmate may request a grievance form.

The inmate should be advised to complete the form and return it to any staff member. A grievance should be filed by an inmate within 14 days of the complaint or issue.

## *Inmate Grievances*

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Inmates cannot file a grievance on behalf of another inmate but an inmate may assist another inmate in the preparation of a grievance. Custody staff may take reasonable steps to assist the inmate in the preparation of a grievance if requested.

Upon receiving a completed inmate grievance form, the staff member shall acknowledge receipt of the grievance by signing the form and giving a copy to the inmate. The staff member receiving the form shall gather all associated paperwork and reports and immediately forward it to a supervisor.

### 610.3.1 EXCEPTION TO INITIAL GRIEVANCE FILING

Inmates may request to submit the grievance directly to a supervisor or mail it directly to the Chief Deputy if they reasonably believe the issues to be grieved are sensitive or that their safety would be in jeopardy if the contents of the grievance were to become known to other inmates.

Inmates with limited access to mail privileges, who are in segregation units or are indigent may deposit their grievances in the locked grievance box within their housing unit or place their grievance in a sealed envelope labeled "Grievance" and deposit it in the regular mail boxes. These envelopes will be delivered directly to the Chief Deputy and not forwarded to the United States Postal Service.

### 610.3.2 TIMELY RESOLUTION OF GRIEVANCES

Upon receiving a completed inmate grievance form, the supervisor shall ensure that the grievance is investigated and resolved or denied in a timely manner, as established by the Chief Deputy. The supervisor shall assign the investigation of the grievance to the manager in charge of the department the inmate is grieving.

Grievances related to medical care should be investigated by the medical staff. The findings of that investigation, along with any recommendations, shall be forwarded to the supervisor. Any appeals of the findings of the medical staff shall be forward to the Chief Deputy as the final level of appeal.

Grievances about food-related matters should be investigated by the food services manager. The findings of that investigation, along with any recommendations, shall be forwarded to the supervisor. Any appeals shall be forward to the Chief Deputy as the final level of appeal.

Other grievances relating to programs or other services provided by the Office shall be investigated by the custody staff with the assistance of the supervising employee in charge of those services. Findings relating to the investigation will be forwarded to the supervisor. Any appeals shall be forwarded to the Chief Deputy as the final level of appeal.

### 610.3.3 APPEALS TO GRIEVANCE FINDINGS

Inmates may appeal the finding of a grievance to the Chief Deputy as the final level of appeal within five days of receiving the findings of the original grievance. The Chief Deputy will review the grievance and either confirm or deny it. If the Chief Deputy confirms the grievance, he/she will initiate corrective actions. In either case, the inmate shall receive a written response to the appeal.

Appeals related to sexual abuse allegations shall be confirmed or denied by the Chief Deputy within 10 calendar days.

## *Inmate Grievances*

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### **610.3.4 RECORDING GRIEVANCES**

The Chief Deputy should maintain a grievance log in a central location accessible to all supervisors. The supervisor who originally receives a grievance shall record the grievance, along with its finding, on the grievance log. Periodic reviews of the log should be made by the Chief Deputy or the authorized designee to ensure that grievances are being handled properly and in a timely manner. A copy of each grievance should be filed in the inmate's official record and maintained throughout the inmate's period of incarceration.

The original grievance should be retained in a file maintained by the Chief Deputy or the authorized designee, and shall be retained in accordance with established records retention schedules.

### **610.3.5 FRIVOLOUS GRIEVANCES**

Inmates shall use the grievance process only for legitimate problems or complaints. If there is concern that an inmate is abusing the grievance process, he/she shall be informed that continued behavior may result in disciplinary action.

### **610.4 GRIEVANCE AUDITS**

The Chief Deputy should perform an annual audit of all inmate grievances and complaints filed the previous calendar year. The Chief Deputy should forward a memorandum to the Sheriff detailing the findings, including recommendations regarding any changes to policy or procedures or any additional training that might be warranted to reduce future complaints. Specific identifying information regarding dates, times or individuals named in the complaints is not part of this process and should not be included in the memorandum.

The Sheriff should evaluate the recommendations and ensure appropriate action is taken.

Any training issues identified as a result of this audit should be forwarded to the Training Officer, who will be responsible for ensuring all necessary and required training is scheduled and completed.

### **610.5 TRAINING**

The Training Officer shall ensure that all custody staff receive initial and periodic training regarding all aspects of the Inmate Grievances Policy. All training delivered should include testing to document that the employee understands the subject matter.



## Inmate Voting

### 611.1 PURPOSE AND SCOPE

This policy establishes the requirement for providing eligible inmates the opportunity to vote during elections, pursuant to election statutes.

### 611.2 POLICY

Inmates who have not been convicted of a felony and are in custody during trial continue to have the right to vote. Except for individual inmates who have lost the right to vote, sentenced inmates also maintain this right. Because inmates are unable to access public voting polls, the Chief Deputy or the authorized designee shall develop written procedures whereby the county registrar of voters allows qualified inmates to vote in local, state and federal elections, pursuant to election codes (15 CCR 1071).

Inmates should be advised of voting methods during the inmate orientation.

### 611.3 PROCEDURES

Prior to each election, the Chief Deputy will designate a correctional officer to be a liaison between the office and the local Registrar of Voters. The designated correctional officer will be responsible for assisting inmates who have requested to vote.

#### 611.3.1 REGISTERING TO VOTE

An inmate who is eligible to vote and requests to register should complete a voter application. The application should be submitted to the liaison correctional officer, who will forward the application to the local election official.

#### 611.3.2 REQUESTING AN ABSENTEE BALLOT

An inmate who will be in custody during an election and requests to vote by absentee ballot should complete an application. The completed application should be submitted to the liaison correctional officer, who will forward the application to the local election official.

#### 611.3.3 VOTING

All ballots received shall be delivered to inmates in a timely manner to ensure compliance with the inmate's right to vote. Once the ballot has been delivered to the inmate, it shall be the responsibility of the inmate to mail his/her ballot in accordance with the state's voting requirements. If the inmate is indigent, the correctional facility will mail the ballot; if not, the inmate is responsible for the postage.

## **Chapter 7 - Medical-Mental Health**

## Access to Health Care

### 700.1 PURPOSE AND SCOPE

The provision of adequate health services in a custody setting is a constitutional right afforded to all inmates. The purpose of this policy is to provide custody personnel and qualified health care professionals with a process to inform newly booked inmates of the procedure to access health care services and how to use the grievance system, if necessary.

### 700.2 POLICY

It is the policy of this office that all inmates, regardless of custody status or housing location, will have timely access to a qualified health care professional and receive a timely professional clinical judgment and appropriate treatment.

The Santa Cruz County Sheriff's Office facility will provide medical, dental and mental health services as necessary to maintain the health and well-being of inmates to a reasonable and socially acceptable standard (15 CCR 1200 et seq.; 15 CCR 1208).

#### 700.2.1 CONTRACT HEALTH PROVIDER

Medical and dental services may be provided by a contracted authority. Policies and procedures regarding all care related to health services are retained in the Medical Unit and shall comply with Title 15 Regulations and other laws as applicable. The Program Manager and Responsible Physician from the contracted authority shall be responsible for compliance and quality assurance.

### 700.3 ACCESS TO CARE

Inmate medical requests will be evaluated by qualified health care professionals or health-trained custody staff. Health care services will be made available to inmates from the time of admission until they are released. Information regarding how to contact the medical staff will be posted in all inmate housing areas (15 CCR 1200 et seq.; 15 CCR 1208). Medications and community health resources and referrals may be provided upon request when the inmate is released.

Unreasonable barriers shall not be placed on an inmate's ability to access health services. Health care that is necessary during the period of confinement shall be provided regardless of an inmate's ability to pay, the size of the facility or the duration of the inmate's incarceration. Such unreasonable barriers include:

- Punishing inmates for seeking care for their health needs.
- Assessing excessive co-payments that prevent or deter inmates from seeking care for their health needs.
- Deterring inmates from seeking care for their health needs by scheduling sick call at unreasonable times.

All routine requests for medical attention shall be promptly routed to a qualified health care professional.

## *Access to Health Care*

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Any incident of an inmate causing a disruption in the delivery of health care services shall be documented by corrections staff in an incident report. The report will be made available to the medical services program manager.

### **700.4 HEALTH CARE GRIEVANCES**

Custody personnel should authorize and encourage resolution of inmate complaints and requests on an informal basis whenever possible. To the extent practicable, custody personnel should provide inmates with opportunities to make suggestions to improve programs and conditions.

Inmates will be informed of the grievance process during inmate orientation. The grievance process is also explained in the inmate handbook, which all inmates receive and which they should have additional access to in their housing units. Grievances will be handled in accordance with the Inmate Grievances Policy (15 CCR 1073(a)).

Custody personnel should minimize technical requirements for grievances and allow inmates to initiate the grievance process by briefly describing the nature of the complaint and the remedy sought. For simple questions and answers regarding clinical issues, inmates may meet with a qualified health care professional or may submit written correspondence.

Inmate grievances regarding health care issues will be investigated by an uninvolved member of the medical staff. If no such person is available or does not exist, an outside peer should be sought to investigate the grievance. The inmate should be provided with a written response in accordance with the schedule set forth in the Inmate Grievances Policy. Responses to inmate grievances should be based on the community standard of health care.

Copies of grievances and the facility's response shall be sent to the Chief Deputy, who, in consultation with the Responsible Physician, shall serve as the final authority in response to all inmate grievances.

If an inmate is not satisfied with the response, the inmate may appeal the grievance as outlined in the Inmate Grievances Policy.

### **700.5 POSTING AVAILABLE RESOURCES**

A listing of telephone numbers for medical, dental, mental health and ambulance services shall be posted at the facility's medical area and in the primary staff control station, along with a schedule of availability.

## **Inmate Medical Fees**

### **701.1 PURPOSE AND SCOPE**

The purpose of this policy is to provide facility staff and qualified health care professionals with the information necessary to educate newly processed inmates on the procedures and their responsibilities for inmate medical fees at the time of intake.

### **701.2 POLICY**

It is the policy of this office that all individuals booked into and held at the facility shall be informed of the guidelines associated with inmate medical fees. All inmates will be advised of the guidelines in writing during the orientation. This information will be conveyed in a language that is easily understood by the inmate.

The inmate medical fee shall be waived for any service that is initiated by medical staff, including follow-up appointments, mandated health screening, work clearance, chronic care and mental health care (Penal Code § 4011.2).

### **701.3 MEDICAL FEE GUIDELINES**

- (a) Inmate initiated medical visits will result in a fee to the inmate of three dollars per visit.
- (b) Medical staff will complete a log of co-pay charges and forward the log daily to the custodial administration. The inmate's account will then be debited for the inmate medical fee. The inmate shall be provided treatment regardless of his/her ability to pay the fee.
- (c) The following inmate health services shall be exempt from medical fees:
  - 1. Intake medical screening
  - 2. Health appraisals (10-day physicals)
  - 3. Public health evaluations
  - 4. Prenatal services and all services related to pregnancy
  - 5. Public health programs that are funded by other sources
  - 6. Laboratory and diagnostic services
  - 7. Life-threatening emergency services
  - 8. Follow-up monitoring of chronic health conditions (e.g. hypertension services, seizure monitoring, medication monitoring)
  - 9. Educational information on the inmate's condition
  - 10. When an assault requires medical attention

*Inmate Medical Fees*

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Any incident of an inmate refusing medical treatment or causing a disruption in the delivery of health care services shall be documented in an incident report. The original incident report shall be forwarded to the Responsible Physician and a copy sent to the Chief Deputy.

**701.4 FEE APPEAL PROCESS**

Inmates charged for health services shall be permitted to challenge the fee in accordance with the Inmate Grievances Policy (15 CCR 1073(a)).

## Health Care for Pregnant Inmates

### 702.1 PURPOSE AND SCOPE

The purpose of this policy is to establish prenatal and postpartum health care services for inmates who are pregnant. Services may include assistance recovering from the effects of potentially unhealthy lifestyles, which could include tobacco use, alcohol and drug abuse or addiction, and a lack of previous adequate medical care. Because of unhealthy lifestyle choices prior to incarceration, many inmate pregnancies are classified as high-risk. This policy is intended to protect the health of the pregnant inmate and her fetus.

### 702.2 POLICY

It is the policy of this office that a qualified health care professional should provide comprehensive prenatal and postpartum care for all pregnant inmates during their incarceration, which includes, but is not limited to, the following:

- Pregnancy testing
- Prenatal care, both routine and high-risk if needed
- Management of drug or alcohol addicted pregnant inmates
- Comprehensive counseling and assistance services
- Nutrition modification for term of pregnancy and lactation
- Birthing in an appropriate setting
- Postpartum care
- Family planning education and services
- Access to privately funded pregnancy alternative options.

A qualified health care professional shall provide counseling and information to pregnant inmates regarding planning for their unborn child (15 CCR 1206(f); Penal Code § 4023.5).

#### 702.2.1 ADVISEMENT AND COUNSELING

Inmates who are pregnant shall be advised of the provisions of this policy manual, the Penal Code and standards established by Board of State and Community Corrections related to pregnant inmates (Penal Code § 3407(e)).

### 702.3 BOOKING - PREGNANCY SCREENING

When booking a female inmate, the following steps shall be taken:

- (a) All females shall be asked if they are pregnant. If the inmate states she is pregnant, a confirming urine test should be performed within 48 hours and documented in the medical record.

*Health Care for Pregnant Inmates*

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- (b) Pregnant inmates who appear to be under the influence of or withdrawing from alcohol or other substances shall be referred to a qualified health care professional.
- (c) The Responsible Physician, in collaboration with facility staff, shall ensure the appropriate clinic visits are scheduled.
- (d) A medical record should be opened with a notation indicating pregnancy.
- (e) The inmate should be interviewed by a qualified health care professional for the following information, which should be written in the medical record:
  - 1. Last menstrual period (LMP)
  - 2. Estimated date of conception (EDC)
  - 3. Estimated due date (40 weeks from EDC)
  - 4. Number of pregnancies (Gravidity)
  - 5. Number of live births (Parity)
  - 6. Therapeutic abortions (TAB)
  - 7. Spontaneous abortions (SAB), aka miscarriages
  - 8. Prenatal care history
  - 9. Current medications
  - 10. Any current adverse symptoms: vaginal bleeding or discharge, abdominal cramping or pain (if yes, notify on-site or on-call physician)
  - 11. High-risk factors if known: drug or alcohol use/abuse, smoking, previous pregnancy problems, other medical problems (cardiac, seizures, diabetes/DM, hypertension/HTN)
  - 12. If recent heroin or methadone use is identified, notify the on-site or on-call physician for orders.
- (f) Each pregnant inmate should have:
  - 1. A completed medical recommendation form for a low bunk assignment, in a lower tier, with no waist chains, as appropriate.
  - 2. A completed special diet form ordering a pregnant diet.
  - 3. Prenatal vitamins prescribed at one per day for the duration of the pregnancy.
  - 4. An appointment at the next available obstetric clinic if the inmate is 10 or more weeks gestation.



## *Health Care for Pregnant Inmates*

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### **702.4 HOUSING**

Inmates who are known to be pregnant may be housed in any unit appropriate for their classification, with the following exceptions:

- (a) All pregnant inmates identified at intake or the obstetric clinic to be high-risk or who are in their last trimester of pregnancy shall be housed in the medical unit.
- (b) Housing in the medical unit shall be by order of the obstetric specialist or the Responsible Physician.

### **702.5 COUNSELING AND TREATMENT**

The Office will provide all necessary counseling and treatment to pregnant inmates to ensure they are receiving the proper care. To accomplish this, the following shall occur:

- (a) The directions of the obstetric specialist shall be followed throughout the pregnancy and postnatal period. No non-medical staff has the unilateral authority to change or overrule an order or care recommendation made by the Responsible Physician. The Chief Deputy and Responsible Physician shall develop a process by which perceived conflicts between medical orders/recommendations and safety and security interests of the correctional facility can be discussed and resolved. Ultimately, the correctional facility must provide adequate treatment for an inmate's medical needs.
- (b) The Responsible Physician shall be consulted immediately if a patient is under 10 weeks gestation and has medical concerns.
- (c) Any pregnant inmate with medical problems that occur between scheduled obstetric appointments shall be seen by a qualified health care professional. If the qualified health care professional assesses the problem as urgent and a physician is not available on-site, the inmate shall be sent to the hospital for evaluation.
- (d) The inmate shall be advised to notify health-trained custody staff immediately of the following:
  - 1. Vaginal bleeding
  - 2. Acute, persistent abdominal or pelvic pain and/or severe cramping
  - 3. Leaking fluid
  - 4. Decreased or no fetal movement
  - 5. Headache or blurred vision
  - 6. Rapid weight gain with swelling (edema)
  - 7. Abnormal vaginal discharge
  - 8. Symptoms of a urinary tract infection (UTI)
  - 9. Fever

### *Health Care for Pregnant Inmates*

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- (e) Postpartum examinations and additional appointments shall be scheduled by the obstetric clinic as needed.
- (f) Any female prisoner shall have the right to summon and receive the services of any physician and surgeon of her choice in order to determine whether she is pregnant. The Chief Deputy may develop reasonable rules and regulations governing the conduct of such examinations. If found to be pregnant, the prisoner is entitled to determine the extent of medical services needed, from providers with valid license to practice medicine, as long as she is able to pay for the expense of the private services. The rights provided in this section shall be conspicuously posted in at least one place to which all female prisoners have access (Penal Code § 4023.6).

#### **702.6 RESTRAINTS**

Inmates who are known to be pregnant or who are in labor shall not be placed in restraints except as provided in the Use of Restraints Policy.

#### **702.7 ABORTIONS**

Inmates who wish to terminate their pregnancy shall be referred to outside counseling services for further information regarding available options. The Office shall not impede the woman's access to abortion counseling or services, and shall provide necessary transportation and supervision to such services. Any financial obligations will be the responsibility of the inmate. These rights will be posted in all areas that house female inmates (Penal Code § 4028).

##### **702.7.1 STAFF INVOLVEMENT**

Staff members who object to facilitating an inmate's elective abortion (including arranging, transporting, security) should not be required to perform such duties.

## Health Authority

### 703.1 PURPOSE AND SCOPE

The purpose of this policy is to establish the responsibility of the health authority as arranging for all levels of health services, assuring the quality of all health services, identifying lines of medical authority for the inmate health program and assuring that inmates have access to all health services.

The policy also establishes properly monitored processes, policies, procedures and mechanisms to ensure that the contracted scope of services is adequately and efficiently delivered.

The health authority is defined as the Responsible Physician, health services administrator or health agency responsible for providing all health care services or coordinating the delivery of all health care services (see the Health Care Administrative Meetings and Reports Policy).

### 703.2 POLICY

The contracted health authority is responsible and accountable for all levels of health care and has the final authority regarding clinical issues within this correctional facility. The contracted health authority is responsible for establishing, implementing and annually reviewing/revising policies for all clinical aspects of the health care program and for monitoring the appropriateness, timeliness and responsiveness of care and treatment. The contracted health authority also approves all medical decisions and protocols.

### 703.3 SELECTION PROCESS

The Sheriff or the authorized designee shall select a health authority using an existing office procurement or selection process. The individual or organization selected shall be designated as the health authority for inmate health care on behalf of the facility.

Aside from any monetary or term considerations, the contract between the Office and the selected individual or organization shall minimally include:

- (a) Language establishing the scope of services being contracted and the type of health care service needed.
- (b) Job descriptions, minimum qualifications and performance expectations for contract personnel.
- (c) Language requiring the contractor to develop appropriate measures and review processes for assessing the quality, effectiveness and timeliness of the services provided and periodically reporting those findings to the facility.
- (d) Identification of a Responsible Physician, who shall serve as the medical authority on treatment matters requiring medical expertise and judgment.
- (e) Language regarding the minimum frequency that the health authority shall be present at the facility.

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- (f) The roles and responsibilities of staff in ensuring that the contractor may adequately deliver services in a safe and secure environment.
- (g) A written plan for coordinating medical care from multiple health care services.
- (h) A written plan for the collection and maintenance of inmate health records that is compliant with the Health Insurance Portability and Accountability Act (HIPAA).
- (i) Identification of a dispute resolution process for the contracted parties and for inmates who may be questioning treatment plans.
- (j) Language and a plan addressing liability and indemnification for issues related to inmate health care.

The health authority shall be authorized and responsible for making decisions about the deployment of health resources and the day-to-day operation of the health services program. If the health authority is other than a physician, any final clinical judgments shall rest with a single, designated, Responsible Physician.

The health authority or the authorized designee will meet at least monthly with custody representatives to discuss the health care program and any issues that require correction or adjustment.

Security regulations are applicable to facility staff and health care personnel (15 CCR 1200(a)).

#### **703.4 PROVISION OF HEALTH CARE**

The health authority is responsible for arranging the availability of health care services. The qualified health care professionals should determine what medical services are needed on a case-by-case basis. The Chief Deputy shall provide the administrative support for making the health care services available to inmates. Clinical decisions are the sole province of qualified health care professionals and should not be countermanded by non-health care professionals.

If routine health services are provided by medical personnel outside this facility, all office policies regarding treatment, transfer, transportation or referral of emergencies shall be followed.

The health authority is responsible for ensuring that the health services manual complies with all applicable state and federal law and that a review and update is conducted annually.

An annual audit of the quality and adequacy of health care services shall be done, with corrective action taken when deficiencies are identified (15 CCR 1202).

## Mental Health Services

### 704.1 PURPOSE AND SCOPE

The purpose of this policy is to ensure that all inmates have access to mental health services and that inmates identified as needing these services are referred appropriately.

#### 704.1.1 DEFINITION

Definitions related to this policy include:

**Mental health services** - A variety of psycho-social and pharmacological therapies, either individual or group, including biological, psychological and social therapies to alleviate symptoms, attain appropriate functioning and prevent relapse.

### 704.2 POLICY

It is the policy of this office that a range of mental health services shall be available for any inmate who requires them (15 CCR 1206(g); 15 CCR 1207).

### 704.3 MENTAL HEALTH SERVICES

The Chief Deputy should collaborate with the local public and private organizations that offer mental health services, treatment and care to those inmates in need of such services.

Such services may include:

- Assistance with mental health screening, diagnosis and care, including intake screening.
- Referral to services for the detection, diagnosis and treatment of mental illness and follow-up care after release from custody.
- Crisis intervention and the management of psychiatric episodes.
- Stabilization of the mentally ill and the prevention of psychiatric deterioration in the correctional setting.
- Psychotropic medication management and psychotherapy.
- Suicide prevention.
- Segregation rounds by qualified health care professionals.
- Treatment of severe adjustment disorders.
- Referral, transportation and admission to licensed mental health facilities for inmates whose psychiatric needs exceed the treatment or housing capability of the facility (15 CCR 1209; Penal Code § 4011.6; Penal Code § 4011.8).
- Obtaining and documenting informed consent.
- Release planning services.

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### **704.4 BASIC MENTAL HEALTH SERVICES**

Inmates may be referred to a qualified health care professional through a variety of methods, which include the medical screening process, the mental health appraisal process and self-referral or staff referral. Qualified health care professionals should respond to all referrals in a timely manner and initiate the appropriate treatment services.

- (a) If the inmate has received previous mental health treatment, the inmate should be asked to complete a release of information form so his/her treatment records can be obtained.
- (b) Inmates who have been determined to be in need of ongoing mental health services after their release from this facility should be provided with information about community mental health treatment resources. Arrangements for more comprehensive mental health care may be made, if appropriate.
- (c) Inmates who are identified as being developmentally disabled should be evaluated for special housing needs. The qualified health care professional should work in cooperation with classification personnel to establish the best reasonably available housing option.
- (d) Inmates who are suspected or known to be developmentally disabled should receive a mental health appraisal by the qualified health care professional or health-trained custody staff as soon as reasonably practicable but no later than 24 hours after booking. Contact will be made with the regional center within 24 hours, excluding holidays and weekends, when an inmate is suspected or confirmed to be developmentally disabled. Inmates who are developmentally disabled should be referred, where appropriate and available, for placement in non-correctional facilities or in units specifically designated for housing the developmentally disabled (15 CCR 1057).
- (e) Inmates enrolled in mental health treatment, including psychiatric medication management, should be provided information regarding the risks and benefits to treatment. Informed consent documents should be signed by the inmate to establish his/her consent to treatment. The signed forms should be placed in the inmate's health record and retained in accordance with established records retention schedules.
- (f) A treatment plan should be established for all inmates enrolled in mental health services.
  - 1. Psychiatric and special needs treatment plans shall be reviewed every 180 days, at a minimum. Inmates taking psychotropic medication should be seen by a psychiatrist at least every 90 days. Inmates classified as requiring mental health special needs should be seen at least monthly by a qualified health care professional.

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2. Inmates enrolled in other ongoing forms of mental health treatment should have treatment plan updates completed every six months, at a minimum.
  3. Inmates who present to the qualified health care professional as having notable difficulty adjusting to the correctional environment, but who are not diagnosed with a serious mental illness, should be evaluated for the appropriateness of mental health treatment. Consideration should be given to the qualified health care professional and the facility staff working together to address the issues that may be affecting the inmate's ability to adjust to incarceration.
- (g) The qualified health care professional should utilize a site-specific suicide prevention program to ensure the safety of inmates who present with a risk of self-harm.
1. Qualified health care professionals should be assigned to daily rounds in the segregation unit to determine the mental health status of inmates housed there.
  2. Segregated inmates may be referred by the correctional facility staff to qualified health care professionals for follow-up if concerns arise regarding their ability to function in disciplinary detention.
- (h) If the qualified health care professional has concerns about the level of mental health services that are required to manage an inmate housed in the facility, the health authority shall be notified and the Responsible Physician shall be the decision-maker regarding the health care needs of the inmate.
1. The Responsible Physician may consult with a psychiatrist, specialist or other health care service in determining whether the inmate should be transferred to a facility that is better equipped to handle the inmate's psychiatric needs.
  2. The Responsible Physician should notify the Chief Deputy of the request to transfer the inmate for medical treatment.
  3. The case review and disposition of the patient should be documented in the inmate's health record and retained in accordance with established records retention schedules.

Inmates determined to be in need of substance abuse treatment services should be informed of the facility programs available and shall be provided information about community substance abuse treatment resources.

## Mental Health Screening and Evaluation

### 705.1 PURPOSE AND SCOPE

The purpose of this policy is to establish the process by which all inmates receive an initial mental health screening by qualified mental health staff or health-trained custody staff using an instrument developed by qualified health care professionals. The initial mental health screening takes place at the time of booking, and is for the safety of the inmate and the general population. It helps the custody staff to make appropriate classification and housing decisions and to ensure that the treatment and intervention needs of the inmate are met.

### 705.2 POLICY

It is the policy of this office that all individuals booked into the facility shall receive an initial mental health screening by a qualified mental health professional, qualified mental health staff or health-trained custody staff. A more comprehensive medical appraisal should be conducted within the first 14 days of incarceration to confirm the initial findings and to ensure that, if needed, an appropriate treatment plan that meets the individual needs of the inmate is in place (15 CCR 1052; 15 CCR 1209(a)(1)).

### 705.3 MENTAL HEALTH SCREENING

The initial screening is designed to identify whether mental health conditions exist that require immediate or ongoing intervention. The screening shall be performed prior to the inmate being placed in general housing and should include:

- (a) Inquiry into whether the inmate is or has:
  - 1. Thoughts or history of suicidal behavior.
  - 2. Been prescribed or is taking psychotropic medication or antidepressants.
  - 3. Been treated for mental health issues.
  - 4. A history of psychiatric treatment.
  - 5. A history of treatment for substance abuse or been treated for substance abuse.
  
- (b) Any observations of:
  - 1. Appearance and behavior.
  - 2. Abuse, injury or trauma.
  - 3. Symptoms of aggression, depression, psychosis.
  
- (c) A determination of whether the inmate is cleared for or referred to:
  - 1. General housing



### *Mental Health Screening and Evaluation*

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2. General housing with mental health referral
3. Mental health emergency treatment

This information shall be recorded on the receiving screening form. It will become part of the inmate's health record and be retained in accordance with established records retention schedules.

#### **705.4 MENTAL HEALTH APPRAISAL**

All new inmates shall receive a mental health appraisal by a qualified mental health professional within 24 hours if symptoms indicate the need for an exam, unless documentation exists that an appraisal has been completed within the previous 90 days. Mental health appraisals should include, but not necessarily be limited to the following assessments:

- Mental health status
- Suicide potential
- Violence potential
- Previous psychiatric treatment
- Any history of treatment with psychotropic medication or antidepressants
- Substance abuse or treatment for substance abuse
- Educational history
- Sexual abuse victimization (28 CFR 115.81)
- Predatory behavior or perpetrated sexual abuse (28 CFR 115.81)

#### **705.5 MENTAL HEALTH REFERRALS**

Qualified mental health staff should administer a complete and thorough evaluation of inmates referred for treatment as soon as practicable but no later than 14 days from the referral. The evaluation should include:

- Review of the inmate's screening and appraisal information.
- Observations of the inmate's behavior.
- Information gathered from interviews and testing to determine the inmate's mental health condition, intellect, personality, problems and ability to deal with a custody environment.
- Collection of the Inmate's mental health history.

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Following the evaluation, a plan of treatment and maintenance, which may include a complete psychological evaluation, should be developed to meet the inmate's needs.

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### 706.1 POLICY

It is the policy of this office to maintain an effective program that focuses on the identification, education, immunization, prevention, surveillance, diagnosis, medical isolation (when indicated), treatment, follow-up and proper reporting to local, state and federal agencies of communicable diseases. The program is designed to ensure that a safe and healthy environment is created and maintained for all occupants of the facility (15 CCR 1051; 15 CCR 1206.5; 15 CCR 1206(i)).

#### 706.1.1 EXPOSURE CONTROL OFFICER

The Chief Deputy shall designate an Exposure Control Officer (ECO) who shall be responsible for:

- (a) Establishing written procedures and a training program related to Blood Borne Pathogens (BBP).
- (b) Establishing written procedures and a training program related to Aerosol Transmissible Disease (ATD).
- (c) Working with the Chief Deputy to develop and administer any additional related policies and practices necessary to support the effective implementation of an Exposure Control Plan (ECP), including specific symptoms that require segregation of an inmate until a medical evaluation is completed (15 CCR 1051).
- (d) Acting as a liaison during OSHA inspections and conducting program audits to maintain a current ECP.
- (e) Maintaining a current list of facility staff requiring training, developing and implementing a training program, maintaining class rosters and quizzes, and periodically reviewing the training program.
- (f) Reviewing and updating the ECP annually, on or before January 1 of each year.

Supervisors are responsible for exposure control in their respective areas. They shall work directly with the ECO and the affected employees to ensure that the proper procedures are followed.

#### 706.1.2 PROCEDURES

The ECO shall be responsible for establishing, implementing and maintaining effective written procedures for the following:

- (a) Incorporating the recommendations contained in the CDC's "Respiratory Hygiene/ Cough Etiquette in Healthcare Settings."
- (b) Screening and referring cases and suspected cases of ATD to appropriate facilities within five hours of identification.
- (c) Creating a multidisciplinary team, including the Responsible Physician, and security and administrative representatives, who will meet at least quarterly to review and discuss communicable disease issues and activities. The ECO shall retain minutes

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of these meetings in accordance with established records retention schedules. The ECO also shall coordinate with the local public health entity on appropriate policy and procedure.

- (d) Conducting an assessment on the incidence and prevalence of tuberculosis (TB) within the facility's population and the surrounding community. If the statistics indicate a risk, the ECO shall develop a written plan that addresses the management of TB, from testing to follow-up care.
- (e) Communicating with employees, other employers and the local health officer regarding the suspected or diagnosed infectious disease status of referred inmates, including notification of exposed employees.
- (f) Reducing the risk of ATDs through the ECP and reviewing the plan at least annually.
- (g) Reducing the risk of exposure to BBPs (HIV, hepatitis).
- (h) Providing a system of medical services for employees who may become exposed to communicable diseases during the course of their employment.
- (i) Ensuring that all employees who have occupational exposure to communicable diseases participate in a training program at the time of their initial assignment, at least annually thereafter, and any time there is a change in working conditions.
- (j) Making all exposure and treatment plans available for employees, employee representatives and National Institute for Occupational Safety and Health (NIOSH) review.

### **706.2 ECTOPARASITE CONTROL**

Ectoparasite control will be initiated, where clinically indicated, immediately following the medical screening or when the inmate manifests signs and symptoms of lice or scabies (15 CCR 1212).

- (a) Any inmate who indicates parasitical infection upon entering the facility shall be treated by a qualified health care professional.
- (b) Any inmate suspected of having lice/scabies may be referred to sick call by a corrections officer.
- (c) An inmate may access sick call if he/she believes there is a problem with lice/scabies.
- (d) A qualified health care professional shall evaluate any inmate with a lice/scabies complaint. If there are positive findings, the inmate shall be treated for the infestation accordingly.
  - 1. The lice and scabies treatment guidelines will be followed by the qualified health care professional, if a physician's order for the medication administration is obtained.

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- (a) The prescribing physician shall be notified if the inmate is pregnant, as certain medications are contraindicated for pregnant women. An alternative topical application must be prescribed in these situations.
  - (b) Documentation in the medical record should include the patient's symptoms, observations regarding the condition, patient education and prescribed treatment.
2. The inmate's clothing and linen shall be removed from his/her cell placed in a plastic bag and sent to the laundry. These items are considered contaminated and must be disinfected by:
  - (a) Machine washing (hot cycle), machine drying (hot cycle), dry cleaning or ironing, or
  - (b) Storage in a plastic bag for non-washable items for 10-14 days (head lice), seven days (pubic lice). This method is not recommended for body lice.
  - (c) Isolation is not necessary as long as clothing and bedding are properly disinfected and inmates do not share items.
    1. An inmate having poor hygiene should be housed in a single cell until 24 hours after beginning treatment.
    2. Gloves are to be used for direct contact until the inmate has been treated and the clothing/bedding have been removed for disinfecting.
3. Cell mates, sexual partners and any personnel having direct hands-on contact with an infected inmate should be evaluated for prophylactic treatment because of the long incubation period of the scabies parasite.

### **706.3 EMPLOYEE EXPOSURE CONTROL**

All facility staff that may come in contact with another person's blood or bodily fluids shall follow these procedures and guidelines. For the purposes of this policy, contact with blood or bodily fluids is synonymous with BBP exposure.

All employees shall use the appropriate barrier precautions to prevent skin and mucous membrane exposure whenever contact with blood or bodily fluid is anticipated. Disposable gloves shall be worn, if reasonably possible, before making physical contact with any inmate and when handling the personal belongings of an inmate.

Should gloves come in contact with blood or other bodily fluids, the gloves shall be disposed of as contaminated waste. Care should be taken to avoid touching other items (e.g., pens, books and personal items in general) while wearing disposable gloves in a potentially contaminated environment. All procedures involving blood or other potentially infectious materials shall be done in a way to minimize splashing, spraying or otherwise generating droplets of those materials.

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Eating, drinking, smoking, applying lip balm and handling contact lenses shall be prohibited in areas where the potential for exposure exists.

### 706.3.1 IMMUNIZATIONS

All facility staff members who may be exposed to, or have contact with, a communicable disease shall be offered appropriate treatment immunization. The ability of staff to provide health care services is predicated on a safe and secure working environment where employees feel safe to do their work, and assures public safety.

Staff shall also receive a TB test prior to job assignment and voluntary annual testing thereafter, at no cost to the employee.

The HBV immunization shall be available to all employees who have direct inmate contact and who test negative for HBV antibodies. The immunization is voluntary and provided at no cost to the employee. Employees who decline the offer of immunization and/or test shall be required to sign a waiver. Employees receiving immunization and testing shall be required to sign a consent form. Employees may reverse their decision to decline at any time by signing a consent form.

### 706.3.2 PERSONAL PROTECTIVE EQUIPMENT (PPE)

The PPE is the last line of defense against communicable disease. Therefore, the following equipment is provided to all personnel to assist in the protection against such exposures:

- Disposable latex gloves
- Safety glasses or goggles
- Rescue mask with a one-way valve
- Alcohol (or similar substance) to flush skin

The PPE should be inspected at the start of each shift and replaced immediately after each use and when it becomes damaged.

### 706.3.3 DECONTAMINATION OF PERSONAL PROTECTIVE EQUIPMENT

After using any reusable PPE, it shall be washed or disinfected and stored appropriately. If it is not reusable (e.g., disposable gloves), it shall be discarded in a biohazard waste container.

Any PPE that becomes punctured, torn or loses its integrity shall be removed as soon as reasonably feasible. The employee shall wash up and replace the PPE if the job has not been terminated. If the situation resulted in a contaminated non-intact skin event, the affected area shall be decontaminated as described below.

A contaminated reusable PPE that must be transported prior to cleaning shall be placed into a biohazard waste bag. Gloves shall be worn while handling the biohazard waste bag and during placement into the biohazard waste container. The gloves shall be included with the waste.

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### **706.3.4 DECONTAMINATION OF SKIN AND MUCOUS MEMBRANES**

Personnel shall wash their hands as soon as possible following the removal of potentially contaminated gloves. Antibacterial soap and warm water or an approved disinfectant shall be used, paying particular attention to the fingernails.

If an employee's intact skin contacts someone else's blood or body fluids or other potentially infectious materials, the employee shall immediately wash the exposed part of his/her body with soap and warm water and/or an approved disinfectant as soon as possible. If the skin becomes grossly contaminated, body washing shall be followed by an approved hospital strength disinfectant. If large areas of the employee's skin are contaminated, the employee shall shower as soon as reasonably possible, using warm water and soap and/or an approved disinfectant. Medical treatment should be obtained.

Contaminated non-intact skin (e.g., injured skin, open wound) shall be cleaned using an approved disinfectant and then dressed or bandaged as required. Medical treatment is required. All hand, skin and mucous-membrane washing that takes place shall be done in the designated cleaning or decontamination area. Cleaning shall not be done in the kitchen, bathrooms or other locations not designated as a cleaning or decontamination area.

### **706.3.5 DECONTAMINATION OF VEHICLES**

Contaminated vehicles and components such as the seats, radios and doors, shall be washed with soap and warm water and disinfected with an approved germicide as soon as reasonably feasible.

### **706.3.6 DECONTAMINATION OF THE CLEANING AREA**

The Santa Cruz County Safety Officer should designate a location in the facility that will serve as the area for cleaning/decontamination. This area is to be used to keep equipment clean and sanitary and for employees to wash any potential contamination from their bodies. This area is to be thoroughly cleaned after each use and to be maintained in a clean and sanitary order at all times between each use. The application of cosmetics, smoking of cigarettes and consumption of food and drink are prohibited in this area at all times.

## **706.4 SHARPS AND ITEMS THAT CUT OR PUNCTURE**

All personnel shall avoid using or holding sharps (needles) unless they are assisting medical personnel or collecting them for evidence. If collecting evidence, a photo of the sharps can be taken. No sharps will be placed into evidence. Disposal of sharps shall be into a puncture-proof biohazard container.

All sharps and items that cut or puncture (e.g., broken glass, razors and knives) shall be treated cautiously to avoid cutting, stabbing or puncturing one's self or any other person. In addition, if a sharp object contains known or suspected blood or other body fluids, that item is to be treated as a contaminated item. Touching it with the hands shall be avoided. Rather, use a device such as pliers, forceps, tongs or a broom and a dustpan to clean up debris. If the material must be touched, protective gloves shall be worn.

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### **706.5 POST-EXPOSURE REPORTING AND FOLLOW-UP REQUIREMENTS**

In actual or suspected employee exposure incidents, proper documentation and follow-up action must occur to limit potential liabilities and to ensure the best protection and care for the employees.

#### **706.5.1 EMPLOYEE RESPONSIBILITY TO REPORT EXPOSURE**

To provide appropriate and timely treatment should exposure occur, all employees shall verbally report the exposure to their immediate supervisor and complete a written exposure report as soon as possible following the exposure or suspected exposure. That report shall be submitted to the employee's immediate supervisor. Employees should document in the exposure report whether they would like the person who was the source of the exposure to be tested for communicable diseases (15 CCR 1206.5(b)(8)).

#### **706.5.2 SUPERVISOR REPORTING REQUIREMENTS**

The supervisor on-duty shall investigate every exposure that occurs as soon as possible following the incident, while gathering the following information:

- (a) Name and employee identification number of the employee exposed
- (b) Date and time of incident
- (c) Location of incident
- (d) What potentially infectious materials were involved
- (e) Source of material or person
- (f) Current location of material or person
- (g) Work being done during exposure
- (h) How the incident occurred or was caused
- (i) PPE in use at the time of the incident
- (j) Actions taken post-event (e.g., clean-up, notifications)

The supervisor shall advise the employee of the laws and regulations concerning disclosure of the identity and infectious status of a source, and of information contained in this policy regarding source testing.

If the ECO is unavailable to seek testing of the person who was the source of the exposure, it is the responsibility of the exposed employee's supervisor to ensure testing is sought according to the guidelines in this policy.

#### **706.5.3 MEDICAL CONSULTATION, EVALUATION AND TREATMENT**

Any employee who was exposed or who suspects he/she was exposed to HIV or to hepatitis B or C should be seen by a physician or qualified health care professional as soon as reasonably possible.



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The doctor or qualified health care professional should be given the supervisor's report and the employee's medical records relevant to the visit and examination. The blood of the exposed employee shall be tested.

The qualified health care professional will provide the ECO and/or the Office's risk manager with a written opinion/evaluation of the exposed employee's medical condition. This opinion should only contain the following information:

- If a post-exposure treatment is indicated for the employee.
- If the employee received a post-exposure treatment.
- Confirmation that the employee received the evaluation results.
- Confirmation that the employee was informed of any medical condition that could result from the exposure incident and whether further treatment or evaluation will be required.
- Whether communicable disease testing from the source is warranted, and if so, which diseases the testing should include.

All other findings or diagnosis shall remain confidential and are not to be included in the written report.

### 706.5.4 COUNSELING

The office shall provide the exposed employee (and his/her family if necessary) the opportunity for counseling and consultation.

### 706.5.5 CONFIDENTIALITY OF REPORTS

Most of the information involved in this process must remain confidential. The ECO shall ensure that all records and reports are kept in the strictest confidence. The ECO shall be responsible for maintaining records containing the employee's treatment status and the results of examinations, medical testing and follow-up procedures.

The Office's risk manager shall be responsible for keeping the name and Social Security number of the employee and copies of any information provided to the consulting health care professional on file.

This information is confidential and shall not be disclosed to anyone without the employee's written consent (except as required by law). Test results from persons who may have been the source of an exposure are to be kept confidential as well (15 CCR 1206.5(b)(5)).

### 706.5.6 SOURCE TESTING

Testing of a person who was the source of an exposure to a communicable disease should be sought when it is desired by the exposed employee or when it is otherwise appropriate.

There are five methods to obtain such testing. These methods are:

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- (a) Obtaining voluntary consent from any person who may be the source of an exposure to test for any communicable disease.
- (b) Filing a report with the county health officer when an employee is exposed to the bodily fluids of an arrestee. The county health officer may pursue testing for HIV or hepatitis B or C.
- (c) Seeking consent for testing or applying for a court order for HIV, hepatitis B and hepatitis C testing.
- (d) Seeking a court order when the person who may be the source of an exposure will not consent to testing and the exposure does not fall under a statutory scheme for testing. This covers testing for any communicable disease as deemed appropriate by a qualified health care professional and documented in the request for the court order.
- (e) Under certain circumstances, a court may issue a search warrant for testing an adult when an employee of the Santa Cruz County Sheriff's Office qualifies as a crime victim.

### 706.5.7 EXPOSURE FROM A NON-INMATE

Upon notification of an employee's exposure to a non-inmate (e.g., visitor, attorney, volunteer, vendor) the ECO should attempt to determine if the person who was the source of the exposure will voluntarily consent to testing. If consent is provided, the following steps should be taken:

- (a) A qualified health care professional should notify the person to be tested of the exposure and make a good faith effort to obtain voluntary informed consent from the person or his/her authorized legal representative to perform a test for HIV, hepatitis B, hepatitis C and other communicable diseases the qualified health care professional deems appropriate.
- (b) The voluntary informed consent obtained by the qualified health care professional must be in writing and include consent for three specimens of blood. The ECO should document the consent as a supplement to the Exposure Control Report.
- (c) The results of the tests should be made available to the source and the exposed employee.

If consent is not obtained, the ECO should promptly consult with the County Counsel and consider requesting that a court order be sought for appropriate testing.

### 706.5.8 EXPOSURE FROM AN INMATE

If the ECO receives notification from an employee of a potential exposure from an inmate, the ECO should take the following steps:

- (a) Seek consent from the person who was the source of the exposure and seek a court order, if consent is refused.
- (b) Take reasonable steps to immediately contact the county health officer and provide preliminary information regarding the circumstances of the exposure and the status

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of the involved individuals to determine whether the county health officer will order testing.

- (c) Remain in contact with the county health officer to determine whether testing of the inmate will occur and whether the testing satisfies the medical needs of the employee.
- (d) The results of the tests should be made available to the inmate and the exposed employee.

Since there is potential for overlap between the two statutory schemes, the ECO is responsible for coordinating the testing with the county health officer to prevent unnecessary or duplicate testing.

If the exposed employee is not covered by either statutory scheme, the ECO should seek consent or a court order in the same manner as for a non-inmate.

## Aids to Impairment

### 707.1 PURPOSE AND SCOPE

This policy acknowledges the high priority of inmate health and recognizes that some inmates will require adaptive devices to assist them with daily living activities on a temporary or permanent basis.

The Santa Cruz County Sheriff's Office has established this policy for physicians and dentists to review and evaluate the need for adaptive devices, while considering facility security concerns regarding the use of such items.

When a physician or dentist determines that the medical condition of an inmate indicates that an adaptive device is clinically appropriate, the parameters of this policy will determine if authorization for the use of such items during incarceration should be granted, and if any equipment modifications are indicated for safety or security purposes.

#### 707.1.1 DEFINITIONS

Definitions related to this policy include:

**Adaptive device** - Any orthotic, prosthetic or aid to impairment that is designed to assist an inmate with the activities of daily living or that is clinically appropriate for health, as determined by the Responsible Physician or dentist.

**Aids to impairment** - Includes, but is not limited to, eyeglasses, hearing aids, pacemakers, canes, crutches, walkers and wheelchairs.

**Orthoses** - Specialized mechanical devices, such as braces, shoe inserts or hand splints that are used to support or supplement weakened or abnormal joints, limbs and/or soft tissue.

**Prostheses** - Artificial devices designed and used to replace missing body parts, such as limbs, teeth or eyes.

### 707.2 POLICY

It is the policy of the Office that, in accordance with security and safety concerns, medical and dental orthoses or prostheses and other adaptive devices should be permitted or supplied in a timely manner when the health of the inmate would otherwise be adversely affected or when such devices are necessary to reasonably accommodate a disability recognized under the American with Disabilities Act (ADA) (42 USC § 12101 et seq.), as determined by the Responsible Physician or dentist (15 CCR 1206(d); 15 CCR 1207).

### 707.3 MEDICAL OR DENTAL ORTHOSES, PROSTHESES OR ADAPTIVE DEVICES

The following applies to inmates with any orthopedic or prosthetic devices (Penal Code § 2656):

- (a) An inmate shall not be deprived of the possession or use of any orthopedic, orthodontic, or prosthetic device that has been prescribed or recommended and fitted by a physician or dentist (see the following exception).

### *Aids to Impairment*

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- (b) Any such device that may constitute an immediate risk of bodily harm to any person in the facility or that threatens the security of the facility should be brought to the attention of the Chief Deputy or his/her designee if the Chief Deputy or his/her designee has probable cause to believe such a device constitutes an immediate risk of bodily harm to any person in the facility or threatens the security of the facility, the Chief Deputy or his/her designee may remove the device and place it in the inmate's property.
- (c) The Chief Deputy or his/her designee shall return the device to the inmate if circumstances change and the cause for removal no longer exists.
- (d) The Chief Deputy or his/her designee shall have the inmate examined by a physician within 24 hours after a device is removed.
- (e) The Chief Deputy or his/her designee should review the facts with the ADA Coordinator and shall address the issue in conjunction with the Inmates with Disabilities Policy.
- (f) The physician shall inform the inmate and the Chief Deputy or his/her designee if the removal is or will be injurious to the health or safety of the inmate. When the Chief Deputy or his/her designee is so informed but still does not return the device, the Chief Deputy or his/her designee shall inform the physician and the inmate of the reasons and promptly provide the inmate with a form, as specified in Penal Code § 2656, by which the inmate may petition the Superior Court for return of the appliance. The Chief Deputy or his/her designee shall promptly file the form with the Superior Court after it is signed by the inmate. The Chief Deputy or his/her designee should consider the following alternatives to removal of the device:
  - 1. Reclassifying the inmate to another housing unit or administratively segregating the inmate from the general population.
  - 2. With physician or dentist approval, modify the adaptive device to meet the medical needs of the inmate and the safety and security needs of the facility.

Once an adaptive device has been approved for use, the qualified health care professional shall enter the authorization into the inmate's health file. If the inmate requires special housing, the qualified health care professional shall document this in writing and notify custody or classification personnel appropriately. The qualified health care professional shall document the general condition of the prosthesis and have the inmate sign in the medical record that he/she received the prosthesis.

Any prostheses that are brought to the facility by family members or others after the inmate has been incarcerated shall be subject to a security check. The facility shall accept no responsibility for loss or damage to any adaptive device.

## *Aids to Impairment*

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Inmates may be required to provide co-payments for adaptive devices supplied by the facility (Penal Code § 4011.1; Penal Code § 4011.2). Any repair or replacement of any adaptive device may be the responsibility of the inmate. If the adaptive device supplied or repaired is medically necessary and the inmate is indigent, funds for the repair shall be sought through the Inmate Welfare Fund.

### **707.4 REQUESTS FOR MEDICAL AND DENTAL PROSTHESES**

All requests for new or replacement medical or dental prostheses shall be individually evaluated by the Responsible Physician or dentist and reviewed for approval by the Chief Deputy. Considerations for approval shall be based upon:

- Medical needs of the inmate.
- The anticipated length of incarceration.
- The safety and security of the facility.

# Administration of Psychotropic Medication

## 708.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines under which an inmate may be involuntarily administered psychotropic medications during a mental health emergency, to protect the safety of the inmate and others.

### 708.1.1 DEFINITIONS

Definitions related to this policy include:

**Mental health emergency** - Any emergency situation that requires an immediate response to an individual in psychiatric crisis, for the preservation of life or the prevention of serious bodily harm to the inmate, staff or others. It is not necessary for harm to take place or to become unavoidable prior to involuntary treatment being imposed.

**Psychotropic medication** - Any medication prescribed for the treatment of symptoms of psychoses and other mental and emotional disorders.

## 708.2 POLICY

It is the policy of this office that an inmate may be involuntarily given psychotropic medication on an emergency basis only when the inmate is found by a physician to be a danger to him/herself or others by reason of mental disorders (15 CCR 1217).

## 708.3 MEDICATION IN AN EMERGENCY

Psychotropic medication shall not be administered to an inmate absent an emergency unless the inmate has given his/her informed consent or administration has been authorized under a court order.

Involuntary emergency administration of psychotropic medication shall occur only under the following conditions:

- The inmate has been afforded interventions, beginning with the least restrictive options, as approved by the Responsible Physician or psychiatrist.
- The administration and duration are authorized by a physician.
- A physician specifies the conditions under which the medication is to be administered.
- See procedures listed in local 1217 protocol.

The details of each condition must be documented in the inmate's medical record.

This policy limits the number of times that involuntary psychotropic medication may be administered to one dose only during the mental health emergency, as defined by a qualified health care professional. If the emergency is not resolved, the patient shall be transferred from the jail to an appropriate facility that is designed to treat mental health emergencies.

Psychotropic medication shall not be administered for disciplinary reasons.

*Administration of Psychotropic Medication*

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**708.3.1 PROCEDURES**

The following guidelines are intended to clarify the interdisciplinary responsibilities associated with the initiation and implementation of the involuntary administration of psychotropic medication on an emergency basis to inmates in the Santa Cruz County Correctional Facility. According to 1217 15 CCR , “An emergency is a situation in which action to impose treatment over the inmate’s objection is immediately necessary for the preservation of life or the prevention of serious bodily harm to the inmate or others, and it is impracticable to first gain consent. It is not necessary for harm to take place or become unavoidable prior to treatment.” Nothing in this agreement is intended to supersede or replace the policies and procedures of the participating agencies, local, state or federal law, or any administrative titles or regulations.

1. Whenever an inmate appears to present as a danger to him/herself or others by reason of an apparent mental disorder, and the inmate does not consent to ingest prescribed psychotropic medication, the Jail Watch Commander shall collaborate with the Jail Crisis Intervention Team, or Jail Medical if unavailable, to contact a psychiatrist to evaluate for involuntary administration of psychotropic medication on an emergency basis. If the collaborative parties cannot reach consensus, the request can be elevated to a supervisory and/or management level for final decision.
  
2. If the psychiatrist orders the inmate to be involuntarily medicated, the process to administer involuntary medication shall be initiated immediately by the Watch Commander, Jail Medical, and the Jail Crisis Intervention Team, if available. The “1217 Medication Order Form” shall be used by medical staff. It provides medication instructions and formulary guidelines.
  
3. If the 1217 orders are given after hours or on weekends/holidays, the on-call County psychiatrist will be contacted via the County Mental Health on-call system (1-800-952-2335). The on-call psychiatrist shall give orders directly to Jail Medical nursing staff, using the “1217 Medication Order Form”.
  
4. The inmate shall be informed of the order for involuntary medication and given the option of ingesting the prescribed medication. If the inmate refuses to ingest the medication, the inmate shall be informed that medication shall be administered by injection.
  
5. If the inmate still refuses to ingest the medication restraints shall be used to control the inmate, and the medication shall be administered by injection. The inmate shall be restrained and escorted to O Unit Cell 13 to receive the injection. If O-13 is unavailable, location is up to the Watch Commander.



*Administration of Psychotropic Medication*

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6. All inmates who receive involuntary medication shall be housed in O Unit for a minimum of 24 hours. The Jail Crisis Intervention Team in collaboration with the Watch Commander shall determine cell assignment, jail-issue, and watch schedule while the inmate is housed in O Unit as a result of the administration of involuntary medication.

7. If the Jail Crisis Intervention Team is uninvolved in the involuntary medication process, Jail Medical shall notify the Jail Crisis Intervention Team through the completion of a Crisis Intervention Team referral.

8. The inmate must be seen face-to-face by a psychiatrist or psychiatric nurse practitioner within 24 hours of executing the 1217 order.

9. The 1217 protocol can be reinitiated if the inmate remains an imminent risk to her/himself or others by reason of an apparent mental disorder after 24-hours has elapsed. The 1217 protocol can only be utilized for up to three consecutive 24-hour periods, at which time it must be discontinued for at least a 24-hour period.

**708.3.2 POST ADMINISTRATION CARE**

Less restrictive treatment alternatives should be developed as soon as reasonably practicable.

# Suicide Prevention and Intervention

## 709.1 PURPOSE AND SCOPE

This policy establishes the suicide prevention and intervention program to identify, monitor and, when necessary, provide for emergency response and treatment of inmates who present a suicide risk while incarcerated at the office detention facilities (15 CCR 1219).

This policy is intended to reduce the risk of self-inflicted injury or death by providing tools to the staff that will allow a timely and organized emergency response to suicide, suicide attempts or an inmate's unspoken indications that suicide is being considered. The three key components of this plan are evaluation, training and screening with intervention.

## 709.2 POLICY

It is the policy of this office to minimize the incidence of suicide by establishing and maintaining a comprehensive suicide prevention and intervention program designed to identify inmates who are at risk of suicide and to intervene appropriately whenever possible. The program shall be developed by the Chief Deputy and the Responsible Physician, approved by the local public health entity and reviewed annually by the Chief Deputy. A copy of this policy shall be maintained in each unit of the facility where it can be easily accessed by all staff members (15 CCR 1029(a) (8); 15 CCR 1219).

## 709.3 SUICIDE PREVENTION TEAM

The Chief Deputy in cooperation with the Responsible Physician should establish a suicide prevention team when feasible. The team will evaluate and approve the suicide prevention and intervention program annually. The suicide prevention team will consist of qualified health care professionals and the Chief Deputy or the authorized designee. The yearly evaluation will include a review of all current policies to ensure they are relevant, realistic and consistent with the mission of the program. The program and policies will be updated as needed.

The suicide prevention team shall also ensure that the facility is evaluated annually to identify any physical plant characteristics or operational procedures that might be modified to reduce the risk of inmate suicide. This should be accomplished by conducting a review of suicides and suicide attempts, physical inspection, review of various facility inspection reports and by participating in inmate/management team meetings. If physical modifications are recommended, the team shall ensure the Chief Deputy is promptly notified.

It shall also be the responsibility of the suicide prevention team to coordinate with the Training Officer to ensure that suicide prevention training is provided in compliance with applicable statutes and standards.

## 709.4 STAFF TRAINING

All facility staff members who are responsible for supervising inmates shall receive initial and annual training on suicide risk identification, prevention and intervention, to include, at minimum:

## *Suicide Prevention and Intervention*

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- The provisions of this policy.
- Identification of the warning signs and indicators of potential suicide, including training on suicide risk factors.
- Identification of the demographic and cultural parameters of suicidal behavior, including incidence and variations in precipitating factors.
- Responding to suicidal and depressed inmates.
- Communication between corrections and health care personnel.
- Using referral procedures.
- Housing observation and suicide watch-level procedures.
- Follow-up monitoring of inmates who attempt suicide.

Recommendations for modification to suicide training should be directed to the Chief Deputy, who shall review the recommendations and approve, if appropriate.

### **709.5 SCREENING AND INTERVENTION**

All inmates shall undergo medical and mental health screening during the intake process. A portion of the intake medical screening is devoted to assessing inmates at risk for suicide. Upon an inmate entering the facility, he/she should be assessed by custody staff for the ability to answer medical and mental health screening questions.

Any inmate who appears to be unable to answer the initial medical screening questions shall be examined by a qualified health care professional at a designated hospital and receive medical clearance before acceptance into the jail. Inmates who refuse to answer these questions shall be placed under observation until the screening can be completed, or until sufficient information is obtained to allow the staff to make appropriate decisions concerning housing and care. The inmate shall also be placed on the daily facility risk report.

Staff members shall promptly refer any inmate who is at risk for suicide to classification, health services and mental health services. The inmate shall remain under direct and constant observation in a safe setting until designated staff makes appropriate health care and housing decisions.

### **709.6 SUICIDE WATCH**

Inmates should only be housed on suicide watch with the approval of a qualified health care professional and the Sergeant. If a qualified health care professional is not present in the correctional facility, the Sergeant may make the decision to place an inmate on suicide watch but should notify a qualified health care professional as soon as practicable. Inmates placed on suicide watch shall be closely monitored and housed in a cell that has been designed to be suicide resistant. Prior to housing the inmate, the staff should carefully inspect the cell for objects that may pose a threat to the inmate's safety.

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Qualified health care professionals are primarily responsible for the treatment of inmates on suicide watch. Corrections officers and general employees are responsible for the physical safety of inmates. All staff members should coordinate their efforts to ensure that inmates do not have the means or the opportunity to injure themselves.

An observation log shall be maintained for each inmate on suicide watch. A staff member shall be designated to make a direct visual observation of the inmate twice every 30 minutes at approximately 15-minute intervals. A Sergeant and a qualified health care professional, if available, must observe the inmate at least once every five hours. Each staff member who is required to observe the inmate shall make notations in the observation log documenting the time of observation and a brief description of the inmate's behavior.

An inmate classified as actively suicidal must be continuously monitored by direct visual observation of a corrections officer. While monitoring may be supplemented by video monitoring, it may never be a substitute for direct visual monitoring.

The status of suicidal inmates should be readily identifiable in a manner discernible by staff. When standard-issue clothing presents a security or medical risk to the inmate or others, the inmate shall be supplied with a security garment that is designed to promote inmate safety and not cause unnecessary humiliation and degradation. Use of the security garment shall be documented in the inmate's health record. Suicidal inmates shall not be permitted to retain undergarments or any other item that can be fashioned into an implement for hanging (e.g., plastic bags, shoelaces or sheets). Inmates shall not be permitted to keep personal property while housed on suicide watch and shall not be permitted to possess razors or other sharp objects, such as pencils, items with staples or any other item that may be used to cause a self-inflicted injury. Physical restraints should only be used as a last resort measure. The decision to use or discontinue use of restraints should be made in consultation with qualified health care professionals.

Inmates who are not actively suicidal but who have expressed suicidal thoughts or have a recent history of self-injurious behavior should be observed by staff at irregular intervals, not to exceed every 15 minutes. Inmates should be cleared by CIT staff prior to being moved to general population.

### 709.6.1 INTERVENTION

Any suicide attempt is a medical emergency. Staff should take action to facilitate emergency medical care and preserve and collect evidence as necessary. A qualified health care professional should be summoned immediately any time the staff suspects a suicide attempt is imminent. Staff should take reasonable and appropriate precautions to mitigate the ability of the inmate to injure him/herself, and should consider establishing and maintaining a non-threatening conversation with the inmate while awaiting assistance. If a qualified health care professional is not immediately available, the inmate should be placed in an appropriate and safe location until such time as qualified health care professionals or the Responsible Physician is available.

Following a suicide attempt, staff should initiate a medical emergency response and initiate and continue appropriate life-saving measures until relieved by qualified health care professionals.

## *Suicide Prevention and Intervention*

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The arriving medical staff should perform the appropriate medical evaluation and intervention. The Responsible Physician or the authorized designee should be notified in situations when referral and transportation to the emergency room of a local hospital is required.

### **709.6.2 NOTIFICATION**

In the event of an attempted or completed suicide, the Chief Deputy should be promptly notified. The Chief Deputy should notify the Sheriff.

The location where a suicide or attempted suicide has occurred should be treated as a crime scene after the inmate has been removed from the cell or after emergency medical care is rendered. The area should be secured and access-controlled to preserve evidence until the appropriate investigation can be completed.

All suicides or attempted suicides shall be documented in an incident report. Any injury must be documented in an inmate injury report.

All in-custody deaths, including those resulting from suicide, should be investigated and documented in accordance with the Reporting Inmates Deaths Policy.

### **709.7 FOLLOW-UP**

Qualified health care professionals should evaluate any inmate placed in suicide watch within 24 hours of placement or at the next available physician's visit, whichever is earliest. After evaluation, qualified health care professionals should make a recommendation whether to keep the inmate on suicide watch. Only a qualified health care professional may remove an inmate from suicide watch.

All changes in inmate status should be reported to the qualified health care professional to ensure the inmate receives appropriate care. The inmate's health record should be updated to reflect all contacts, treatment and any other relevant information, and the records maintained in accordance with established records retention schedules.

Although the goal of this program is to significantly reduce the risk of in-custody deaths, the ongoing care of suicidal inmates after release must also be considered. Inmates who are at risk for suicide should work with local or area mental health resources and inmate families after release. A correctional officer should complete the necessary application, documenting the reasons why the inmate is believed to be suicidal. The completed application should accompany the released inmate to the designated facility.

#### **709.7.1 DEBRIEFING**

Any suicide attempt or death of an inmate or on-site staff member requires a staff debriefing. Information will be communicated to the oncoming Sergeant and staff to apprise them of the incident and the actions taken with regard to the incident. Such debriefing will be appropriately documented and shall be reviewed by administration, security and the Responsible Physician.

### **709.8 TRANSPORTATION**

Inmates at risk for suicide pose additional challenges during transport and while being held in court holding facilities. The transportation staff should take reasonable steps to closely monitor at-

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risk inmates whenever they are transported or held in any cell that is not designated as a suicide-watch cell. All additional security and monitoring measures implemented by the staff should be documented in the inmate's record. The transporting correctional officer should ensure that the suicide threat or other danger is communicated to personnel at the receiving facility.

## Forensic Evidence

### 710.1 PURPOSE AND SCOPE

The purpose of this policy is to maintain credibility between the inmates and the facility's qualified health care professionals by establishing clear guidelines restricting facility health care professionals from participating in the collection of forensic evidence for disciplinary or legal proceedings.

#### 710.1.1 DEFINITION

Definitions related to this policy include:

**Forensic evidence** - Physical or psychological data collected from an inmate that may be used against the inmate in disciplinary or legal proceedings.

### 710.2 POLICY

Qualified health care professionals of this facility are generally prohibited from participating in the collection of forensic evidence or performing psychological evaluations for disciplinary or legal proceedings.

Qualified health care professionals of this facility should not be involved in the collection of forensic evidence except when complying with state laws requiring the collection of blood samples from inmates, provided the inmate has consented to the procedure and staff are not involved in any punitive action against the inmate.

Qualified health care professionals of this facility may collect blood or urine for testing for alcohol or drugs when it is done for medical purposes and under a physician's order. Qualified health care professionals of this facility may conduct inmate-specific, court-ordered laboratory tests and examinations or radiology procedures with the consent of the inmate.

Qualified health care professionals of this facility are prohibited from being involved in the following procedures:

- (a) Body cavity searches
- (b) Psychological evaluations for use in adversarial proceedings
- (c) Blood draws for lab studies ordered by the court, without inmate consent
- (d) Any medical procedure, except emergency lifesaving measures, that does not have the inmate's written consent

It shall be the responsibility of the Sheriff or the authorized designee to arrange for appropriately trained professionals to collect forensic evidence for disciplinary or legal proceedings.

## Privacy of Care

### 711.1 PURPOSE AND SCOPE

This policy recognizes that inmates have a right to privacy and confidentiality regarding their health-related issues. It also recognizes inmates' right to health care services that are provided in such a manner as to ensure that privacy and confidentiality, and encourage inmates' use and trust of the facility's health care system.

#### 711.1.1 DEFINITION

Definitions related to this policy include:

**Clinical encounters** - Interactions between inmates and health care professionals involving a treatment and/or an exchange of confidential health information.

### 711.2 POLICY

It is the policy of this office that, in order to instill confidence in the health care system by the inmate population, all discussions of health-related issues and clinical encounters, absent an emergency situation, will be conducted in a setting that respects the inmate's privacy and encourages the inmate's continued use of health care services.

### 711.3 REPORTING INAPPROPRIATE ACCESS OF MEDICAL INFORMATION

The Chief Deputy and Responsible Physician shall establish a process for staff, inmates or any other persons to report the improper access or use of medical records.

### 711.4 TRAINING

All corrections personnel, interpreters and qualified health care professionals who are assigned to a position that enables them to observe or hear qualified health care professional/inmate encounters shall receive appropriate training on the importance of maintaining confidentiality when dealing with inmate health care. The Training Officer shall be responsible for scheduling such training and for maintaining training records that show the employee attended, in accordance with established records retention schedules.



## Chapter 8 - Environmental Health

## Sanitation Inspections

### 800.1 PURPOSE AND SCOPE

The Santa Cruz County Sheriff's Office has established a plan to promote and inspect the environmental safety and sanitation requirements established by applicable laws, ordinances and regulations. This policy establishes a plan of housekeeping tasks and inspections required to identify and correct unsanitary or unsafe conditions or work practices in this facility.

### 800.2 POLICY

It is the policy of the Office to maintain a safe and sanitary facility. To accomplish this goal the Office will maintain a written plan that contains schedules and procedures for conducting weekly and monthly sanitation inspections of the facility. The Chief Deputy will ensure that the plan addresses, at minimum (15 CCR 1280):

- (a) Schedules of functions (e.g., daily, weekly, monthly or seasonal cleaning, maintenance, pest control and safety surveys).
- (b) Self-inspection check lists to identify problems and to ensure cleanliness of the facility.
- (c) Procedures, schedules and responsibilities for coordinating annual inspections by the county health department, including how deficiencies on the inspection report are to be corrected in a timely manner.
- (d) A list of approved equipment, cleaning compounds, chemicals and related materials used in the facility, and instructions on how to operate, dilute or apply the material in a safe manner.
- (e) Record-keeping of self-inspection procedures, forms and actions taken to correct deficiencies.
- (f) Training requirements for custody staff and inmate workers on accident prevention and avoidance of hazards with regard to facility maintenance.

Consideration should be given to general job descriptions and/or limitations relating to personnel or inmates assigned to carrying out the plan. Specialized tasks, such as changing air filters and cleaning ducts or facility pest control, are more appropriately handled by the Office or by contract with private firms.

Inmates engaged in sanitation duties shall do so only under the direct supervision of qualified custody staff. When inmate work crews are used, additional controls should be implemented to account for all equipment and cleaning materials.

All staff shall report any unsanitary or unsafe conditions to a supervisor. Sergeants will conduct cleaning inspections on a daily basis. The Chief Deputy or the authorized designee will conduct weekly safety and sanitation inspections of the facility.

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### **800.3 WORK ORDERS**

All reports of unsafe or unsanitary conditions as well as repairs needed to the physical plant and equipment shall be documented in a work order. The Chief Deputy will designate a staff person to receive these work orders and take appropriate action to ensure the repairs or action taken. All work and action taken will also be documented. Reports for budget resources above and beyond already budgeted maintenance items shall be reported to the Chief Deputy.

### **800.4 MATERIAL SAFETY DATA SHEETS (MSDS)**

Materials and substances used in the operation and maintenance of the facility may qualify as hazardous material. Hazardous material is required to have a companion Material Safety Data Sheet (MSDS) that is provided by the manufacturer or distributor of the material. The MSDS provides vital information on individual hazardous material and substances, including instructions on safe handling, storage, and disposal, prohibited interactions and other details relative to the specific material.

The Chief Deputy shall be responsible for ensuring that a written hazard communication plan is developed, implemented and maintained at each workplace. Each area of the facility in which any hazardous material is stored or used shall maintain a MSDS file in an identified location that includes (29 CFR 1910.1200(e)(1)):

- (a) A list of all areas where hazardous materials are stored.
- (b) A physical plant diagram and legend identifying the storage areas of the hazardous material.
- (c) A log for identification of new or revised MSDSs.
- (d) A log for documentation of training by users of the hazardous materials.

#### **800.4.1 MSDS USE, SAFETY AND TRAINING**

All supervisors and users of MSDS information must review the latest issuance from the manufacturers of the relevant substances. Staff and detainees shall have ready and continuous access to the MSDS for the substance they are using while working. In addition, the following shall be completed (29 CFR 1910.1200(e)(1)(ii)):

- (a) Supervisors shall conduct training for all staff and inmates on using the MSDS for the safe use, handling and disposal of hazardous material in areas they supervise.
- (b) Upon completion of the training, staff and inmates shall sign the acknowledgement form kept with each MSDS in their work area.
- (c) Staff and inmates using the MSDS shall review the information as necessary to be aware of any updates and to remain familiar with the safe use, handling and disposal of any hazardous material in their workplace.

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### 800.4.2 MSDS DOCUMENTATION MAINTENANCE

Changes in MSDS information occur often and without general notice. Any person accepting a delivery, addition or replacement hazardous material shall review the accompanying MSDS. If additions or changes have occurred, the revised MSDS shall be incorporated into the file and a notation shall be made in the MSDS revision log.

Supervisors shall review MSDS information in their work areas semi-annually to determine if the information is up-to-date and that appropriate training has been completed. Upon review, a copy of the MSDS file and all logs shall be forwarded to the Maintenance Supervisor or the authorized designee.

### 800.4.3 MSDS RECORDS MASTER INDEX

The Maintenance Supervisor or the authorized designee will compile a master index of all hazardous materials in the facility, including locations, along with a master file of MSDS information. He/she will maintain this information in the safety office (or equivalent), with a copy to the local fire department. Documentation of the semi-annual reviews will be maintained in the MSDS master file. The master index should also include a comprehensive, up-to-date list of emergency phone numbers (e.g., fire department, poison control center) (29 CFR 1910.1200(g) (8)).

# Hazardous Waste Disposal

## 801.1 PURPOSE AND SCOPE

The purpose of this policy is to establish a system for disposing of hazardous waste. The office recognizes that the effectiveness of a disposal system depends not only on the written policies, procedures and precautions, but on adequate supervision and the responsible behavior of the staff and inmates. It is the responsibility of everyone in the facility to follow hazardous waste disposal instructions, utilizing prescribed precautions and using safety equipment properly.

### 801.1.1 DEFINITION

Definitions related to this policy include:

**Hazardous waste** - Material that poses a threat or risk to public health or safety or is harmful to the environment (e.g., batteries, paints, solvents, engine oils and fluids, cleaning products).

## 801.2 POLICY

It is the policy of this office that any sewage and hazardous waste generated at the facility shall be handled, stored and disposed of safely and in accordance with all applicable federal and state regulations and in consultation with the local public health entity. The Chief Deputy or the authorized designee shall be responsible for:

- Contracting with a hazardous waste disposal service.
- Developing and implementing a storage and disposal plan that has been reviewed and approved by a regulatory agency.
- Including hazardous waste issues on internal health and sanitation inspection checklists.
- Including hazardous waste issues in the inmate handbook and ensuring that inmates receive instruction on proper handling and disposal during inmate orientation.
- Developing and implementing procedures for the safe handling and storage of hazardous materials until such time as the contractor removes the items from the facility.
- Ensuring the staff is trained in the proper identification of hazardous waste and the appropriate handling, storage and disposal of such items.

## 801.3 DISPOSAL PROCEDURE

### 801.3.1 SEWAGE DISPOSAL

All sewage and liquid waste matter must be disposed of into a public system of sewerage or, if public sewerage is not available, into a private system of sewage disposal in accordance with the requirements of the local public health entity.

## *Hazardous Waste Disposal*

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The institution's use of the private system must be discontinued and the private system must be properly abandoned when public sewerage becomes available.

### **801.3.2 HAZARDOUS WASTE**

Hazardous waste generated in the facility shall be properly disposed of in designated containers and stored until removed by the contractor. Staff shall use universal standard precautions when in contact with hazardous materials, at a minimum, unless directed otherwise.

### **801.4 SAFETY EQUIPMENT**

The Chief Deputy and the county emergency manager shall ensure that appropriate safety equipment is available. All supervisors shall be knowledgeable in how to access the safety equipment at all times. The county may coordinate with local fire departments or contracted vendors to obtain the necessary safety equipment.

### **801.5 TRAINING**

The Training Officer shall be responsible for ensuring that all facility personnel receive appropriate training in the use of appropriate safety equipment and the identification, handling and disposal of hazardous waste. Training records shall be maintained, including the course roster, curriculum, instructor name and credentials, and testing instruments.

### **801.6 SUPERVISOR RESPONSIBILITY**

Supervisors are responsible for monitoring any hazardous waste containment issue, ensuring that employees have the appropriate safety equipment, that any exposed persons receive immediate medical treatment, and that the appropriate measures are taken to lessen the exposure of others. Supervisors shall ensure that incident reports are completed and forwarded to the Chief Deputy in the event of an exposure to staff, inmates or visitors.

## Housekeeping and Maintenance

### 802.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines to ensure that the facility is kept clean and in good repair in accordance with accepted federal, state and county standards.

### 802.2 POLICY

The Chief Deputy shall establish housekeeping and maintenance plans that address all areas of the facility. The plan should include, but is not limited to (15 CCR 1280):

- Schedules that determine the frequency of cleaning activities on a daily, weekly or monthly timetable, by area of the facility.
- Supervision of the staff and inmates to ensure proper implementation of the procedures and to ensure that no inmate supervises or assigns work to another inmate.
- Development and implementation of an overall sanitation plan (e.g., cleaning, maintenance, inspection, staff training, inmate supervision).
- Development of inspection forms.
- All inmate responsibilities, which should be included in the inmate handbook.
- A process to ensure that deficiencies identified during inspections are satisfactorily corrected and documented.
- Detailed processes for the procurement, storage and inventory of cleaning supplies and equipment.
- A process for the preventive maintenance of equipment and systems throughout the facility.
- Staff supervision of the provision and use of cleaning tools and supplies.

To the extent possible, cleaning and janitorial supplies shall be nontoxic to humans. Any poisonous, caustic or otherwise harmful substances used for cleaning shall be clearly labeled and kept in a locked storage area.

### 802.3 SANITATION SCHEDULE

A daily, weekly and monthly cleaning schedule will be established by the housing unit supervisor. The facility staff should implement a site specific plan for cleaning and maintenance of each area of the correctional facility (e.g., housing, food preparation, laundry, loading dock/trash storage, barber shop, warehouse, common areas). The following recommendations include, but are not limited to, specific areas and items:

- (a) Daily cleaning:

### *Housekeeping and Maintenance*

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1. Sweep and then wet mop the entire jail floor
  2. Clean all cell block areas
  3. Empty all trash receptacles
  4. Clean all toilets and sinks
  5. Clean all showers
- (b) Weekly cleaning:
1. Dust bars and window ledges
  2. Clean air conditioning/heating grates
  3. Clean mattresses (mattresses are also to be cleaned prior to being issued to a new inmate)
  4. Pour water down floor drains to test for flow
- (c) Monthly cleaning:
1. Walls
  2. Ceilings
  3. Bunk pans

#### **802.4 TRAINING**

All custodial staff and inmate workers assigned cleaning duties shall receive instruction commensurate with their tasks, including proper cleaning techniques, the safe use of cleaning chemicals and areas of responsibility.

#### **802.5 INSPECTION CHECKLIST**

The Chief Deputy or the authorized designee should develop an inspection checklist that includes the cleaning and maintenance items that will be checked by supervisors on a daily, weekly and monthly basis throughout the facility.

The inspection checklist will closely correspond to the established cleaning and maintenance schedule.

Inspection checklists shall be forwarded to the Chief Deputy or the authorized designee for annual review, filing and retention as required by the established records retention schedule.



## Physical Plant Compliance with Codes

### 803.1 PURPOSE AND SCOPE

The purpose of this policy is to establish the timeline, process and responsibilities for facility maintenance, inspections and equipment testing in compliance with all applicable federal, state and local building codes.

### 803.2 POLICY

It is the policy of this office that all construction of the physical plant (renovations, additions, new construction) will be reviewed and inspected in compliance with all applicable federal, state and local building codes. All equipment and mechanical systems will be routinely inspected, tested and maintained in accordance with applicable laws and regulations.

### 803.3 COMPLIANCE WITH CODES AND STATUTES

Plumbing, sewage disposal, solid waste disposal and plant maintenance conditions will comply with rules and regulations imposed by state regulatory entities governing such practices.

### 803.4 RESPONSIBILITIES

The Chief Deputy shall be responsible for establishing and monitoring the facility maintenance schedule, the inspection schedules of the Sergeants and corrections officers, and ensuring that any deficiencies discovered are corrected in a timely manner.

Copies of the local jurisdiction's applicable health and sanitation codes shall be kept in the facility by the Chief Deputy or the authorized designee. The Chief Deputy or the authorized designee is responsible for developing internal health and sanitation inspection checklists, for maintaining valid licensing and sanitation certificates and inspection reports, and for proof of corrective actions.

### 803.5 PROCEDURE

All safety equipment (e.g., emergency lighting, generators, and an uninterruptible power source (UPS)) shall be tested at least quarterly. Power generators and UPS equipment should be inspected weekly and load-tested quarterly or according to the manufacturer's instructions. All completed inspection forms shall be kept on file for review by the appropriate office committees or external agencies.

Any remodeling or new construction shall have prior approval of the local fire, building and health authorities. Any required plans and permits will be procured prior to the commencement of any changes to the facility.

The following areas of the facility shall be inspected and evaluated for functionality, wear, and rodent or pest infestation. The list is not meant to be all inclusive:

- Admissions
- Food services

*Physical Plant Compliance with Codes*

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- Inmate housing
- Laundry
- Barbershop
- Loading dock/trash storage
- Warehouse
- Water systems and plumbing
- Emergency generators
- Fire safety equipment
- The entire physical structure of the facility, including roof, walls, exterior doors, mechanical systems and lighting

**803.6 PLUMBING - FLOOR DRAINS**

Floor drains must be flushed weekly and all traps must contain water to prevent the escape of sewer gas. Grids and grates must be present.

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## Vermin and Pest Control

### 804.1 PURPOSE AND SCOPE

The purpose of this policy is to establish inspection, identification and eradication processes designed to keep vermin and pests controlled in accordance with the requirements established by all applicable laws, ordinances and regulations of the local public health entity.

### 804.2 POLICY

It is the policy of this office that vermin and pests be controlled within the facility (15 CCR 1280). The Chief Deputy or the authorized designee shall be responsible for developing and implementing this policy, in cooperation with the Responsible Physician and the local public health entity, for the sanitation and control of vermin and pests, and to establish medical protocols for treating inmate clothing, personal effects and living areas, with specific guidelines for treating an infested inmate (15 CCR 1264).

### 804.3 PEST CONTROL SERVICES

The Chief Deputy or the authorized designee shall be responsible for procuring the services of a licensed pest control professional to perform inspections of the facility at least monthly and to treat areas as required to ensure that vermin and pests are controlled.

### 804.4 PREVENTION AND CONTROL

Many infestations and infections are the result of a recently admitted inmate who is vermin infested or whose property is vermin infested. Most infestations are spread by direct contact with an infected person or with infested clothing and bedding. Inmates with lice or mites should be treated with approved pediculicides as soon as the infestation is identified to avoid spreading it. To reduce the chance of further transmission, separate quarters for inmates undergoing treatment for lice should be used as described in the Communicable Diseases Policy.

Because the use of the treatment chemicals can cause allergic reactions and other negative effects, treatment should be done only when an infestation is identified and not as a matter of routine.

Clothing, bedding and other property that is suspected of being infested shall either be removed from the facility or cleaned and treated by the following methods, as appropriate or as directed by the pest control provider or the Responsible Physician (15 CCR 1264):

- Washing in water at 140 degrees for 20 minutes
- Tumbling in a clothes dryer at 140 degrees for 20 minutes
- Dry cleaning
- Storing in sealed plastic bags for 30 days
- Treating with an insecticide specifically labeled for this purpose

### *Vermin and Pest Control*

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Head lice and their eggs are generally found on the head hairs. There may be some uncertainty about the effectiveness of some available pediculicides to kill the eggs of head lice. Therefore, some products recommend a second treatment seven to 10 days after the first. During the interim, before the second application, eggs of head lice could hatch and there is a possibility that lice could be transmitted to others.

Pubic lice and their eggs are generally found on the hairs of the pubic area and adjacent hairy parts of the body, although they can occur on almost any hairy part of the body, including the hair under the arm and on the eyelashes.

Pubic lice and their eggs are generally successfully treated by the available pediculicides. However, when the eyelashes are infested with pubic lice and their eggs, a physician should perform the treatment.

Successful treatment depends on careful inspection of the inmate and proper application of the appropriate product. The area used to delouse inmates needs to be separate from the rest of the facility. All of the surfaces in the treatment area must be sanitized. There must be a shower as part of the delousing area.

The supervisor shall document the date of treatment, the area treated, the pest treated and the treatment used.

#### **804.5 LABELING AND SECURE STORAGE OF COMPOUNDS**

Containers of pest exterminating compounds shall be conspicuously labeled for identification of contents. The containers shall be securely stored separately from food and kitchenware, and shall not be accessible by inmates.

## **Inmate Safety**

### **805.1 PURPOSE AND SCOPE**

The purpose of this policy is to establish a safety program to reduce inmate injuries by analyzing causes of injuries and identifying and implementing corrective measures.

### **805.2 POLICY**

The Santa Cruz County Sheriff's Office will provide a safe environment for individuals confined at this facility, in accordance with all applicable laws, by establishing an effective safety program, investigating inmate injuries and taking corrective actions as necessary to reduce accidents and injury (15 CCR 1280).

The Sheriff shall appoint a staff member who will be responsible for the development, implementation and oversight of the safety program. This program will include, but not be limited to:

- A system to identify and evaluate hazards, including scheduled inspections to identify unsafe conditions.
- Analysis of inmate injury reports to identify causes and to recommend corrective actions.
- Establishment of methods and procedures to correct unsafe and/or unhealthful conditions and work practices in a timely manner.

### **805.3 INVESTIGATION OF REPORTED INMATE INJURY**

Whenever there is a report of an injury to an inmate that is the result of accidental or intentional acts, other than an authorized use of force by custody staff, the Sheriff or the authorized designee will initiate an investigation to determine the cause of the injury and develop a plan of action whenever a deficiency is identified. Injuries resulting from use of force incidents will be investigated and reported in accordance with the Use of Force Policy.

### **805.4 INVESTIGATION REPORTS**

The Sergeant shall ensure that reports relating to an inmate's injury are completed and should include the following:

- Incident reports
- Investigative reports
- Health record entries
- Any other relevant documents

## Inmate Hygiene

### 806.1 PURPOSE AND SCOPE

This policy outlines the procedures that will be taken to ensure the personal hygiene of every inmate in the Santa Cruz County Sheriff's Office correctional facility is maintained. The Santa Cruz County Sheriff's Office recognizes the importance of each inmate maintaining acceptable personal hygiene practices by providing adequate bathing facilities, hair care services, the issuance and exchange of clothing, bedding, linens, towels and other necessary personal hygiene items.

### 806.2 POLICY

It is the policy of Santa Cruz County Sheriff's Office facility to maintain a high standard of hygiene in accordance with the requirements established by all state laws, ordinances and regulations (15 CCR 1069(b)(3)). Compliance with laws and regulations relating to good inmate hygiene practice is closely linked with good sanitation practices. Therefore, the need to maintain a high level of hygiene is not only for the protection of all inmates, but for the safety of the correctional staff, volunteers, contractors and visitors. The Chief Deputy shall ensure the basic necessities related to personal care are provided to each inmate at the time of housing. Appropriate additional personal care items may be available for purchase from the inmate commissary.

### 806.3 STORAGE SPACE

There should be adequate and appropriate storage space for inmates' bedding, linen or clothing. The inventory of clothing, bedding, linen and towels should exceed the maximum inmate population so that a reserve is always available (15 CCR § 1263).

The facility should have clothing, bedding, personal hygiene items, cleaning supplies and any other items required for the daily operation of the facility, including the exchange or disposal of soiled or depleted items. The assigned staff shall ensure that the storage areas are properly maintained and stocked. The Chief Deputy should be notified if additional storage space is needed.

#### 806.3.1 BEDDING ISSUE

Upon entering a living area of the Santa Cruz County Sheriff's Office correctional facility, every inmate who is expected to remain overnight shall be issued bedding and linens including, but not limited to (15 CCR § 1270):

- (a) Sufficient freshly laundered blankets to provide comfort under existing temperature conditions. Blankets shall be exchanged and laundered in accordance with facility operational laundry rules.
- (b) One clean, firm, fire-retardant mattress.
  1. Mattresses will be serviceable, fire-retardant and enclosed in an easily cleanable, non-absorbable material and conform to the size of the bunk (16 CFR 1633). Mattresses will be cleaned and disinfected when an inmate is released.

## *Inmate Hygiene*

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2. Mattresses will be disinfected every time they are turned in for rotation. Mattresses will be serviceable, enclosed in an easily cleaned material with non-absorbent ticking and conform to the size of the bunk. Mattresses shall meet the most recent requirements of the State Fire Marshal, the Bureau of Home Furnishings' test standard for penal mattresses and any other legal standards at the time of purchase (15 CCR 1272).

- (c) Two sheets or one sheet and a clean mattress cover.
- (d) One clean wash cloth, hand towel and bath towel.
- (e) One pillow and pillowcase.

Linen exchange, including towels, shall occur at least weekly and shall be documented in the daily activity log (15 CCR § 1271). The Sergeant shall review each housing log book at least once per shift.

The Chief Deputy or the authorized designee shall conduct both scheduled and unannounced inspections of the facility to ensure that bedding issuance policies and procedures are carried out in accordance with the applicable laws and regulations.

### 806.3.2 CLOTHING ISSUE

An inmate admitted to the facility shall be issued a set of facility clothing. The clothing shall be appropriate to the climate, reasonably fitted, durable, easily laundered and repaired. Issued clothing shall include, but not be limited to (15 CCR 1260):

- Clean socks.
- Suitable outer and undergarments.

Clothing shall be exchanged twice each week, at a minimum (15 CCR § 1262). All exchanges shall be documented on the daily activity log. The Sergeant or unit supervisor shall review the daily activity log at least once per shift. Additional clothing may be issued as necessary for changing weather conditions or as seasonally appropriate. An inmate's personal undergarments and footwear may be substituted for the institutional undergarments and footwear, provided there is a legitimate medical necessity for the items and they are approved by the medical staff.

Each inmate assigned to a special work area, such as food service, medical, farm, sanitation, mechanical and other specified work, shall be clothed in accordance with the requirements of the job, including any appropriate protective clothing and equipment, and shall be exchanged as frequently as the work assignment requires (15 CCR 1261).

## *Inmate Hygiene*

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The Chief Deputy or the authorized designee shall conduct both scheduled and unannounced inspections of the facility to ensure that clothing issuance policies and procedures are carried out in accordance with the applicable laws and regulations.

The Chief Deputy or the authorized designee shall ensure that the facility maintains a sufficient inventory of extra clothing to ensure each inmate shall have neat and clean clothing appropriate to the season.

An inmate's excess personal clothing shall be mailed, picked up by or transported to a designated family member or stored in containers designed for such purpose. All inmate personal property shall be properly identified, inventoried and secured. Inmates shall sign and receive a copy of the inventory record.

### **806.4 LAUNDRY SERVICES**

Laundry services shall be managed so that daily clothing, linen and bedding needs are met.

### **806.5 INMATE ACCOUNTABILITY**

To ensure inmate accountability, inmates are required to exchange item for item when clean clothing, bedding and linen exchange occurs.

Prior to being placed in a housing unit, inmates shall be provided with an inmate handbook listing this requirement.

### **806.6 PERSONAL HYGIENE OF INMATES**

Personal hygiene items, bedding, clothing, hair care services and facilities for showers will be provided in accordance with applicable laws and regulations. This is to maintain a standard of hygiene among inmates in compliance with the requirements established by state laws as part of a healthy living environment.

Each inmate held more than 24 hours, who is unable to supply him/herself with the following personal care items because of either indigency or the absence of an inmate canteen, shall be issued the following items (15 CCR 1265):

- One bar of bath soap or equivalent
- One unbreakable comb or brush
- Toothpaste or powder
- Toothbrush
- Shampoo or equivalent
- Shaving implements
- Toilet paper
- Materials as appropriate to the special hygiene needs of women



## *Inmate Hygiene*

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The Chief Deputy or the authorized designee may modify this list to accommodate the use of liquid soap and shampoo dispensers. Personal hygiene items should be appropriate for the inmate's sex. The facility shall replenish supplies as requested. Indigent inmates shall receive personal hygiene supplies in accordance with the Indigent Inmates Policy.

Inmates shall not be required to share personal care items or disposable razors (15 CCR 1265). Used razors are to be disposed in approved containers. Other barbering equipment capable of breaking the skin must be disinfected between individual uses, as prescribed by the State Board of Barbering and Cosmetology to meet the requirements of 16 CCR 979 and 16 CCR 980 (15 CCR 1267(c)).

Inmates, except those who may not shave for reasons of identification in court, shall be allowed to shave daily (15 CCR 1267(b)). The Chief Deputy or the authorized designee may suspend this requirement for any inmate who is considered a danger to him/herself or others.

### **806.7 BARBER AND COSMETOLOGY SERVICES**

The Chief Deputy or the authorized designee shall be responsible for developing and maintaining a schedule for hair care services provided to the inmate population and will have written policies and procedures for accessing these services (see the Grooming Policy). The Chief Deputy shall ensure that the rules are included in the inmate handbook.

#### **806.7.1 SCHEDULE FOR HAIR CARE SERVICES**

Inmates shall have the ability to receive hair care services once per month (15 CCR 1267(b)). Records of hair care services shall be documented in the daily activity log.

Prior to being placed in a housing unit, inmates will be given an inmate handbook, which details how to request hair care services.

#### **806.7.2 HAIR CARE SPACE**

Due to sanitation concerns, the hair care services should be located in a room that is designated for that purpose. The floors, walls, cabinets, countertops and ceilings should be smooth, non-absorbent and easily cleanable. The room should be supplied with a hand-washing sink with hot and cold water under pressure. The minimum hot water temperature must comply with local building and health department standards.

Each barbering room should have all the equipment necessary for maintaining sanitary procedures for hair care, including approved, covered metal containers for waste, disinfectants, laundered towels and a means of separating sanitized equipment from soiled equipment.

After each haircut, all tools that came into contact with the inmate shall be thoroughly cleaned and sanitized according to established guidelines and regulations.

Regulations with detailed hair care cleaning and sanitation requirements shall be posted in a conspicuous place for use by all hair care personnel and inmates. Single-use items, such as cotton pads and neck strips, shall be properly disposed of immediately after a single use.

## *Inmate Hygiene*

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Barbers or beauticians shall not provide hair care service to any inmate when the skin of the face, neck or scalp is inflamed, or when there is scaling, pus or other evidence of skin eruptions, unless it is performed in accordance with the specific written authorization of the Responsible Physician. Any person infested with head lice shall not be given hair care service until cleared by the medical staff.

The hair care services area shall be maintained and kept clean according to the requirements of the state or local board of barbering and cosmetology and the health department standards.

### **806.8 AVAILABILITY OF PLUMBING FIXTURES**

Inmates confined to cells or sleeping areas shall have access to toilets and washbasins with hot and cold running water that is temperature controlled. Access shall be available at all hours of the day and night without staff assistance.

The minimum number of plumbing fixtures provided for inmates in housing units is:

- One sink/washbasin for every 10 inmates (24 CCR 1231.3.2(2)).
- One toilet to every 10 male inmates (urinals may be provided for up to half the toilets) (24 CCR 1231.3.1(2)).
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### **806.9 INMATE SHOWERS**

Inmates will be allowed to shower upon assignment to a housing unit and at least every other day thereafter, or more often if possible (15 CCR 1266). There should be one shower for every 20 inmates unless federal, state or local building or health codes differ. Showering facilities for inmates housed at this facility shall be clean and properly maintained. Water temperature shall be periodically measured to ensure a range of 100 to 120 degrees for the safety of inmates and staff, and shall be recorded and maintained (24 CCR 1231.3.4).

Inmates shall be permitted to shower, perform bodily functions and change clothing without non-medical staff of the opposite sex viewing their breasts, buttocks or genitalia, except in exigent circumstances or when such viewing is incidental to routine cell checks. Staff of the opposite sex shall announce their presence when entering an inmate housing unit (28 CFR 115.15).

Transgender and intersex inmates shall be given the opportunity to shower separately from other inmates (28 CFR 115.42).

### **806.10 DELOUSING MATERIALS**

Delousing materials and procedures shall be approved through consultation with the Responsible Physician or qualified health care professionals.

## **Chapter 9 - Food Services**

## Food Services

### 900.1 PURPOSE AND SCOPE

The office recognizes the importance of providing nutritious food and services to inmates to promote good health, to reduce tension in the correctional facility and ultimately support the safety and security of the correctional facility. This policy provides guidelines on the preparation of food services items and dietary considerations for inmates housed in the facility.

### 900.2 POLICY

It is the policy of this office that food services shall provide inmates with a nutritionally balanced diet in accordance with federal, state and local laws, and with regulations for daily nutritional requirements (15 CCR 1241 et seq.).

The food services operation shall be sanitary and shall meet the acceptable standards of food procurement, planning, preparation, service, storage and sanitation in compliance with Food and Drug Administration (FDA) and United States Department of Agriculture (USDA) requirements and standards set forth in Health and Safety Code § 113700 et seq. (15 CCR 1245(a)).

### 900.3 FOOD SERVICES MANAGER

The food services manager shall be responsible for oversight of the day-to-day management and operation of the food services area, including:

- Developing, implementing and managing a budget for food services.
- Ensuring sufficient staff is assigned and scheduled to efficiently and safely carry out all functions of food services operations.
- Establishing, developing and coordinating appropriate training for staff and inmate workers.
- Developing a menu plan that meets all nutrition and portion requirements and can be produced within the available budget.
- Other duties and activities as determined by the Chief Deputy.

### 900.4 MENU PLANNING

All menus shall be planned, dated and available for review at least one month in advance of their use (15 CCR 1242). Records of menus and of foods purchased shall be kept on file for one month. Menus shall provide a variety of foods and should consider food flavor, texture, temperature, appearance and palatability. Menus shall be approved by a registered dietitian or nutritionist before being served to ensure the recommended dietary allowance for basic nutrition meets the needs of the appropriate age group.

Any changes to the meal schedule, menu or practices should be carefully evaluated by the food services manager in consultation with the Chief Deputy, dietician, medical staff and other

## *Food Services*

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professionals, and shall be recorded. All substitutions will be of equal or better nutritional value. If any meal served varies from the planned menu, the change shall be noted in writing on the menu and/or production sheet.

Menus as planned, including changes, shall be evaluated by a registered dietitian at least annually (15 CCR 1242). Facility menus shall be evaluated at least quarterly by the food services supervisory staff to ensure adherence to established daily servings.

Copies of menus, foods purchased, annual reviews and quarterly evaluations should be maintained by the food services manager in accordance with established records retention schedules.

### **900.5 FOOD SAFETY**

Temperatures in all food storage areas should be checked and recorded at the beginning of each shift, but shall be checked and recorded at least once daily. Holding temperatures for cold and hot foods shall be checked and recorded every two hours. Hot food shall be reheated to 165 degrees if it falls below 135 degrees at any time.

All reach-in or walk-in refrigerators and cold storage must maintain food temperature below 41 degrees. All freezers, other than during the defrosting cycle, must maintain a temperature of 0 degrees or lower.

One sample for each meal served shall be dated and maintained under refrigeration for testing in the event of a food-borne illness outbreak. Sample meals shall be discarded at the end of three days if no food-borne illness is reported.

Food production shall be stopped immediately if there is any sewage backup in the preparation area or if there is no warm water available for washing hands. Food production shall not resume until these conditions have been corrected (15 CCR 1245(a)).

### **900.6 THERAPEUTIC DIETS**

The food services manager shall be responsible for ensuring that all inmates who have been prescribed therapeutic diets by qualified health care professionals are provided with compliant meals. A therapeutic diet manual, which includes samples of medical diets, shall be maintained in the health services and food services areas for reference and information.

More complete information may be found in the Prescribed Therapeutic Diets Policy.

Women who are known to be pregnant or lactating shall be provided a balanced, nutritious diet approved by a physician (15 CCR 1248).

### **900.7 RELIGIOUS DIETS**

The Food Services Manager, to the extent reasonably practicable, will provide special diets for inmates in compliance with the parameters of the Religious Programs Policy and the Religious Land Use and Institutionalized Persons Act (RLUIPA).

## *Food Services*

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When religious diets are provided, they shall conform to the nutritional and caloric requirements for non-religious diets (15 CCR 1241).

### **900.8 FOOD SERVICES REQUIREMENTS**

All reasonable efforts shall be made to protect inmates from food-borne illness. Food services staff shall adhere to sanitation and food storage practices and there shall be proper medical screening and clearance of all food handlers in accordance with the Food Services Workers' Health, Safety and Supervision Policy (15 CCR 1230).

Food production and services will be under staff supervision. Food production, storage and food handling practices will follow the appropriate federal, state or local sanitation laws (15 CCR 1246).

### **900.9 MEAL SERVICE PROCEDURE**

Inmate meals that are served in a dining room or day room should be provided in space that allows groups of inmates to dine together, with a minimum of 15 square feet of space per inmate. A dining area shall not contain toilets or showers in the same room without appropriate visual barriers.

Meals shall be served at least three times during each 24-hour period. At least one meal must include hot food. Any deviation from this requirement shall be subject to the review and approval of a registered dietitian to ensure that inmates receive meals that meet nutritional guidelines.

Inmates must be provided a minimum of 15 minutes dining time for each meal. There must be no more than 14 hours between a substantial evening meal and breakfast. A substantial evening meal is classified as a serving of three or more menu items at one time to include a high quality protein, such as meat, fish, eggs or cheese. The meal shall represent no less than 20 percent of the day's total nutrition requirements. If more than 14 hours pass between meals, approved snacks will be provided. If a nourishing snack is provided at bedtime, up to 16 hours may elapse between the substantial evening meal and breakfast. A nourishing snack is classified as a combination of two or more food items from two of the four food groups, such as cheese and crackers or fresh fruit and cottage cheese.

Inmates who miss, or may miss, a regularly scheduled meal must be provided with a beverage and a sandwich or substitute meal. Approved snacks should be served to inmates on medical diets in less than the 14-hour period if prescribed by the Responsible Physician or registered dietitian. Inmates on medical or therapeutic meals who miss their regularly scheduled meal will be provided with their prescribed meal (15 CCR 1240).

As the meal time approaches, facility staff should direct the inmates to get dressed and be ready for meals. Inmates should be assembled and a head count taken, to verify all inmates in the housing location are present. Staff should be alert to signs of injury or indications of altercations, and should investigate any such signs accordingly. Staff should remain alert to the potential for altercation during inmate movement and meals. Meals shall be served under the direct supervision of staff.

## *Food Services*

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Staff should direct an orderly filing of inmates to the dining room or assigned seating in the day room. Staff should identify inmates who have prescribed therapeutic or authorized religious diets so those inmates receive their meals accordingly.

It shall be the responsibility of the corrections officers to maintain order and enforce rules prohibiting excessive noise and intimidation of other inmates to relinquish food during mealtime.

The dining room shall have an area designated for inmates who have been prescribed a longer time to eat by qualified health care professionals, a dietitian or as deemed appropriate by a supervisor.

To the extent reasonably practical, an adequate number of food services staff and correctional personnel should supervise meal service in central dining areas. If reasonably possible, the supervisor should be present.

The Sergeant should make every attempt to be present during meal services in central dining areas to assess the meal service process, the quality of food and any health or security issues.

In the interest of security, sanitation and vermin control, inmates shall not be allowed to take food from the dining area to their housing areas within facilities that have defined dining areas.

### **900.10 EMERGENCY MEAL SERVICE PLAN**

The food services manager shall establish and maintain an emergency meal service plan for the facility (15 CCR 1243(k)).

Such a plan should ensure that there is at least a seven-day supply of food maintained in storage for inmates. In the event of an emergency that precludes the preparation of at least one hot meal per day, the Chief Deputy may declare an "Emergency Suspension of Standards" pursuant to 15 CCR 1012 for the period of time the emergency exists.

During an emergency suspension, the food services manager shall assign a registered dietician to ensure that minimum nutritional and caloric requirements are met (15 CCR 1242). The Chief Deputy shall notify the Board of State and Community Corrections (BSCC) in writing in the event the suspension lasts longer than three days. The emergency suspension of food service standards shall not continue more than 15 days without the approval of the chairperson of the BSCC (15 CCR 1012).

In the event that the inmate food supply drops below that which is needed to provide meals for two days, the Chief Deputy or the authorized designee shall purchase food from wholesale or retail outlets to maintain at least a four-day supply during the emergency.

Depending on the severity and length of the emergency, the Sheriff should consider requesting assistance from allied agencies through mutual aid or the National Guard.

# Food Services Worker's Health, Safety and Supervision

## 901.1 PURPOSE AND SCOPE

The purpose of this policy is to establish basic personal health, hygiene, sanitation and safety requirements to be followed by all food services workers and to ensure the proper supervision of food services staff and inmate workers.

## 901.2 POLICY

The Santa Cruz County Sheriff's Office will ensure that meals are nutritionally balanced, safe and prepared and served in accordance with applicable health and safety laws. All inmate food services workers will be properly supervised by custody staff to ensure safety and security at all times (15 CCR 1243(h)).

## 901.3 FOOD SERVICES MANAGER RESPONSIBILITIES

The food services manager is responsible for developing and implementing procedures to ensure that all meals are prepared, delivered and served only under direct supervision by staff.

Work assignments shall be developed to ensure that sufficient food services staff is available to supervise inmate food services workers. The food services manager should coordinate with the corrections supervisor to ensure that sufficient correctional staff is available to supervise inmate meal service.

The food preparation area must remain clean and sanitary at all times. The food services manager or the authorized designee shall post daily, weekly and monthly cleaning schedules for the equipment and food preparation area.

## 901.4 MEDICAL SCREENING

The food services manager shall work cooperatively with the Responsible Physician to develop procedures to minimize the potential for spreading contagious disease and food-borne illness. In an effort to prevent the spread of illness, the following shall be strictly observed (15 CCR 1230):

- (a) All food services workers shall have a pre-employment/pre-assignment medical examination, in accordance with local requirements, to ensure freedom from diarrhea, skin infections and other illnesses transmissible by food or utensils.
- (b) Periodic reexaminations of food services workers shall be given to ensure freedom from any disease transmissible by food or utensils.
- (c) Food services workers shall have education and ongoing monitoring in accordance with the standards set forth in the applicable government health and safety codes.



*Food Services Worker's Health, Safety and Supervision*

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- (d) A supervisor shall inspect and monitor all persons working in any food services area on a daily basis for health and cleanliness, and shall remove anyone exhibiting any signs of food-transmissible disease from any food services area.
- (e) Any person working in any food services area who is diagnosed by a qualified health care professional with a contagious illness should be excluded from the food services areas until medically cleared to return to work.
- (f) All food handlers shall wash their hands when reporting for duty and after using toilet facilities. Aprons shall be removed and secured in a clean storage area before entering the toilet facility.
- (g) Food services workers shall wear disposable plastic gloves and a protective hair covering, such as a hat or hairnet, when handling or serving food. Gloves shall be changed after each task is completed.
- (h) Any outside vendor must submit evidence of compliance with state and local regulations regarding food safety practices.
- (i) Smoking at any time is prohibited in any food services area.
- (j) Documentation of compliance with all of the above and with any other risk-minimizing efforts implemented to reduce food transmissible disease shall be maintained in accordance with established records retention schedules.
- (k) All food services workers shall report to a supervisor any information about their health and activities in accordance with health and safety codes as they relate to diseases that are transmittable through food, (e.g., open sores, runny nose, sore throat, cough, vomiting, diarrhea, fever, recent exposure to contagious diseases such as Hepatitis A or tuberculosis).

Any food services worker is prohibited from handling food or working in any food services area if he/she reports symptoms such as vomiting, diarrhea, jaundice, sore throat with fever or has a lesion containing pus, such as a boil or infected wound that is open or draining. Food service workers shall only return to work in food service areas when cleared by a qualified health care professional.

#### **901.5 TRAINING REQUIREMENTS FOR FOOD SERVICES WORKERS**

The food services manager is responsible for developing and implementing a training program for inmate food services that includes food safety, proper food-handling techniques and personal hygiene. Each inmate food services worker shall satisfactorily complete the initial training prior to being assigned to prepare, deliver or serve food. Food services workers should receive periodic supplemental training as determined by the food services manager (15 CCR 1243(g)).

The training curriculum for inmate food services workers should include, at minimum, the following topics:

### *Food Services Worker's Health, Safety and Supervision*

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- Proper hand-washing techniques and personal hygiene as it applies to food services work
- Proper application and rotation of gloves when handling food
- Proper use of protective hair coverings, such as hats or hairnets
- Wearing clean aprons and removing aprons prior to entering toilet facilities
- Maintaining proper cooking and holding temperatures for food
- Proper portioning and serving of food
- Covering coughs and sneezes to reduce the risk of food-borne illness transmission
- Reporting illness, cuts or sores to the custody staff in charge

#### **901.6 SUPERVISION OF INMATE WORKERS**

Only personnel authorized to work in the food preparation area will be allowed inside. Inmate food handlers working in the kitchen must be under the supervision of a staff member (15 CCR 1243(h)). The Chief Deputy will appoint at least one qualified staff member, who will be responsible for the oversight of daily activities and ensuring food safety. The appointed staff member must be certified by passing the American National Standards Institute food safety manager certification examination.

Sufficient custody staff shall be assigned to supervise and closely monitor inmate food services workers. Staff shall ensure that inmate food services workers do not misuse or misappropriate tools or utensils, and that all workers adhere to the following:

- Correct ingredients are used in the proper proportions.
- Food is maintained at proper temperatures.
- Food is washed and handled properly.
- Food is served using the right utensils and in the proper portion sizes.
- Utensils such as knives, cutting boards, pots, pans, trays and food carts used in the preparation, serving or consumption of food are properly washed and sanitized after use. Disposable utensils and dishes will not be reused.
- All utensils are securely stored under sanitary conditions when finished.

#### **901.7 SUPERVISION OF THE FOOD SUPPLY**

The risk of conflict and protest is reduced when the inmate population has confidence in the safety and quality of their food. Custody staff should supervise the transport and delivery of food to the respective serving areas. Custody staff should ensure the food is protected during transportation, delivered to the right location efficiently and under the right temperatures.

*Food Services Worker's Health, Safety and Supervision*

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Food services staff should report any suspected breach in the safety or security of the food supply. Staff should be alert to inmate behavior when serving food, and cognizant of any comments concerning perceived contamination or portioning issues. Staff should report any suspicion of inmate unrest to a supervisor.

Any change to the published menu or the standard portioning should be documented and reported to the food services manager as soon as practicable.

## Food Preparation Areas

### 902.1 PURPOSE AND SCOPE

This policy is intended to ensure the proper design and maintenance of the food preparation area.

### 902.2 POLICY

It is the policy of this office to comply with all federal, state and local laws and regulations concerning the institutional preparation of food.

### 902.3 COMPLIANCE WITH CODES

The Chief Deputy is responsible for ensuring that food preparation and service areas are in compliance with all applicable laws and regulations and that food preparation areas are sanitary, well lit, ventilated and have adequate temperature-controlled storage for food supplies (15 CCR 1245(a)).

Any physical changes in the food preparation area, such as changing equipment or making major menu changes (from cold production to hot food), must be approved by the local public health entity to ensure adequate food protection.

Living or sleeping quarters are prohibited in the food preparation and food services areas (Health and Safety Code § 114286).

The food preparation area must avoid cross contamination and remain free from vermin infestation (Health and Safety Code § 114259).

### 902.4 CONSTRUCTION REQUIREMENTS

All remodeling and new construction of food preparation areas shall comply with federal, state and local building codes, comply with food and agricultural laws and standards and include any required approvals from any local regulatory authority (Health and Safety Code § 113700 et seq.).

The food preparation area shall be sized to include space and equipment for adequate food preparation for the facility's population size, type of food preparation and methods of meal services.

Floors, floor coverings, walls, wall coverings and ceilings should be designed, constructed and installed so they are smooth, non-absorbent and attached so that they are easily cleanable (Health and Safety Code § 114268; Health and Safety Code § 114271).

Except in the area used only for dry storage, porous concrete blocks or bricks used for interior walls shall be finished and sealed for a smooth, non-absorbent, easily cleanable surface.

Food storage areas shall be appropriately clean, sized, typed and temperature-controlled for the food being stored (Health and Safety Code § 114047).

Lighting throughout the kitchen and storage areas shall be sufficient for staff and inmates to perform necessary tasks (Health and Safety Code § 114252).

## *Food Preparation Areas*

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Mechanical ventilation of sufficient capacity to keep rooms free of excessive heat, steam, condensation, vapors, obnoxious odors, smoke and fumes shall be provided if necessary (Health and Safety Code § 114149(a)).

All equipment used in the food preparation area shall be commercial grade and certified by the American National Standards Institute or approved by a registered environmental health professional/sanitarian (Health and Safety Code § 114130).

Dishwashing machines will operate in accordance with the manufacturer recommendations and hot water temperatures will comply with federal, state and local health requirements (Health and Safety Code § 114101).

Equipment must be smooth, easy to clean, and easy to disassemble for frequent cleaning. Equipment should be corrosion resistant and free of pits, crevices or sharp corners.

Dry food storage must have sufficient space to store a minimum of 15 days of supplies and be stored in compliance with the provisions of Health and Safety Code § 114047.

### **902.5 TOILETS AND WASHBASINS**

Adequate toilet and washbasin facilities shall be located in the vicinity of the food preparation area for convenient sanitation and proper hygiene. Toilet facilities shall be completely enclosed and shall have tight-fitting, self-closing, solid doors, which shall be closed except during cleaning and maintenance.

Signs shall be conspicuously posted throughout the food preparation area and in each restroom informing all food services staff and inmate workers to wash their hands after using the restroom. Signs shall be printed in English and in other languages as may be dictated by the demographic of the inmate population.

To reduce the potential for contaminants being brought into the food preparation area, toilet facilities in the vicinity of the food preparation area should be limited to use by the food services staff and inmate workers only. Anyone working in the food services area must store their aprons in a designated clean area before entering the toilet facilities.

The food services manager shall be responsible for procedures to ensure:

- (a) All fixtures in the toilet facilities are clean and in good operating condition.
- (b) A supply of toilet tissue is maintained at each toilet at all times. Toilet facilities used by women shall have at least one covered waste receptacle.
- (c) The hand-washing station located adjacent to the toilet facility has warm water available and is kept clean and in good operating condition. Single-dispensing soap and a method for drying hands shall be provided at all times (Health and Safety Code § 113953.3).

*Food Preparation Areas*

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If the toilet facility is outside of the kitchen area, food services workers must wash their hands after using the toilet facility and again upon returning to the kitchen area before preparing or serving food.

## Inspection of Food Products

### 903.1 PURPOSE AND SCOPE

The purpose of this policy is to establish methods by which the Food and Drug Administration (FDA) and/or the United States Department of Agriculture (USDA) inspections and/or approvals are conducted on any food products grown or produced within the correctional facility system.

### 903.2 POLICY

The Santa Cruz County Sheriff's Office will ensure the safety and quality of all food products grown or produced at this facility through routine inspections and approvals, as required by law.

#### 903.2.1 FOOD INSPECTION PROCEDURES

The food services manager is responsible for developing procedures for ensuring that all food used in the food services operation has been inspected and/or approved to standards established by statute, and that the delivery of all foodstuffs to the correctional facility kitchens and to the inmates occurs promptly to reduce the risk of any food-borne illness or contamination.

The food services manager shall establish inspection procedures in accordance with established standards and statutes. Such procedures shall include, but are not limited to:

- (a) The FDA or USDA inspection and/or approval of all food products grown or produced by this facility prior to distribution.
- (b) A system of periodic audits and inspections of the facility and of all raw material suppliers, either by custody staff or by a third-party vendor.
- (c) A system of thorough documentation of all inspection and approval processes, training activities, raw material handling procedures, activities, cleaning and sanitation activities, cleanliness testing, correction efforts, record-keeping practices and the proper use of sign-off logs shall be developed and implemented.
- (d) Processes of evaluating the effectiveness of training, and validating cleanliness through testing (e.g., swabs, bioluminescence and visual, taste and odor evaluations), shall be created and implemented. Records of all such activities shall be documented.
- (e) Documentation of any recommendations for continuous quality improvement and their implementation, with the intent of eliminating deficiencies. Documentation should include a post-deployment verification of the correction.
- (f) The food services manager is responsible for ensuring adherence to the following practices, including, but not limited to:
  1. The scope of food products being grown or processed internally is well-defined.
  2. All critical processes are validated to ensure consistency and compliance with specifications.

*Inspection of Food Products*

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3. Any changes to the process are evaluated for effectiveness.
4. There are clearly written instructions and procedures for the staff and inmates to follow.
5. The staff and inmates are trained to perform all established tasks and document all necessary procedures.
6. Physical barriers for separating raw and cooked food-processing areas are established and maintained.
7. The traffic flow of workers is designed to minimize the risk of any cross-contamination.
8. All drains are used and cleaned properly, within industry standards.
9. Proper equipment and/or tools are provided and designated for specific use.
10. All persons working in the food services areas are wearing proper clothing and protective devices at all times.
11. All persons working in the food services areas wash their hands properly and frequently.
12. Only authorized personnel are allowed in the food processing areas.
13. Only potable water is used for growing or washing produce.
14. The distribution of all prepared food is done in a manner that reduces the risk of food-borne illness or contamination.



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## Food Services Facilities Inspection

### 904.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for inspecting food services areas and facilities to ensure a safe and sanitary environment for staff and inmates.

### 904.2 POLICY

It is the policy of the Santa Cruz County Sheriff's Office that the food services area be maintained in a safe, sanitary condition by conducting regularly scheduled inspections, both by facility staff and by an outside independent inspection authority as may be required by law (15 CCR 1245(a)).

### 904.3 CLEANING AND INSPECTIONS BY STAFF

The food services manager shall ensure the dining and food preparation areas and all equipment in the food services area are inspected weekly. Adequate hot and cold water should be available in the kitchen. Water temperature of all fixtures, including washing equipment, should be checked and recorded weekly to ensure compliance with the required temperature range. Deficiencies noted by inspections shall be promptly addressed.

A cleaning schedule for each food services area shall be developed and posted for easy reference by staff, and shall include areas such as floors, walls, windows and vent hoods. Equipment, such as chairs, tables, fryers and ovens, should be grouped by frequency of cleaning as follows:

- After each use
- Each shift
- Daily
- Weekly
- Monthly
- Semi-annually
- Annually

The food services manager is responsible for establishing and maintaining a record-keeping system to document the periodic testing of sanitary conditions and safety measures, in accordance with established records retention schedules. At the direction of the Chief Deputy or the authorized designee, the food services manager shall take prompt action to correct any identified problems.

#### 904.3.1 SAFETY INSPECTION CHECKLIST

The following items should be part of the weekly inspection:

- Lighting is adequate and functioning properly.
- Ample working space is available.
- Equipment is securely anchored.

*Food Services Facilities Inspection*

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- There are suitable storage facilities, minimizing the risk of falling objects.
- Floors are clean, dry, even and uncluttered.
- Machines have proper enclosures and guards.
- A clear fire safety passageway is established and maintained.
- Fire extinguishers and sprinkler systems are available, not expired and are tested regularly.
- The food preparation area has good ventilation.
- Furniture and fixtures are free from sharp corners, exposed metal and splintered wood.
- All electrical equipment is in compliance with codes and regulations.
- All workers wear safe clothing, hair coverings, gloves and protective devices while working.
- All workers are in good health, with no symptoms of illness or injury that would pose a risk to food safety.
- All ranges, ovens and hot holding equipment are clean and in good operating condition.
- Mixers and attachments are clean and in good operating condition.
- Dishwashing machines are clean and in good operating condition, and proper chemicals are in use.
- Water temperatures for hand sinks, ware washing sinks and dishwashing machines meet minimum acceptable temperatures.
- All hand-washing stations have free access, soap, hot and cold running water under pressure and a method to dry hands.
- Toilet facilities are in good repair and have a sufficient supply of toilet paper.
- All temperature charts and testing documents are current, accurate and periodically reviewed and verified by the food services manager.
- Only authorized personnel are allowed in the kitchen area.
- Foods are labeled and stored properly using the first-in first-out system.
- The refrigerators and freezers are in good operating condition and maintain proper temperature.
- There is no evidence of cross-connection or cross-contamination of the potable water system.

### *Food Services Facilities Inspection*

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#### **904.4 CONTRACTING FOR INSPECTION**

The food services manager is responsible for ensuring that the food services operation works in accordance with all state and local laws and regulations.

The Chief Deputy shall contract with an independent, outside source for periodic inspection of the food services facilities and equipment, to ensure that established state and local health and safety codes have been met.

Documentation of the inspections, findings, deficiencies, recommended corrective actions and verification that the corrective standards were implemented will be maintained by the facility in accordance with established records retention schedules.

A contract for services from an independent and qualified inspector should include, but is not limited to, the following components:

- (a) The inspector should conduct a pre-inspection briefing with the Chief Deputy and other appropriate personnel, including the food services manager, to identify the applicable government health and safety codes and the areas to be inspected. The inspector should provide the necessary equipment to conduct the inspection.
- (b) The inspector should audit the policies and procedures of the food services operation.
- (c) During the course of the inspection, the inspector should study and report on whether the following meet acceptable standards:
  - 1. Walls, ceilings and floors are in good condition, smooth and easily cleanable.
  - 2. The kitchen layout is properly designed to avoid cross-contamination.
  - 3. The kitchen is properly lighted and ventilated.
  - 4. The temperature controlled storage areas are in good operating condition and proper temperatures are being maintained.
  - 5. Dry foods are properly stored off the floor, away from the walls and ceilings.
  - 6. There is no sign of vermin infestation.
  - 7. All equipment is in good and sanitary condition and is certified by one of the American National Standards Institute certification agencies e.g., Underwriters Laboratories, or Extract, Transform and Load, and the National Science Foundation product certification marks.
  - 8. The dishwashing equipment is clean, in good operating condition and maintains proper washing and rinsing temperatures.
  - 9. There is no evidence of cross-contamination between the potable and contaminated water systems.
  - 10. The ware washing area is clean and supplied with proper chemicals and Material Safety Data Sheets.

*Food Services Facilities Inspection*

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11. The food is properly stored, labeled and rotated according to first-in first-out procedures.
12. The food services staff and inmate workers are wearing clean uniforms and practice proper personal hygiene.
13. All food services workers are trained for proper food handling and there is a person in charge who is responsible for the food safety of the facility.
14. There are ample hand-washing stations supplied with warm water under pressure, soap, a method to dry hands, a waste container and employee hand-washing signs.

Any deficiencies should be noted by the inspector in his/her inspection report, and recommendations made for corrective action.

At the exit interview, the inspector should cite any violations according to the government health and safety codes.

The inspector should conduct a follow-up inspection to verify the deficiencies have been corrected as recommended.

The food services manager should provide the Chief Deputy with a plan to implement the recommended corrections in a timely manner and schedule a post-correction inspection with the original independent inspector.

## Food Storage

### 905.1 PURPOSE AND SCOPE

The purpose of this policy is to establish food storage methods that are designed to meet manufacturer's recommendations, Health and Safety Codes, state laws and local ordinances, and to safely preserve food, extend storage life and reduce food waste.

### 905.2 POLICY

Food and food supplies will be stored in sanitary and temperature-controlled areas, in compliance with state and local health laws and standards (15 CCR 1243(c); 15 CCR 1245(a)).

### 905.3 PROCEDURES

The food services manager shall be responsible for establishing procedures to ensure the safe preservation and storage of food in the most cost-effective manner, beginning with the receipt of the raw materials through the delivery of prepared meals.

When receiving food deliveries, food services staff shall inspect the order for quality and freshness, and shall ensure that the order is correct by checking the order received against the order form. All delivery vehicles shall be inspected by food services staff to make certain that the vehicles are clean, free from vermin infestations and are maintained at the appropriate temperature for the type of food being carried.

If food quality and freshness do not meet commonly accepted standards or if it is determined that proper storage temperatures have not been maintained, the employee checking the order in will refuse the item and credit the invoice.

Any food destined for return to the vendor should be stored separately from any food destined for consumption. The food services manager will contact the vendor and arrange for replacement of the unacceptable food items.

Storage temperatures in all food storage areas should be checked and logged on a daily basis. Records of the temperature readings should be maintained in accordance with established records retention schedules.

An evaluation system should be established for food stored in any area with temperature readings outside the normal range, and should include contingency plans for menu changes, food storage relocation or food destruction, as indicated. All actions taken to ensure the safety of the food served should be documented and retained in accordance with established records retention schedules.

### 905.4 DRY FOOD STORAGE

Canned items and dry food that does not need refrigeration should be stored in a clean, dry, secure storage area where temperatures are maintained between 45 and 80 degrees. Temperatures shall be monitored and recorded once each day on a checklist.

## *Food Storage*

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All dry items shall be stored at least 6 inches off the floor and at least 6 inches away from any wall. Only full unopened cans and containers shall be stored in the storerooms. Open containers and packages shall be appropriately stored in the working or holding areas.

All storage areas will be kept locked when they are not in actual use. New food shipments shall be placed behind existing like items and rotated using a first-in first-out rotation method.

Personal clothing and personal items shall not be stored in food storage areas.

### **905.4.1 MAINTENANCE OF DRY FOOD STORAGE AREAS**

Inmate workers or staff should clean the storage areas at least once each day by sweeping and mopping all floors and wiping down shelves and walls. Any damaged items should be inspected for spoilage and repackaged or discarded as appropriate. Food services staff should inspect the storage areas to ensure they are clean and orderly. Staff will document the inspection and record the daily temperature on the storage area checklist (15 CCR 1243(m)).

### **905.5 REFRIGERATED AND FROZEN STORAGE**

Unless health codes dictate otherwise, refrigerators must be kept between 32 and 41 degrees. Deep chill refrigerators will be set between 28 and 32 degrees for cook-chill products, dairy and meat items, to extend shelf life. Freezers shall be maintained at 32 degrees or below.

All freezer and refrigerator storage areas should have at least two thermometers to monitor temperatures. One thermometer should have a display visible to the outside. The second thermometer shall be placed in the warmest place inside the storage area. Daily temperature readings shall be recorded on the storage area checklist. Any variance outside of acceptable temperature range shall be immediately addressed.

All food must be covered and dated when stored. Cooked items shall not be stored beneath raw meats. Cleaned vegetables shall be stored separately from unwashed vegetables. Storage practices shall use a first-in first-out rotation method.

#### **905.5.1 MAINTENANCE OF REFRIGERATED AND FREEZER AREAS**

Refrigeration storage units should be cleaned daily, including mopping floors and wiping down walls. A more thorough cleaning should occur weekly to include dismantling and cleaning shelves. Food services staff should inspect the contents of freezers and storage units daily to ensure all items are properly sealed and labeled (15 CCR 1243(m)).

#### **905.5.2 STORAGE OF CLEANING SUPPLIES AND MATERIALS**

The storage of soaps, detergents, waxes, cleaning compounds, insect spray and any other toxic or poisonous materials are kept in a separate, locked storage area to prevent cross contamination with food and other kitchen supplies.

### **905.6 WASTE MANAGEMENT**

The food services manager shall develop and maintain a waste management plan that ensures the garbage is removed daily (15 CCR 1243(l)). This plan also should include methods to minimize the waste of edible food and to dispose of non-edible or waste food material without utilizing a landfill.

*Food Storage*

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## Prescribed Therapeutic Diets

### 906.1 PURPOSE AND SCOPE

The purpose of this policy is to ensure that inmates who require prescribed therapeutic diets as a result of a diagnosed medical condition are provided with nutritionally balanced therapeutic meals that are medically approved and meet nutritional and safety standards.

### 906.2 POLICY

The Responsible Physician, in consultation with the food services manager, shall (15 CCR 1248):

- (a) Develop written procedures that identify individuals who are authorized to prescribe a therapeutic diet.
- (b) The therapeutic diets utilized by this facility shall be planned, prepared and served with consultation from a registered dietitian.
- (c) The Chief Deputy shall comply with any therapeutic diet prescribed for an inmate.
- (d) The Chief Deputy and the Responsible Physician shall ensure that the therapeutic diet manual, which includes sample menus of therapeutic diets, shall be available in both the health services and food services work areas for reference and information. A registered dietitian shall review, and the Responsible Physician shall approve, the therapeutic diet manual on an annual basis.

As a best practice, all therapeutic diet prescriptions should be reviewed and rewritten, if appropriate, on a quarterly basis. This is to reduce the risk of an inmate developing an adverse medical condition or nutritional effect as the result of a diet that is inconsistent with the inmate's current medical needs. A diet request form should be made available to inmates.

Pregnant or lactating women shall be provided a balanced, nutritious diet approved for pregnant women by a physician (15 CCR 1248).

### 906.3 STAFF COMMUNICATION/COORDINATION

It is the responsibility of the health authority to compile a daily list of all inmates who are prescribed therapeutic diets. The list should contain the following information:

- (a) Inmate's name
- (b) Inmate's identification number
- (c) Housing location or dining location where the meals will be delivered
- (d) Inmate's therapeutic diet type
- (e) Special remarks or instructions

Any time inmates are assigned to a different housing area, custody staff must notify the food services personnel immediately.



## *Prescribed Therapeutic Diets*

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### **906.4 PREPARATION AND DELIVERY OF MEALS**

The food services manager or the authorized designee is responsible for reviewing the therapeutic diet lists prepared by the Responsible Physician, counting the number and type of therapeutic meals to be served and preparing the food according to the therapeutic menu designed by the registered dietitian.

Therapeutic diets may include snacks and oral supplements. Snacks and supplements should be distributed with regularly scheduled meal service or may be distributed with inmate medications. Individual labels or written documents containing the following information should be prepared by the kitchen, clearly identifying each meal and any included snacks:

- (a) Inmate's name
- (b) Inmate's identification number
- (c) Housing location or dining location where the meals will be delivered
- (d) Inmate's therapeutic diet type
- (e) A list of items provided for the meal

The custody staff responsible for meal distribution shall ensure that any inmate who has been prescribed a therapeutic meal by the Responsible Physician or the authorized designee receives the prescribed therapeutic meal. Inmates who receive a therapeutic meal should sign for receipt of the meal.

Therapeutic meal receipts should be retained in the inmate's medical record for an amount of time necessary to resolve any dispute about the receipt or composition of a prescribed meal.

Unless a therapeutic diet was prescribed with a specific end date, only the Responsible Physician or the authorized designee may order that a therapeutic diet be discontinued.

Inmates who are receiving therapeutic diets must receive clearance from the Responsible Physician before he/she may receive a religious or disciplinary diet.

If prescribed by the Responsible Physician, supplemental food shall be served to inmates more frequently than the regularly scheduled meals. An inmate who misses a regularly scheduled meal shall receive his/her prescribed meal.

### **906.5 THERAPEUTIC AND RELIGIOUS MEAL RECORDS**

Inmates receiving prescribed therapeutic diet meals and/or authorized religious diet meals must sign a document indicating the following:

- Inmate's name
- Inmate's identification number
- Housing location or dining location where the meals will be delivered
- Inmate's therapeutic diet type

*Prescribed Therapeutic Diets*

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- A list of items provided for the meal

All information regarding a therapeutic diet is part of an inmate's medical record and is therefore subject to state and federal privacy laws concerning medical records.

All meal records shall be retained in accordance with established retention schedules and applicable statutory regulations.

## Disciplinary Isolation Diet

### 907.1 PURPOSE AND SCOPE

This policy establishes the requirement for providing inmates disciplinary isolation diets when they are ordered for disciplinary reasons. The disciplinary isolation diet will only be utilized after all of the provisions of the Disciplinary Segregation section of the Disciplinary Segregation Policy are implemented.

### 907.2 POLICY

The food services manager shall prepare the disciplinary isolation diet after receiving directions from the Chief Deputy. Records of providing this diet shall be maintained by the food services manager.

The disciplinary isolation diet shall be served twice during each 24-hour period and shall consist of one-half of a vegetable/meatloaf (see recipe below) per meal (or a minimum of 19 ounces of cooked loaf). The loaf shall be accompanied by two slices of whole wheat bread and at least one quart of water if the inmate does not have access to a water supply. The use of the disciplinary isolation diet is an exception to the "three meals per day" policy described in the Disciplinary Segregation Policy (15 CCR 1247(a)).

### 907.3 PROCEDURES

The disciplinary isolation diet shall consist of the following (15 CCR 1247(b)) :

- (a) 2 ½ oz. nonfat dry milk
- (b) 4 ½ oz. raw grated potato
- (c) 3 oz. raw carrots, chopped or grated fine
- (d) 1 ½ oz. tomato juice or puree
- (e) 4 ½ oz. raw cabbage, chopped fine
- (f) 7 oz. lean ground beef, turkey or rehydrated, canned or frozen Textured Vegetable Protein (TVP)
- (g) 2 ½ fl. oz. oil
- (h) 1 ½ oz. whole wheat flour
- (i) ¼ tsp. salt
- (j) 4 tsp. raw onion, chopped
- (k) 1 egg
- (l) 6 oz. dry red beans, pre-cooked before baking (or 16 oz. canned or cooked red kidney beans)

*Disciplinary Isolation Diet*

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(m) 4 tsp. chili powder

These ingredients should be shaped into a loaf and baked at 350-375 degrees for 50-70 minutes.

## Chapter 10 - Inmate Programs

## Inmate Welfare Fund

### 1000.1 PURPOSE AND SCOPE

The Office is authorized to maintain a fund derived from proceeds from the commissary, vending machines, telephones and other inmate-related commerce activities to be used primarily to provide welfare and education programs for the benefit of the inmate population.

### 1000.2 INMATE WELFARE FUND

The Inmate Programs Coordinator, in cooperation with the Administrative Services Manager, will establish and maintain an Inmate Welfare Fund where proceeds derived from inmate telephones, commissary profits, vending machines and other income intended for the support of inmate programs are deposited.

The Inmate Welfare Fund is allocated to support a variety of programs, services and activities benefiting the general inmate population and enhancing inmate activities and programs. This includes capital construction and improvement projects in support of such programs, services and activities (Penal Code § 4025).

### 1000.3 INMATE WELFARE FUNDING SOURCES

Revenues and funding from the following sources shall be deposited into the Inmate Welfare Fund account:

- (a) All proceeds from commissary and canteen operations
- (b) Proceeds from vending machines made available for inmate use
- (c) Proceeds from the operation of inmate telephones
- (d) Proceeds from the sale of inmates' arts-and-crafts projects
- (e) Donations
- (f) Interest income earned by the Inmate Welfare Fund

### 1000.4 EXPENDITURE OF INMATE WELFARE FUNDS

The Inmate Welfare Fund shall be used solely for the welfare and benefit of the inmate population or as otherwise permitted by law.

Expenditures permitted from the Inmate Welfare Fund include, but are not limited to, the following:

- (a) Education programs
- (b) Recreational goods and services, such as:
  - 1. Recreational equipment, games and sporting goods
  - 2. Televisions and cable/satellite subscriptions, video players and content media
  - 3. Library books

*Inmate Welfare Fund*

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4. Vending machines
- (c) Salary and benefit costs for personnel while they are employed in positions or are performing activities solely for the benefit of inmates or to facilitate inmate programs
- (d) Welfare packages for indigent inmates
- (e) Alcohol and drug treatment programs
- (f) Office facility canteens, including vending machines available for inmate use
- (g) Inmate trust accounting system
- (h) Envelopes, postage and personal hygiene items for indigent inmates
- (i) Approved non-prescription, over-the-counter health aids for inmate use
- (j) Libraries designated for inmate use
- (k) Visiting room equipment, supplies and services
- (l) Inmate activity programs, including:
  1. Equipment for television viewing
  2. Visiting music/entertainment groups
  3. Music equipment and supplies
  4. Activities equipment, supplies and services
  5. Repair of equipment purchased from the Inmate Welfare Fund
  6. Food or supplies for special occasions
  7. Inmate awards for the purpose of providing umpires or referees, and maintaining activity equipment and apparel
  8. Inmate tournaments and holiday events
  9. Inmate club activities
  10. Entertainment equipment, cable or satellite subscription services and other related supplies
  11. Materials for faith-based programs

**1000.4.1 PROHIBITED EXPENDITURES OF INMATE WELFARE FUND**

Except as permitted by law, the Inmate Welfare Fund shall not be used to fund activities associated with any of the following:

- (a) Security-related functions, including staff, safety equipment, radios, weapons or control devices that are specifically designated for use by the custody staff in maintaining the security, safety and order in the facility

### *Inmate Welfare Fund*

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- (b) Food service, staff costs, equipment and supplies
- (c) Medical/dental services, staff costs, equipment and supplies
- (d) Maintenance and upkeep of office facilities not otherwise permitted by law
- (e) Janitorial services and supplies
- (f) Transportation to court, medical appointments or other reasons not related to inmate programs
- (g) Any other normal operating expenses incurred by the day-to-day operation of the Office

#### **1000.4.2 EXPENDITURE FOR REENTRY PROGRAMS**

Expenditures from the Inmate Welfare Fund are also permitted for programs that assist indigent inmates with the reentry process within 30 days of release. These programs include work placement, counseling, obtaining proper identification, education and housing (Penal Code § 4025.5).

#### **1000.5 FINANCIAL ACCOUNTING OF INMATE WELFARE FUNDS**

The Inmate Programs Coordinator in cooperation with the Administrative Services Manager shall maintain an accounting system to be used for purchasing goods, supplies and services that support inmate programs.

An audit of the Inmate Welfare Fund shall be completed annually by a certified auditor recognized by the Office as an authorized financial auditor.

#### **1000.5.1 ANNUAL REPORTING**

The Chief Deputy is responsible for ensuring an annual report of expenditures from the Inmate Welfare Fund is submitted annually to the County Board of Supervisors (Penal Code § 4025).

#### **1000.6 POLICY**

It is the policy of this office to maintain and administer an Inmate Welfare Fund that supports inmate programs.



## Counseling Services

### 1001.1 PURPOSE AND SCOPE

The purpose of this policy is to establish a process for providing counseling and crisis intervention services to inmates.

### 1001.2 POLICY

This office will provide counseling and crisis intervention services to any inmate who either requests services or is determined by a health provider to be in need of counseling or crisis intervention services. These services may be provided by:

- (a) Medical/mental health staff assigned to the facility.
- (b) Faith-based counseling by the chaplain or religious volunteers (see the Religious Programs Policy).
- (c) Corrections officers assigned to the facility who have specific training and expertise in this area.

The Chief Deputy shall coordinate with the Responsible Physician to develop and confidentially maintain records of counseling and crisis intervention services provided to inmates and to ensure that those records are retained in accordance with established records retention schedules.

The Chief Deputy shall ensure that request forms are available and provided to inmates who request counseling services. All inmate requests for counseling shall be forwarded to the Sergeant. If an inmate displays behavior indicating a need for counseling or crisis intervention services, the facility employee shall notify the Sergeant. The Sergeant shall assess the need and area of counseling and make a reasonable effort to provide the inmate with the requested counseling as soon as reasonably practicable with consideration given to facility security, scheduling and available resources. Inmates who are victims of a sexual abuse or harassment incident will be informed of the availability and continuity of counseling (28 CFR 115.82; 28 CFR 115.83).

## Commissary Services

### 1002.1 PURPOSE AND SCOPE

The purpose of this policy is to establish a commissary program that will give inmates the opportunity to purchase personal items that are not provided by the facility.

### 1002.2 POLICY

It is the policy of this office to provide space for an inmate commissary, or to provide for a commissary service, so that inmates who are not on disciplinary restriction and who have funds posted to their inmate accounts may purchase approved items that are not furnished by the facility (Penal Code § 4025).

To the extent reasonably practicable, the prices for items offered to the inmates in the commissary shall correspond to local retail store prices.

Any commissary inventory or sales issues related to religious diets shall be addressed in the Religious Programs Policy.

### 1002.3 COMMISSARY MANAGER RESPONSIBILITIES

The Chief Deputy shall be responsible for designating a qualified person to act as the Commissary Manager. High-security items shall be identified, stored and inventoried as such. The Commissary Manager shall be responsible for the accounting and general operation of the commissary, which shall include, but is not limited to:

- Maintaining current rules, regulations and policies of the commissary and ensuring compliance by commissary staff.
- Managing inventory and processing orders in a timely manner.
- Performing weekly audits of high-security items.
- Ensuring that sufficient space is provided, either on or off facility property, for the storage and processing of commissary orders.
- Ensuring commissary facilities are sanitary and secure.
- Conducting a quarterly inventory of all supplies and immediately reporting any discrepancies to the Chief Deputy.
- Ensuring that all inmates who are approved to purchase commissary items are provided with a printed list of items that are available at local stores if the facility does not operate a commissary.

### 1002.4 COMMISSARY ACCOUNTING

The Sergeant shall be responsible for ensuring that all inmates who have commissary privileges have the opportunity to order and receive commissary items in a timely manner.

## *Commissary Services*

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All inmates shall be afforded the opportunity to review an accounting of their money held in their account, to include deposits, debits and commissary goods purchased and received. Any discrepancy of the inmate's funds shall be immediately reported to the Commissary Manager. If the Commissary Manager and the involved inmate cannot settle the discrepancy, the Chief Deputy shall be notified and the Chief Deputy will resolve the discrepancy.

### **1002.5 INMATE WELFARE PACKS**

The Chief Deputy or the authorized designee shall monitor the provision of welfare packs to indigent inmates. Welfare packs shall include, but not be limited to:

- (a) Two postage-paid envelopes and paper letters each week or two pre-paid post cards to permit correspondence with family members and friends.
- (b) Personal hygiene items, including toothbrush, toothpaste, soap, deodorant and other supplies deemed to be appropriate for indigent inmates.

The Sheriff may expend money from the Inmate Welfare Fund to provide indigent inmates with essential clothing and limited transportation expenses upon release (Penal Code § 4025(i)).

### **1002.6 ANNUAL AUDIT OF THE COMMISSARY**

The Commissary Manager shall ensure that an annual audit of the commissary operation is conducted by a certified auditor who is recognized by the Office as an authorized financial auditor. The written report prepared by the auditor shall be reviewed for accuracy by the Commissary Manager and provided to the Chief Deputy.

All excess funds derived from the operation of the commissary shall be deposited into the Inmate Welfare Fund or otherwise used for the benefit of the inmates. They also may be deposited and used in accordance with expenditures authorized by the board of supervisors. An itemized report on expenditures shall be submitted annually to the board of supervisors (Penal Code § 4025 (b)).

## Library Services

### 1003.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for the funding of library services and for providing for inmates' access to leisure and legal reading materials.

### 1003.2 POLICY

This facility operates library services that provide leisure and legal reading materials to inmates. The Chief Deputy or the authorized designee is responsible for the administration of the library services and should appoint a qualified staff member to serve as librarian to run the daily library operation. The library service shall include access to legal reference materials, current information on community services and resources, and religious, educational and recreational reading material (15 CCR 1064).

The librarian shall ensure that reading materials are provided to the general housing units and that any staff member assigned to assist with the delivery of library services has received the appropriate training in facility safety and security practices.

Access to the inmate library or to library materials shall be based upon inmate classification, housing location and other factors that legitimately relate to the safety and security of the facility.

### 1003.3 LIBRARY FUNDING AND MAINTENANCE

The Chief Deputy may use monies from the Inmate Welfare Fund to offset the cost of salaries and the services and supplies necessary to operate the library. The librarian may enlist the assistance of the local public library and other community organizations in order to maintain and update the library. Donated books and materials should be screened by the librarian for allowable content and safety prior to being distributed to inmates.

The Office may reject library materials that may compromise the safety, security and discipline in the operation of this facility (see the Inmate Mail Policy for examples of materials that may be rejected).

The library shall be operated within the physical, budgetary and security limits of the existing facility.

Books and other reading material should be provided in languages that reflect the population of the facility. The inmate services staff is responsible for the distribution of reading material.

### 1003.4 LEISURE LIBRARY MATERIALS

Each inmate is allowed to have no more than two books at any given time. Existing selections must be returned before new books may be selected by an inmate. Inmates who destroy or misuse books and library materials will be subject to disciplinary action and may be required to pay for the material. If staff believes the destruction was intentional, the matter may be referred for criminal prosecution.

## *Library Services*

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### **1003.5 ACCESS TO LEGAL PUBLICATIONS/LAW LIBRARY**

All inmates shall have reasonable access to the legal system, which may include access to legal reference materials. Pro per inmates shall have priority regarding access to legal publications.

Legal information that may be provided through the library includes, but is not limited to:

- Criminal code sections.
- Copies of criminal and/or civil appellate decisions/court cases.
- Copies of judicial forms for criminal cases, civil cases and general litigation.

Inmates desiring access to the library or legal publications shall submit a completed legal information request form to the housing correctional officer. Only three request forms in a 30 day period is allowed unless the inmate is a court ordered pro per. Inmates in disciplinary segregation shall have the same access to reading materials and legal materials as the general population unless a restriction is directed by the court.

The housing correctional officer will collect completed legal information request forms and deliver them to the outgoing mail. Main Jail reception collects the outgoing mail daily. Reception faxes the request to LRA. The LRA mails the requests documents back to the inmate.

Pro per inmates may keep minimal supplies for their case in their cells (e.g., paper, letters, reference materials), provided it does not create a fire hazard.

### **1003.6 ALTERNATE MEANS OF ACCESS TO LEGAL PUBLICATIONS**

Nothing in this policy shall confer a right to access to a law library, and unless it is specified by a court order, the Sheriff may provide access to the legal system by a variety of means that may include public or private legal research services (e.g., legal paging system).

## Inmate Mail

### 1004.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the receipt, rejection, inspection and sending of inmate mail.

### 1004.2 POLICY

This office will provide ample opportunity for inmates to send and receive mail, subject to restriction only when there is a legitimate government interest.

### 1004.3 MAIL GENERALLY

Inmates may, at their own expense, send and receive mail without restrictions on quantity.

However, inmates are only allowed to store a limited number of letters as determined by the Chief Deputy in their cell. Excess mail, having the potential to jeopardize the safety of staff, visitors or other inmates, or mail in quantities that pose an unreasonable disruption to the orderly operation of the facility will be stored with the inmate's personal property and returned at his/her release.

### 1004.4 CONFIDENTIAL CORRESPONDENCE

Inmates may correspond confidentially with courts, legal counsel, officials of this office, elected officials, the Department of Corrections, jail inspectors, government officials or officers of the court. This facility will also accept and deliver a fax or interoffice mail from these entities.

Foreign nationals shall have access to the diplomatic representative of their country of citizenship. Staff shall assist in this process upon request.

Facility staff shall not review inmate correspondence to or from state and federal courts, any member of the State Bar or holder of public office, and the Board of State and Community Corrections. However, officers may inspect outgoing confidential correspondence for contraband before it is sealed, provided the inspection is completed in the presence of the inmate. In the event that confidential correspondence is inspected, staff shall limit the inspection to a search for physical items that may be included in addition to the correspondence and shall not read the content of the correspondence itself (15 CCR 1063(c)).

### 1004.5 SUSPENSION/RESTRICTION OF MAIL PRIVILEGES

Mail privileges may be suspended or restricted upon approval of the Chief Deputy whenever staff becomes aware of mail sent by an inmate that involves (15 CCR 1083(h)):

- (a) Threats of violence against any member of the government, judiciary, legal representatives, victims or witnesses.
- (b) Incoming or outgoing mail representing a threat to the security of the facility, staff or the public.

## *Inmate Mail*

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The District Attorney or County Counsel should be consulted in cases where criminal charges are considered against an inmate or there is an apparent liability risk to the Office that relates to suspension or restriction of mail privileges.

### **1004.6 PROCESSING AND INSPECTION OF MAIL BY STAFF**

Staff should process incoming and outgoing mail as expeditiously as reasonably possible. All incoming and outgoing mail should be held for no more than 24 hours; packages should be held for no more than 48 hours. Mail processing may be suspended on weekends, holidays or during any emergency situation resulting in the suspension of normal facility activities. An emergency situation may include, but is not limited to, a riot, escape, fire, natural disaster, employee action or other serious incident.

Assigned corrections officers should open and inspect all incoming general mail of current inmates and may read the correspondence as frequently as deemed necessary to maintain security or monitor a particular problem. Mail for inmates no longer in custody should not be opened.

Except for confidential correspondence, outgoing mail may not be sealed by the inmate and may be read and inspected by staff when:

- (a) There is reason to believe the mail would:
  - 1. Interfere with the orderly operation of the facility.
  - 2. Be threatening to the recipient.
  - 3. Facilitate criminal activity.
- (b) The inmate is on a restricted mail list.
- (c) The mail is between inmates.
- (d) The envelope has an incomplete return address.

When mail is found to be inappropriate in accordance with the provisions of this policy, or when an inmate is sent material that is not prohibited by law but is considered contraband by the facility, the material may be returned to the sender or held in the inmate's property to be given to the inmate upon release.

Inmates are allowed to correspond with other inmates in this correctional facility, as well as other jails or correctional institutions, as long as they pay for the mailing, the mailing is sent and received through the U.S. Postal Service, and the correspondence is approved by the Chief Deputy or his/her designee. Facility safety and security is considered during the approval process.

Inmates shall be notified in writing whenever their mail is held or returned to the sender. Mail logs and records, justification of censoring or rejection of mail, and copies of hold or return notices shall be maintained in the inmate's file in accordance with established records retention schedules.

## *Inmate Mail*

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Cash, government checks and money orders contained in incoming inmate mail shall be removed and credited to the inmate's account. Personal checks may be returned to the sender or held in the inmate's property to be given to the inmate upon release.

### 1004.6.1 DESIGNATION OF STAFF AUTHORIZED TO READ MAIL

Only staff members designated by the Chief Deputy are authorized to read incoming and outgoing non-confidential mail. These staff members should receive training on legitimate government interests for reading and censoring mail and related legal requirements (15 CCR 1063).

### 1004.6.2 CENSORSHIP OF INCOMING AND OUTGOING NON-CONFIDENTIAL CORRESPONDENCE

In making the determination of whether to censor incoming non-confidential correspondence, consideration shall be given to whether rejecting the material is rationally related to a legitimate government interest, and whether alternate means of communicating with others is available. The impact the correspondence may have on other inmates and jail staff is also a factor. Reasonable alternatives should be considered and an exaggerated response should be avoided; for example, discontinuing delivery of a magazine because of one article.

Outgoing non-confidential correspondence shall only be censored to further a substantial government interest, and only when it is necessary or essential to address the particular government interest. Government interests that would justify confiscation of outgoing mail include:

- (a) Maintaining facility security.
- (b) Preventing dangerous conduct, such as an escape plan.
- (c) Preventing ongoing criminal activity, such as threats of blackmail or extortion, or other similar conduct.
- (d) Preventing harassment of those who have requested that no mail be sent to them by the inmate.

Correspondence and material identified for censorship shall be delivered to the Sergeant, who shall make the decision if such mail will be censored.

Notices should be sent to the sender of censored correspondence or publications, even when the sender is the editor or publisher. A single notification may be sent if the publication is received by multiple inmates.

### **1004.7 BOOKS, MAGAZINES, NEWSPAPERS AND PERIODICALS**

Unless otherwise in conflict with this policy and prohibited by the Chief Deputy, inmates are permitted to purchase, receive and read any non hard bound book, newspaper, periodical or writing accepted for distribution by the U. S. Postal Service (15 CCR 1066(a)).

Publications, magazines or newspapers shall be accepted only if they are mailed directly from the publisher to a named inmate. A local daily newspaper in general circulation, including a non-English publication shall be made available to interested inmates (15 CCR 1066(b)).



*Inmate Mail*

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**1004.8 REJECTION OF MAGAZINES AND PERIODICALS**

The Office may reject magazines, periodicals and other materials that may inhibit the reasonable safety, security and discipline in the daily operation of this facility. Generally, books, newspapers and magazines are accepted only if they are sent directly by the publisher. Materials that may be rejected include, but are not limited to (15 CCR 1066(a)):

- Materials that advocate violence or a security breach.
- Literature that could incite racial unrest.
- Sexually explicit material, including pornographic magazines, nude pictures, pictures or descriptions of sexually explicit activities .
- Obscene publications or writings and mail containing information concerning where or how such matter may be obtained; any material that would have a tendency to incite murder, arson, riot, violent racism or any other form of violence; any material that would have a tendency to incite crimes against children; any material concerning unlawful gambling or an unlawful lottery; the manufacture or use of weapons, narcotics or explosives or any other unlawful activity.
- Material that could lead to sexual aggression, or an offensive environment for inmates.
- Material that could create a hostile or offensive work environment.
- Any material with content that could reasonably demonstrate a legitimate government interest in rejecting the material.

Staff shall notify the Sergeant whenever a decision is made to reject books, magazines or periodicals. The Chief Deputy or the authorized designee will be responsible for making the final decision as to the specific magazines, periodicals and other materials that will be prohibited within this facility.

Religious texts not supplied by facility-authorized entities may be accepted by the chaplain or other religious volunteer who has received training on facility rules involving contraband, and who has been approved by a supervisor to review such documents for distribution.

**1004.9 FORWARDING OF MAIL**

Any non-legal mail received for a former inmate should be returned to the sender with a notation that the inmate is not in custody. Obvious legal mail should be forwarded to the former inmate's new address if it is reasonably known to the facility. Otherwise, legal mail should be returned to the sender.

## **Inmate Telephone Access**

### **1005.1 PURPOSE AND SCOPE**

This policy establishes guidelines for permitting inmates to access and use telephones.

### **1005.2 POLICY**

The Correctional Facility will provide access to telephones for use by inmates consistent with federal and state law. The Chief Deputy or the authorized designee shall develop written procedures establishing the guidelines for access and usage (15 CCR 1067). All inmates will be provided orientation as to telephone guidelines and access.

### **1005.3 PROCEDURE**

Inmates housed in general population will be permitted reasonable access to public telephones at scheduled times in the dayrooms for collect calls unless such access may cause an unsafe situation for the facility, staff or other inmates. All calls, with the exception of calls to a verified attorney, are recorded and may be monitored.

Inmates are not permitted to receive telephone calls. Messages will only be delivered in the event of a verified emergency.

In the event of a facility emergency, or as directed by the supervisor or Chief Deputy, all telephones will be turned off.

For security reasons, inmates who are awaiting transport to another facility or release to another agency are not permitted to use the telephones.

Telecommunications Device for the Deaf (TDD) or equally effective telecommunications devices will be made available to inmates who are deaf, hard of hearing or have speech impairments to allow these inmates to have equivalent telephone access as those inmates without these disabilities.

The minimum time allowed per call should be 10 minutes, except where there are substantial reasons to justify such limitations.

The staff should monitor the use of public telephones to ensure inmates have reasonable and equitable access and that the rules of use are observed. Any inmate refusing to cooperate with the telephone rules may have his/her call terminated, telephone privileges suspended and/or incur disciplinary action.

Requirements relating to the use of telephones during booking and reception are contained in the Inmate Reception Policy.

## *Inmate Telephone Access*

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### **1005.4 USE OF TELEPHONES IN HIGH-SECURITY OR ADMINISTRATIVE SEGREGATION HOUSING**

Inmates who are housed in high-security or administrative segregation may use the public telephones in the dayroom during the time allocated for that classification of inmate to utilize that space. If portable telephones are available in the facility, inmates who are housed in high-security or administrative segregation units may have reasonable access to the portable telephones.

### **1005.5 COURT-ORDERED TELEPHONE CALLS**

If a court order specifying free telephone calls is received by the facility, or a supervisor determines there is a legitimate need for a free telephone call for a specific inmate, the supervisor may direct that an inmate use a facility telephone at no charge. Calls placed from a facility telephone should be dialed by a staff member. The staff shall be responsible for ensuring that the inmate is not calling a number that has been restricted by a court order or by request of the recipient. Such a call shall be recorded to the same extent authorized for by any non-legal calls that are not court-ordered.

### **1005.6 ATTORNEY-CLIENT TELEPHONE CONSULTATION**

At all times through the period of custody, whether the inmate has been charged, tried, convicted or is serving an executed sentence, reasonable and non-recorded telephone access to an attorney shall be provided to the inmate at no charge to either the attorney or to the inmate, in accordance with the Inmate Access to Courts and Counsel Policy.

Foreign nationals shall be provided access to the diplomatic representative of their country of citizenship. Staff shall assist them upon request. Domestic and international calling cards are available through the inmate commissary.

### **1005.7 TELEPHONE CONTRACTS AND CHARGES**

The Chief Deputy or the authorized designee is responsible for ensuring that all contracts involving telephone services for inmates comply with all applicable state and federal regulations, that rates and surcharges are commensurate with those charged to the general public for similar services, and that the broadest range of calling options is provided, in accordance with sound correctional management practices.

## Inmate Visitation

### 1006.1 PURPOSE AND SCOPE

The purpose of this policy is to establish rules for visitation and to provide a process for inmate visits and visitors. Visitation is a privilege and is based on space availability, schedules and on-duty staffing.

### 1006.2 POLICY

The Chief Deputy shall develop written procedures for inmate visiting, which shall provide for as many visits and visitors as facility schedules, space and number of personnel will reasonably allow, with no fewer visits allowed than specified by 15 CCR 1062 per week, by type of facility. These procedures are subject to safety and security requirements.

Court orders granting a special inmate visitation are subject to county legal review and interpretation.

### 1006.3 PROCEDURES

The Office has provided adequate space for visiting that includes appropriate space for the screening and searching of both inmates and visitors and for the storage of visitors' coats, handbags and other personal items that are not allowed in the visiting area.

Limitations on the number of visitors an inmate may receive, including the length of those visits, is determined by:

- The facility's schedule.
- The space available to accommodate visitors.
- Whether emergencies or other conditions justify a limitation in visiting privileges.

The Chief Deputy or the authorized designee is responsible for defining, in writing, the conditions under which visits may be denied.

The visiting area shall accommodate inmates and visitors with disabilities. Visitors with disabilities who request special accommodations shall be referred to a supervisor. Reasonable accommodations will be granted to inmates and disabled visitors to facilitate a visitation period.

Visitor logs and records shall be developed and maintained in accordance with established records retention schedules.

#### 1006.3.1 VISITOR REGISTRATION AND IDENTIFICATION

All visitors must register and produce a valid state, military, tribal or other government identification.

- (a) The registration form must include the visitor's name, address and the relationship to the inmate.

## *Inmate Visitation*

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- (b) A valid identification shall have the following:
  - 1. A photograph of the person
  - 2. A physical description of the person
  - 3. Identification will be considered valid for 90 days after expiration, provided the visitor has renewed the ID and has proof of the renewal.
- (c) Additionally, an official visitor shall present proof of professional capacity. For example, attorney license/Supreme Court card, police identification or a business card/letterhead of business with the visitor's name.

Failure or refusal to provide a valid identification is reason to deny a visit.

### **1006.4 AUTHORIZATION TO SEARCH VISITORS AND VEHICLES**

Individuals who enter the secure perimeter of this facility are subject to search if there is reasonable cause to believe the visitor has violated the law, is wanted by a law enforcement agency, or there is reasonable cause to believe the visitor is attempting to bring contraband onto the facility property or into the facility. All searches shall be made in accordance with current legal statutes and case law.

The area designated for a visitor to be searched prior to visiting with an inmate shall have a notice posted indicating that any cellular telephone, wireless communication device or any component thereof shall be confiscated for the period of the visitation and returned to the visitor upon departure from the facility (Penal Code § 4576(b)(3)).

### **1006.5 VISITING SCHEDULE**

The Chief Deputy shall designate a person to develop a schedule for inmate visitation that includes daytime, evening, and weekend hours. Each inmate shall receive a copy of the visitation schedule in the inmate handbook at orientation. The visiting hours will also be posted in the public area of the facility.

### **1006.6 DENIAL OR TERMINATION OF VISITING PRIVILEGES**

Visitation may be denied or terminated by a supervisor if the visitor poses a danger to the security of the facility or there is other good cause, including, but not limited to, the following:

- (a) The visitor appears to be under the influence of drugs and/or alcoholic beverages.
- (b) The visitor refuses to submit to being searched.
- (c) The visitor or inmate violates facility rules or posted visiting rules.
- (d) The visitor fails to supervise and maintain control of any minors accompanying him/her into the facility.
- (e) Visitors attempting to enter this facility with contraband will be denied a visit and may face criminal charges.

## *Inmate Visitation*

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Any visitation that is denied or terminated early, on the reasonable grounds that the visit may endanger the security of the facility, shall have the actions and reasons documented. A copy of the documentation will be placed into the inmate's file and another copy will be forwarded to the Chief Deputy.

### **1006.7 GENERAL VISITATION RULES**

All visitors and inmates will be required to observe the following general rules during visitation:

- (a) A maximum of two adults and three children will be permitted to visit an inmate at any one time. Children visiting inmates must be deemed age appropriate by the parent or guardian accompanying the child. Where a dispute over children visiting occurs between the inmate and the parent or legal guardian, the inmate will be advised to use the court for resolution. Adults must control minors while they are waiting to visit and during the visit.
- (b) An inmate may refuse to visit with a particular individual.
- (c) Those inmates who are named as the restrained person in any restraining or other valid court order shall not be allowed visits from persons who are protected by the order.
- (d) Visitors must be appropriately attired prior to entry into the visitor's area of the facility.
- (e) Inappropriate clothing, such as transparent clothing, halter-tops, excessively tight or revealing clothing, hats and bandannas or any other clothes associated with a criminal gang or otherwise deemed by the staff to be unacceptable will not be permitted.
- (f) All visitors must have footwear.
- (g) Visitors will leave all personal items, with the exception of car keys and identification, outside of the secure area. Visitors who enter the facility with handbags, packages or other personal items will be instructed to lock the items in a vehicle or locker or return at another time without the items. The facility is not responsible for lost or stolen items.
- (h) Food or drink is not permitted in the visitor's area.
- (i) Inmates will be permitted to sign legal documents, vehicle release forms or any other items authorized by the Sergeant. Transactions of this nature will not constitute a regular visit.

### **1006.8 SPECIAL VISITS**

The Sergeant may authorize special visitation privileges. The Sergeant who authorizes the special visit will take into consideration the following factors:

- The purpose of the visit
- The relationship of the visitor to the inmate
- The circumstances of the visit

## *Inmate Visitation*

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- Distance traveled by the visitor

Whenever a special visit is denied, an entry into the duty log will be made. The entry will include the requesting visitor's name and the reason why the visit was denied.

### **1006.9 ATTORNEY VISITS**

Inmates shall have access to any attorney retained by or on behalf of the inmate, or to an attorney the inmate desires to consult, in a private interview room. Staff shall not interfere with, suspend or cancel official visits except in circumstances where the safety, security or good order of the facility is compromised (see the Inmate Access to Courts and Counsel Policy).

### **1006.10 JUVENILE INMATE VISITATION**

Juveniles who are incarcerated or detained in the facility will be allowed initial visits at any time by the parents, guardians and/or attorneys. Subsequent visits shall be as unrestrictive as reasonably practicable.

## Religious Services Coordinator

### 1007.1 PURPOSE AND SCOPE

This policy provides guidance regarding the right of inmates to exercise their religion and for evaluating accommodation requests for faith-based religious practices of inmates.

#### 1007.1.1 DEFINITIONS

Definitions related to this policy include:

**Compelling government interest** - A method for determining the constitutionality of a policy that restricts the practice of a fundamental right. In order for such a policy to be valid, there must be a compelling government interest, which is necessary or crucial to the mission of the Office, as opposed to something merely preferred, that can be furthered only by the policy under review.

**Least restrictive means** - A standard imposed by the courts when considering the validity of policies that touch upon constitutional interests. If the office adopts a policy that restricts a fundamental religious liberty, it must employ the least restrictive measures possible to achieve its goal.

**Religious exercise** - Any exercise of religion, whether or not it is compelled by, or central to, a system of religious belief. The key is not what a faith requires but whether the practice is included in the inmate's sincerely held religious beliefs.

**Substantial burden** - For the purposes of this policy, substantial burden means either of the following:

- A restriction or requirement imposed by the Office that places an inmate in a position of having to choose between following the precepts of his/her religion and forfeiting benefits otherwise generally available to other inmates, or having to abandon one of the precepts of his/her religion in order to receive a benefit.
- The office puts considerable pressure on an inmate to substantially modify his/her behavior in violation of his/her beliefs.

### 1007.2 POLICY

This office permits inmates to engage in the lawful practices and observances of their sincerely held religious beliefs consistent with the legitimate penological objectives of the facility. Facility staff will not allow their personal religious beliefs to influence them in the daily management of the inmate population, particularly as it relates to religious practices. This office shall not show favoritism or preference to any religion and will not discriminate or retaliate against any inmate for participating or not participating in any religion or religious practice. Inmates are not required to participate in religious programs or activities.



*Religious Services Coordinator*

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**1007.3 CHAPLAIN**

The Sheriff should appoint an individual to serve as the religious services coordinator to coordinate religious activities in the facility. The religious services coordinator shall be responsible for assisting the Chief Deputy with planning, directing and supervising all aspects of the religious program. The religious services coordinator may be responsible for duties including, but not limited to:

- (a) Coordination of religious services.
- (b) Maintaining a list of accepted religious practices that have been approved by the Chief Deputy and ensuring the current list is available to the staff.
- (c) Reviewing requests for religious accommodations.
- (d) Approval and coordination of training lay clergy and religious volunteers.
- (e) Providing or arranging for grief counseling for inmates.
- (f) Distribution of a variety of religious texts.
- (g) Developing and maintaining liaison with a variety of religious faiths in the community.
- (h) Making reasonable efforts to enlist religious leaders from outside the community as necessary.
- (i) Seeking donations for religious programs from the community, when appropriate.
- (j) Working with inmate families when requested.
- (k) Providing guidance to the Sheriff and Chief Deputy on issues related to religious observance.

**1007.4 DIETS AND MEAL SERVICE**

The Chief Deputy should provide inmates requesting a religious diet, including fasting and/or alternative hours of dining, a reasonable and equitable opportunity to observe their religious dietary practice. This should be done within budgetary constraints and be consistent with the security and orderly management of the facility. The chaplain shall provide a list of inmates authorized to receive religious diets to the food services manager. The food services manager shall establish a process for managing religious meal accommodations.

**1007.4.1 PROHIBITION ON USE OF ALCOHOL OR DRUGS FOR RELIGIOUS OBSERVANCE**

Illegal substances are prohibited from use in religious services under RLUIPA. Otherwise legal substances, such as alcohol, may be permitted in religious rituals provided that:

- There is a recognized legitimate religious practice of which the consumption of a substance is an essential aspect of the religious practice.
- No reasonable alternative (such as non-alcoholic) means exists to exercise such an essential aspect of an inmate's faith and this imposes a substantial burden on an inmate's faith.

### *Religious Services Coordinator*

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- The quantity of the substance consumed as part of the ritual will not intoxicate or impair the inmate.
- Adequate controls on the substance and limits upon the quantity are provided by the chaplain and approved by the Chief Deputy.
- The activity will not otherwise disrupt facility safety or control interests.

Limited exceptions may be made in writing by the Chief Deputy based upon the chaplain's recommendation that there is significant compelling reason to permit ceremonial consumption.

#### **1007.5 HAIRSTYLES AND GROOMING**

Unless it is necessary for the health and sanitation of the facility, inmates who wear head and facial hair in the observance of their religion will generally not be required to shave or cut their hair. To the extent reasonably practicable, alternative housing may be considered to accommodate the need for religious hair and grooming, while meeting the health and sanitation needs of the facility.

Any inmate whose appearance is substantially altered due to changes in facial hair or hair length may be required to submit to additional identification photographs.

#### **1007.6 RELIGIOUS TEXTS**

Religious texts should be provided to the requesting inmate, if available and if the texts do not pose a threat to the safety, security and orderly management of the facility.

#### **1007.7 UNAUTHORIZED PRACTICES OR MATERIAL**

The following list, which is not intended to be exhaustive, includes materials or practices that shall not be authorized:

- (a) Animal sacrifice
- (b) Language or behaviors that could reasonably be construed as presenting a threat to facility safety or security
- (c) Self-mutilation
- (d) Use, display or possession of weapons
- (e) Self-defense or military training
- (f) Disparagement of other religions
- (g) Nudity or sexual acts
- (h) Profanity
- (i) Use of illegal substances or controlled substances without a prescription

*Religious Services Coordinator*

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**1007.8 GROUP RELIGIOUS SERVICES**

Group religious services may be allowed after due consideration of the inmate's classification or other concerns that may adversely affect the order, safety and security of the facility.

Alternatives to attendance of group religious services may include, but are not limited to:

- The provision of religious books and reading materials.
- Access to religious counselors.
- Recorded religious media (e.g., DVDs, CDs, video tapes).

**1007.9 RELIGIOUS SYMBOLS AND IMPLEMENTS**

Religious symbols and implements used in the exercise of religion should generally be allowed unless the symbol or implement poses a threat to the safety and security of the facility. Alternatives to the provision of religious symbols and implements may be considered when security, safety or efficient operations may be jeopardized (e.g., substitution of a towel in lieu of a prayer rug).

**1007.10 RELIGIOUS GARMENTS AND CLOTHING**

Inmates who practice a religion that requires particular modes of dress, garments, headgear, etc., other than standard-issue clothing, should generally be accommodated subject to the need to identify inmates and maintain security.

Head coverings shall be searched before being worn in the housing areas of the facility and shall be subject to random searches for contraband. Personal head coverings should be exchanged in favor of office-supplied head coverings when available and appropriate.

Inmates wearing headscarves or other approved coverings shall not be required to remove them while in the presence of or while visible to the opposite sex, if they so desire. Religious garments that substantially cover the inmate's head and face shall be temporarily removed during the taking of booking and identification photographs.

To the extent reasonably practicable, alternative housing may be considered to accommodate an inmate's need for religious attire, while meeting the security needs of the facility.

**1007.11 FAITH- AND MORALS-BASED COUNSELING**

The Chief Deputy shall be responsible for establishing a plan for inmates to receive faith- and morals-based counseling from the chaplain or religious volunteers. Inmates should be reasonably accommodated, including reasonable access to clergy members and spiritual advisers, volunteer religious organizations, faith- and morals-based programs and other secular volunteer programs.

No inmate shall be required to participate in any such program.

*Religious Services Coordinator*

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**1007.12 COMMUNITY RESOURCES**

The Religious Services Coordinator should minister his/her particular faith and any other similar faiths to inmates but should also establish contacts with clergy of other faiths, who can provide services to inmates of other religious denominations.

Whenever the Religious Services Coordinator is unable to represent or provide faith-based services to an inmate, a religious leader or other volunteer from the community should be sought to help provide services. Individuals providing faith-based services must possess the appropriate credentials from the recognized leadership of the particular faith. All faith-based services provided through community resources should be supervised by the Religious Services Coordinator. All efforts to contact faith-based representatives should be documented and retained in accordance with established records retention schedules.

Volunteers are another valuable resource that could be utilized extensively in the delivery of the religious program (see the Volunteer Program Policy). A volunteer could ensure that religious personnel who provide programming in the facility possess the required credentials and have the security clearance to enter the facility.

The Religious Services Coordinator, in cooperation with the Chief Deputy or the authorized designee, shall develop and maintain communication with faith communities. The chaplain shall review offers to donate equipment or materials for use in the religious program and shall approve these offers when appropriate. All communication efforts should be documented and retained in accordance with established records retention schedules.

**1007.13 TRAINING**

The Office shall provide training to facility staff on the requirements of this policy.

The Office shall also provide training in safety and security to the chaplain. The chaplain shall approve and train lay and clergy volunteers from the faiths represented in the inmate population. This includes the preparation of a training curriculum, as well as the development and maintenance of training records.

## Chapter 11 - Facility Design

## Space and Environmental Requirements

### 1100.1 PURPOSE AND SCOPE

This policy describes the desired space and environmental requirements for the physical plant.

### 1100.2 POLICY

It is the policy of this office to comply with federal and state laws, codes and correctional standards in matters relating to the jail space and environmental requirements. Any designs for renovations, modifications, additions or new construction within the facility should be in compliance with federal and state laws, codes and jail standards.

Planned designs for renovations, modifications, additions or new construction within the facility should facilitate continuous personal contact and interaction between the custody staff and inmates. This contact should be by direct physical observation of all cells, dayrooms and recreation areas. Electronic surveillance may be used to augment the observation of inmates but shall not be used as a substitute for personal contact and interaction.

All parts of the facility that are accessible to the public should be accessible to and usable by disabled persons.

### 1100.3 SPACE REQUIREMENTS

Except for emergency accommodations of a limited duration, all areas in the physical plant shall conform to building and design requirements contained in federal and state law, codes and minimum jail standards as required for their intended design and use. Areas that are repurposed for other than their original intended use shall likewise comply with all building design requirements for the new purpose.

### 1100.4 ALTERNATE APPROVED CAPACITY

If needed, the Chief Deputy may base the approved capacity on an alternate method of calculation as provided in the jail standards. This alternate method allows capacity to be based on overall living space available to inmates, adjusted for the time inmates actually have access to any specific areas. If this method is selected, the Chief Deputy, together with County officials, should develop a plan to bring the facility into agreement with the space-related standards within a five-year period.

### 1100.5 DETENTION HARDWARE

All locks, detention hardware, fixtures, furnishings and equipment shall have the proper security value for the areas in which they are used. The use of padlocks in place of security locks on cell or inmate housing unit doors is generally prohibited, as unauthorized locking mechanisms may pose a significant threat to the safety and security of the facility in the event of an emergency.

## *Space and Environmental Requirements*

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### **1100.6 ENVIRONMENTAL REQUIREMENTS**

All occupied areas of the physical plant shall conform to the building and design requirements contained in federal and state law, codes and jail standards with respect to light, air and noise level.

#### **1100.6.1 LIGHTING LEVELS**

Lighting throughout the facility shall be sufficient for staff and inmates to perform necessary tasks. Night lighting levels should permit adequate illumination for supervision but should not unnecessarily interfere with the ability of inmates to sleep.

#### **1100.6.2 NATURAL LIGHT**

All inmate living areas should provide visual access to natural light, unless prohibited by security concerns.

#### **1100.6.3 NOISE LEVEL**

Noise levels at night should be sufficiently low to allow inmates to sleep. Nothing in this policy is intended to limit or impair in any way staff's ability to monitor the jail in a manner that is consistent with safety and security and good correctional practices. Noise measurements in each housing unit shall be documented by a qualified independent source no less than once per annual inspection cycle and a report provided to the Chief Deputy.

#### **1100.6.4 VENTILATION**

The ventilation system should be sized and calibrated to supply fresh or circulated air in accordance with federal and state laws, codes and jail standards. Toilet rooms and cells with toilets should be calibrated to have no less than four exchanges of air per hour, unless local codes require a different number of air exchanges.

Other than an emergency situation, inmates or jail staff shall not adjust or restrict the ventilation systems without the express permission of the supervisor. Any adjustments made to the ventilation system shall only be allowed for the duration of the emergency or until qualified maintenance personnel can adjust or repair the ventilation system.

Air quantities shall be documented at least annually by a qualified independent contractor, and a report provided to the Chief Deputy.

#### **1100.6.5 TEMPERATURE LEVELS**

Temperature and humidity levels shall be mechanically maintained at a level established by facility maintenance personnel and deemed comfortable and cost efficient.

Temperature readings shall be documented for each area of the facility on a weekly basis on the appropriate log. Staff shall immediately contact facility maintenance in the event that temperatures or humidity levels become uncomfortable.

### **1100.7 JANITOR CLOSETS**

Janitor closets shall be located near or inside each housing unit. Each janitor closet should contain a sink and the necessary cleaning implements. Access to the janitor closets shall be controlled

## *Space and Environmental Requirements*

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and supervised by the staff. Only inmates with a minimum security classification status shall be allowed access to the janitor closets, and then only under the supervision of staff.

### **1100.8 EMERGENCY POWER**

The facility shall be equipped with a sufficient emergency power source to operate communications, security and alarm systems in control centers, and emergency lighting in corridors, stairwells, all inmate housing areas, security control points and audio-visual monitoring systems.

### **1100.9 NEW CONSTRUCTION AND RENOVATION**

In the case of partial renovation of an existing facility, it is intended that these standards should apply only to the part of the facility being renovated. The remainder of the facility would be subject to the existing standards.



## Smoking and Tobacco Use

### 1101.1 PURPOSE AND SCOPE

This policy establishes limitations on the use of tobacco products by employees and others while on-duty or while in Santa Cruz County Sheriff's Office facilities or vehicles.

### 1101.2 POLICY

The Santa Cruz County Sheriff's Office recognizes that tobacco use is a health risk and can be offensive to other employees and to the public. It is the policy of the Santa Cruz County Sheriff's Office to prohibit the use of tobacco by employees while on-duty or at any time the employee is acting in an official capacity for the Office.

### 1101.3 EMPLOYEE USE

Tobacco use by employees is prohibited any time employees are in public view representing the Office.

Smoking and the use of other tobacco products is not permitted inside any county facility, office or vehicle.

It shall be the responsibility of each employee to ensure that no person under his/her supervision smokes or uses any tobacco product inside county facilities and vehicles.

### 1101.4 ADDITIONAL PROHIBITIONS

Smoking and use of other tobacco products is not permitted inside office facilities or any office vehicle, or any other county building (Labor Code § 6404.5).

No person shall smoke tobacco products within 20 feet of a main entrance, exit or operable window of any public building, including any office facility or a building on the campuses of the University of California, California State University and the California community colleges, whether present for training or any other purpose (Government Code § 7596 et seq.).

## Crowding

### 1102.1 PURPOSE AND SCOPE

One of the determining factors in maintaining a safe and secure jail is to limit the inmate population to the number of beds constructed in each inmate classification level. Occasionally, emergencies occur that will require the correctional facility to exceed its approved bed capacity. This policy establishes the approved bed capacity of the facility, addresses temporary population excess and provides a plan for gathering statistics and projecting long-term space needs via a jail needs assessment.

### 1102.2 POLICY

It is the policy of the Santa Cruz County Sheriff's Office to manage the inmate population, to the extent as is reasonably possible to avoid exceeding the facility's approved bed capacity. The approved bed capacity of the Main Jail is 311, Rountree Medium 96, Blaine 32, and the Rehabilitation and Re-entry facility will be 64 (pending completion of construction).

The Sheriff is responsible for ensuring that the number of inmates does not exceed the approved bed capacity.

The facility has a sufficient number of housing units in an appropriate configuration so that inmates can be separated according to the facility's classification plan.

In the event of an emergency that causes the facility to be populated beyond the approved bed capacity, every reasonable effort should be made to reduce the inmate population to the approved bed capacity as soon as reasonably practicable. The Office will take affirmative action to address excess population. In the event that the inmate population remains over capacity or continues to increase, a crowding committee should be formed to examine any and all methods to ensure that the facility population is reduced and remains within the approved bed capacity.

### 1102.3 FACILITY NEEDS ASSESSMENT

In the event that the correctional facility maintains an average 80 percent occupancy rate consistently for one year, the office should initiate a correctional facility needs assessment. The assessment initiates a systematic process that is designed to identify a variety of operational issues and program needs, and may indicate when expansion or replacement of the facility is warranted.

### 1102.4 INMATE POPULATION REPORTS

The Chief Deputy or the authorized designee is responsible for ensuring that detailed daily logs of the facility's inmate population and other demographic information are completed and maintained by the staff. These logs shall reflect the monthly, average daily population of sentenced and non-sentenced inmates by categories of male, female and juvenile as of midnight of each day. The number of inmates occupying holding cells shall also be counted at midnight each day. An inmate population report summarizing this information shall be created daily and distributed to the

*Crowding*

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Sheriff and the Chief Deputy. The Chief Deputy shall provide the Board of State and Community Corrections with applicable inmate demographic information as described in the Jail Profile Survey (15 CCR 1040).

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