COUNTY OF SANTA CLARA

Department of Correction Policy and Procedure Manual	**Policy Number:** 1.01 **No. of Pages:** 3 **Date of Origin:** 07 Dec 1992 **Date Revised:** 12 June 2000
Chapter: Administration, Organization and Management	**Subject:** Authority and Mission of The Department
Supersedes: All Previous Orders (1.01)	**Distribution:**
References: ACA 3-ALDF-1A-01, 1A-02 Santa Clara County Charter Section 509 Government Code Section 23013 California Penal Code 4000 Santa Clara County Ordinances A20-38 through A20-44	
Signature of Issuing Authority _____ Timothy P. Ryan, Chief of Correction	**Current Policy Review** **Date of Review:** 12 June 2000 **Revisions Made:** ☒ Yes ☐ No

POLICY: Under authority of the laws of the State of California, the Santa Clara County Board of Supervisors created the Department of Correction. The Chief of Correction shall be appointed by the Board of Supervisors, and shall have the power to appoint, supervise, suspend, or remove employees of the Department subject to the provisions of the County Charter and the County Ordinance Code.

It is the policy of the Department of Correction to abide by those statutes set forth in Penal Code Section 4000 and the Charter of the County of Santa Clara, which provides the authority for operation of county jails. Furthermore, it is the policy of the Santa Clara County Department of Correction to abide by written documents delineating its mission. These documents are to be reviewed annually and updated as necessary.

PURPOSE: To establish authority for the operation of the Santa Clara County Department of Correction, provide a written document delineating the Department's mission, and designate the Chief of Correction as the Chief Executive Officer of the Department.

APPLICABILITY: This policy applies to all Department of Correction employees.

RESPONSIBILITY: It is the responsibility of all employees of the Department of Correction to adhere to this policy.

DEFINITIONS: Chief of Correction: Chief Executive Officer of the Department of Correction.

PROCEDURE:

I. Authority of the Department

A. Pursuant to Santa Clara County Charter Section 509, California Government Code Section 23013, and Santa Clara County Ordinance Code Sections A20-38 et seq., the Santa Clara County Department of Correction was established and a Chief Executive Officer was appointed to operate the county jails for sentenced and unsentenced prisoners, effective November 1, 1988.

B. All powers relative to the operation of the county jails and correctional system which had previously been exercised by the Office of the Sheriff, were thereafter vested in the Chief Executive Officer of the Department of Correction, who is the appointing authority of the Department.

C. The Department shall have jurisdiction over all county functions, personnel, and facilities relating to institutional discipline, care, treatment and rehabilitation of prisoners, both pre-sentenced and sentenced.

II. Delegation of Authority

A. The Chief of Correction shall appoint one Assistant Chief who shall have the authority to manage the day-to-day affairs of the Department, according to the lines of authority delineated in the Department's Organizational Chart.

B. A Division Commander, or Captain, shall be appointed for every Department of Correction facility to whom all staff, inmates, volunteers, contract employees, and others serving the facility are responsible.

III. Mission Statement

The mission of the Department of Correction is to serve and protect the citizens of Santa Clara County and of the State of California by detaining the people under its supervision in a safe and secure environment, while providing for their humane care, custody, and control.

The Department of Correction will maximize opportunities for offenders to participate in programs which reduce criminal behavior and enhance the offenders' reintegration into the community.

This objective will be accomplished in a cost-effective manner in the least restrictive setting, without compromising public safety.

IV. Policy Revision

A. All Department policies shall be reviewed not less than once a year. The Professional Compliance and Audit Unit will establish an annual schedule identifying policies to be reviewed during a specific month.

COUNTY OF SANTA CLARA

Department of Correction Policy and Procedure Manual	**Policy Number:** 1.03 **No. of Pages:** 3 **Date of Origin:** 07 Dec 1992 **Date Revised:** 02 Apr 2000
Chapter: Administration, Organization and Management	**Subject:** Principles and Goals of The Department
Supersedes: All Previous Orders	**Distribution:**
References: ACA 3-ALDF-1A-03	
Signature of Issuing Authority _____ Chief of Correction	**Current Policy Review** **Date of Review:** 02 Apr 2000 **Revisions Made:** ☒ Yes ☐ No

POLICY: It is the policy of the Department of Correction to formulate a set of fundamental principles which its employees will strive to achieve. From those principles a quantifiable set of goals and objectives will be established.

PURPOSE: To outline the fundamental principles of the Department and establish the process for developing, reviewing and communicating divisional/unit goals and objectives.

APPLICABILITY: This policy applies to all Department of Correction employees.

RESPONSIBILITY: It is the responsibility of all employees of the Department of Correction to adhere to this policy.

DEFINITIONS: Goal: A relatively broad statement of the end result that one intends to ultimately achieve. A goal usually requires a relatively long time span to achieve and should be stated in a way that permits measure of its achievement.

Objective: An end result that one intends to attain in order to achieve partial fulfillment of a goal. An objective is a sub-goal or an element of a goal and therefore, requires a shorter time to accomplish than does a goal. Objectives should be both measurable and attainable.

PROCEDURE:

I. Fundamental Principles of the Department

A. Security: The Department will strive to protect the public, staff and inmates from criminal behavior by providing secure and humane conditions of confinement and supervision for all those in custody.

B. Safety: The Department will strive to maintain an institutional environment that is structured and safe by limiting confinement to those in need of secure detention and by establishing clear and appropriate limits on staff and inmate behavior.

C. Operational: The Department will strive to classify persons under correctional jurisdiction to the least restrictive appropriate programs and facilities and to employ only the level of regulation and control necessary for the safe and efficient operation of programs, services and facilities.

D. Legal: The Department will strive to comply with all constitutional and statutory mandates and to enhance the accomplishment of its mission by recommending appropriate legislative change.

E. Human Resources: The Department will strive to recruit, train and promote competent and satisfied staff, performing as a team at all levels to achieve Department goals and objectives in an effective and efficient manner.

F. Physical and Fiscal Resources: The Department will strive to plan for and obtain a sufficient supply of physical and fiscal resources to assure efficient performance and operations to accomplish the Department's mission, goals and objectives.

G. Management Information: The Department will strive to provide information systems to evaluate all aspects of Department operations and to ensure that information is communicated internally.

H. Programs: The Department will strive to better the institutional environment by providing a full range of program opportunities for inmates to improve their skills and knowledge in a manner that will enhance their self-esteem, economic status, and community integration.

I. Governmental Affairs: The Department will strive to foster and maintain a spirit of cooperation and coordination through reciprocal and lawful sharing of information, services and advice between all levels and branches of government.

J Public Affairs: The Department will strive to advocate for and educate the public regarding the development and appropriate use of the least restrictive sanctions, punishments, programs and facilities, and to inform the public as completely as lawfully possible about the mission, goals and objectives and operation of the Department.

II. Submission of Divisional/Unit Goals and Objectives

A. The Chief of Correction will require each Division Commander/Unit Manager to submit the goals and objectives for his/her division/unit, on an annual basis. The goals and objectives should reflect realistic and measurable standards that can be accomplished within the specified fiscal year.

B. Each Division Commander/Unit Manager will solicit input and participation from the division/unit administrative, supervisory and line personnel in preparing the division's/unit's goals and objectives.

C. Each Division Commander/Unit Manager will, at the conclusion of each fiscal year, prepare and submit to the Chief of Correction the measurable results obtained in meeting the year's goals and objectives.

D. All goals and objectives will be consistent with the Department's Mission Statement and fundamental principles.

III. Policy Revision

A. All Department policies shall be reviewed not less than once a year. The Professional Compliance and Audit Unit will establish an annual schedule identifying policies to be reviewed during a specific month.

COUNTY OF SANTA CLARA

Department of Correction Policy and Procedure Manual	Policy Number: 1.05 No. of Pages: 4 Date of Origin: 01 Jun 2001 Date Revised: New Policy
Chapter: Administrative, Organization and Management	Subject: Code of Ethics
Supersedes: All Previous Orders	Distribution:
References: ACA 3-ALDF-1C-23, Government Code Section 3300-3311, Santa Clara County Merit System Rules	
Signature of Issuing Authority Chief of Correction	Current Policy Review Date of Review: Revisions Made: ☐Yes ☐No

POLICY: It is the policy of the Department of Correction to enforce high standards of professional conduct and prohibit employees from using their official position to secure privileges for themselves or others and from engaging in activities that constitute a conflict of interest.

PURPOSE: To ensure employees, volunteers, and contract service providers have a clear understanding of the Department's values and expectations for ethical conduct.

DEFINITIONS: Code of Ethics: A set of rules describing acceptable standards of conduct for all employees.

PROCEDURE:

I. Code of Ethics for all Department of Correction Employees

A. The Department of Correction subscribes to the County's Code of Ethical Conduct, as copied below, and expects its employees to follow the ethical standards embodied therein.

County of Santa Clara Code of Ethical Conduct

The County of Santa Clara affirms that public service is a public trust. The mission of the County of Santa Clara is to provide quality public services to our residents. In order to perform its mission, the County must have the trust and confidence of the public it serves. The "County" is its employees, and the trust of county residents is dependent on those county employees discharging their duties honestly, forthrightly, objectively and with personal integrity.

Every employee of Santa Clara County is responsible for performing their duties in a way that maintains the trust and confidence of the public including placing the interest of the public good ahead of our own interest and working for the common good.

These standards of ethical conduct include:

- ***upholding principles of equality, fairness, and objectivity;***
- ***treating all individuals with respect and dignity;***
- ***upholding federal, state, county and local laws, ordinances and regulations;***
- ***respecting and protecting privileged and confidential information.***

Professional and personal affairs must be conducted in a manner that demonstrates that one could not be improperly influenced in the performance of official duties or that one seeks personal gain through their position, regardless of the level of responsibility of the individual employee.

B. Employees who fail to correct individual deficiencies or who violate these standards will be subject to disciplinary action up to and including termination.

II. Code of Ethics for Badge Employees

A. In addition to subscribing to the County's Code of Ethical Conduct for all employees, the Department of Correction also subscribes to the Correctional Professional Code of Ethics as copied below for its badge employees and expects its badge employees to follow the ethical standards embodied therein.

CORRECTIONAL PROFESSIONAL CODE OF ETHICS

As a Correctional Professional, my duty is to serve mankind; 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 respect the constitutional rights of all to liberty, equality and justice.

I will keep my private life unsullied as an example to all; 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 in both my personal and official life, I will be exemplary in obeying the laws of the land 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 feeling, prejudices, animosities, or friendships to influence my decisions. I will enforce the law courteously and

appropriately without fear of favor, malice or ill will, never employing unnecessary force or violence and never accepting gratuities.

I recognize the authority of my office as a symbol of public faith. I accept it as public trust to be held so long as I am true to the ethics of my profession. I will constantly strive to achieve these objectives and ideals, dedicating myself to my chosen profession in the field of corrections.

II. Code of Ethics Policy Acknowledgment Form

A. The Personnel Manager shall ensure all current permanent and temporary employees, and volunteers receive a copy of the Code of Ethics Policy and acknowledge receipt by signing the Code of Ethics Policy Acknowledgment Form.

1. New employees must sign the form as a condition of employment.

2. Failure to sign the form will not relinquish employee adherence to the Code of Ethics.

3. Signed acknowledgement forms will be kept on file in the Personnel Unit.

B. The Programs Unit shall ensure all volunteers and service provider contractors receive a copy of the Code of Ethics Policy and acknowledge receipt by signing the Code of Ethics Policy Acknowledgment Form as a condition of volunteering or performing contract service for the Department. Signed acknowledgement forms will be kept on file in the Programs Unit.

III. Policy Revision

A. All Department policies shall be reviewed not less than once a year. The Professional Compliance and Audit unit will establish an annual schedule identifying policies to be reviewed during a specific month.

Code of Ethics Policy Acknowledgment Form

The Department of Correction is providing you a copy of the Code of Ethics Policy that is required of its employees.

It is your responsibility to read the policy and acknowledge your receipt of it below.

The standards of the Code of Ethics do not alter or reduce any written policy governing employee conduct.

****

I acknowledge receipt of the Department's policy, "Code of Ethics."

Employee Name (print): _____ Badge #: _____

Employee Signature: _____ Date: _____

Code of Ethics Acknowledgment Form Rev 06/01
Employees: Forward signed form to Div. Commander via your Supervisor
Div. Commander: Forward all signed forms to Personnel
Volunteers and service contract providers: Forward signed form to Programs Commander

COUNTY OF SANTA CLARA

Department of Correction Policy and Procedure Manual	**Policy Number:** 1.07 **No. of Pages:** 2 **Date of Origin:** 23 Apr 2001 **Date Revised:** 21 Aug 2006
Chapter: Administration, Organization and Management	**Subject:** Organizational Charts
Supersedes: Policy 1.07, Organizational Charts, rev. 04/23/01	**Distribution:**
References: ACA 3-ALDF-1A-11, 1C-01; C. C. R. Title 15 Section 1029(a)(1)	
Signature of Issuing Authority: Edward C. Flores, Chief of Correction	**Current Policy Review:** **Date of Review:** 08 Mar 2006 **Revisions Made:** ☒Yes ☐No

POLICY: It is the policy of the Department of Correction to have a written document that describes the organizational structure of the Department. This document shall include an organizational chart for each division and unit, grouping similar functions, services, and activities into administrative sub-units.

PURPOSE: To establish organizational structure by classification and groups of functions in order to clearly delineate the lines of authority and responsibility.

DEFINITIONS: Organizational Chart: A graphically illustrated chart showing units/divisions by Chain of Command and responsibilities. Units/divisions are placed under each line of authority and are represented by a box symbol having lines of delineation to give direction to the units/divisions.

PROCEDURE:

I. Organizational Charts

A. The Chief of Correction or his or her designee shall develop and maintain an organizational chart reflecting the positions and titles of Administrative staff and the subsections of the Department by broad function, service, or activity.

B. Division Commanders and Unit Managers shall develop and maintain an organization chart within their sub-section that reflects the positions and titles of staff under their command or supervision. The chart will group similar functions and will provide a clear picture of the Chain of Command from line positions to the Chief.

C. The organizational charts shall be reviewed annually and updated as needed, by the Assistant Division Commanders and Unit Managers of each division, sub-unit or group. It is their responsibility to review the organizational chart and submit comments, additions or deletions to Executive staff for review and authorization prior to any changes.

D. All division/unit organizational charts shall be forwarded to the Personnel Unit Manager by August 1st of each year or as revisions are made.

1. The Personnel Manager shall verify the accuracy of the organizational/personnel structure of the Department and create an overall Department organizational chart based upon his or her review of those unit/division charts submitted.

2. The Personnel Manager shall be responsible for maintaining a copy of each division/unit organizational chart as well as the Department organizational chart.

3. The Personnel Manager will forward a copy of the Department organizational chart to all Department Executive and Management staff and County Information Services staff on an annual basis or when revised.

4. Organizational charts shall be available to staff for review upon request to the Personnel Manager.

II. Policy Revision

A. All Department policies shall be reviewed not less than once a year. The Professional Compliance and Audit Unit will establish an annual schedule identifying policies to be reviewed during a specific month.

COUNTY OF SANTA CLARA

Department of Correction Policy and Procedure Manual	**Policy Number:** 1.09 **No. of Pages:** 2 **Date of Origin:** 07 Nov 2001 **Date Revised:** New
Chapter: Administration, Organization and Management	**Subject:** Chain of Command
Supersedes: All Previous Orders	**Distribution:**
References: ACA 3-ALDF-1A-06 1997 Agreement between the office of the Sheriff and the County of Santa Clara	
Signature of Issuing Authority: _____ Timothy P. Ryan, Chief of Correction	**Current Policy Review:** **Date of Review:** **Revisions Made:** ☐ Yes ☐ No

POLICY: It is the policy of the Department of Correction to provide a clear chain of command, from the entry-level positions up to the Chief of Correction.

PURPOSE: To provide a clear chain of command within the Department of Correction.

PROCEDURE:

I. Chain of Command for Sworn Staff

A. The direct chain of command for all sworn staff will be as follows:

1. Chief of Correction
2. Assistant Chief of Correction
3. Deputy Chief of Operations
4. Captain
5. Lieutenant
6. Sergeant
7. Correctional Officer

II. Chain of Command for Civilian/Non-Sworn Staff

A. The direct chain of command for all civilian/non-sworn staff will be as follows:

1. Chief of Correction

2. Assistant Chief of Correction

3. Administrative Services Manager

4. Support Services Commander

5. Lieutenant/Unit Managers

6. Sergeant/Unit Supervisors

7. Team Lead, if applicable to the Division/Unit.

III. Full Peace Officer Personnel Assigned to the DOC

A. There is an agreement between the Office of the Sheriff and the County of Santa Clara to provide the Department of Correction with Sheriff's personnel that can exercise peace officer supervision and other peace officer duties as may be required. The Sheriff shall be responsible for the exercise of peace officer powers by the Sheriff's deputies of any rank or status who are assigned to this Department.

B. The chain of command for Sheriff's deputies of any rank or status who are assigned to the Department of Correction will be as detailed in section I.A. of this policy ***except*** when the Sheriff's deputy is exercising full peace officer powers. In such cases the chain of command will be in accordance with the Sheriff's office policy.

C. The Sheriff's staff and Department of Correction staff shall cooperate and ensure the cooperation of their subordinates to carry out the functions of this Department.

IV. Policy Revision

A. All Department policies will be reviewed not less than once a year. The Professional Compliance and Audit Unit will establish an annual schedule identifying policies to be reviewed during a specific month.

COUNTY OF SANTA CLARA

Department of Correction Policy and Procedure	**Policy Number:** 1.13 **No. of Pages:** 5 **Date of Origin:** 11 Feb 1992 **Date Revised:** 06 Nov 2000
Chapter: Administration, Organization, and Management	**Subject:** Development and Review of Department Policy & Procedure
Supersedes: All Previous Orders	**Distribution:**
References: ACA 3-ALDF-1A-04, 1A-05, 1A-13, 1A-14, 1A-15, 3A-01 C.C.R. Title 15, Section 1029 Penal Code 832.5(a)	
Signature of Issuing Authority _____ Chief of Correction	**Current Policy Review** **Date of Review:** 06 Nov 2000 **Revisions Made:** ☒ Yes ☐ No

POLICY: It is the policy of the Department of Correction to develop and maintain a Policy Manual that expresses the philosophies, goals and policies specific to the Department of Correction's facilities. This manual will specify how policies and procedures are to be implemented and be accessible to all employees. The general public and inmates will be provided access to unrestricted policies.

PURPOSE: To establish a standardized system for the development, review and dissemination of the Department of Correction Policy Manual.

APPLICABILITY: This policy applies to all Department of Correction employees, to include all contractual employees.

RESPONSIBILITY: It is the responsibility of all Department of Correction employees to adhere to this policy.

DEFINITIONS: PCAU: Professional Compliance and Audit Unit.

Policy: A course of action, or a principle, adopted and pursued by an agency which guides and determines present and future decisions and actions. Policies indicate the general course or direction of an organization within which the activities of the personnel must operate. Policies tell "why" something is to be done.

Procedure: The detailed and sequential action that must be executed to ensure that a policy is implemented. It is the method of performing an

operation or a manner of proceeding on a course of action. It differs from a policy in that it directs action required to perform a specific task within the guidelines of the policy. Procedures tell "how" something is to be done.

"Read-Only" Policy: A Department of Correction policy that has been signed by the Chief of Correction and is available on the Department Network Computer System for review, but cannot be edited or revised by any Department employee, except those employees assigned to the Professional Compliance and Audit Unit.

PROCEDURE:

I. Development and Organization of the Policy Manual

A. The Professional Compliance and Audit Unit Commander or his/her designee has the responsibility to create, review and revise the Department's policies in accordance with local, state and federal statutes, and the philosophy and goals of the Department.

1. All employees, related County departments and agencies such as County Counsel and Labor Relations, and the collective bargaining units should be encouraged to participate in the development and review of policy and procedure.

2. Department personnel may contact their facility commanders in writing through the chain of command with suggestions or problems with policies and procedures. After review, the suggestions will be forwarded to the PCAU for pending revisions to policies as applicable.

B. The Policy Manual is divided into functional areas called chapters reflected in the Table of Contents. Policies within each chapter are given a number beginning with the chapter number, followed by a period and then the policy number.

C. In addition to the Department Policy Manual, the specialized units listed below are required to maintain an up-to-date manual reflecting the daily operation of their unit:

1. Administrative Booking Unit
2. Central Training Unit
3. Classification Unit
4. Fiscal Unit
5. Food Services Unit
6. Information Systems Unit
7. Inmate Services
8. Internal Affairs Unit

9. Operations/Industries
10. Personnel Unit
11. Programs Unit

II. Approval of policies

A. The PCAU Commander or his/her designee will ensure that draft policies, whether new or revisions of existing policy, are reviewed as appropriate by Department of Correction staff, County agencies and labor organizations prior to submittal to the Chief of Correction for final approval, to include:

1. Collective Bargaining Units.
2. Labor Relations.
3. Department of Correction Personnel Unit.
4. Medical and Nursing Directors.
5. County Counsel.
6. Equal Opportunity Division.

B. Following completion of the final draft, it will be forwarded to the Chief of Correction for final authorization for distribution and implementation.

III. Dissemination of the Policy Manual and access by public or inmates.

A. A complete Department Policy Manual will be distributed to each Division Commander/Unit Manager. They will be available for review by staff at the time of employment and thereafter. Every manual will be numbered to identify the individual responsible for the manual.

B. The PCAU Commander or designee will maintain a log of manuals by number to ensure all appropriate individuals receive new or revised policies as they are issued.

C. All new or revised policies will be distributed by the PCAU Commander or designee to appropriate staff with a cover memo informing staff of any changes in operations or routines.

D. Each policy in the Department Policy Manual will be available as an automated "Read Only" policy and will be accessible to employees who have access to the Network Computer System.

E. As required by California Code of Regulations' Title 15 public information plan section #1045, the appropriate policies covering the topics in that section will be included in the policy manual as unrestricted policies. Policies and procedures relating to the security of the facility will be classified as restricted and will not be available to inmates or the

public. Making the policies available for review will not include providing copies of such policies.

1. Policy Manuals containing the Department's unrestricted policies will be made available to the public and inmates upon request.

2. The division commander for each facility is responsible for maintaining a manual in every inmate law library and at each facility's public entrance.

3. If an inmate wishes to review Department policy and procedure, s(he) must complete an "Inmate Request Form" and s(he) will be scheduled for the law library.

4. If a member of the public wishes to review Department policy and procedure, s(he) must go to any of the Departments' public facility lobby entrances. Upon request, the Officer assigned to the lobby will make the policy manual available for review.

IV. Storage of the Policy Manual

A. The original signed policies will be maintained by the PCAU Commander or designee. The PCAU will also maintain the following:

1. Two complete sets of all current Department policies as listed below:

a. One set of hard copy policies.

b. One set on computer disk.

2. Historical policy files containing previously signed policies and documentation to support previous revisions.

3. A complete set of the specialized unit manuals as listed below:

a. Administrative Booking Unit
b. Central Training Unit
c. Classification Unit
d. Fiscal Unit
e. Food Services Unit
f. Information Systems Unit
g. Inmate Services
h. Internal Affairs
i. Operations/Industries
j. Personnel Unit

k. Programs Unit

4. A complete set of Divisional Post Orders.

5. A record of policies disapproved, rescinded or deferred for further action.

6. A record of Department memorandums, directives, or other documentation affecting policy.

V. Training on policies and procedures

A. Each Division Commander/Unit Manager will be responsible for implementing a training plan to ensure that staff are made aware of the materials contained in the Department Policy Manual, including all subsequent revisions.

B. The Department's Central Training Unit will use Department policies as a tool in the Department's Training Plan.

VI. Annual Review of Policies and Procedures

A. It is the responsibility of the PCAU Commander or designee to conduct an annual review of the Department's policies and procedures. The PCAU will establish an annual schedule identifying specific policies scheduled for review.

1. Policy review will include an assessment of facility operations to ensure they are in compliance with published policies and applicable accreditation standards.

2. Policy review will include assessing and evaluating compliance with current local, state and federal statutes and standards.

3. Policy review will include the review of any suggestions that have been forwarded to the PCAU unit.

4. Policy review will be documented in a Policy Review Log.

5. Policies that need to be revised, deleted or added will be addressed by the PCAU Commander or designee.

B. The PCAU Commander or designee will submit a report of the review to the Chief of Correction that will include the following information:

1. A general statement describing whether policies are compliant with practice.

2. A specific listing of any problem areas.

3. Proposals for revisions.

COUNTY OF SANTA CLARA

Department of Correction Policy and Procedure Manual	Policy Number: 1.15 No. of Pages: 3 Date of Origin: 21 Mar 1991 Date Revised: 13 Mar 2001
Chapter: Administrative, Organization and Management	**Subject:** Post Orders
Supersedes: All Previous Orders	**Distribution:**
References: 3- ALDF -3A-05, 3A-06	
Signature of Issuing Authority Chief of Correction	**Current Policy Review** **Date of Review:** 13 Mar 2001 **Revisions Made:** ☒Yes ☐No

POLICY: It is the policy of the Department of Correction to maintain written Post Orders at each Correctional Officer post within its facilities and to require all line and supervisory staff to review those Post Orders to familiarize themselves with the day-to-day requirements of the post.

PURPOSE: To describe the method of informing staff of the requirements of their post and to ensure staff members are familiar with the various duties of any given assignment.

DEFINITIONS:

Post: A position, job, or duty to which a person is assigned.

Post Order: A Post Order is a written description of the operation of a position in the division/unit detailing what is to be done, what type and/or level of staff should perform the function, and when and under what condition it should be performed.

Post Order Log: A Post Order Log is a form, kept with each Post Order Manual, that details the staff member's name and badge number, signature of staff member, date of post assignment and the title of the post for which the log is used.

PROCEDURE:

I. Post Order Development

A. Division Commanders will ensure that Post Orders are written for every post at their facility generally advising staff of the events that occur throughout the tour of duty.

B. Post Orders will be organized to reflect each of the shifts during which the post is staffed, will list tasks in order of priority or schedule, and will be related to policies and procedures.

C. The same Post Order format will be used for all facilities. It will include, but not be limited to, the title/name of post, the Post Order's date of origin and date of revision, the name of the facility to which it is applicable and a narrative of the duties for the post.

D. Post Orders will have a Post Order Log used by reviewing staff to indicate their review.

E. Post Orders will include, but not be limited to, specific guidelines and directions for the completion and documentation of required tasks listed below:

1. Inmate Count

2. Key count

3. Inspection of security equipment, to include fire suppression system.

4. Inspection of housing unit for cleanliness, and for condition of structure or fixtures, to include bars, ceiling, windows, grills, doors, walls, vents, telephone/television cables and electrical cords.

5. Reporting of missing or malfunctioning equipment.

6. Reporting to a supervisor any unusual activity.

7. Documenting all counts, inspections, activities and inmate movement in the "Post Log Book".

F. Each facility Commander shall forward a copy of any new or revised Post Orders to the Professional Compliance and Audit Unit.

II. Post Order Acknowledgment and Compliance

A. All staff will have working knowledge of, and comply with, all existing Post Orders, policies, procedures and directives.

B. All staff members will read, sign and date the appropriate "Post Order Log" each time they assume a new post or if it has been three or more months since the staff member last worked at the post.

C. Training Officers will instruct all new officers to read the orders for the posts to which they are assigned.

D. Employees assigned to posts must use good judgment, tact, and careful attention to detail in performing their duties, whether or not they are covered in post orders.

III. Post Order Location

A. The Post Order for each post will be available to staff in a secure location at the specific post for which the Post Order is written.

B. A complete set of all Post Orders will be maintained in the Division/Unit Commander's Office, or the Watch Commander's office, or the Division's Administrative Sergeant's Office.

C. A complete set of all Division/Unit's Post Orders will be kept on file in the Professional Compliance and Audit Unit.

IV. Post Order Updates

A. Division Commanders will ensure that Post Orders are reviewed at least annually and updated if necessary.

1. Upon approval from the Division/Unit Commander, post order revisions will be forwarded to the appropriate post and to the Professional Compliance and Audit Unit.

2. The Professional Compliance and Audit Unit will review the changes for compliance with policy and procedures.

V. Post Order Security

A. Post Orders are considered sensitive documents. They will be maintained in a secure area at all times and will not be shown to offenders or other unauthorized persons.

VI. Policy Revision

A. All Department policies will be reviewed not less than once a year. The Professional Compliance and Audit Unit will establish an annual schedule identifying policies to be reviewed during a specific month.

COUNTY OF SANTA CLARA

Department of Correction Policy and Procedure Manual	**Policy Number:** 1.19 **No. of Pages:** 11 **Date of Origin:** 01 Mar 1992 **Date Revised:** 22 May 2009
Chapter: Administration, Organization and Management	**Subject:** Internal Affairs Unit
Supersedes: Policy 1.19 Internal Affairs Unit, rev. 12/18/2001	**Distribution:**
References: California Government Code Sections 3300-3311 California Civil Procedure Section 128.5 California Penal Code Sections 118, 832.5, 832.7 & 832.8 Evidence Code Sections 1043, 1044 & 1045 Attorney General Opinion 05-903	
Signature of Issuing Authority Edward C. Flores, Chief of Correction	**Current Policy Review** **Date of Review:** 22 May 2009 **Revisions Made:** ☒Yes ☐No

POLICY: It is the policy of the Department of Correction to receive, record, and investigate all complaints alleging misconduct on the part of Department personnel.

PURPOSE: To establish Department policy and operational procedures for the investigation of all matters and complaints alleging misconduct on the part of Department personnel.

APPLICABILITY: This policy applies to all Department of Correction employees.

RESPONSIBILITY: It is the responsibility of all employees of the Department of Correction to adhere to this policy.

DEFINITIONS:

Allegation: A claim or assertion of misconduct on the part of Department personnel. Allegations may be written or oral.

Complainant: The person making a complaint against Department personnel.

Complaint: An allegation that misconduct may have been committed by Department personnel.

Finding: The investigator's end work product of an investigation. The investigator arrives at a finding by applying the facts developed by the investigation to the allegation.

Formal Investigation: A full investigation which includes the preliminary inquiry, interviews of involved employees, statement of allegation, and a finding.

Internal Affairs Investigation (Administrative Investigation): The process used by the Department to determine whether the allegation in the complaint can or cannot be supported on a factual basis. This investigation can be a preliminary inquiry or a formal investigation.

Involved Employee: An employee who has been accused of misconduct or is the focus of the complaint.

Misconduct:

- Commission of a criminal offense.
- Violation of County or Department policies, rules, regulations, procedures or orders.
- Negligence in the performance of duty.
- Conduct which reflects unfavorably upon the Department, County, County service, or its personnel.

Non-Alleged Violation: A violation of rules, laws, policies or procedures which were discovered during the course of an investigation, but not listed in the statement of allegation. Non-alleged violations will also result in a finding by the investigator.

Personnel: All employees, sworn and non-sworn, under the control of the Chief of Correction, and any other person associated with the Department whose actions or conduct may discredit the Department.

Preliminary Inquiry: An initial fact-finding investigation which may include, but is not limited to, interviews of complainants or witnesses, review of reports, video tapes, and other pertinent records, documents, and files. Preliminary inquiries are documented on a closing report form and can only have a finding of "closed" or "frivolous." A preliminary inquiry is different from a formal investigation in that a preliminary inquiry does not involve a statement of allegation or an interview of the involved employee.

Reporting Party: Persons advising the Department of the alleged misconduct, who may or may not be the complainant.

PROCEDURE:

I. Organization and Authority

A. The Internal Affairs Unit will be responsible for assignment of I.A. case numbers. Allegations and complaints must be reviewed by the I.A.U. Commander or his/her designee, prior to the issuance of any I.A. case number.

B. The Internal Affairs Unit will be responsible to, and report directly to, the Chief of Correction.

C. The Internal Affairs Unit will be concerned with serious violations on the part of Department personnel, as determined by the Chief of Correction. Investigations of any crime in a Department of Correction facility will be the responsibility of the Sheriff's Office Jail Investigation Unit. In these cases, the Internal Affairs Unit may conduct a parallel administrative investigation.

D. The Internal Affairs Unit will attempt to establish innocence or guilt by the preponderance of the evidence obtained. The Internal Affairs Unit has the responsibility and authority to conduct thorough and impartial investigations or directly assist other Divisions in the investigation of the following situations or circumstances, and to make appropriate reports:

1. Any allegation or complaint of conduct made by any person against the Department or any of its personnel.

2. Any alleged or suspected breach of integrity or case of moral turpitude.

3. Any situation in which a person has been seriously injured or killed by any member of the department.

a. The criminal investigation will be the responsibility of the Sheriff's Office Jail Investigation Unit or sworn Sheriff's Office personnel assigned to the Department of Correction, unless the incident occurs in another police agency's jurisdiction.

b. The Internal Affairs Unit will be responsible for the administrative investigation.

E. When, during a course of an Administrative Investigation, it becomes apparent that a criminal violation has occurred, the IAU Commander will be advised of the details and forward the complaint to the Sheriff's Office Jail Administration, or to the appropriate agency of jurisdiction.

F. A concurrent investigation by both Sheriff's Office criminal investigators and Department of Correction administrative investigators may, upon occasion, be desirable. The criminal investigation will determine if there is a law violation, and

the administrative investigation will determine if there has been a violation of administrative policy and procedure.

1. The person assigned to conduct the criminal investigation cannot be the same person assigned to conduct the administrative investigation.

G. Anytime an allegation of excessive or unnecessary use of force, an assault under the color of authority, an assault by any employee is alleged, or any complaint inferring a possible criminal violation by any employee, an IAU case number will be issued and the Sheriff's Office will be notified by the "Sheriff's Office Referral Form." The form will be completed by the on-duty Watch Commander, or his/her designee, and faxed to the Internal Affairs Unit and the Sheriff's Jail Administration. The original form will be filed with the IAU case file. The on-duty Sheriff's Sergeant will also be notified as soon as possible.

H. The public will be encouraged to report matters of misconduct to the Department openly and with identification, or anonymously, if requested, by the complainant or reporting party.

II. Findings

A. The standard of proof for findings indicates that at the conclusion of the investigation or inquiry, a preponderance of evidence exists resulting in one of the findings as listed below. Findings need not be proven beyond a reasonable doubt.

1. Unfounded: Where the investigation shows that the act or acts complained of did not occur or were misconstrued.

2. Exonerated: Where the acts which provided the basis for the complaint occurred, but the investigation shows such acts justified, lawful or proper.

3. Not Sustained: Where the investigation discloses insufficient facts to prove or disprove the allegations made in the complaint.

4. Sustained: Where the investigation discloses sufficient facts to prove the allegations made in the complaint.

5. Closed: Where insufficient information is developed during the preliminary inquiry to issue an allegation. The complainant failed to disclose promised information to further the investigation; or the investigation revealed that another agency was involved and the complaint or complainant has been referred to that agency; or the complainant wishes to withdraw the complaint; or the complainant is no longer available for clarification.

6. Frivolous: Only used for preliminary investigations where the allegation is totally and completely without merit, or for the sole purpose of harassing an

opposing party. Frivolous findings will be supported by a detailed explanation.

III. Receiving Complaints at the Division Level

A. During normal business hours, should a complaint be received by a division commander/unit manager and it is of such a minor nature that she/he can rectify the situation to the mutual satisfaction of both parties, no further action need be taken. The complainant will be advised of the disposition and informed that they may contact the Internal Affairs Unit directly if they have further concern.

B. After normal business hours, all complaints will be referred to the watch commander at the involved facility.

1. If the complaint is of such a serious nature that immediate action is required, the watch commander will, after receiving authorization from the division commander, advise the IAU commander to initiate an immediate investigation into the allegation.

2. If the complaint is of a criminal nature, the watch commander will advise the on-duty Sheriff's Office personnel and complete a "Sheriff's Office Referral Form."

3. If the complaint does not require immediate action, the watch commander will:

a. Record the complainant's name, address and telephone number and forward that information, along with a synopsis of the allegation, to the division commander for review.

b. Assign a supervisor to conduct a preliminary inquiry to determine additional facts which will be presented to the division commander.

1) The watch commander will advise the reporting party that she/he will be contacted by an investigator on the next working day.

2) The assigned investigator will, on the next working day, make contact with the reporting party and obtain a complete recorded statement. If the aggrieved person is not the reporting party, a recorded statement will be obtained from both parties. For persons not in custody, the taking and recording of the statement may be completed over the telephone.

c. If the complaint is of such a minor nature that the watch commander can rectify the situation to the mutual satisfaction of both parties, no

further action need be taken. The complainant will be advised of this disposition and informed that they may contact the Internal Affairs Unit directly if they have further concern.

d. Complaints regarding Department procedures will be referred directly to the concerned facility.

IV. Receiving Complaints at the Internal Affairs Unit

A. Complaints will be accepted in any form. They will be taken in person, by telephone, in writing, third party or from an anonymous complainant.

B. Complaints and allegations will be handled with discretion and confidentiality. Internal Affairs personnel will demonstrate credibility and responsiveness while assuring citizens that their grievances will be taken seriously.

1. Many complaints may be resolved at the time of initial contact simply by employing patience, understanding and empathy toward the complainant.

2. If a complaint is deemed frivolous at the time of intake, the IAU investigator will document the complaint and the reason it was deemed frivolous and file the documentation in the "Closed at Intake/Frivolous Log Book".

C. Upon receipt of a complaint, the Internal Affairs Unit will take the following action:

1. Take the initial complaint.

2. Prepare a "Complaint Worksheet".

3. Confer with the IAU Commander, who will determine a course of action, and whether an I.A. case number will be assigned.

4. IAU will conduct the investigation or refer the case to the respective division commander.

D. The IAU Commander will review the "Complaint Worksheet" and take one of the following actions based on the seriousness of the allegation:

1. Report the allegation to the Chief of Correction and/or the Assistant Chief of Correction for review and assignment.

2. Report the allegation to the division commander/unit manager or assistant division commander of the involved facility/unit and request that a preliminary investigation be completed by the supervisor of the involved employee within ten calendar days. Copies of the "Complaint Worksheet" and the memorandum referring the complaint will be sent to the division

commander/unit manager or Assistant Division Commander on the date received.

3. The division commander/unit manager or assistant division commander of the involved personnel will be advised of the allegation in all cases, unless deemed confidential by the Chief of Correction.

4. In all cases, except where disclosure would adversely affect the investigation or identify a complainant who wishes to remain anonymous, once it has been determined a formal investigation is warranted, the involved personnel will be made aware of the investigation, that a complaint has been received and that they are the subject of an investigation. This will be accomplished by providing them with a statement of allegations setting forth the specific rules, policies or procedures violated, and listing a factual basis for the complaint. The involved personnel will be afforded the opportunity to prepare written reports, secure witnesses and gather any other information pertinent to the complaint.

V. Investigative Process

A. The assigned investigator will contact the reporting party and complainant(s) and take a recorded statement.

B. The assigned investigator will obtain a signed "Consent to Release Medical Information Form" from the complainant(s) if any injury is alleged, and obtain medical and/or mental health records concerning the incident.

C. The assigned investigator will obtain a signed, "Informational Advisory Form." This form will be read verbatim to the complainant by the investigator taking the complaint (Penal Code Section 118).

D. The assigned investigator will obtain copies of all records related to the incident, including, but not limited to, the following:

1. Booking records
2. Employee Reports
3. Crime Reports
4. Post Logs
5. Activity Logs
6. Staffing Reports
7. Custody and housing records

E. The assigned investigator will determine if any video/audio recordings were made and collect all video/audio tapes. If policy requires video taping and one was not done, attempt to determine the reasons why a video taping was not done.

F. The assigned investigator will determine if there were any potential witnesses and report their identity. Include all names and booking numbers of inmates believed to be in the area of the incident.

G. The assigned investigator will determine all facts known about the incident necessary to prepare a conclusion. The involved employee(s) should not be interviewed or required to complete any reports not requested at the time of the incident until a statement of allegation has been sent and a formal investigation has been assigned.

1. If a formal investigation is assigned, it will consist of the following:

a. A complete search for, and review of, all materials, evidence, reports and recordings in accordance with the law;

b. Identification and interview of all witnesses. An audio recording of all interviews is preferred;

c. A "Statement of Allegation" and "Letter of Intent" to interview involved employees;

d. Formal, recorded Lybarger interview or voluntary responses from all involved officers with attachments of all known documents;

e. All other investigative steps necessary to prove or disprove the allegation.

H. The investigation will have a completed investigative report detailing the information gathered during the formal investigation. Conclude the report with a detailed synopsis of the facts obtained which supports the investigator(s) findings.

I. The completed investigation will be forwarded to the IAU Commander and then distributed to the appropriate division commanders for completion of the process.

J. A completed investigation handled at the division level will be forwarded to the Internal Affairs Unit with a "Cover Sheet Form" signed by the division commander. After his/her review, the IAU Commanders will forward the investigation to the Assistant Chief for approval and further processing.

VI. Administrative Process

A. The IAU Commander will forward the completed final investigation to the affected employee's division commander/unit manager, who may concur with the finding and recommend discipline, if appropriate. If the division commander/unit manager does not concur with the finding, she/he must document reasons for their conclusion.

1. The division commander/unit manager will forward the final investigation to the Assistant Chief, who will concur or not concur with the finding and recommended discipline. If the Assistant Chief does not concur with the finding, reasons for this conclusion will be so documented.

B. Upon review by the division commander/unit manager, one of the following recommendations will be made:

1. Minor Violation: A violation in which the Department would not normally seek discipline.

a. The case will be returned to the supervisor, who will provide the employee with:

1) Documented oral counseling
2) Training, coaching, mentoring.

2. Major Violation: A sustained violation in which the Department would normally seek disciplinary action up to, and including, termination.

C. The Assistant Chief will forward the final investigation to the Chief of Correction, who will determine and approve the findings of the investigation.

1. This process is to be completed as part of the time requirement for completion of the final investigation.

D. Upon the completion of the investigation, the Chief of Correction or designee will notify the complaining party of the investigation disposition per Penal Code Section 832.7.

1. The completed investigation will be returned to the Internal Affairs Unit and maintained in accordance with applicable law.

2. The affected employee(s) will be notified by the Chief of Correction or designee of the final decision upon completion of the investigation.

3. The affected employee's division commander/unit manager will be notified of the decision of the Chief of Correction.

VII. Investigation Timelines

A. It will be the goal of this Department to complete administrative formal investigations in a timely manner and in accordance with California Government Code.

1. Every reasonable effort will be made to comply with the time limits indicated by the Public Safety Officers Procedural Bill of Rights Act or

applicable labor agreement. Essential to an investigative process is the prompt resolution to complaints or allegations.

2. Through the commitment of supervisors and managers, all investigations shall be completed in a timely manner not to exceed the time limits imposed by the law, labor agreements or the Public Safety Officers Procedural Bill of Rights Act.

3. Per Government Code Section 3304(d), the agency must complete its investigation and notify the public safety officer of proposed disciplinary action within one year of the agency's discovery of the allegation of an act, omission, or other allegation of misconduct occurring on or after January 1, 1998, except in any of the circumstances listed below:

   a. If the act, omission, or other allegation of misconduct is also the subject of a criminal investigation or criminal prosecution;

   b. If the public safety officer waives the one year time period in writing;

   c. If the investigation is a multi-jurisdictional investigation that requires a reasonable extension for coordination of the involved agencies;

   d. If the investigation involves more than one employee and requires a reasonable extension;

   e. If the investigation involves an employee who is incapacitated or otherwise unavailable;

   f. If the investigation involves a matter in civil litigation where the public safety officer is named as a party defendant;

   g. If the investigation involves a matter in criminal litigation where the involved employee is a criminal defendant;

   h. If the investigation involves an allegation of worker's compensation fraud on the part of the public safety officer.

   i. Or any other reason pertaining to the case, which falls under the special circumstances listed in section California Government Code Section 3304(d).

B. Extensions of time must be justified, documented and approved by the Chief or Assistant Chief as designated.

VIII. Internal Affairs Unit Record Keeping

A. The Internal Affairs Unit will be responsible for:

1. A log of IAU case numbers
2. Tracking investigations
3. Completed cases and completion dates
4. Findings
5. Sheriff's Office Criminal Referral Log
6. Frivolous Log
7. IAU Preliminary Inquiry File

IX. Statistical Reports

A. To assist in Department management, the Internal Affairs Unit will provide the Chief of Correction with an annual statistical report detailing the information listed below:

1. Type and nature of complaints
2. Disposition
3. Any clearly established patterns as to teams or facilities generating complaints.

X. Policy Review

A. All Department policies will be reviewed by the Professional Compliance and Audit Unit.

COUNTY OF SANTA CLARA

Department of Correction Policy and Procedure Manual	**Policy Number:** 1.21 **No. of Pages:** 5 **Date of Origin:** 17 Jan 2001 **Date of Revision:** 29 Sep 2005
Chapter: Administration, Organization and Management	**Subject:** Use of Department Phones
Supersedes: Policy 4.23, Staff Use of County Phones rev. 03/05/01	**Distribution:**
References: Santa Clara County Controller-Treasurer Directive (Memo dated 04/22/04)	
Signature of Issuing Authority Edward C. Flores, Chief of Correction	**Current Policy Review** **Date of Review:** 15 Mar 2005 **Revisions Made:** ☒Yes ☐No

POLICY: It is the policy of the Department of Correction to provide employees with reasonable access to Department phones and to ensure that employees do not use Department phones in a manner that is abusive, excessive or costly to the Department and the County.

PURPOSE: To establish guidelines for the use of Department phones and when applicable, for reimbursement costs associated with use of those phones.

DEFINITIONS: Department Phones: County-owned land line and cellular phones utilized by Department employees.

PROCEDURE:

I. Department Phone Use Guidelines

A. Employees will not utilize Department phones in an excessive or abusive manner.

B. Employees will identify themselves, to include rank/title and location, as applicable, when answering Department phones.

C. Employees will speak clearly and professionally when utilizing Department phones. Employees will write down messages and deliver to the appropriate person as soon as possible.

D. Employees will not call directory assistance operators when researching phone numbers without first consulting telephone directories in order to minimize local directory assistance costs. Employees may call directory assistance operators without first consulting a telephone directory when exigent circumstances are present and there is an immediate need to contact the operator for assistance or there are no telephone directories available.

II. Personal Use of Department Land Line Phones

A. Employees making business related long distance calls should maintain a log documenting the date of the calls, time, and business reason.

B. Employees will keep personal phone calls to a minimum, approximately five minutes or less in length, absent exigent circumstances (e.g. family emergency). Employees should make every attempt to place personal phone calls on their breaks.

1. Employees who need to make personal long distance or toll calls on Department phones should utilize a personal calling card or credit card or call collect.

   Note: Some Department phones may be restricted to prohibit access to long distance and toll services.

2. Employees who make personal long distance or toll calls from Department phones at the Department's expense will be required to reimburse the Department for those charges incurred.

   a. Each Division Commander/Unit Manager may receive a monthly audit of the phone bill from the Financial Services Division that lists the current phone expenditures for his/her Unit or Division.

   b. If received, the Division Commander/Unit Manager, or his/her designee, will review the phone bill to determine if any long distance calls or toll calls have been made from their Division/Unit and attempt to identify the employee or employees who made the calls and determine if those calls were related to business or personal matters.

   c. If the calls are determined to be of a personal nature, the employee will be required to reimburse the Department for the charges incurred.

d. Employees will receive written notification from their Division Commander/Unit Manager or designee of the reimbursement requirement and of the amount that is owed. To support the reimbursement amount, included in the notification will be copies of those applicable sections of the phone bill, which identify those calls that require reimbursement.

e. Reimbursements will be made to the Department's Financial Services Division. Reimbursements can be made with cash or personal check. Personal checks will be made payable to the County of Santa Clara, Department of Correction.

3. Employees may make long distance or toll calls at the Department's expense in emergency situations or with the approval of the on-duty supervisor. In such cases, reimbursement to the Department will not be required.

III. Assignment and Use of Department Cellular Phones

A. Designated employees may be assigned and issued a Department cellular phone by the Chief or Assistant Chief, based on current assignment or business need.

1. Department cellular phones are to be utilized for Department or County business and personal use should be limited.

2. Employees who utilize Department cellular phones for any personal use may be required to reimburse the Department for charges incurred from those personal calls, including any applicable taxes.

a. Reimbursement will be required when personal calls have contributed to additional use charges being billed to the phone.

b. Additional use charges are incurred when total usage exceeds the "free minutes" allowance associated with the phone service plan provided, irrespective of whether unused minutes can be shared with other phones.

Note: If the per-minute charge cannot be determined based on service plans that provide for the sharing of unused "free minutes" or other reasons, the per-minute rate shall be calculated by dividing the monthly service charge by the number of free minutes.

c. If additional use charges have been incurred, but all activity associated with the use of the phone was for business related purposes and no phone minutes were used for personal use, reimbursement will not be required.

3. Division Commanders/Unit Mangers will review the monthly phone bills for all cell phones assigned to their divisions/units to determine if any additional use charges were incurred.

   a. If 'additional use' charges were incurred, Division Commanders/Unit Managers will direct the applicable employee to review the bill to identify which calls, if any, were personal calls that were made or received.

   b. Employees will be required to reimburse the Department for 'additional use' charges incurred for those personal calls, which exceeded the allotted "free minutes" at the per-minute rate according to the particular service plan.

      Note: Employees are encouraged to keep a log of personal use of Department cellular phones to facilitate their review of the monthly billings.

   c. 'Additional use' charges in amounts of under $5.00 can accumulate and do not have to be immediately reimbursed to the Department. However, when accumulated amounts reach $5.00 or more, reimbursement to the Department must be made. In addition, when cellular phones are returned to the Department, reimbursement must be made regardless of whether or not the accumulated amount is under $5.00.

   d. Reimbursements will be made to the Department's Financial Services Division. Reimbursements can be made with cash or personal check. Personal checks will be made payable to the County of Santa Clara, Department of Correction.

IV. Reimbursement for Business Use of Personal Cellular Phones

A. Designated employees who have been authorized by the Chief or Assistant Chief to utilize their personal cellular phone for Department or County business needs may be reimbursed by the Department for those charges incurred from business related calls.

   1. Reimbursement will only be granted to employees when the following conditions have been satisfied:

      a. The Chief or Assistant Chief has specifically authorized the employee to use his or her personal cellular phone for Department or County business purposes.

b. The employee has submitted a reimbursement form signed by the Division/Unit Manager, along with the original monthly bill, to the Department's Financial Services Division.

1) Each call on the bill considered to be "business related" must be identified to support the total amount claimed.

2) The Financial Services Division will retain the original bill on file.

3) Employees may retain a copy of the bill, as necessary.

2. Reimbursement amounts will be limited to the actual cost of airtime and long distance charges associated with business use, plus applicable taxes. If the cost of airtime is not itemized on the bill because the business calls were made within the "free minutes" allowance associated with the phone service, then the per-minute rate should be calculated by dividing the monthly service charge by the number of free minutes.

V. Repair/Maintenance Service for Department Land Line and Cellular Phones

A. Employees who discover that a Department land line phone is not working properly will notify their on-duty supervisor and initiate a repair/maintenance request in accordance with Department Policy 2.03, Repair/Maintenance Requests. The on-duty supervisor will notify the Complex Operations Unit, or if unavailable, the County's Monitoring Automation Center (MAC Room) to request appropriate service response.

B. Employees who discover that a Department cellular phone is not working properly will return the phone to the Financial Services Division for appropriate service.

VI. Policy Revision

A. All Department policies will be reviewed not less than once a year. The Professional Compliance and Audit Unit will establish an annual schedule identifying policies to be reviewed during a specific month.

COUNTY OF SANTA CLARA

Department of Correction Policy and Procedure Manual	Policy Number: 1.23 No. of Pages: 4 Date of Origin: 18 Oct 2001 Date of Revision: 24 Jun 2010
Chapter: Administration, Organization and Management	**Subject:** Professional Compliance and Audit Unit
Supersedes: Department Policy 1.23, Professional Compliance and Audit Unit, P.C.A.U., rev. 10/18/06	**Distribution:**
References: California Code of Regulations, Title 15, section 1029, Penal Code section 6030	
Signature of Issuing Authority Edward C. Flores, Chief of Correction	**Current Policy Review** **Date of Review:** 24 Jun 2010 **Revisions Made:** ☒Yes ☐No

POLICY: It is the policy of the Department of Correction to provide staff with operational guidance through a well-organized body of policy that is regularly reviewed and updated, as necessary, and to operate an internal audit system to ensure that all policies are complied with and that staff perform in accord with all applicable standards and statutory requirements.

PURPOSE: To describe the policy and associated inspection/audit system that will be managed and maintained by the Professional Compliance and Audit Unit.

DEFINITIONS: Policy: A course of action adopted by and pursued by an agency that guides and determines present and future decisions and actions. Policies indicate the general course or direction of an organization within which the activities of personnel must operate.

PROCEDURE:

I. Professional Compliance and Audit Unit (PCAU)

A. The Professional Compliance and Audit Unit is a specialized unit within the Department of Correction.

B. The primary function of PCAU is to manage and maintain the Department's policy manual, conduct internal inspections/audits relating to custody operations and observe external regulatory agency inspections/audits.

1. Department policies will convey the philosophy, goals and operational principles of the Department and be consistent and compliant with Federal,

State and local laws and regulations, County policies, and applicable union/collective bargaining unit agreements with the County.

2. Inspections/audits will be conducted to appraise the status of the Department's operations as they relate to policy compliance.

3. PCAU will be responsible for retaining and maintaining the following documentation:

   a. Department policies and, as applicable, procedures

   b. Post orders

   c. Regulatory agency reports and responses (e.g. Fire Marshall, OSHA, Corrections Standards Authority, Environmental Health, Grand Jury)

   d. Emergency plans/manuals (e.g. COOP, PISIC, GETS/WPS)

   e. Other documents as determined by the Chief or the Professional Compliance Captain

II. Policy and Procedure Organization and Distribution

A. In accordance with Department Policy 1.13, Development and Review of Department Policy and Procedure, PCAU will maintain and distribute Department policy and procedure as follows:

1. A historical file in paper form will be created and maintained for each policy.

   a. The file will contain a record of the policy development, review and approval process.

   b. A historical file in computer form will also be created for each policy but will be limited to the signed version of each policy.

2. Each policy will be reviewed by PCAU in accordance with all current mandates, and revised as necessary. A record of reviews will be maintained.

3. Division/Unit Captains/Managers will receive copies of the Department's Policy Manual in limited quantities to be made available in key locations for staff review. The Department's Policy Manual will also be available on the Department's computer network in a "read only" version for staff to review.

4. In accordance with Title 15 Guidelines (Public Information Plan), an abridged version of the Department's Policy Manual will be made available at each facility/complex entrance for review by the public and at each facility/complex for review by inmates upon request.

B. PCAU, in conjunction with County Counsel, will be the primary source for reviewing case law that is applicable to Department custody operations and policy.

1. Case law shall be forwarded to the Professional Compliance Captain for review to determine if any changes will be necessary to current jail operations and/or Department policy as a result of the case law findings.

2. The Professional Compliance Captain will collaborate with the Department's County Counsel Representative and PCAU in reviewing the case law and determining if it affects jail operations and/or Department policy. In addition, the Professional Compliance Captain will collaborate with affected Division Captains/Unit Managers in reviewing the case law, as applicable.

3. PCAU will make policy changes, as necessary, based on the findings and determinations of the case law review.

C. Staff members are encouraged to participate in policy and procedure development, and may forward suggestions for new or revised policies to their Supervisors/Managers via the Chain of Command.

III. Compliance - Inspections and Audits

A. PCAU will maintain records of compliance through a process of operational inspections and audits conducted by internal or external resources.

1. Inspection/audit subject matter may range from daily routine operations to strategic compliance issues.

2. Inspections/audits may be conducted on a random or scheduled basis or as requested by the Chief of Correction, Assistant Chief or the Professional Compliance Captain.

3. Inspections/audits may be conducted internally or externally by designated regulatory agency personnel.

a. PCAU may conduct internal inspections/audits of Department operations, as needed, based upon the following:

1) Department policy and procedure

2) Corrections Standards Authority, Titles 15 and 24, Minimum Jail Standards
3) Federal, state and local laws
4) Needs of the Department
5) Recommendation/request of the Chief of Correction, Assistant Chief or the Professional Compliance Captain

b. PCAU may conduct verbal or written testing of staff to measure knowledge of objective areas. In addition, PCAU may request that staff demonstrate operational functions. This will better address the need to further clarify and educate staff on specific issues.

c. PCAU will attend and observe inspections/audits conducted by external regulatory agencies including, but not limited to:

1) County Health Department
2) State or County Fire Marshall
3) Grand Jury
4) OSHA
5) Corrections Standards Authority

4. PCAU will report the results/findings of inspections/audits to the Chief of Correction, Assistant Chief, the Professional Compliance Captain and the affected Division Captain. Responsibility for completing Department responses to regulatory agency inspection/audit results/findings will be assigned by the Professional Compliance Captain.

B. PCAU will make policy revision recommendations to the Chief of Correction, Assistant Chief and the Professional Compliance Captain, when necessary, based on the results/findings of an inspection/audit (e.g. policy inconsistent with operational practice or federal, state or local laws and regulations).

IV. Policy Revision

A. All Department policies will be reviewed by the Professional Compliance and Audit Unit.

COUNTY OF SANTA CLARA

Department of Correction Policy and Procedure Manual	**Policy Number:** 1.27 **No. of Pages:** 11 **Date of Origin:** 06 Nov 1994 **Date Revised:** 28 Sep 2009
Chapter: Administration, Organization and Management	**Subject:** Overtime Staffing
Supersedes: Department Policy Overtime Staffing rev. 07/21/08	**Distribution:**
References: CCR Title 15, Section 1027 California Labor Code Section 554, 551,and 552, Merit System Rules Section A25-188, A25-663, Agreement Between the County of Santa Clara and Office of the Sheriff, 4/15/97 Memorandum of Understanding Between the County of Santa Clara and the Respective Bargaining Units	
Signature of Issuing Authority: Edward C. Flores, Chief of Correction	**Current Policy Review:** **Date of Review:** 28 Sep 2009 **Revisions Made:** ☒Yes ☐No

POLICY: It is the policy of the Department of Correction to utilize voluntary and mandatory overtime as needed to maintain a consistent level of staffing within each facility/unit and to respond to Departmental emergencies.

PURPOSE: To establish an equitable and uniform guideline for the selection and assignment of overtime at each facility/unit and to ensure staffing levels are adequate to meet safety, security, programs, and other service requirements.

DEFINITIONS:

FLSA: Fair Labor Standards Act

Overtime: Overtime work is time worked beyond 80 hours in any 14 consecutive day work period, or beyond 8, 10, or 12.25 hours in any workday, depending on the number of hours in the duty shift to which the employee is assigned. For badge employees working the 12 plan, all hours worked from 80 to 85.75 hours per pay period will be considered as overtime paid at the straight time rate.

Range Training: When an employee attends range training on his/her day off, overtime is paid on actual hours of training. Paid time includes the time from when the Officer arrives at the facility to pick-up and/or return his/her weapon(s).

STC: Standards and Training for Corrections

PROCEDURE:

I. Overtime Work

A. Each of the bargaining units defines overtime work, guidelines for voluntary overtime sign-ups, and overtime exemptions specific to its member classifications. Employee overtime will be done in accordance with the applicable memorandum of understanding.

1. Pre-approval is required for all staff overtime hours.

2. All employees working overtime hours must submit a 'Request for Leave or Overtime Approval' slip (aka 'blue slip' form 5289-A).

B. Scheduling (including overtime) for Correctional Officers is based on the number of authorized positions and minimum staffing requirements as defined in Department Policy 1.25, Staffing.

1. Overtime work assignments will be distributed among employees in the same classification and work unit as equally as practicable.

2. Voluntary overtime sign-ups for employees will be conducted every four weeks, based on the requirements specific to each facility or unit.

3. The facility Administrative Sergeant will advise the Team Sergeants of scheduled vacations, leaves and vacancies on their respective teams.

4. Correctional Lieutenants assigned to nightshift shall receive overtime pay in lieu of assignment of a County vehicle.

C. As a reminder for Badge Staff, Division Captains will issue an annual (no later than November 15) memorandum identifying the overtime calendar for the year to include overtime restrictions as defined within this policy. This includes, but is not limited to:

1. Section I, B-J of this policy
2. Section XI, A-E

D. Employees may not work more than 60 hours of overtime, exclusive of squad meetings, in a pay period. This rule is not applicable in a Departmental emergency or as authorized by the Chief of Correction.

E. For all employees, time for which pay is received, but not worked, such as vacations, sick leave, leave of absence with pay, etc., will be counted towards the base period.

1. Employees off on a scheduled vacation day, sick day, or other paid time off, may not work overtime during any portion of the 24 hours of that paid time off.

2. Employees who are called back or ordered back to work on a scheduled vacation day or other paid time off day, will be credited with the appropriate add-back time.

3. Employees may work overtime on their regular days off during their vacation weeks, provided the overtime worked is not more than one half of the vacation time taken. Exceptions must be authorized by the Watch Commander.

F. Employees serving a suspension **are prohibited** from working on their scheduled day off or date of suspension during the pay period in which the suspension is served.

G. Employees placed on administrative leave **are prohibited** from working during the pay period in which they are on administrative leave.

H. Unacceptable excuses or repeated failure to fulfill an exchange-of-day obligation may result in the employee being restricted from working future overtime or on an exchange-of-day basis.

I. Excessive sick leave usage as defined in Department Policy 3.39, Employee Attendance and Sick Leave may result in the employee being restricted from working overtime.

J. Overtime is authorized for actual hours of approved training that an employee attends on his/her day off, except for regular STC scheduled training.

II. Paid Travel Time

A. Travel time from home to work is not considered time worked, unless an employee is called back on a day the employee is not scheduled for duty (non-scheduled overtime) or if an employee is called back for a Department-wide emergency declared by the appointing authority.

B. For call-back purposes, travel time will be considered time worked up to a maximum of one hour.

D. Travel time from one work location to another work location is considered as time worked.

III. Correctional Officer Initial Overtime Sign-Ups

A. Team Sergeants will conduct overtime sign-ups for Officers at each facility every four weeks to fill projected vacancies on the opposite team. The overtime sign-ups will be announced by the Team Sergeant one week in advance, and will be conducted at a pre-scheduled time and location. Each scheduled sign-up will include at least two pay periods unless approved by the Watch Commander.

B. The assignment of overtime will be conducted using a team roster or team seniority list and will begin by a random selection process.

C. A Duty Sergeant must be present during the overtime sign-ups and will ensure that each Officer present is allowed to sign up for one overtime slot ~~per pay period~~ on the initial round of overtime assignment and every round thereafter until the overtime sign-up is complete. **Note: Highlighted confirmed slots must be filled, prior to selecting unconfirmed slots.**

1. Voluntary overtime will be assigned to divisional staff prior to any sign-ups of staff from another division.

2. Once all divisional staff have been assigned voluntary overtime on the initial sign-up, one week later any remaining overtime positions may be offered to staff from other divisions.

   a. Correctional Officers assigned to the Sheriff's Transportation Unit must receive a minimum of twenty-four (24) hours of STC training (or equivalent hours of POST training recognized by STC) prior to being eligible to sign up for overtime hours in the Department of Correction.

3. Officers are not allowed to sign up other Officers for overtime positions at the initial sign-ups. Every Officer must sign up for his/her own overtime position.

4. Officers may **NOT** remove their own names from the overtime sign-up list. Only the Duty Sergeant is authorized to remove names from the overtime list.

D. Officers on approved scheduled time off during the overtime sign-up period may leave advance written notice with the Duty Sergeant indicating dates and shifts they want to sign up for during the initial sign-up period. The Duty Sergeant will ensure that s (he) is included in the overtime sign-ups and is assigned overtime based on the written request.

E. Officers who are assigned to Division Special Assignments (Compliance, Operations, Administration, etc.), will be assigned to a twelve-plan team for purposes of participating in the initial overtime sign-ups.

1. These Officers will sign up for overtime with the team that most closely coincides with their respective shift.

2. These Officers will be given that number that would normally follow the number assigned to the last member on the list being used.

F. The overtime sign-up will become available to other divisions after 1200 hours on the Thursday following the 'D' Team sign-up, and will be conducted on a first-come, first-serve basis.

G. Officers who will be changing their team assignments may sign up for overtime on the scheduled day of the team to which they are moving to prior to actual assignment date. For example, a 'C' team Officer who will be transferring to 'D' team at the Annual Transfer may sign up on the scheduled day that the 'D' team Officers sign up for overtime.

IV. Sergeant Overtime Sign-Ups

A. On the third Monday of each month, the Division Captain, or his/her designee, will post the overtime positions available for the following month for Sergeants.

B. The assignment of overtime will be conducted using the same random selection process as used for Correctional Officers.

C. Sergeants will sign-up for overtime positions as follows:

1. The facility Administrative Sergeant will coordinate and oversee the Sergeant Overtime sign-ups. The Administrative Sergeant will ensure that each Sergeant present is allowed to sign up for one overtime slot on the initial round of overtime assignment and every round thereafter until the overtime sign-up is complete. **Note: Highlighted confirmed slots must be filled, prior to selecting unconfirmed slots.**

2. On the third Tuesday of each month, the 'A' and 'C' team Duty Sergeants will sign up for available positions.

3. On the third Thursday of each month, the 'B' and 'D' Team Sergeants will sign up for available positions.

4. Sergeants who are assigned to Division Special Assignments (Compliance, Operations, Administration, etc.), will sign up for overtime with the team that most closely coincides with their respective shift.

5. On the 4th Monday of each month, the Sergeant Overtime sign-ups will be open to all other divisions.

a. Walk-in overtime sign ups for "Out of Division" Sergeants will get first priority at 1300 hours. Email or Call-in requests will be processed after 1330 hours on a first come-first serve visit

D. Sergeants will only be allowed to work overtime in their own rank; they may not work in subordinate positions for overtime purposes.

E. Department of Correction Sergeants can backfill vacant Sheriff's Sergeants positions and vice versa in order to meet the minimum staffing; however, at least one Sheriff's Office Sergeant must be on duty at all times at both the Main Jail Complex and the Elmwood Complex.

1. DOC Sergeants will sign-up on the DOC Overtime sign-up roster and the S/O Sergeants will sign up on the S/O Overtime Sign-up roster.

V. Limited Duty and 4850 Personnel

A. Employees with permanent work restrictions will be allowed to work overtime assignments that meet their work restrictions as imposed by their doctor. If no limited duty overtime assignments are available, the Department of Correction will not be able to offer overtime to those employees.

B. All other employees with temporary work restrictions will not be allowed to work overtime until medically cleared for full duty or their work restrictions become permanent. Requests for reconsideration will be forwarded to the Division Captain/Unit Manager for review and decision. All such requests will be evaluated on a case-by-case basis.

C. Any employee who calls in sick with a work-related injury, requesting Labor Code 4850 time will not be permitted to work overtime between that sick day and their next regularly scheduled work day without medical clearance for such overtime work.

VI. Correctional Officers in CORE/Orientation Training Status

A. Officers in a CORE training status may not work overtime until their completion of training.

B. In emergency situations or in exigent circumstances, the Division Captain, or designee, may authorize trainees to work overtime.

1. Officers in training will only be allowed to work overtime in their assigned division absent exigent circumstances.

2. Officers in training will only be allowed to work in the areas in which they have completed training absent exigent circumstances.

C. Officers in training and cadets may be utilized in any facility and any position as ordered by the Division Captain under a departmental emergency.

D. Officers on Facility Orientation training possess previous training and experience necessary to work overtime at their new facility assignment.

VII. Confirmation of Overtime Positions for Badge Staff

A. The Duty Sergeant will examine the overtime list and confirm employees to work overtime based on the following criteria:

1. Number of gun-carrying positions.
2. Number of Class B driver positions.
3. Training Officers who are training.

B. Once employees are confirmed, employees not confirmed will remain on the availability list. As additional positions become available, Duty Sergeants will select from this list and add these names to the list of confirmed employees.

1. It is the responsibility of the Duty Sergeants to advise Officers when their overtime is confirmed, unless the overtime was pre-confirmed during the overtime sign-ups.

2. The overtime availability list must first be exhausted prior to the Duty Sergeants assigning the overtime shift to an Officer not on the availability list.

3. The Duty Sergeants may skip those on the overtime availability list who can work only a partial shift for those on the list who can work the full shift.

C. Officers with confirmed or mandatory overtime positions cannot give these assignments to any other Officer. However, they may give a portion of their overtime shift to another Officer, not to exceed four hours, if approved by the Duty Sergeant. The Officer who works the 8-hour portion of the shift will be the only Officer credited with having met the overtime obligation.

D. The Duty Sergeant(s) will document on the overtime sign-up list the reason that a person was not utilized for overtime on the descending list, e.g., unable to contact, message left, Officer declines to work. Each facility Administrative Sergeant will retain a file of all completed overtime sign-up lists for a period of three years.

E. Officers who fail to report for confirmed overtime may be subject to disciplinary action.

1. If an Officer feels she/he cannot work a volunteer overtime shift, she/he must speak directly to the Duty Sergeant and submit an "Employee's Report" explaining the circumstances.

2. The Duty Sergeant will consider the request and if justified, the Officer will be excused. The Duty Sergeant will advise the facility Administrative Sergeant of the excused overtime obligation.

3. If an Officer refuses or fails to report for a confirmed position and has not been excused by a Duty Sergeant, the Duty Sergeant will submit an "Employee's Report" to the Division Captain documenting the incident.

VIII. Mandatory Overtime Assignments

A. Mandatory overtime may be initiated to supplement voluntary overtime lists at the ***Divisional level*** or to supplement departmental needs during a ***Departmental emergency.***

B. The facility Administrative Sergeant is responsible for providing work schedules, vacation schedules, special leave schedules, and a listing of Officers on limited duty assignments.

C. Mandatory overtime may be initiated to supplement voluntary overtime assignment lists. Mandatory overtime will be assigned based on inverse seniority. Other factors that will be taken into consideration include:

1. Scheduled vacation days/weeks.
2. Training status.
3. Limited duty restrictions.

D. ***Divisional level*** mandatory overtime may be initiated when a custody division's voluntary overtime sign-up lists have been exhausted and the facility staffing projections do not meet the minimum staffing requirements.

1. The Duty Sergeant shall advise his/her team Lieutenant/Watch Commander of the staffing shortage. When possible, the Duty Sergeant should submit a memorandum to the Watch Commander 10 days in advance of the shift in question, detailing the projected mandatory overtime positions required to maintain minimum staffing levels. Otherwise, mandatory overtime may be initiated for unforeseen staff shortages when necessary.

2. Once approved by the Watch Commander, the Duty Sergeant will begin mandatory overtime assignments at the ***Divisional level*** using the Department's JIS system based on inverse Divisional seniority and Officer assignments. At the Division Captain's discretion, projected mandatory overtime to cover major holidays may be assigned by seniority.

3. Absent exigent circumstances, Officers, in reverse seniority, working the opposite team for which staffing is needed, will be ordered to work the

mandatory overtime first (e.g. 'A' team for 'B' team and 'C' team for 'D' team and visa versa).

4. The Duty Sergeant shall forward a written memorandum or verbally notify each Officer who has been ordered to work a mandatory overtime shift. Every effort will be made to place mandatory overtime employees on like-shift assignments and provide them with as much notice as possible.

5. The Duty Sergeant will update the JIS system to reflect the date for the Officer's mandatory overtime assignment or the reason an Officer is excused from the mandatory overtime assignment. The system will automatically move the Officer's name who is scheduled to work an overtime shift to the bottom of the mandatory list and will leave the excused Officer's name at the top of the list. The excused Officer will be eligible for the next mandatory shift.

6. Absent exigent circumstances, the following Employees will be exempt from ***Divisional level*** mandatory overtime:

   a. Employees on pre-scheduled leave.
   b. Employees on pre-scheduled Department approved training.
   c. Employees on approved medical leave.
   d. Employees from other Divisions.

7. Employees who volunteer to work overtime, volunteer to work a portion of another Officer's mandatory overtime, or work mandatory overtime that is less than 8 hours **will not** be considered exempt to mandatory overtime unless the employee would be in violation of the policy's overtime restrictions if he or she works the mandatory overtime shift.

   a. When needed, the Duty Sergeant will assign Officers for mandatory overtime of less than 8 hours by inverse team seniority.

   b. The Duty Sergeant will maintain a tracking system of those Officers who have been assigned to work mandatory overtime of less than 8 hours to ensure this type of mandatory overtime is evenly distributed amongst the team members.

8. In the event the Duty Sergeant finds a volunteer to work the overtime shift, the Duty Sergeant will contact the mandatory employee, who was assigned to work the mandatory overtime, and cancel his or her assignment.

9. Exchange of mandatory assignment shifts will require an Employee's Report and approval by the Division Captain at least 24 hours prior to the assigned shift.

a. The Officer agreeing to work the shift will be held accountable for the assigned shift.

b. The Officer originally assigned to work a mandatory overtime shift will not receive credit for the assigned shift and will resume eligibility for subsequent overtime assignments.

10. Any illness preventing an Officer from working mandatory overtime must be documented in a memorandum with a doctor's excuse attached, and forwarded to the Division Captain through the Chain of Command. The Officer will immediately become eligible for subsequent mandatory overtime shifts.

11. It shall be within the discretion of the Chief of Correction or designee to implement ***Divisional level*** mandatory overtime utilizing Employees assigned to another custody division in order to alleviate an inordinate impact on one division.

E. ***Departmental emergency*** mandatory overtime may be initiated by the Chief of Correction or his/her designee as needed for department-wide emergencies. In these circumstances, mandatory overtime may include the suspension of overtime restrictions.

1. ***Departmental emergency*** mandatory overtime shall be conducted based on inverse departmental seniority. All department staff including Employees working special assignments shall be included absent exigent circumstances requiring immediate action.

2. Each Division Captain may institute emergency guidelines for mandatory overtime within his/her division.

3. An unforeseeable ***Departmental emergency*** may result in mandatory overtime based on needs of the department without regard to seniority.

IX. Overtime Restrictions

A. An employee may work a maximum of eighteen hours at the beginning and/or end of his/her regularly scheduled workweek.

B. The eighteen-hour work rule applies to **all** hours worked, including those in other divisions and/or assignments.

C. Employees must have at least eight hours off between shifts.

D. No employees assigned to a twelve, ten or eight hour shift may work more than six days per week and must have a consecutive twenty-four hours off in any seven day period. Exceptions to this rule can only be approved by the Chief of Correction.

E. Absent exigent circumstances, all employees must comply with the eighteen-hour work rule directing mandatory periods of rest between shifts.

X. Policy Violation

A. Violations of this policy will constitute grounds for disciplinary action or removal from overtime privileges for a period up to thirty days.

B. Repeated violations will result in further disciplinary action or removal from overtime privileges for more than thirty days.

XII. Policy Review

A. All Department policies will be reviewed by the Professional Compliance and Audit Unit.

COUNTY OF SANTA CLARA

Department of Correction Policy and Procedure Manual	**Policy Number:** 1.31 **No. of Pages:** 9 **Date of Origin:** 28 Jan 2005 **Date of Revision:** new
Chapter: Administration, Organization and Management	**Subject:** Protected Health Information Use and Disclosure
Supersedes: None	**Distribution:**
References: Health Insurance Portability and Accountability Act (HIPAA) of 1996; 42 USC 1320d – 1320d-8, 42 CFR 160.100-160.312; 42 CFR 162.100-162.1802; 42 CFR 154.102-164.534.	
Signature of Issuing Authority Edward C. Flores, Chief of Correction	**Current Policy Review** **Date of Review:** new **Revisions Made:** ☐Yes ☐No

POLICY: It is the policy of the Department of Correction to comply with the Health Insurance Portability and Accountability Act of 1996 and the County's HIPAA Privacy Compliance Policy adopted February 24, 2003 with respect to the use and disclosure of protected health information.

PURPOSE: To protect the privacy and confidentiality of the County's patients' protected health information (PHI) and limit how the Department uses and discloses this information.

DEFINITIONS:

Protected Health Information (PHI): Information that is created or received by the Department; and relates to the past, present, or future physical or mental health or condition of a patient; the provision of health care to a patient; or the past, present, or future payment for the provision of health care to a patient; and that identifies the patient, or for which there is reasonable basis to believe the information can be used to identify the patient. PHI includes information of persons both living and deceased.

Business Associate: A person or entity that, on behalf of the Department of Correction, acts in a capacity other than a workforce member to assist the Department in carrying out covered functions.

Covered Functions: Health care services, health plan services and their respective support services such as billing for medical services.

Disclosure: The release, transfer, provision of access to, or divulging in any other manner of PHI to persons not employed by or working within the County, or to persons employed by or working within the County who are not performing or assisting with a covered function of the County.

HIPAA: Health Insurance Portability and Accountability Act

Health Care Component: The portions of a Covered Entity that perform "covered functions."

Workforce: Employees, temporary employees, leased employees, volunteers, trainees, and other persons whose work performance is under the direct control of the County, whether or not they are paid by the County.

PROCEDURE:

I. Scope of the Health Insurance Portability and Accountability Act (HIPAA) of 1996

A. HIPAA legislation requires the industry to improve the privacy and safeguarding of all individual health information, also referred to as "protected health information" or "PHI."

B. Under HIPAA, the County of Santa Clara meets the definition of a Covered Entity: a health care provider, health plan or health care clearinghouse that transmits electronic health information in connection with standard transactions. The County also is a Hybrid Entity: a covered entity whose primary operations do not involve health care. As a Hybrid Entity, the County must ensure that the health care components of its business comply with HIPAA and, in particular, that it does not make inappropriate internal uses or disclosure of protected health information (PHI).

C. HIPAA regulations are largely geared toward providers of health care services; health plans and certain data processing entities that potentially create, use, access or receive protected health information. The HIPAA regulations also provide patients with certain rights with respect to their PHI.

D. HIPAA privacy regulations set forth a minimum federal standard. If any provision of California law is more stringent than HIPAA, then California law will be followed. The County health care components will analyze applicable California law in conjunction with the HIPAA privacy regulations, determine which provision is stricter, and adhere to the stricter provision in implementing policy and procedure.

E. The Department of Correction is considered a Health Care Component of the County because it performs a "covered function." The "covered function" is the processing of inmate medical bills for payment.

1. As a County Health Care Component, the Department of Correction may receive, exchange, or give PHI to other County Health Care Components. The exchange of PHI between Health Care Components does not fall within the definition of a "disclosure" under HIPAA.

2. Although the receipt, exchange or use of PHI is permitted between health care components, the PHI must be clearly identified as such so the proper safeguards may be followed within each County Department.

F. The Department Health and Injury Prevention (HIP) Coordinator is the designated Privacy Coordinator who will be the complaints contact for the Department of Correction and will handle applicable PHI recordable disclosures.

II. Permitted Disclosures

A. A covered entity may disclose to a correctional institution or a law enforcement official having lawful custody of an inmate or other individual, protected health information about such inmate or individual, if the correctional institution or such enforcement official represents that such protected health information is necessary for:

1. The provision of health care to such individuals;

2. The health and safety of the officers or employees of or others at the correctional institution;

3. The health and safety of such individuals and officers or other persons responsible for the transporting of inmates or their transfer from one institution, facility or setting to another;

4. Law enforcement on the premises of the correctional institution; and

5. The administration and maintenance of safety, security and good order of the correctional institution.

B. As a covered entity, the County and its health care components may generally use and disclose PHI under the following circumstances:

1. The County may disclose PHI for any purpose required by law.

2. The County may release protected health information to a patient's employer when the County has provided health care to the patient at the request of his or her employer relating to medical surveillance of the workplace and work related illness and injury. The treatment provider must give the patient notice of the disclosure.

3. The County will release PHI if required to do so by a court or administrative tribunal in response to a subpoena or discover request if reasonable efforts have been made to notify the subject of the PHI or a qualified protective order has been secured.

4. The County may release PHI as authorized by and to the extent necessary to comply with worker's compensation law.

C. If an individual authorizes a use or disclosure of PHI with a signed authorization form meeting the requirements set forth in 45 CFR 164.508, affected Department staff may use or disclose that individual's PHI in accordance with the written authorization.

III. Workforce member' responsibilities in the use or disclosure of PHI

A. In order to protect the privacy and confidentiality of the County's patients' PHI and to comply with federal law, all affected workforce members of the County are required to comply with the provisions of this policy and the County's policy regarding the use and disclosure of PHI. The Department of Correction will take appropriate disciplinary measures against affected workforce members who violate the Department or County's policy concerning the privacy of patient information.

1. Affected workforce members will be trained on the applicable policies and procedures and sign the *Department of Correction Employee Privacy Acknowledgement* form, attachment 1. Training will be coordinated and tracked by the Department's Central Training Manager.

2. Affected workforce members must take reasonable steps to safeguard PHI from any intentional or unintentional use or disclosure that is in violation of this policy. Such safeguarding includes, but is not limited to, storing PHI in a locked cabinet or closed file at the end of the workday; maintaining privacy during oral discussions of PHI; restricting electronic transmission of PHI to job related duties; restricting access to electronic PHI with appropriate technical safeguards and disposing of documents containing PHI by shredding or in accordance with the Department's policy on record destruction.

3. Workforce members who become aware of any misuses of PHI, shall promptly notify their immediate supervisor and the Department's Privacy Coordinator and work with the Privacy Coordinator to mitigate, to the extent practicable, any harmful effect caused by a violation of this policy or any other applicable County policy.

B. **Authorization**: Except for situations outlined in this policy or the County's policy, the Department's workforce will not use or disclose a patient's PHI for any purpose without an authorization signed by the patient in accordance with 45 CFR 164.508(c)(1).

1. Medical services are provided under contract with Adult Custody Health Services (ACHS) and they maintain the records for such services; therefore, any person who requests their medical records will first be referred to Adult Custody Health Services.

2. In the event that PHI is being requested that is maintained by the Department, the person will be referred to the Department's Privacy Coordinator.

C. **Verification of Identity and Authority:** Affected workforce members releasing PHI will verify the identity of any person requesting PHI and the authority of any such person to have access to that PHI with written documentation. If the identity or authority of the person requesting the PHI cannot be verified, the privacy coordinator will not disclose PHI and will refer the requestor to County Counsel.

D. **Minimum Necessary**: When using or disclosing protected health information, affected workforce members must make reasonable efforts to limit PHI to the minimum necessary to accomplish the intended purpose in accordance with 45 CFR 164.514(d).

1. The minimum necessary standard means that for each disclosure, you must identify the person or class of person who needs access to the PHI to carry out his/her duties, the category or categories of PHI to which access is needed and any condition appropriate to such access. Each request or disclosure must be reviewed on a case-by-case basis to determine if the person or persons requesting the disclosure need the information to perform their job duties, whether the type of information requested is necessary and if any conditions of release are appropriate.

2. The minimum necessary standard does not apply to:

- Uses or disclosures made to the patient (45 CFR 164.502(b)(2)(ii));
- Uses or disclosures made pursuant to an authorization (45 CFR 164.502(b)(2)(iii));
- Uses or disclosures that are required by law (45 CFR 164.512(a)); or
- Uses or disclosures that are required for compliance with the HIPAA regulations, including disclosures made to the Secretary of the U.S. Department of Health and Human Services (45 CFR 164.502(b)(2)(vi)).

E. **Reporting (Documenting) Disclosures of Protected Health Information**: Disclosures must be tracked to comply with requirements for accounting of disclosures under HIPAA. Documentation of such disclosures and maintenance of the documentation in the department is required (for reporting upon request). In the event that there be a need for the Department of Correction to make an applicable disclosure of PHI, the disclosure and documentation will be handled by the

Department's Privacy Coordinator. HIPAA does not require an accounting of disclosures made:

1. To carry out treatment or payment as part of a limited data set.
2. To patients requesting their own information.
3. Incident to a use or disclosure otherwise permitted or required by HIPAA.
4. If there is a valid authorization.
5. To persons involved in the patient's care.
6. For communication purposes (to notify a family member, personal representative or the person of the individual's location, general condition or death).
7. To correctional institutions or law enforcement officials in custodial situations.

IV. Privacy Coordinator Responsibilities

A. In accordance with HIPAA regulation, the Department will maintain a Privacy Coordinator responsible for ensuring the Department's compliance with this policy, County policy and HIPAA regulations. The Privacy Coordinator will:

1. Verify the identity and authority of any person requesting a disclosure of PHI.

2. Review for approval any recordable disclosures.

3. Track and maintain documentation for recordable disclosures on the *DOC disclosure tracking form*, attachment 2.

4. Respond to and investigate complaints regarding HIPAA and mitigate, to the extent practicable, any harmful affect caused by a violation of this policy or any other applicable County policy.

5. Ensure business associates meet the requirement of this policy.

B. As the Privacy Coordinator for the Department, the HIP Coordinator will represent the Department in all County HIPAA meetings and training.

V. Patient Right to Access to PHI / No Retaliation Policy

A. The HIPAA regulations provide patients with certain rights with respect to their PHI. If any individual requests access to his or her PHI, the affected workforce member must refer the person to an ACHS representative or the Department's Privacy Coordinator

B. Affected workforce members will not intimidate, threaten, coerce, discriminate against, or take other retaliatory action against any person, including employees, staff, patients, visitors, and others for the exercise of any HIPAA right or law,

including filing a complaint with the Department, County or with the Secretary of the U.S. Department of Health and Human Services; testifying, assisting, or participating in an investigation, compliance review, proceeding, or hearing; or opposing any act or practice made unlawful by HIPAA or the privacy policies of the County or Department of Correction, provided the complainant has a good faith belief that the practice opposed is unlawful, and the manner of opposition is reasonable and does not involve a disclosure of PHI in violation of the federal law or a County policy or a Department of Correction policy.

VI. Business Associates

A. The Department of Correction may disclose a patient's PHI to a business associate, and allow a business associate to create or receive PHI on behalf of the Department if:

1. The County enters into a written contract, or other written agreement or arrangement with the business associate before disclosing PHI to the business associate, in accordance with 45 CFR 164.504(e); and

2. The written contract or agreement provides satisfactory assurances that the business associate will appropriately safeguard the PHI, in accordance with CFR 164.502(e)(1).

B. The County must include business associate language in contracts with business associates that begin or are modified on or after October 15, 2002. By April 14, 2004, the County must add business associate language to continuing contracts with business associates that were executed before October 15, 2002.

C. To determine if a contractor is a business associate, use the following analysis: Identify which new or existing contracts involve the use or disclosure of PHI to a contractor who performs services on behalf of the Department of Correction or the County by:

1. Listing each activity and service the contractor performs on behalf of the DOC that involves the use or disclosure of PHI;

2. Determining whether the activities or services fall under the functional definitions or the specific list of business associate activities contained in 45CFR160.103(1);

3. Determining whether the contractor will be assigned a workstation on DOC premises, and if a substantial portion of his or her activities will be performed at that location. If so, DOC may elect to treat the contractor as a workforce member by including him or her in its in HIPAA compliance program. DOC will be obligated to train the contractor on DOC policies and procedures regarding PHI. The DOC will be responsible for enforcing compliance including sanctions if the contractor fails to comply with

HIPAA regulations. No business associate language is required in the contract if the contractor is considered a workforce member; and

4. Including business associate language in the contract if the contractor is not a workforce member. Use either the County's Standard Business Associate Language or modified language approved by the assigned deputy county counsel. Contact the County Counsel for guidance as necessary.

D. Before disclosing PHI to a business associate, determine the scope of the information to be disclosed.

1. Check contract provisions listing permitted use and disclosure of PHI to determine if the disclosure is permitted pursuant to the contract.

2. Disclose only the PHI that is necessary for the contractor to perform his/her functions on behalf of the County Counsel.

E. Upon the receipt of information, or any complaints or documentation, that contain substantial and credible evidence that a business associate has breached the terms of its contract concerning the use or disclosure of PHI furnished by the County or DOC, the affected workforce member will immediately contact DOC's Privacy Coordinator.

VI. Contact Information

A. If there are any questions or need for further assistance regarding this policy, contact the Department of Correction Privacy Coordinator or the County Compliance & Privacy Officer.

B. The County Privacy Officer is located at:

Office of the County Executive
70 West Hedding Street, 11th Floor
San Jose, CA 95110
408-299-5105

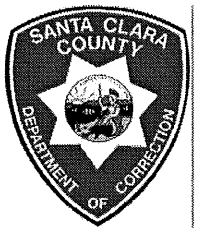
C. The Department of Correction Privacy Coordinator is located at:

DOC Personnel
Attention: HIP Coordinator
885 N. San Pedro Street
San Jose, CA 95110
408-299-2920

VII. Policy Revision

A. All Department policies will be reviewed not less than once a year. The Professional Compliance and Audit Unit will establish an annual schedule identifying policies to be reviewed during a specific month.

COUNTY OF SANTA CLARA
DEPARTMENT OF CORRECTION
180 West Hedding Street
San Jose, CA 95110
(408) 808-3640 Phone
(408) 288-8271 Fax



Edward C. Flores
Chief of Correction

RELEASE OF RECORDS AND INFORMATION

AUTHORIZATION: I give permission to

_____
(Name of Person/Organization Allowed to Release Records)

To use and release to: ***SANTA CLARA COUNTY DEPARTMENT OF CORRECTION***

180 West Hedding Street, San Jose, California 95110

For the records and information as identified below, related to:

Last Name	First Name	Middle Initial
Booking#/PFN	Medical Record Number	Date of Birth

RECORDS: (*Important*: Check the appropriate box/boxes and initial or sign and date, as required)

1. ☐ MEDICAL RECORDS * - _____
Signature Date

* References to the following types of information may be in or part of your Medical Records, and if you want any of these types of information to be released with your Medical Records, you must sign and date next to each type:

	INITIALS	DATE
☐ Drug/Alcohol Treatment Information	_____	_____
☐ Genetic Testing Information	_____	_____
☐ Reference to or Results of HIV Blood Test Information	_____	_____

2. ☐ MENTAL HEALTH RECORDS - _____
Signature Date

3. ☐ OTHER (*Please be specific*) - _____

LIMITATION ON RELEASE: The following is a specific description ("Limitation") of the record(s) checked above and date(s) of service. (If no limitation, please write "No Limitation")

_____

_____

USES: The person who receives the health information can use it only for the following reason(s):

_____

_____

I understand that the person who receives the information cannot use the information for anything else or disclose the information to anyone else unless I give them a written authorization or the law allows it.

DURATION: This authorization is valid immediately and will be valid until _____ (give date). If I do not specify a date, it will expire in six months from the date it was signed.

ADDITIONAL COPY: I understand that I have a right to receive a copy of this authorization if I ask for it.

Copy requested and received: ☐ YES ☐ NO _____ (initial)

CANCELLATION: I understand that I have a right to cancel this authorization at any time. A cancellation (1) must be in writing; (2) sent or given to the health information management department at the address on the top of this form; and (3) is effective when it is received by the department. A cancellation will not apply to actions already taken by the Person/Organization under this authorization or if the authorization was required for getting insurance coverage and the insurer has a legal right to contest a claim.

CONDITIONS: I understand that treatment, payment, enrollment, or eligibility for benefits will not be based on my giving or refusing to give this authorization, except if my treatment is related to research, or if my health care services are given to me only for creating protected health information for release to a third party. I also understand that I may refuse to sign this authorization.

_____ _____

Signature – Patient/Representative Date

_____

If signed by other than patient, state relationship and authority to sign:

_____ _____

Signature of Witness Date

Complete the following if the patient is a person authorizing the release of his/her records subject to California Welfare and Institution Code Section 5328: The undersigned (the physician, licensed psychologist, or social worker with a master's degree in social work) who is in charge of the patient, hereby (APPROVES) (DISAPPROVES) the release of information and records to Requestor. If disclosure is disapproved, give reasons below. Also note below or attach any restrictions on the release of records. (No approval is required to release to patient's attorney).

_____ _____

Physician/Psychologist/Social Worker (degree) Date

Additional Notes: _____

_____

_____

DEPARTMENT OF CORRECTION EMPLOYEE PRIVACY ACKNOWLEDGMENT

I understand that while performing my official duties I may have access to protected health information. I understand that:

- Protected health information is individually identifiable health information that is created, maintained or used within the Department of Correction
- Protected health information is not available to the public.
- Special precautions are necessary to protect this type of information from unlawful or unauthorized access, use, modification, disclosure or destruction.

I agree to:

- Access, use or modify protected health information only for the purposes of performing my official duties.
- Never access or use protected health information out of curiosity, or for personal interest or advantage.
- Never show, discuss, or disclose protected health information to or with anyone who does not have the legal authority.
- Never retaliate, coerce, threaten, intimidate or discriminate against or take other retaliatory actions against individuals or others who file complaints or participate in investigations or compliance reviews.
- Never remove protected health information from the work area without authorization.
- Never share passwords with anyone or store passwords in a location accessible to unauthorized persons.
- Always store protected health information in a place physically secure from access by unauthorized persons.
- Dispose of protected health information by utilizing an approved method of destruction, which includes *shredding, burning, or certified or witnessed destruction. I will not dispose of such information in wastebaskets or recycle bins.*

I understand that penalties for violating one of the above limitations may include disciplinary action, civil or criminal prosecution.

"I certify that I have read and understand the Privacy Acknowledgment Statement printed above."

Print Full Name (first, middle initial, last)	**Signature**
Agency/Department	**Date Signed**

Rev. 11/04

DEPARTMENT OF CORRECTION
DISCLOSURE TRACKING FORM*
(Each of these fields must be filled out)

Name of Individual (patient or member):

_____

Date of Disclosure:

_____

Name of person or entity to receive protected health information:

_____

Brief Description of Information Disclosed:

Brief Description of Purpose of Disclosure:

Filled out by: _____(DOC employee)

This form is to be completed for every disclosure made by the Department of Correction in relation to PHI except as noted below. One copy of this form is to be kept in the patient's file and one copy must be given to the Privacy Coordinator. For questions about this form or where it should be filed, please contact the DOC Privacy Coordinator.

**The following types of disclosures do not require tracking: for treatment, payment or health care operations, pursuant to an authorization, for treatment or payment activities of another health care provider, to a patient or their personal representative, to persons involved in the patients care, or next of kin or family members, for national security or intelligence purposes, if the PHI has been de-identified or is contained in a limited data set, to correctional institutions or law enforcement.*

Rev. 11/04

COUNTY OF SANTA CLARA

Department of Correction Policy and Procedure Manual	**Policy Number:** 1.33 **No. of Pages:** 5 **Date of Origin:** 20 Jun 1994 **Date of Revision:** 03 Apr 2003
Chapter: Administration, Organization and Management	**Subject:** Tours
Supersedes: Policy 1.22, Tours, rev. date 9/25/96	**Distribution:**
References: ACA 3-ALDF-1A-05	
Signature of Issuing Authority James W. Babcock, Chief of Correction	**Current Policy Review** **Date of Review:** 03 Apr 2003 **Revisions Made:** ☒Yes ☐No

POLICY: It is the policy of the Department of Correction to permit tours of its facilities for a legitimate purpose under conditions consistent with the security of the jail.

PURPOSE: To establish guidelines for conducting tours at Department of Correction Facilities.

DEFINITIONS: Tour: An escorted visit, of limited duration, to a facility for viewing purposes.

PROCEDURE:

I. Tour guidelines

A. The Chief of Correction permits tours of the jail for the purpose of, but not limited to, any of the following:

1. Education: Students/instructors of an accredited educational institution engaged in research, school programs or mentorship programs that pertain to Corrections.

2. Community involvement: Community organizations engaging in awareness education of their members (e.g. community leadership groups)

3. Criminal justice/government agency/law enforcement cooperation: Employees of other agencies interested in viewing or comparing our operation. Government employees responsible for inspecting the facilities for compliance purposes. Representatives of the courts.

4. Future employees, contractors, or volunteers: Orientation of persons who have applied for employment with the Department or volunteering for the Department.

5. Department employees wishing to bring an adult family member to visit a Department of Correction facility.

B. The Division Commander at each facility will be responsible for the coordination and approval process of tours at his or her facility.

1. Tour requests must be submitted to the facility's tour coordinator at least two weeks in advance unless otherwise approved by the Division Commander.

2. The ratio of tour participants to tour guides will not exceed 15:1 unless specifically authorized by the Division Commander.

3. The tour coordinator will ensure that a tour guide is available to conduct the tour.

4. The tour coordinator will ensure that the Watch Commander is notified in advance of scheduled tours. If the tour guide cancels or is unavailable on the day of the tour, the Watch Commander will assign someone from the team to conduct the tour.

5. The Watch Commander will ensure the team sergeants are notified in advance of scheduled tours. If the scheduled tour involves VIP's such as County Board of Supervisors, Inspectors or high ranking officials, a Lieutenant or above will greet the tour participants.

II. Processing tour requests

A. The Division Commander will designate a tour coordinator to manage tour requests at the facility. Other Department employees who receive a tour request must direct the requesting party to contact the facility's tour coordinator.

1. Tour requests by criminal justice, government agency, or law enforcement personnel who are already in the facility on official business and interested in an unscheduled tour, may be authorized at the discretion of the Watch Commander.

2. If the tour is approved, the Watch Commander will assign an Officer to guide the person(s) on a short tour. The tour will not include the Central Control Room, Infirmary, Mental Health housing or Level 5 Housing.

3. The officer, assigned as the tour guide, will remain with the person(s) at all times. Unauthorized communication with the inmates shall not be allowed during the tour. Inmate interviews are handled in accordance with Department Policy 17.11, Attorney and Official Visits.

B. Upon request of a tour, the tour coordinator will complete a "Tour Request Form," attachment 1, and forward it to the Division Commander for review. The Division Commander may approve or deny the request, based on the information provided on the request.

C. When the request is either approved or denied by the Division Commander, the tour coordinator will notify the requesting party.

D. Completed forms will be kept on file for at least two years to monitor community relations' activities.

E. If the Division Commander approves a tour, the tour coordinator will give the requestor a copy of the "Tour Guidelines," attachment 2 and a copy of the "Tour Sign-up Sheet, attachment 3.

F. The requestor will be required to submit the completed "Tour Sign-up Sheet" to the tour coordinator at least one week prior to the date for the tour.

1. The name, date of birth, gender, and driver's license number or social security number must be completed for each participant of the tour.

2. The tour coordinator will ensure that a temporary security clearance is processed for each participant unless the participant is an employee of the criminal justice system or law enforcement.

G. A security clearance to enter the secure portions of the jail may be denied for any of the following reasons that include, but are not limited to:

1. Participant has an active warrant

2. Participant is currently on probation/parole.

3. Participant is under the age of 18 and is not part of group for which an exception has been made. Exceptions to this rule include the following when approved by the Division Commander:

a. High school seniors who are at least 17 years old.

b. Minors who submit a written Permission Slip, attachment 4, from a parent or legal guardian and are accompanied by an adult.

III. Conducting Tours

A. When touring a facility, priority will be the safety and security of the participants, staff and inmates. Before beginning a tour, the guide will advise all participants that they must follow instructions without question, in case of an emergency.

B. Appropriate notifications that a tour is in progress are essential to the safety and security of the participants, staff or inmates. Central Control staff will make a general announcement to staff when a tour on site. The tour guide will tell staff at each location where the tour is going next. Staff will then notify the next area that the tour is headed there. Staff has the responsibility of advising the tour guide when an area is not clear for a tour (e.g. emergency situation, high security movement, or feeding).

C. The tour guide will admonish tour participants of the Department's "No Hostage Policy" and give each participant a copy of the "Tour Guidelines," attachment 2.

D. A facility tour **will not** include admittance to the facility's Central Control Room, Infirmary, Mental Health housing or Level 5 housing, unless specifically authorized by the Division Commander.

E. Tour participants will not bring any items into the facility except those authorized by the Division Commander.

F. Tour participants must meet the criteria established for admittance at each facility and the requirements for entrance established in Department Policy 9.20, Facility Entry Security.

   a. Participants of the tour will sign in and out on the visitor's sign-in sheet located at the entrance of the facility.

   b. Participants will be issued a paper sticker that must be worn visibly on the outer clothing during the tour. The sticker must be turned in and accounted for upon departure.

G. The tour guide, sergeant or Watch Commander may terminate a tour when necessary for the safety and security of the facility or for exigent circumstances.

IV. Policy Revision

A. All Department policies will be reviewed not less than once a year. The Professional Compliance and Audit Unit will establish an annual schedule identifying policies to be reviewed during a specific month.

(Attachment #1)

SANTA CLARA COUNTY DEPARTMENT OF CORRECTION

FACILITY TOUR GUIDE

Request received by: _____
(Name and Unit)

Date of Request: _____ Time/Date Requested for Tour: _____

Facility Requested for Tour: _____

Name of Requester/Contact Person: _____

Phone: _____ Organization _____

Reason for Tour: _____

_____ Number of Participants: _____

List of Participants: Has been requested ( ) Is attached ( )

Participants cleared by: _____ Date: _____
(Name and Title)

Tour approved by: _____
(Must be approved by Division Commander or designee)

Tour denied by: _____

Reason denied: _____

Tour guide: _____

Copy of Tour Guidelines provided to contact person ( )

Additional Information: _____

_____

_____

_____

_____

(Attachment #2)

SANTA CLARA COUNTY DEPARTMENT OF CORRECTION
TOUR GUIDELINES

ATTIRE: Dress appropriately

1. No shorts
2. No halter or tube tops
3. No transparent clothing
4. Wear safe, comfortable shoes (no sandals or extremely high heels)
5. No extreme clothing styles

FORBIDDEN ITEMS

1. Weapons of any kind (including mace, pocket knives, metal nail files)
2. Purses, backpacks, briefcases
3. Cigarettes
4. Matches, lighters
5. Any controlled substance
6. Alcohol
7. Prescription medications must be cleared prior to tour
8. Video or tape recording equipment (unless approved by Division Commander)
9. Handcuff keys
10. Umbrellas
11. In other words, do not bring anything with you but your picture ID, car keys and note-taking materials, if necessary.

CONDUCT

1. Tour participants must show a picture ID and sign in on the appropriate log.
2. An ID sticker or badge will be issued to all guests at the front desk of the facility to be visited. The sticker must be visibly worn at all times during the tour.
3. Tour participants will conduct themselves in an orderly fashion.
4. Unauthorized communication with inmates will not be allowed.
5. Participants may not give anything to any inmate or accept anything from any inmate.
6. Tour participants must stay with the designated tour guide at all times.
7. In the event of an emergency, participants will immediately follow the instructions of the tour guide.

Violation of any of the above rules may result in immediate termination of the tour.

NOTE: The Santa Clara County Department of Correction has a **"NO HOSTAGE"** policy. This means that all reasonable attempts will be made to ensure the safe release of anyone held hostage; however, no prisoner will be allowed to escape in exchange for the release of any hostage.

(Attachment #3)

SANTA CLARA COUNTY DEPARTMENT OF CORRECTION

TOUR SIGN-UP SHEET

This form should be submitted at least two weeks prior to requested tour date.

Name of Organization:_____ Date of Tour: _____

Name	Date of Birth	M/F	CDL or SSN

(Attachment #4)

SANTA CLARA COUNTY DEPARTMENT OF CORRECTION

PERMISSION SLIP / TOUR GUIDELINES FOR PERSONS UNDER 18 YEARS OF AGE

The mission of the Santa Clara County Department of Correction is to serve and protect the citizens of Santa Clara County and the State of California by detaining the people under its supervision in a safe and secure environment while providing for their humane care, custody and control.

Attire: Dress Appropriately

1. No shorts
2. No halter or tube tops
3. No transparent clothing
4. Wear safe, comfortable shoes

Forbidden Items

1. Weapons of any kind
2. Purses, backpacks, briefcases
3. Cigarettes
4. Alcohol
5. Video or tape recording equipment
6. Umbrellas
7. In other words, do not bring anything with you but your picture ID, car keys and note-taking materials, if necessary.

NOTE: The Santa Clara County Department of Correction has a **"NO HOSTAGE"** policy. This means that all reasonable attempts will be made secure the safe release of anyone held hostage; however, no prisoner will be allowed to escape in exchange for the release of any hostage.

I have read and understand the above guidelines. I give permission for _____

_____ (name) to tour the Santa Clara County Department of Correction on _____

_____ (date).

_____ _____

Parent/Guardian Signature Date

COUNTY OF SANTA CLARA

Department of Correction Policy and Procedure Manual	**Policy Number:** 1.35 **No. of Pages:** 5 **Date of Origin:** 14 Jul 2000 **Date Revised:** 17 Jul 2001
Chapter: Administration, Organization, and Management	**Subject:** Sexual Harassment Policy
Supersedes: All Previous Orders	**Distribution:**
References: Title VII of the 1964 Civil Rights Act, Section 703 Santa Clara County Policy on Sexual Harassment as adopted on August 20, 1991	
Signature of Issuing Authority Chief of Correction	**Current Policy Review** **Date of Review:** 17 Jul 2001 **Revisions Made:** ☒ Yes ☐ No

POLICY: It is the policy of the Department of Correction to ensure the working environment at all facilities is free from all forms of harassment and discrimination.

The Santa Clara County Board of Supervisors has adopted a policy on Equal Employment Opportunity that declares that no person shall be discriminated against with regard to recruitment, selection, appointment, training, promotion, retention, discipline or other aspect of employment. The Board of Supervisors further reaffirms that the County will maintain a discrimination-free work environment. Part of maintaining a good working atmosphere includes freedom from Sexual Harassment.

PURPOSE: To establish guidelines for the conduct of all Department employees regarding Sexual Harassment.

DEFINITIONS: The Equal Employment Opportunity Commission (EEOC) Guidelines define Sexual Harassment as:

Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute sexual harassment when:

a) Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment;
b) Submission to or rejection of such conduct by an individual is used or is threatened to be used as the basis for employment decisions affecting such individual; or
c) Such conduct has the purpose or effect of interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment.

PROCEDURE:

I. Sexual Harassment

A. Sexual Harassment is employee misconduct and will not be tolerated. Both males and females are protected from Sexual Harassment.

B. Sexual Harassment in any work relationship is prohibited.

C. Same sex harassment is equally prohibited.

D. The recipient does not have to be the person harassed, but could be a third party affected by the offensive conduct.

II. Prohibited Behavior

A. Sexual Harassment may include verbal, physical or environmental conduct. Examples of Sexual Harassment include, but are not limited to, the following:

1. Unwelcome sexual advances;

2. Displaying sexually suggestive materials or objects;

3. Leering or making sexual gestures;

4. Sexually-oriented "kidding" or abuse, sexual jokes, comments about a person's body, sexual prowess, or sexual deficiencies;

5. Subtle pressure for sexual activity;

6. Physical contact such as patting, pinching or brushing against another person's body;

7. Demands for sexual favors, accompanied by implied or overt promises of preferential treatment or threats concerning an individual's status.

8. Accessing, downloading or displaying sexually suggestive or explicit material that may be on the Internet and/or sending such material through e-mail or voice-mail.

9. Additional examples of Sexual Harassment may include unwelcome physical touching; impeding or blocking movement; physical interference with normal work or movement; unwelcome sexual conduct; demands for sexual favors; offensive jokes; as well as gestures, posters, letters, poems, graffiti, cartoons, or drawings of a sexual nature that create an offensive work environment.

B. Retaliation is prohibited against an employee who engages in a protected activity is prohibited. Some examples of a protected activity are:

1. Complaints regarding sexual, racial or other harassment;

2. Testimony in a case involving Sexual Harassment;

3. Assistance or participation in an investigation, proceeding, or hearing conducted on such a complaint.

III. Employer/Employee Responsibilities

A. Employers (supervisor or manager) are responsible for prevention and correction of Sexual Harassment occurrences in their areas of responsibility;

B. Employers must take immediate and appropriate action to address conduct which is Sexual Harassment;

C. Employers are responsible for making sure employees are aware of this policy;

D. Employers must do an investigation of all complaints alleging Sexual Harassment, and must do a preliminary investigation of all instances potentially constituting harassment that come to the employer's attention through means other than formal complaints;

E. Employees are responsible for their own behavior and for assuring that Sexual Harassment does not occur in the workplace;

F. Employees who believe that they have been the recipients of Sexual Harassment or who are aware of an occurrence of Sexual Harassment have an obligation and a duty to report the potential policy violation to their supervisor or a County Equal Opportunity representative;

G. Employer's supervisory staff who observe or are notified of a complaint or alleged violation of Department policy shall:

1. Take immediate corrective action to stop the violation if it is ongoing;

2. Immediately notify the Department's Equal Opportunity Officer;

3. Immediately conduct a preliminary investigation of the complaint or allegation;

4. Promptly notify the Division Commander of the occurrence.

IV. Equal Opportunity Division

A. As identified in the County Policy on Sexual Harassment, the Equal Opportunity Division is responsible for the following:

1. Educating management and employees and informing them of their rights and responsibilities under this policy.

2. Developing processes for conducting investigations of alleged violations and advising management on corrective action when violations merit such.

3. Informing each employee of his/her responsibility to report violations.

4. Counseling employees and providing assistance in addressing real or perceived violations of the Sexual Harassment Policy when warranted.

5. Reviewing the proposed corrective action before such action is taken by the Chief of Correction in all cases where Sexual Harassment has been determined.

6. Maintaining the records in all cases where Sexual Harassment has been determined and keeping these records confidential. If a complaint is made with Internal Affairs and a case number is assigned, the Internal Affairs Unit will maintain all original copies of their investigation.

7. The Equal Opportunity Division will be available for consultation with supervisors, managers, union representatives, and other employees regarding the Sexual Harassment Policy.

V. Complaint Process

A. The Department of Correction encourages employees who believe they are being harassed to clearly and promptly notify the offender orally or in writing that his/her behavior is unwelcome, if possible.

B. If the employee does not wish to confront the offender directly or if such a confrontation does not successfully end the harassment, the employee can complain internally to:

1. His/her immediate supervisor, or to any person within the chain of command or other Department supervisor or manager.

2. The Department of Correction Personnel Manager.

3. The DOC Equal Opportunity Officer.

C. An employee may also complain externally to:

1. The State of California Department of Fair Employment and Housing (DFEH).

2. The Federal Equal Employment Opportunity Commission (EEOC).

D. When possible, the preliminary investigation shall be completed prior to the time the supervisor goes off duty, unless the Division Commander has approved otherwise.

1. The supervisor shall ensure that statements are obtained from all involved witnesses before they leave the facility.

2. At a minimum, a copy of the Santa Clara County Discrimination/Harassment Complaint Form must be completed, either by the DOC Equal Opportunity Officer or by the reporting supervisor.

E. Absent exigent circumstances, within 30 days of the original notification, the supervisor or other staff member shall complete the investigation and file a confidential written report with the Department's Equal Opportunity Officer documenting the following:

1. The complaint or allegation;

2. The identification of and statements by witnesses;

3. Statements regarding any corrective action taken;

4. The recommendation(s) concerning further Department action.

VI. Disciplinary Action

A. Sexual Harassment by any employee may result in disciplinary action up to and including termination of employment status.

VII. Policy Revision

A. All Department policies will be reviewed not less than once a year. The Professional Compliance and Audit Unit will establish an annual schedule identifying policies to be reviewed during a specific month.

SANTA CLARA COUNTY – DEPARTMENT OF CORRECTION
DISCRIMINATION/HARASSMENT COMPLAINT FORM

SECTION 1

Name of Complainant:	Job Title:	Team/Shift:	Telephone: Home: _____ Work: _____

Complainant's Basis of Allegation:
☐ Race ☐ Sexual Harassment ☐ Disability ☐ Religion ☐ National Origin
☐ Sex ☐ Sexual Orientation ☐ Age ☐ Other (Specify) _____

Date, Location and Details of Incident (Attach Additional Sheets as Required):

Remedy Sought by Complainant:

Complaint Received By:	Job Title:	Team/Shift:	Date:

Complainant's Signature: Date:

SECTION 2

Letter of Determination:
☐ To Complainant
☐ To EOD and Chief of Correction

Case Closed By:
_____ _____
Signature Date

SECTION 3

Persons Notified of Complaint: ☐ Chief of Correction ☐ Internal Affairs Commander
☐ DOC EOD Representative ☐ Division Commander ☐ Other (Specify) _____

Investigation: Began: _____ Ended: _____	Findings: ☐ Allegations Sustained ☐ Allegations Non Sustained	Findings Coordinated With: ☐ DOC EOD Representative ☐ Chief of Correction ☐ County Counsel

Corrective Action and Timeline: (Attach Additional Sheets as Required)

Remedial Action Follow-Up: 1st Month _____ Date	2nd Month: _____ Date	3rd Month: _____ Date

SECTION 4

Decision of Chief of Correction on Findings and Remedial Action:

☐ I concur _____ _____
Signature Date

☐ I do not concur and propose that: (attach written recommendation)

COUNTY OF SANTA CLARA

Department of Correction Policy and Procedure Manual	**Policy Number:** 1.37 **No. of Pages:** 6 **Date of Origin:** 16 Jun 1995 **Date of Revision:** 25 Feb 2004
Chapter: Administration, Organization and Management	**Subject:** Equal Employment Opportunity
Supersedes: Policy 1.04, revised 01/24/96	**Distribution:**
References: The Age Discrimination in Employment Act of 1967; The Americans with Disabilities Act of 1991; Title VII of the Civil Rights Act of amended in 1972; The California Fair Employment and Housing Act (1959); The County of Santa Clara Policies approved by the Board of Supervisors against Discrimination, Harassment and Retaliation (2003), Sexual Harassment (1991), and Diversity (1993).	
Signature of Issuing Authority James W. Babcock, Chief of Correction	**Current Policy Review** **Date of Review:** 25 Feb 2004 **Revisions Made:** ☒Yes ☐No

POLICY: It is the policy of the Department of Correction to provide equal opportunity in employment and equal access to programs, services, and contracting opportunities.

PURPOSE: To affirm the Department's commitment to equal employment opportunity and establish the appropriate procedure for handling discrimination complaints from its employees.

DEFINITIONS: Discrimination: Differential treatment of individuals due to their race, color, national origin, culture, ancestry, gender, gender identity, pregnancy, religion, sexual orientation, marital status, age, disability, medical condition, political beliefs, or organizational affiliations.

Discrimination Complaint: An allegation that an employee has been discriminated against or harassed on the basis of their race, color, national origin, culture, ancestry, gender, gender identity, pregnancy, religion, sexual orientation, marital status, age, disability, medical condition, political beliefs, or organizational affiliations. These protected classes are established by federal, state, or County mandates which provide the jurisdiction for investigation of complaints by the Equal Opportunity and Employment Development Divisions of the Employee Services Agency.

Sexual Harassment: Unwelcome sexual advances, requests for sexual favors, and other verbal and/or physical conduct of a sexual nature constitutes harassment when:

1. Submission to such conduct is made either explicitly a term or condition of an individual's employment; or

2. Submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individuals; or

3. Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment.

Harassment: Actions and behaviors that intimidate or demean an individual based upon his or her race protected class.

Retaliation: Disparate treatment against an individual who participates in a "protected activity."

Protected Activity: A person who speaks up about discrimination or harassment, or files a complaint or participates in the complaint process, is participating in a protected activity.

PROCEDURES:

I. Equal Employment Opportunity

A. The Department of Correction is committed to providing equal opportunity in employment and equal access to programs, services, and contracting opportunities: Therefore, no person shall be subject to discrimination or harassment with regard to any aspect of recruitment or employment with the department. Nor shall any person shall be denied, or provided unequal access to, programs, services, or contracting opportunities based upon their race, color, national origin, culture, ancestry, gender, gender identity, pregnancy, religion, sexual orientation, marital status, age, disability, medical condition, political beliefs, or organizational affiliations.

B. Employees will be treated fairly and without regard to their race, color, national origin, culture, ancestry, gender, gender identity, pregnancy, religion, sexual orientation, marital status, age, disability, medical condition, political beliefs, organizational affiliations or other non-merit factors in employment related

decisions including, recruitment, examination, appointment, promotion, transfer, job rotation, training, work assignments, merit increases and overtime.

C. Interviews will be job related and non-discriminatory.

D. Retaliation against any person who participates in a Protected Activity is prohibited.

E. Supervisors' and Managers' job performance evaluations will include a review of how the Supervisor or Manager handled issues relating to equal employment opportunity when applicable.

F. It is the responsibility of Leads, Supervisors, and Managers to ensure a non-discriminatory, non-hostile work environment.

G. Supervisors and Managers may be held personally responsible for violations of the guidelines established by the Equal Employment Opportunity Commission, the County of Santa Clara, and the Department of Correction.

H. Appropriate disciplinary action will be taken against anyone violating this policy.

II. Role of the Chief of Correction

A. The Chief of Correction shall be responsible for ensuring a work environment that promotes equal employment opportunity.

B. The Chief of Correction, in conjunction with the Equal Opportunity Division, shall review and determine all findings of discrimination or harassment.

III. Role of the Managers and Supervisors

A. Managers and supervisors shall be responsible for ensuring a work environment free from discrimination and harassment. If such problems should develop, managers and supervisors are required to take positive action to ensure that the problems are resolved.

B. Managers and supervisors will notify the Equal Opportunity Officer of alleged or suspected cases of discrimination or sexual harassment.

1. Matters related to discrimination or harassment will be investigated in coordination with the Equal Opportunity Officer.

2. The Equal Opportunity Officer will keep management informed as to the status of a complaint and how it will be addressed.

IV. Role of the Personnel Manager

A. The Personnel Manager is responsible for developing and monitoring a work force utilization analysis.

B. The Personnel Manager is responsible for coordinating equal employment opportunity activities, including recruitment, examination, selection, promotion, and transfer.

V. Role of Equal Opportunity Officer

A. The Department's Equal Opportunity Officer from the Equal Opportunity Division of the Employee Services Agency serves as the liaison to the overall Equal Employment Opportunity process. The Department's Equal Opportunity Officer will:

1. Furnish consultation and technical assistance on all aspects of the EEO process, and will arrange for training as appropriate.

2. Oversee intervention efforts, evaluate progress, and ensure that all practices are in compliance with EEO guidelines and are proceeding appropriately.

3. Work closely with management in arranging investigations of EEO complaints and keep management informed of requests to interview staff and visit work sites. Proposed actions, which result from a discrimination investigation, will require approval from the Chief of Correction and the Director of the Equal Opportunity Division before they can be implemented.

4. Work with managers and supervisors to assure that approved actions are initiated.

VI. Complaint Procedures

A. An employee who feels he or she has been the victim of discrimination or harassment may initiate a complaint to any of the individuals listed below:

1. Any Supervisor or Manager

2. Personnel Manager, telephone (408) 299-2920

3. Department's Equal Opportunity Officer, telephone (408) 299-2743

4. State of California Department of Fair Employment and Housing (408) 277-1264

5. Federal Equal Employment Opportunity Commission, telephone (408) 281-7352

B. Complaints should be brought to the attention of one of the above as soon as possible unless there are extenuating circumstances that justify a delayed submission.

C. An employee may meet with any of the individuals listed above during regularly scheduled work hours.

1. Requests for time off to meet must be approved by the employee's supervisor, unless extenuating circumstances exist.

2. Reasonable time off to meet with Equal Employment Opportunity personnel will be granted upon request.

D. An employee may meet with EEO personnel on off-duty time or during lunch or normal breaks. The employee will not be compensated for such time spent meeting with EEO personnel unless the EEO personnel involved required the meeting time.

E. A discrimination complaint is not a labor grievance or an allegation having to do with work performance issues. Labor grievances are to be handled by management and Labor Relations.

VII. Case Investigation and Resolution

A. With regard to formal discrimination or harassment complaints, every effort will be made to conclude all cases as expeditiously as possible.

1. Investigation of these cases will be a joint effort between DOC management and the Equal Opportunity Division to ensure these complaints are appropriately and quickly resolved.

2. In all situations involving badge staff, EEO investigations will comply with the Peace Officers' Bill of Rights (AB 301).

3. The Equal Opportunity Division will make independent recommendations on each case.

B. With regard to sexual harassment complaints, staff will refer to the Department's policy on sexual harassment, #1.35.

VIII. Policy Revision

A. All Department policies will be reviewed not less than once a year. The Professional Compliance and Audit Unit will establish an annual schedule identifying policies to be reviewed during a specific month.

COUNTY OF SANTA CLARA

Department of Correction Policy and Procedure Manual	**Policy Number:** 1.39 **No. of Pages:** 4 **Date of Origin:** 10 Oct 1996 **Date Revised:** 12 Mar 2001
Chapter: Administration, Organization and Management	**Subject:** Violence in the Workplace
Supersedes: All Previous Orders (9.24)	**Distribution:**
References: County of Santa Clara handbooks - "Workplace Violence Prevention, A Guide for Employees, and A Guide for Supervisors"	
Signature of Issuing Authority _____ Chief of Correction	**Current Policy Review** **Date of Review:** 12 Mar 2001 **Revisions Made:** ☒ Yes ☐ No

POLICY: Santa Clara County is committed to serving a wide range of citizens, some of whom can be under severe stress and have nowhere else to turn. Providing services to these and other persons can place county employees in a position of vulnerability to violence or threatening behavior. The Department of Correction values its employees and clients and is committed to providing workplaces and facilities that are free from violence. The policy of the Department of Correction is to minimize the impact of workplace violence through diligence, preparation and training. Employees shall place safety as the highest concern, and shall report all acts of violence and threats of violence.

PURPOSE: To provide guidelines for the implementation of the Santa Clara County Workplace Violence Prevention Policy.

PROCEDURE:

I. Threats of Workplace Violence

A. Type I - An incident when the violent person has no legitimate relationship to the workplace and usually enters the workplace to commit a robbery or other criminal act.

B. Type II - An incident involving a violent act or threat by a recipient of a service provided by the County or an outside contractor for the County.

C. Type III - An incident committed by an employee or former employee seeking revenge for perceived unfair treatment by a co-worker, supervisor or manager.

D. Type IV - An incident involving a domestic dispute where an employee is threatened at work by someone with whom the employee has a personal relationship.

II. Warning Signs of Workplace Violence

A. Incidents of workplace violence are frequently caused by anger or frustration related to, obsessive love affairs or domestic disputes that spill over into the workplace.

B. A threat is the clearest indicator of potential violence (includes direct threats, veiled threats and threats conditioned upon other actions). An employee who receives repeated phone calls of an annoying, harassing or volatile nature, for example, should report them to a supervisor.

C. Other signs or behaviors, which may be identified along with threats, include a person who:

?? is unusually argumentative
?? doesn't cooperate well with others
?? has a problem with authority figures
?? frequently blames others for his or her problems
?? changes his or her work patterns with acts of tardiness or absenteeism
?? demonstrates extreme or bizarre behavior
?? frequently appears depressed
?? is involved in alcohol or drug abuse
?? has a history of violence
?? exhibits a preoccupation with weapons and their use to harm self or others

D. It is certainly possible that a potentially violent person may not exhibit any of the signs listed above. Therefore, caution must be exercised to avoid over reacting. For example, just because an employee is argumentative does not necessarily mean that the employee will also become violent.

III. Reporting Incidents of Workplace Violence

A. Employees can decrease the odds of workplace violence if angry outbursts are not ignored and any violence or threats of violence which occur in the workplace are reported.

B. Any employee, while in the workplace or while on County business, who observes or hears a person (e.g., employee, visitor, contractor, vendor, client, patient) who threatens, attempts, or commits a prohibited behavior or act of violence shall immediately notify his or her immediate supervisor.

C. Any employee while in the workplace, or while on County business who observes or has a reasonable suspicion of physical abuse or threat of violence to another County employee is required to report such suspicion to his or her immediate supervisor.

D. Any employee who observes or becomes aware of any unauthorized possession, use, transferring, or selling of a weapon at a County work site, or any other location while a

County employee is on County business shall immediately report this to his or her immediate supervisor.

E. The Department of Correction will make every reasonable effort to maintain the confidentiality of individual(s) reporting incidents of workplace violence. However, no guarantees can be made in all situations as the identity may be critical to the investigation and/or incident.

IV. Employee's Responsibility

A. Employees should learn to recognize and respond to behaviors that may indicate a risk of violence.

B. Employees shall place safety as the highest concern and shall report all acts of violence and threats of violence. If an employee becomes aware of a threat or act of violence, the following action is required:

1. The employee must immediately notify a supervisor. Badge staff must notify the duty sergeant if their supervisor is not on duty.

2. The employee must provide written documentation.

V. Supervisor's Responsibilities

A. Supervisors shall make safety their highest concern and:

1. Ensure all employees under their authority receive periodic training on emergency procedures and workplace violence prevention.

2. Be aware of the informational resources available (e.g., County Handbook entitled "Workplace Violence Prevention, A Guide for Employees" and "A Guide for Supervisors").

3. Forward to Central Training records of all training provided which includes the date of training, name of person providing training, names of employees present during the training, topics covered and length of training session.

B. When made aware of a real or perceived threat of violence, supervisors will immediately notify the Watch Commander, Assistant Division Commander or Division Commander, or the Duty Officer in their absence.

1. Supervisors shall conduct a thorough investigation, provide support for employees, and take specific actions to help prevent acts of violence, including but not limited to, contacting appropriate law enforcement agencies with jurisdiction.

2. All action, investigations and notifications shall be documented to the Division Commander.

VI. Division Commander/Unit Manager's Responsibilities

A. Each Division Commander/Unit Manager will ensure all employees have access to the County handbook, "Workplace Violence Prevention, A Guide for Employees," through the Division's Safety Center or other informational centers located as follows:

1. Main Jail Safety Center at Main Jail North across from Central Control.

2. Elmwood Safety Center at Elmwood's Administration lobby.

3. CCW Safety Center at CCW's staff lounge.

4. Central Training at Elmwood

B. Each Division Commander/Unit Manager will ensure the appropriate measures are taken in a case of an incident involving workplace violence by referring to the Department's policies and procedures that include, but are not limited to:

1. Occupational Injury and Illness Safety Policy and Procedure
2. Emergency Plan Policy and Procedure
3. Critical Incident Review Policy and Procedure

VII. Central Training's Responsibility

A. Central Training will ensure that all employees of the Department of Correction receive the initial training on Workplace Violence Prevention, and are issued the County's handbook, "Workplace Violence Prevention, A Guide for Employees."

B. Central Training will ensure that Workplace Violence Prevention is taught in all training programs for new employees.

C. Central Training will provide supervisors with the County handbooks on workplace violence prevention and videos on workplace violence prevention as needed to conduct periodic employee training.

D. Central Training will maintain a record of the training provided to each individual employee concerning workplace violence prevention.

VIII. Policy Revision

A. All Department policies will be reviewed not less than once a year. The Professional Compliance and Audit Unit will establish an annual schedule identifying policies to be reviewed during a specific month.

COUNTY OF SANTA CLARA

Department of Correction Policy and Procedure Manual	**Policy Number:** 1.41 **No. of Pages:** 10 **Date of Origin:** 01 Feb 1992 **Date Revised:** 19 Jun 2009
Chapter: Administration, Organization and Management	**Subject:** News Media Relations / Public Information
Supersedes: 1.41 rev. 02/02/04	**Distribution:**
References: ACA 3-ALDF-1A-19, 1A-19-1, California Government Code Sections 6253 and 6254; California Penal Code Sections 11075, 11076 & 11140-11144; People v Archer 12/22/08 (Stipulation and Order Re: Inmate Pro Per Rights and Privileges)	
Signature of Issuing Authority Edward C. Flores, Chief of Correction	**Current Policy Review** **Date of Review:** 19 Jun 2009 **Revisions Made:** ☒Yes ☐No

POLICY: It is the policy of the Department of Correction to maintain positive, informative relationships with the public, the media, and other agencies with related functions, consistent with the security and privacy interests of the Department of Correction, its staff, and the inmates confined in its facilities.

PURPOSE: To establish a uniform procedure and provide guidance for the dissemination of information to members of the news media and public, as well as, permitting media interviews with specific inmates while ensuring compliance with statutes, regulations and policies. There is no intent to provide publicity for an inmate or special privileges for the news media, but rather to ensure a better-informed public.

DEFINITIONS:

News Media Representative: A reporter for the general circulation newspaper, news magazine, local, national or international news wire service, radio or television station holding a Federal Communications Commission License, or a cable television station.

Public Information: That information, as defined by California Government Code 6253 and 6254, which must be provided upon request to any citizen or group of citizens.

Public Information Officer (PIO): A staff member designated to provide information to the news media and general public.

Sensitive Information: Information related to systems, structures, individuals and services essential to the security, government or

economy of the County, including telecommunications (voice and data transmissions and the internet), electrical power, gas and oil storage and transportation, banking and finance, transportation, water supply, emergency services (medical, fire and police services), and the continuity of government operations.

Officer-Involved Incident: Any incident in which a peace officer or custodial officer, acting under color of authority, is directly involved where death or the serious likelihood of death results.

PROCEDURE:

I. Public Information Officer (PIO):

A. The PIO is a staff member designated by the Chief of Correction. The Chief of Correction, Assistant Chief and the PIO are the only staff authorized to make official statements to the media on behalf of the Department, unless otherwise ordered by the Chief of Correction.

B. Duties of the PIO may include, but are not limited to, the following:

1. Notifying representatives of the media of news conferences: At his or her discretion, the PIO may also telephone or fax information directly to television, radio or cable stations, or news publications.

2. Notifying members of the news media of newsworthy information, including, but not limited to: escape of potentially violent inmates, major fires, jail deaths, hostage situations, and positive news such as acts of heroism, outstanding accomplishments by officers or inmates and new and innovative programs or policies.

a. Information regarding escapees that may be provided to the news media includes:

1) Photos of the escapee(s), if available

2) The escapee(s) name, sex, age, physical description, address, current charges, arresting agency, court of jurisdiction, place and type of confinement (e.g. minimum, medium or maximum security), the possibility of vehicles being used, and whether it is believed the escapee is armed.

b. Information regarding in-custody deaths will not be released to the news media until the Department has been advised that the Coroner has made contact with the next of kin. However, after next-of-kin

notification has been confirmed, information relative to the identity of the inmate may be released.

3. Coordinating news conferences and media attendance at functions such as program graduations, inmate interviews, and facility tours.

   a. At the request of the Chief of Correction, Assistant Chief, Division Commander or PIO, the Assistant Division Commander at each facility shall be responsible for assisting with the news coverage interviews or tours of the facility.

4. Posting newsworthy information on the Department's Website.

   a. It is the responsibility of the Department's PIO and Executive Staff to determine what materials might be exploited on a public site and to review and minimize areas of potential risk to public security by removing that information from its web site. The PIO will regularly review all contents on the Department's public web site for Sensitive Information.

   b. When reviewing data, security concerns may not always be obvious. A particular piece of information may seem harmless, but when used together with other publicly available data, the combination could be useful for those with malicious intent; therefore, it is incumbent on all employees of this Department to report any concerns with regard to Sensitive Information on the Department's web site

   c. Sensitive Information will remain publicly available to the extent mandated by law, including the California Public Records Act. If there are any questions about disclosure requirements to particular information maintained by the Department, employees will refer those questions to their Division Commander.

C. Dissemination of Information to the media

1. Requests from the media for information about the Department shall be referred to the PIO.

2. Information involving normal day-to-day operations may be provided to the news media by any supervisor of the Department; however, the supervisor providing the information must take into consideration if he or she is qualified to respond, and if the person making the request is the proper person to receive the information. Only facts should be provided, not opinions. If the supervisor has doubts or questions, the matter should be referred to the PIO.

3. Requests for information regarding inmates in custody shall be referred to the PIO.

4. A news media interview or photograph of a suspect in custody shall not be permitted against the suspect's will without a verbal or written Court Order. The media may take non-posed photographs of a suspect during routing travel to and from court.

5. If there is an incident that is of high media interest, the Chief of Correction or, in his or her absence, the Assistant Chief, will notify the members of the Board of Supervisors.

6. Requests from the media for information about an Officer-Involved Incident shall be referred to the Sheriff's Office designated the Primary Agency with geographic jurisdiction over the incident. The P.I.O for the Department of Correction will limit his or her comments to the following areas:

   a. The employer-employee relationship; however, the names of the involved officer(s) will not be released until 24 hours after the incident to allow for appropriate notifications.

   b. Information that has been cleared for release by the Sheriff's Office.

D. Information that <u>shall not</u> be released to the media:

1. The confession, admission, or statement by a defendant with respect to his/her crime or his/her refusal to make a statement.

2. The prior criminal records of a defendant, or his/her reputation or character in the community.

3. A statement expressing a belief in the guilt or innocence of a defendant or his/her possible plea.

4. The results of a test or a defendant's refusal to take a test such as a lie detector, paraffin, blood, or urine test, or the results of a line-up or fingerprint comparison.

5. The name of a victim of suicide or homicide before the next-of-kin has been notified.

6. Inmate visitor information.

E. Information that <u>may</u> be released to the media:

1. A general description of the facts of a crime that occur in the jail.

2. The circumstances of the suspect's arrest, including the date, time, place, and persons present.

3. The identity of the defendant, including name, city of residence, occupation, and family status.

4. The court schedule of activities such as arraignment, preliminary examination, trial department number, and name of judge before whom the defendant appears.

5. The material contained in the public record of the case when record was made during hearings open to the public.

   a. Caution should be exercised with respect to statements based upon public records. Affidavits for Search Warrants and Arrest Warrants are public, but frequently contain material that should not be released to the media as indicated above. Once such material is introduced into evidence at a public hearing or trial, it may be released to the media.

6. Photographs

   a. Actual booking photos will not be given to the media.

   b. Photographs or videotaped pictures of a booking photo will be allowed if:

      1) The inmate is fully sentenced.

      2) The inmate is not fully sentenced and the arresting agency gives permission for a photograph to be released.

      3) The subject is currently in custody.

   c. The Public Information Officer may also e-mail inmate booking photographs to media representatives when all the criteria above have been met.

II. News media access

A. Pre-arranged news media visits to the facilities are encouraged. When requesting access to the facilities, news media representatives must provide the following information in writing to the PIO:

1. Media representative's full name, social security number, date of birth, race and gender. This information is required to complete a background check.

2. Purpose of the visit.

3. Date, time and estimated duration of visit.

4. Name(s) of persons to be interviewed.

5. Proposed use of camera or other recording devices. These items will be subject to approval by the PIO and/or Division Commander for use inside the facility.

B. When access to the facilities is approved for a news media representative, the following will apply:

1. Media representatives must provide positive identification.

2. Media representatives will be subject to the facility's search procedures.

3. Media representatives must sign a News Media Agreement.

4. Media representative must be escorted by badge staff at all times. Random access, not specific to the purpose of the visit is prohibited.

5. Media representative may be restricted to a designated area during an emergency.

III. Media Interviews with inmates

A. Inmates may correspond with representatives of the news media via U.S. mail, and may be permitted in-person and/or telephonic interviews. In-person inmate interviews may be permitted when the following conditions are met:

1. The inmate wishes to be interviewed.

2. The inmate signs an Inmate Consent Form (*Attachment*). The signed form shall be forwarded to the Administrative Booking Unit and filed in the inmate's booking record.

3. The interview will not jeopardize the current safety and of the facility.

4. The interview will not be detrimental to the welfare and best interest of other inmates.

5. The inmate is not diagnosed as psychotic.

6. The interview is approved by the Chief of Correction, Assistant Chief, Division Captain, or PIO.

B. Interviews should be requested as far in advance as possible and will be conducted only between the hours of 0900-1030 and 1200-1700, weekdays, unless there are extenuating circumstances.

C. Interviews will be conducted under conditions the PIO and Division Commander deem appropriate including time, place and length of interview. The Division Commander may dictate security needs, size of film crew, amount and type of recording equipment to be allowed into the facility. The requesting party, prior to the interview, should specify the type of equipment to be used and the electrical needs.

D. Interviews between the news media and an inmate shall be visually supervised by an officer.

1. The purpose of this supervision is for security only. No censorship is intended or authorized.

2. The requesting Media Organization may be asked to reimburse the Department for costs associated with additional staff required for appropriate security to conduct the interview. The Media Organization shall be advised of any costs prior to the interview and arrangements shall be made by the PIO

E. Prior to granting an interview with an unsentenced inmate, the PIO will contact the District Attorney's Office to ascertain if any "Gag Orders" have been issued regarding the case.

F. The PIO will make a courtesy notification to the arresting agency handling the investigation.

G. An inmate using his/her normal authorized visit to speak with a new media representative will be handled as any other visit.

H. The PIO will handle extraordinary media interest on high profile inmates as follows:

1. Within 24 hours of booking, the PIO will compile a list of media organizations that have expressed interest in interviews with the inmate.

2. At the end of the 24-hour period, the PIO will contact the inmate to inquire if he or she is interested in interviews with the media.

3. The PIO will inform each media representative of the inmate's wishes and, if appropriate, will make interview arrangements with the media representative and the Division Commander. If the inmate is interested in being interviewed by more than one media representative, the PIO will make arrangements to conduct the interview as a news conference to minimize facility disruption.

IV. Media Interviews with staff

A. The First Amendment of the Constitution of the United States protects the right to freedom of speech. No staff member will be prohibited from speaking to any member of the news media. However, it is strongly advised that staff contact the PIO if a member of the media contacts them requesting an interview.

V. Spot news or rapidly developing events

A. News media representatives may be given access to cover spot news or rapidly developing events; however, a Division Commander or higher ranking staff member may impose limitations or set conditions for such access when, in his/her judgment, such access would constitute an immediate threat to safety or generate serious operational problems.

B. News media representatives may be barred from the facilities during facility disruptions.

C. News media representative may be limited in the use of motion picture, television, or other media equipment in sensitive areas during those times when the presence of such equipment might precipitate disruption.

VI. Conduct by members of the News Media

A. Any member of the news media who does not follow the guidelines and procedures established by the Department may be denied access to the facilities.

B. All members of the news media shall be advised by the PIO of the Department's "No Hostage Policy."

VII. Public Information

A. Information maintained by this Department including Sensitive Information will remain publicly available to the extent mandated by law, including the California Public Records Act.

1. As required by California Code of Regulations' Title 15 public information plan section #1045, the appropriate policies covering the topics in that section will be included in the policy manual as unrestricted policies.

Policies and procedures relating to the security of the facility will be classified as restricted and will not be available to inmates or the public. Making the policies available for review will not include providing copies of such policies.

a. Policy Manuals containing the Department's unrestricted policies will be made available to the public and inmates upon request.

b. The Division Commander for each facility is responsible for maintaining a manual at each facility's public entrance.

c. If an inmate wishes to review Department policy and procedure, he or she must complete an "Inmate Request Form" to the law library coordinator.

d. If a member of the public wishes to review Department policy and procedure, he or she must go to any of the Departments' public facility lobby entrances. Upon request, the Officer assigned to the lobby will make the policy manual available for review.

B. If there are any questions about disclosure requirements to particular information maintained by the Department, employees will refer those questions to their Division Commander. The Division Commander may consult with the Department's County Counsel representative if he or she is uncertain about the disclosure requirements.

VIII. Policy Review

A. All Department policies will be reviewed by the Professional Compliance and Audit Unit.

COUNTY OF SANTA CLARA
DEPARTMENT OF CORRECTION
INMATE CONSENT FORM

I hereby consent to be interviewed, photographed, and/or video taped by employees, agents or officers of newspapers, magazines, television, cable, Internet, or radio (hereafter referred to as the "media").

I also give my permission for said interviews, photographs, digital images, and/or videotapes to be used and/or published.

I hereby release the Santa Clara County Department of Correction and the County of Santa Clara from any and all actions, claims, demands, damages, costs, loss of services, expenses and/or compensation on account of, or resulting from, any and all known and unknown injuries or damages resulting from the use or publication via the media.

_____ _____

Date Facility

_____ _____

Name of Inmate (print) Signature of Inmate

_____ _____

Booking Number PFN

_____ _____

Witness Name (print) Witness Signature

Rev. 06/09
Policy 1.41 News Media Relations / Public Information

COUNTY OF SANTA CLARA

Department of Correction Policy and Procedure Manual	**Policy Number:** 1.45 **No. of Pages:** 2 **Date of Origin:** 01 Mar 1993 **Date Revised:** 05 Mar 2001
Chapter: Administration, Organization and Management	**Subject:** Request for Legal Opinion from County Counsel
Supersedes: All Previous Orders	**Distribution:**
References: 3-ALDF-1A-20	
Signature of Issuing Authority _____ Chief of Correction	**Current Policy Review** **Date of Review:** 05 Mar 2001 **Revisions Made:** ☒ Yes ☐ No

POLICY: It is the policy of the Department of Correction to ensure the Chief of Correction and/or the Assistant Chief of Correction approves all requests for legal opinions from County Counsel.

PURPOSE: To give proper direction regarding requests for legal opinions from County Counsel in order to restrict and prevent duplication of requests.

PROCEDURE:

I. Process for Requesting Legal Opinions From County Counsel

A. All requests for legal opinions from County Counsel must be approved by the Chief of Correction or Assistant Chief of Correction.

B. Requests for legal opinions must be reviewed by the appropriate Department administrator, manager, or supervisor prior to final approval by the Chief of Correction or Assistant Chief of Correction.

C. Requests should be communicated in writing or by e-mail with the subject identified as "Request for Legal Opinion," requests may be made orally if time is of the essence but should be followed by a written record of such request.

D. After the request has been approved by the Chief of Correction or Assistant Chief of Correction, the following will occur:

1. Forward the original to the Deputy County Counsel assigned to assist the Department of Correction and a copy to the Chief of Correction's Confidential Secretary, who will maintain a file of all opinion requests and written responses.

2. The employee receiving County Counsel's response will forward a copy to the Chief of Correction's Confidential Secretary.

II. Policy Revision

A. All Department policies will be reviewed not less than once a year. The Professional Compliance and Audit Unit will establish an annual schedule identifying policies to be reviewed during a specific month.

COUNTY OF SANTA CLARA

Department of Correction Policy and Procedure Manual	**Policy Number:** 1.47 **No. of Pages:** 2 **Date of Origin:** 22 Jun 1996 **Date of Revision:** 22 Aug 2008
Chapter: Administration, Organization, and Management	**Subject:** Staff Communication With Defense Attorneys
Supersedes: Old Policy 1.25 rev. 09/11/97, Elmwood Procedure 112	**Distribution:**
References: None	
Signature of Issuing Authority Edward C. Flores, Chief of Correction	**Current Policy Review** **Date of Review:** 22 Aug 2008 **Revisions Made:** ☒Yes ☐No

POLICY: The Department of Correction will not restrict staff members from voluntary communication with inmate defense attorneys.

PURPOSE: To provide guidelines for staff members who wish to provide information to defense attorneys regarding their personal knowledge of an inmate's in-custody behavior.

DEFINITIONS: None

PROCEDURE:

I. Staff Communication With Defense Attorneys

A. No staff member will be restricted from voluntary communication with inmate defense attorneys. If a staff member wishes to make a comment as to their personal knowledge of an inmate's behavior, he/she will be allowed to do so.

II. Attorney Request for Staff Interviews

A. All requests from attorneys to speak with staff regarding their client's in-custody behavior shall be referred to the appropriate Team Sergeant or supervisor prior to the interview.

B. The Team Sergeant will clarify the reasons that the attorney wishes to speak with the employee and determine if it is appropriate.

1. If the officer is a victim or a witness in the inmate's case, it would not be appropriate for the officer to communicate with the defense attorney without a subpoena or the District Attorney's knowledge/approval.

C. Once the Team Sergeant has approved the attorney visit with the staff member, the supervisor will then make arrangements for the interview to take place.

D. The Team Sergeant will clarify to the staff member that the information he/she gives to the defense attorney is voluntary and should only include his/her opinions as to the in-custody behavior of the inmate. Official records, such as Classification records, or information associated with restricted policies are not to be released.

E. In the event that the defense attorney wishes to interview a significant number of officers, possibly disrupting facility operations, the supervisor should closely monitor the situation to prevent any problems.

III. Policy Revision

A. All Department policies will be reviewed not less than once a year. The Professional Compliance and Audit Unit will establish an annual schedule identifying policies to be reviewed during a specific month.

COUNTY OF SANTA CLARA

Department of Correction Policy and Procedure Manual	**Policy Number:** 1.49 **No. of Pages:** 2 **Date of Origin:** 21 Oct 1992 **Date of Revision:** 22 Aug 2008
Chapter: Administration, Organization and Management	**Subject:** Facility Bulletin Boards
Supersedes: Old Policy 1.19 rev. 09/10/97, CCW Procedure 110	**Distribution:**
References: Memorandum of Understanding Between All Applicable Bargaining Units and Santa Clara County	
Signature of Issuing Authority Edward C. Flores, Chief of Correction	**Current Policy Review** **Date of Review:** 22 Aug 08 **Revisions Made:** ☒Yes ☐No

POLICY: It is the policy of the Department of Correction to provide adequate and accessible space on facility bulletin boards for the posting of employee official Bargaining Unit communications. Labor Bargaining Units includes the CPOA, DSA, Local 715, Local 1587, and CEMA.

PURPOSE: To provide guidelines for the maintenance of facility bulletin boards which comply with the agreements entered into by the County of Santa Clara with the various employee bargaining unions and associations.

DEFINITIONS: None

PROCEDURE:

I. Dedicated Facility Bulletin Boards

A. Each Department of Correction facility will establish permanent locations for bulletin boards with adequate and equal dedicated space for each of the primary employee bargaining units.

B. The dedicated bulletin board space is to be used for the posting of official communications that have been prepared by and/or approved by the governing board of the involved employee bargaining union or association.

C. The dedicated bulletin board space is not to be used for personal business and shall not violate any departmental policy for written materials, i.e., any materials that could be construed as being offensive.

D. It is the responsibility of the employee bargaining units to ensure the material on their bulletin boards remains current..

E. It is the responsibility of the Division Commander or his/her designee to restrict or remove any material/information that is offensive and that may interfere with the good order of the facility.

II. Policy Revision

A. All Department policies will be reviewed not less than once a year. The Professional Compliance and Audit Unit will establish an annual schedule identifying policies to be reviewed during a specific month.

COUNTY OF SANTA CLARA

Department of Correction Policy and Procedure Manual	**Policy Number:** 1.55 **No. of Pages:** 9 **Date of Origin:** 31 Mar 1994 **Date of Revision:** 02 Feb 2004
Chapter: Administration, Organization and Management	**Subject:** County Vehicles – Use and Control
Supersedes: Policy 9.15, Use of County Vehicles rev. 03/11/98	**Distribution:**
References: Santa Clara County policies 213, 430, and 432; County Executive Management Salary Ordinances; Related Memorandum of Understandings; California Vehicle Code	
Signature of Issuing Authority James W. Babcock, Chief of Correction	**Current Policy Review** **Date of Review:** 02 Feb 2004 **Revisions Made:** ☒Yes ☐No

POLICY: It is the policy of the Department of Correction to procure, assign, and operate County owned or leased vehicles in accordance with County policy and applicable laws.

PURPOSE: To establish guidelines for the assignment and operation of County vehicles.

DEFINITIONS: County Vehicle: Any vehicle owned or leased by the County of Santa Clara or any vehicle operated by a County employee during the course of that employee's work related duties.

PROCEDURE:

I. County Vehicle Driver Licensing Requirements

A. Department staff operating a County vehicle or their personal vehicle while on county business must possess a valid California driver's license and a valid County driver's permit.

B. The Department's Personnel Unit issues and controls County driver's permits as part of the County's SAFE Driving Program.

1. Staff requesting an initial County driver's permit must complete the County's four-hour SAFE Driving Program Course.

2. Once the County SAFE Driving Program Course is completed, staff will complete all the appropriate Department of Motor Vehicle clearance paperwork through the Personnel Unit.

3. Once clearance from the Department of Motor Vehicles is received by the Personnel Unit, the County driver's permit will be issued.

4. Permits must be signed by the Chief and shall be effective for a period of three years from the date of completion of the SAFE Driver's Course.

   a. Permits may be renewed by completing either a two-hour SAFE Driving Program Course through the Department's Central Training Unit/Personnel Unit or a four-hour SAFE Driving Program Course through GSA.

   b. If a County driver's permit is over ninety days expired, the four hour GSA course must be completed to renew the permit.

5. Staff are responsible for maintaining a valid California driver's license and County driver's permit.

C. Staff operating transportation buses must maintain a valid Class B California driver license.

1. The Sheriff's Transportation Division manages training and compliance for staff authorized to operate buses.

2. Staff operating buses will do so in accordance with their training and applicable laws.

D. Staff no longer employed with the Department must return their County driver's permit to the Department Personnel Unit. The Personnel Unit will notify G.S.A. Insurance and the Department of Motor Vehicles that the employee is no longer employed with the Department.

II. Vehicle Assignments

A. The County's Fleet Management Division will be responsible for the procurement and issue of County vehicles. Once vehicles are issued to the Department, they will not be exchanged with other County Departments without the approval of Fleet Management staff.

B. Executive Managers, as designated by the Executive Management Salary Ordinance, and Lieutenants, as contractually authorized, will be issued a County vehicle.

C. Staff who are on-call and required to respond immediately to emergencies or to other exigent situations may be contractually issued a County vehicle. Authorization for the issue of a vehicle for on-call staff will be made by the Chief or Assistant Chief.

D. The assignment of County vehicles for authorized Department staff will be determined by the Chief with consideration given to such factors as rank, position and seniority.

E. A designated number of pool vehicles will be issued to the Department through the Fleet Management Division. The assignment of Department pool vehicles to individual Divisions or Units will be made by the Chief.

F. The Department will be assigned a designated number of inmate transportation vehicles through Fleet Management and the Sheriff's Transportation Division. Transportation vehicles will be controlled by the Sheriff's Transportation Division.

III. Use of County Vehicles

A. County vehicles will only be used for official business. County regulations prohibit passengers, except in the course or performance of county business.

Note: This does not apply for those staff members who have been issued or assigned a County vehicle for personal use or permanent on-call assignments.

B. Staff assigned to temporary on-call assignments are not permitted to use vehicles for personal use, except during those periods of on-call assignment when the nature of the assignment creates a high probability of an immediate response to a call. Any such personal use during this time is exempt from the passenger prohibition. Temporary on-call assignments may be authorized by the Chief or Assistant Chief.

C. Staff operating County vehicles will do so in accordance with local, state and federal laws and regulations.

1. Operators of County vehicles will be responsible for their own parking tickets and traffic citations that are issued as a result of operating a County vehicle.

2. In accordance with State law, seat belts will be worn by all occupants of a County vehicle while it is in operation.

Note: The use of seat belts does not apply to persons riding in the passenger compartments of Department utilized transportation buses or vans.

3. In accordance with State law, children under the age of six years or under sixty pounds will be properly fastened in an appropriately secured child safety seat when riding in a County vehicle.

IV. Transportation Vehicles

A. Staff operating transportation vehicles will conduct safety inspections of those vehicles prior to use.

1. Safety inspection information will be documented on one of the following inspection forms:

a. For vans or sedans, the Transportation Vehicle Check Out Log form.

b. For buses, the Driver's Commercial Vehicle Inspection Report form.

2. If the inspection results in a problem with the vehicle, the inspecting staff member will complete a GSA Vehicle Maintenance Form, noting the item or items in need of maintenance or repair.

a. The staff member will forward the maintenance form and the keys to the vehicle to their Division's Administrative staff.

b. The Division's Administrative staff will ensure that the vehicle is delivered to Fleet Management for needed repairs and servicing.

c. The Division's Administrative staff will forward a copy of maintenance form to the Sheriff's Transportation Division for notification purposes.

Note: If a replacement vehicle is needed, the Division Commander/designee may inquire about a temporary replacement vehicle through another Division or the Sheriff's Transportation Division.

B. Staff operating transportation vehicles will document applicable transporting activity.

1. Transporting activities will be documented on one of the following forms:

a. When transporting in a van or sedan, the Transportation Vehicle Check Out Log form will be utilized.

b. When transporting in a bus, the Driver's Daily Log Book form will be utilized. The Driver's Daily Log Book is a standard log book form issued by the Department of Transportation to commercial vehicle drivers for the purposes of logging and tracking transport and driving activities.

C. Completed Transportation Vehicle Check Out Logs, Driver's Commercial Vehicle Inspection Reports and Driver's Daily Log Books will be forwarded to the Division's Administrative staff for filing and retention..

V. Vehicle Accidents

A. When a staff member is involved in a vehicle accident or collision while driving a County vehicle, the staff member will:

1. Notify and request response from the local police agency, the Sheriff's Department (299-2311) and your supervisor.

a. The local police agency will be notified to generate a report of the accident.

b. The Sheriff's Department will be notified as part of Risk Management's Auto Accident procedures.

Note: Depending on the circumstances of the accident (damage, injuries, location of the occurrence), the local police agency, the Sheriff's Department or your supervisor may or may not respond.

2. Complete a Santa Clara County – Vehicle Accident / Incident Report and an Employees Report detailing the circumstances surrounding the incident and submit them to your supervisor, or the supervisor on duty.

a. The supervisor will forward the Employees Report and a copy of the vehicle accident report to the Division Commander via the Chain of Command. The original accident report will be submitted to ESA Risk Management, Insurance Division, 1735 N. First Street, Suite 108, San Jose, CA 95112. The report may be faxed first to Risk Management at (441-6498) and then submitted through the mail.

b. If the accident involves a serious bodily or personal injury or major property damage, the supervisor will notify Risk Management (392-3460) and submit the vehicle accident report as soon as possible. If the situation takes place during non-business hours, on weekends or holidays when Risk Management is not open for business, the supervisor will contact the on-call investigator for County Counsel via the Sheriff's Department Operations Desk at 299-2674.

c. If the accident is minor in nature, the supervisor will submit the vehicle accident report within twenty-four hours or on the first working day after a weekend or holiday, as applicable.

B. The following are general staff guidelines in the event of an accident:

1. Do not move your vehicle from its present location until advised to do so from responding law enforcement, unless:

   a. The accident is minor and the traffic is heavy.
   b. Your vehicle represents a serious traffic hazard to other vehicles.

2. Determine if anyone is injured.

3. Set emergency road flares or other warning devices (e.g. four-way flashers) around the scene, as necessary.

4. Call **911** for local police agency response (local police agency will decide if they will respond).

5. Call Sheriff's Department for response at 299-2311 (Sheriff's Department will decide if they will respond).

6. Notify your on duty supervisor (your supervisor will decide if he or she will respond).

7. Ensure that the responding agencies or your supervisor takes photographs of any damage.

8. Obtain available witness information.

9. Do not discuss the accident with anyone except:

   a. The investigating police officer
   b. The County Insurance Adjuster or Sheriff
   c. Your supervisor

10. Do **not** admit responsibility or liability for the accident.

11. Do not sign anything except the Police Accident Report and a citation, if applicable.

C. For transportation vehicles involved in an accident or collision, refer to Department policy 9.31, Inmate Movement and Transport for specific guidelines.

VI. Vehicle Towing

A. Guidelines for arranging towing services will vary depending on the vehicle.

B. For vehicles under warranty, the following guidelines will apply:

1. Staff will arrange for towing service by calling the warranty approved road- side assistance 800 number.

2. Road-side assistance will have the vehicle towed to the nearest warranty-approved dealership for needed repairs.

3. Staff will contact the County's Fleet Management Division (299-3977) and inform them of the situation.

C. For vehicles not under warranty, guidelines for arranging towing service will vary depending on the location of the vehicle (within the County or out of County).

1. If the vehicle is located out of County, towing services may be arranged through the staff member's personal road-side assistance service (e.g. AAA) or through the County's Fleet Management Division (299-3977).

a. Once towing service is on scene, the vehicle will be towed to the nearest repair shop or dealership for repair assessment and estimates.

b. Once repair estimates are determined, staff will notify Fleet Management of the repair estimate cost.

c. Fleet Management staff will decide, based on the cost of the repair estimate, whether the needed repairs will be done at the current repair shop/dealership or if the vehicle will be towed back to a Fleet Management garage for needed repairs.

2. If the vehicle is located within the County, towing services will be arranged through the County's approved towing contractor (San Jose Towing at 295-7488).

a. The vehicle will be towed to the closest Fleet Management garage location: The primary garage located in the main County parking lot (San Pedro at Younger) or the South County garage located in San Martin.

b. The staff member assigned to the vehicle will complete a GSA Fleet Management Vehicle Service Request form detailing the needed repair on the vehicle and submit it along with the keys to the appropriate Fleet Management location.

Note: The vehicle service request form should note the location (numbered parking space/area) where the vehicle was left.

D. Staff will submit an Employee's Report to the Division Commander via the Chain of Command detailing the events requiring the vehicle to be towed.

E. For transportation vehicles in need of tow, refer to Department policy 9.31, Inmate Movement and Transport for specific guidelines.

VII. Routine Vehicle Maintenance

A. Maintenance for individually assigned vehicles will be the responsibility of the individual assigned to the vehicle.

B. Maintenance for Department pool vehicles will be the responsibility of the assigned Division/Unit.

C. Staff turning in vehicles for routine maintenance or repair may request a pool car from Fleet Management.

D. Routine maintenance for transportation vehicles will be initiated through the Sheriff's Transportation Division.

1. The Sheriff's Transportation Division will notify Division Administrations when their transportation vehicles are due for routine servicing and maintenance.

2. Once notified, it will be the responsibility of the Division Administration to ensure that the vehicle is delivered to the Fleet Management Division for servicing.

VIII. Gasoline Credit Cards

A. Whenever possible, fueling of County vehicles will be done at County fueling facilities.

B. For conveience and efficiency, Fleet Management also issues gasoline credit cards on an annual basis to certain departments, divisions/units and individuals. Fleet Management is responsible for tracking and control of gasoline credit cards.

C. Gasoline credit cards are to be used when County fuel facilities are not readily available and only for the following purposes:

1. Purchase of fuel, oil or car washes
2. Emergency repairs and related services outside the County or after business hours

D. A lost credit card will be reported to GSA immediately. Credit cards will not be stored in a vehicle.

E. In addition to the guidelines set forth in this section, staff will follow guidelines in accordance with County Policy 432, Gasoline Credit Card Use.

IX. Storage of Vehicles

A. County issued Department vehicles will be stored (parked) on County premises, with the following exceptions:

1. Vehicles that have been assigned by the Chief or Assistant Chief to an individual, as provided by contract or individual assignment.

2. Vehicles utilized for authorized official or work related out of County trips.

3. Vehicles assigned to locations where there are no storage facilities on County property.

4. When authorized by the Chief or Assistant Chief.

X. Policy Revision

A. All Department policies will be reviewed not less than once a year. The Professional Compliance and Audit Unit will establish an annual schedule identifying policies to be reviewed during a specific month.

County of Santa Clara
Department of Correction
Professional Compliance and
Audit Unit (PCAU)
(408) 957-5322

By Direction of the Chief

NOTICE TO ALL STAFF

Policy 01.55 amendment effective 09/28/07

Policy Amendment

1.55 County Vehicles-Use and Control

The Department is amending Policy 1.55, County Vehicles-Use and Control in order to fulfill the current California Driver License and satisfactory Department of Motor Vehicles (DMV) driving record requirements and to ensure employees maintain liability insurance in accordance with Sections 1645 and 16451 of the California Vehicle Code and County Ordinance, Division A31, Section A31-12.

The following modifications to the policy are shown as strikethroughs for deletion and underlined in bold font for an addition.

Sections: Definitions, I, A., and B.

DEFINITIONS: **DMV Pull Program: A Department of Motor Vehicles program to assist County government agencies with the monitoring of employees that drive or may have to drive while on County business and the verification that employees maintain a current California Driver License with a satisfactory (DMV) Driver Record.**

I. County Vehicle Driver Licensing Requirements

A. Department staff operating a County vehicle or their personal vehicle while on County business must possess a valid California Driver license, **vehicle liability insurance**, and a valid County driver's permit.

B. The Department's Personnel Unit issues ~~and controls~~ County driver's permits as part of the County's SAFE Driving Program **and will be liaison to the Department of Motor Vehicle's (DMV) Pull Program.**

Division Commanders/Unit Managers must ensure that this notice is ***read at all briefings*** and/or a copy given to each staff member. A copy of this notice must also be attached to the beginning of Policy 1.55 in the Policy manuals located in their respective Divisions or Units. Any questions regarding this policy amendment should be directed to PCAU at 957-5322.

County of Santa Clara
Department of Correction
Professional Compliance and
Audit Unit (PCAU)
(408) 957-5322

By Direction of the Chief

NOTICE TO ALL STAFF

Policy 01.55 amendment effective 11/09/2007

Policy Amendment

1.55 County Vehicles-Use and Control

The Department is amending Policy 1.55, County Vehicles-Use and Control to ensure all employees who drive while on County business have a current California Driver License and a Satisfactory Department of Motor Vehicles (DMV) Driver Record and to ensure employees who operate private vehicles on County business maintain liability insurance in accordance with Sections 16450 and 16451 of the California Vehicle Code and County Ordinance, Division A31, Section A31-12. Additionally, the amendment changes the role of the Department's Personnel unit in regards to County Driver permits.

The following modifications to the policy are shown as strikethroughs for deletion and underlined in bold font for an addition.

Sections: Definitions, I, A., and B.

DEFINITIONS: **DMV Pull Program: A Department of Motor Vehicles program to assist County government agencies with the monitoring of employees that drive or may have to drive while on County business and the verification that employees maintain a current California Driver License with a satisfactory (DMV) Driver Record.**

I. County Vehicle Driver Licensing Requirements

A. Department staff operating a County vehicle or their personal vehicle while on County business must possess a valid California Driver license, and a valid County driver's permit.

B. The Department's Personnel Unit issues ~~and controls~~ County driver's permits as part of the County's SAFE Driving Program **and will be liaison to the Department of Motor Vehicle's (DMV) Pull Program.**

C. **Department staff operating a personal vehicle while on County business must possess a valid California Driver license, vehicle liability insurance, and a valid County driver's permit.**

Division Commanders/Unit Managers must ensure that this notice is ***read at all briefings*** and/or a copy given to each staff member. A copy of this notice must also be attached to the beginning of Policy 1.55 in the Policy manuals located in their respective Divisions or Units. Any questions regarding this policy amendment should be directed to PCAU at 957-5322.

COUNTY OF SANTA CLARA

Department of Correction Policy and Procedure Manual	**Policy Number:** 1.57 **No. of Pages:** 10 **Date of Origin:** 28 Aug 1996 **Date of Revision:** 28 Jan 2005
Chapter: Administration, Organization and Management	**Subject:** Subpoenas, Claims, Summons, and Other Requests for Information
Supersedes: Policy 1.21, rev. 08/28/96	**Distribution:**
References: Attorney General's Opinions: 58 Ops. Cal Atty. Gen. 543, 545, 546 Code of Civil Procedure: 414.10,415.1/20, 1986.5, 1987, 1989, 2025 County Counsel Memorandum: June 16, 1993 (litl/323/1-3) Evidence Code: 1560, 1561, 1563 California Penal Code: 1326, 1328, 1331, 1331.5 Government Code: 68093, 680971, 68097.2, 68097.6, 68097.9	
Signature of Issuing Authority Edward C. Flores, Chief of Correction	**Current Policy Review** **Date of Review:** 28 Jan 2005 **Revisions Made:** ☒Yes ☐No

POLICY: It is the policy of the Department of Correction to ensure staff responds to legal processes such as subpoenas, claims, summonses, complaints, or any other formal requests for action, information, or documentation in a manner consistent with court mandates, federal, state or local statutes, regulations, and rules of confidentiality.

PURPOSE: To provide guidelines for the receipt and processing of subpoenas, claims, summonses, complaints or other information requests.

DEFINITIONS:

Claim: A demand for something rightfully or allegedly due.

Summons: A legal document that notifies an individual or entity that a lawsuit has commenced and that the individual or entity served must respond to the complaint.

Complaint: A legal document that sets forth the claim(s) in a lawsuit and the relief being sought by the plaintiff.

Subpoena: A writ or order directed to a person requiring them to appear at a particular time and place to testify as a witness, which may also require that the witness bring with them specified records. (The appearance of a witness may not always be required so long as they produce the specified records at the time and place indicated on the Subpoena).

PROCEDURE:

I. Service and Acceptance of Subpoenas, Claims, Summonses and Complaints

A. Subpoenas, Claims, and Summonses and Complaints may be served on the County, the Department, employees or inmates by a process server, through personal delivery, or in certain circumstances, by mail.

1. A Subpoena may require personal attendance of the individual subpoenaed or may require documents with no requirement of personal attendance.

2. A Summons and Complaint may be served by personal delivery of a copy of each to the person to be served; or service may be made by leaving a copy of the Summons and Complaint at his or her office during usual office hours with the person who is apparently in charge and thereafter mailing a copy of the Summons and Complaint to the person to be served at the place where the copies were left.

3. A Subpoena or Summons may be served by any person who is at least 18 years of age and not a party to the action.

4. A Claim against the County and reports of damage to County property are received and handled by the County's Employee Services Agency. The Department of Correction's Custodian of Records assists ESA in responding to these Claims.

5. An inmate may serve an employee or the Department by mailing the legal documents with two copies, two Notice and Acknowledgment of Service Forms and a postage pre-paid addressed envelope to the Department of Correction, 180 West Hedding Street, San Jose, CA, 95110, Attention: Custodian of Records.

B. If a legal document naming an employee is based on conduct occurring outside the course and scope of his or her employment with the Department, the employee will act on his or her own behalf without involving the Department.

C. Employees must exercise care when presented with any documents concerning legal actions in which the Department of Correction or its employees are involved. The employee on whom service is attempted will take the time to read the documents to ensure the server is properly directed.

1. Employees will not accept service of documents that are requesting inmate medical records. The process server will be directed to Adult Custody Health Services staff at the facility where the inmate is housed.

a. If the inmate is no longer in custody, the process server will be directed to the Main Jail medical staff.

b. If the documents list both inmate medical records and Department of Correction records, the Department's Custodian of Records will accept service and forward a copy to Adult Custody Health Services.

2. Employees will not accept service of documents for the County or a County Department wherein **only** the County or Department is named as a defendant. These types of legal documents must be served on (delivered) to the Clerk of the Board. Anyone attempting to serve such documents at the Department of Correction will be directed to the Clerk of the Board.

3. The Custodian of Records is the designated employee to accept service of legal documents naming the Department of Correction's Custodian of Records or a Department employee.

   a. If service is attempted on an employee other than the Custodian of Records or designee, that employee will direct the process server to the Custodian of Records at 150 W. Hedding Street, San Jose (Main Jail South Information Desk).

   b. If service is attempted during non-business hours, the employee will inform the process server to return during business hours (Monday through Friday, except on holidays, from 0800 to 1700 hours).

   c. If the employee on whom service is attempted is named in the Subpoena or Summons and Compliant, he or she may accept service; however, the employee must immediately advise the on-duty Sergeant and a copy of the legal documents must be forwarded to the Custodian of Records.

   d. If necessary, the Watch Commander or a higher-ranking staff person may accept service.

   e. If an employee erroneously accepts service of a Subpoena, he or she will notify the on-duty Sergeant and will immediately forward the Subpoena to the Custodian of Records.

4. Employees may accept service of legal documents naming a Santa Clara County inmate under the following circumstances:

   a. The employee must verify that the inmate is in custody. Legal documents will not be accepted for an inmate who is no longer in custody.

   b. The employee must contact the on-duty Sergeant to accept service and arrange for service on the inmate. The Sergeant or designee will give the inmate the original and record the date and time served on

the other two copies. The Sergeant will send one copy to the inmate's classification file and one copy to the inmate's booking file.

c. The employee who is served will record his or her name, and the date and time of receipt on the back of the Subpoena or other legal document.

d. After service on the inmate, the Officer in charge of the inmate's housing unit will document the fact that the inmate was served in the unit's post log.

D. Legal documents received by mail, will be date stamped and forwarded to the Custodian of Records or his/her designee.

II. Custodian of Records

A. The Internal Affairs Commander is the designated Custodian of Records for the Department of Correction and is responsible for the processing of Subpoenas, Claims, Summonses and Complaints or other legal documents served on this Department or its employees.

1. In the absence of the Custodian of Records, he or she will designate a person to act on his or her behalf.

2. An employee served with a notice that he or she is named in a lawsuit, court order, subpoena or other legal action that is related to their course of employment, shall immediately notify his or her Supervisor and, as soon as possible, provide two copies of the documents to the Custodian of Records. The date and time of receipt and manner of delivery (mail, hand delivered, etc.) shall be noted on the document.

B. The Department's Custodian of Records will respond to Subpoenas as appropriate to the request:

1. After accepting a Subpoena, the Custodian of Records will log it on the Subpoena log and contact the Department's County Counsel representative for advice on how to proceed with the response.

2. The Department's County Counsel representative will review the Subpoena and advise the Custodian of Records as to the level of compliance required or as to the intent to file a motion to quash the Subpoena in court. Pursuant to section 1987.1 of the Code of Civil Procedure, upon a motion, the court may make an order quashing the Subpoena entirely, modifying it, or directing compliance with it upon such terms or conditions as the court shall declare, including protective orders.

3. If the Subpoena requests the appearance of an employee as a witness, the Custodian of Records will send the employee via his/her supervisor, a witness notification and the Subpoena.

   a. The employee who is served is responsible for making the necessary arrangements with his/her supervisor for court attendance.

   b. Appearance information and who to contact can be found on the Subpoena. The employee will notify the Custodian of Records if he or she cannot attend. Pursuant to Penal Code 1328.6, a custodial officer does not have to state his or her residential address and may, instead, state the business address unless the court finds otherwise.

   c. When the subpoena seeks testimony on policy or procedure, the Complex Commander or the Custodian of Records will select an employee to provide the testimony.

4. If the Subpoena is requesting the court appearance of an inmate, the Custodian of Records will:

   a. Arrange for the inmate to be served by sending the Subpoena and a proof of service to the Jail Complex liaison or on-duty Sergeant where the inmate is housed.

   b. Send a copy of the Subpoena to the Administrative Booking liaison who will schedule the inmate for court and file a copy of the Subpoena in the inmate's booking file.

5. If the Subpoena requests documents, records or other information, the Custodian of Records will:

   a. Send a copy of the Subpoena to the person in charge of the records.

   b. Gather and deliver by mail or otherwise a true, legible, and durable copy of the records described in the Subpoena to the clerk of the court or to the judge. The records must be accompanied by the affidavit of the Custodian of Records or other qualified witness per the requirements in section 1561 of the California Evidence Code. The personal attendance of the Custodian or other qualified witness may be required if stated on the Subpoena.

6. A request for records pertaining to a "consumer" invokes special requirements for responding to a Subpoena. Prior to the date of production of records, the subpoenaing party is required to serve on the consumer whose records are being sought, a copy of the Subpoena and supporting affidavit, and to provide the Department of Correction with either:

a. A written authorization from the consumer or his/her attorney to release the records; or

b. A copy of a proof of service of the above-described notice on the consumer whose records are being sought. The certificate of service must indicate that the consumer was served 10 days before the date specified for document production (15 days if served by mail) and 5 days before service upon the Custodian of Records.

C. The Custodian of Records will assist the County's Employee Services Agency in responding to Claims that affect the Department of Correction.

D. The Custodian of Records must review all records and documents before release and will stamp each copy with "Confidential Do Not Duplicate" where appropriate.

III. Liaisons

A. To coordinate the response to Subpoenas, Claims, Summonses and Complaints or other requests for information, the following staff will designate a liaison for their respective area of responsibility that will assist the Custodian of Records with his or her official response.

1. Elmwood Complex Commander
2. Main Jail Complex Commander
3. Administrative Booking/Classification Commander
4. Professional Compliance and Audit Unit Commander
5. Personnel Unit Manager
6. Financial Services Unit Manager

B. Prior to the production of records specified in a Subpoena, the liaison must screen the records. A record may contain sensitive or security information that is not required by the Subpoena and should be redacted or, if specifically requested, should be challenged. Types of information that must be reviewed carefully includes, but is not limited to, the following:

1. Classification information
2. Staffing levels
3. Records or documents containing other inmate or employee names
4. Internal Affairs investigative files
5. Employee personnel files
6. Restricted policies
5. Information unrelated to the request

C. The Office of the County Counsel provides a liaison to assist the Custodian of Records with the response to Subpoenas, Claims, Summonses and Complaints and other legal requests.

D. The Department of Correction's Custodian of Records serves as the liaison for ESA to respond to Claims.

IV. Confidentiality

A. Under Section 1040 of the Evidence Code, official information is information received in confidence by a public employee in the course of his or her duty which has not been opened or officially disclosed to the public prior to the claim of privilege. The Department of Correction has the privilege of refusing to disclose any such information if:

1. Disclosure is specifically forbidden by State or Federal law; or

2. Disclosure is against the public interest because there is a necessity for preserving the confidentiality of the information that outweighs the necessity for disclosure in the interests of justice.

B. Under Section 1043 of the Evidence Code, in any case in which discovery or disclosure is sought of a peace or custodial officer personnel records or records maintained pursuant to Section 832.5 of the Penal Code or information from those records, the party seeking the discovery or disclosure shall file a written motion in court against the governmental agency which has custody and control of the records.

C. Records or documents released to County Counsel staff are released as confidential information. County Counsel staff will not forward such documents that are stamped "Confidential Do Not Duplicate" to another party without review and approval by the Custodian of Records.

V. Fees

A. If an employee is obliged to attend as a witness, the employee will be granted leave with pay for actual time spent at the proceeding and in related travel.

B. If an employee is obliged to attend a civil action or proceeding as a witness in litigation in a matter regarding an event or transaction which he or she perceived or investigated in the course of his or her duties, to which the Department is not a party, the party at whose request the Subpoena is issued shall:

1. Reimburse the Department for the full cost incurred.

2. Tender the amount of one hundred fifty dollars ($150), together with the Subpoena, to the Department of Correction for each day that the employee is required to remain in attendance pursuant to the Subpoena.

a. If the actual expenses should later prove to be less than the amount tendered, the excess of the amount tendered shall be refunded.

b. If the actual expenses should later prove to be more than the amount tendered, the party at whose request the Subpoena was issued shall pay the difference to the Department of Correction.

a. If the court continues a proceeding on its own motion, no additional witness fees will be required.

B. If advance payment of fees is submitted with a Subpoena, the Custodian of Records will give the process server a receipt.

C. The Department of Correction is entitled to all reasonable costs incurred as listed under Section 1563 of the Evidence Code for producing business records in response to a Subpoena.

VI. Requests for Other Information / Public Records Requests

A. Pursuant to the California Public Records Act, the Department will respond to written requests for public records.

1. Disclosure of public records will not include records exempt from disclosure by express provisions of law.

2. Upon a request for a copy of records that reasonably describes an identifiable record or records, the Department will make the records promptly available to any person upon payment of fees covering direct costs of duplication, or a statutory fee if applicable.

B. Executive Staff, Division Commanders, and Unit Managers may respond on behalf of the Department in matters pertaining to the request for public records that are not otherwise open to inspection at all times.

1. An employee receiving a written request for public records will immediately forward the request to the appropriate Captain or Administrator.

2. Upon receipt of a request for a copy of records, the Department's representative, will, within 10 days from receipt of the written request, determine whether the request, in whole or in part, seeks copies of disclosable public records in the possession of the Department. In certain circumstances as detailed in the California Public Records Act, the Chief may extend the time limit; however, the extension will not be for more than 14 days.

3. The Department's representative will promptly notify the person making the request of the determination and the reasons for that determination.

4. Pursuant to the California Public Records Act, disclosure is not required for records of complaints to, or investigations conducted by, or records of intelligence information or security procedures of the Department.

   a. The Department's representative authorizing disclosure will consult with appropriate counsel before the disclosure of sensitive records.

   b. Withholding any record must be justified by demonstrating that the record in question is exempt under express provisions of the California Public Records Act.

5. The response to a written request for inspection or copies of public records that includes a determination that the request is denied, in whole or in part, will be in writing.

C. As a law enforcement agency, the Department will make public the following information, except to the extent that disclosure of a particular item of information would endanger the safety of a person involved in an investigation or would endanger the successful completion of the investigation or a related investigation:

1. The full name and occupation of every individual arrested.
2. The individual's physical description including date of birth, color of eyes and hair, sex, height and weight.
3. The time and date of arrest.
4. The factual circumstances surrounding the arrest.
5. The amount of bail set.
6. The time and manner of release or the location where the individual is currently being held, and all charges the individual is being held upon, including any outstanding warrants from other jurisdictions and parole or probation holds.

D. Upon the request of a licensed bail agent or bail bond licensee, Department of Correction staff may furnish an individual's known aliases and booking photograph, information identifying whether the individual has been convicted of any violent felony, as defined in subdivision (c) of Section 667.5 PC and any unaltered copy of the booking and property record, excluding any medical information, to the agent or licensee if all of the following circumstances exist:

1. The information is from the record of a person for whom a bench warrant has been issued; and

2. The person is a client of the agent or licensee; and

3. The agent or licensee pays a fee equal to the cost of providing the information; and

4. Any information is confidential and the recipient bail agent or bail bond licensee shall not disclose its contents, other than for the purpose for which it was acquired.

Note: Authorized staff may review state and local summary criminal history information, and may utilize the California Law Enforcement Telecommunication System (CLETS) network for making such queries. (PC 11105.6)

E. If other governmental agencies request information from the Department of Correction that is otherwise not subject to disclosure, that information may be released provided the agency agrees to treat the disclosed material as confidential.

VII. Policy Revision

A. All Department policies will be reviewed not less than once a year. The Professional Compliance and Audit Unit will establish an annual schedule identifying policies to be reviewed during a specific month.

COUNTY OF SANTA CLARA

Department of Correction Policy and Procedure Manual	**Policy Number:** 1.61 **No. of Pages:** 8 **Date of Origin:** 10 Mar 2002 **Date Revised:** 02 Apr 2010
Chapter: Administration, Organization, and Management	**Subject:** Records Retention, Maintenance, and Destruction
Supersedes: : Policy 1.61, rev. 06/08/04	**Distribution:**
References: Government Code sections 26201-02, 34090.6, 34090.7, 12525, 12946; Penal Code sections 5021, 832.5, 1269, 1413; Welfare and Institutions Code sections 781, 781.5, 389; Health and Safety Code sections 11357, 11357.5; 29 Code of Federal Regulations section1602 et. seq., 1627.3, 516.6, 801.30, 1904.10; California Code of Regulations Title 8 sections 11040, 10102, 10101.1, 15400.2, 3204(d), 14307, and Title 2 section 7287	
Signature of Issuing Authority Edward C. Flores, Chief of Correction	**Current Policy Review** **Date of Review** 02 Apr 2010 **Revisions Made:** ☒Yes ☐No

POLICY: It is the policy of the Department of Correction to ensure official records are properly maintained, retained, sealed, purged and destroyed in accordance with applicable laws, codes and regulations.

PURPOSE: The purpose of this policy is to establish guidelines for the retention, maintenance and destruction of all official Records created and maintained by the Department of Correction.

DEFINITIONS:

Record or Records: Any information, whether written, audio, electronic, or otherwise, relating to the conduct of the public's business that is prepared, owned, used, or retained by any state or local agency.

Notice of Destruction: A form used to document that a record has been destroyed. It includes the description of the record, the method of destruction and the date of destruction.

PROCEDURE:

I. Records Maintenance

A. All Records required to conduct daily operations shall be kept in a secure environment. Use and access shall be restricted to those persons authorized access by work necessity and legal statute.

1. Unit Managers and Division Captains shall designate areas for use and storage of Records in their respective areas of responsibilities.

2. The Personnel Unit Lieutenant shall maintain employee personnel files

B. Files may be separated by usefulness, namely active use (daily or frequent use) and inactive use (limited or infrequent use).

1. Active files shall be stored in the manner consistent with the business application and need of the Unit/Division maintaining the file.

2. Inactive files shall be maintained in archival status in preparation for eventual destruction.

C. Archived files shall be appropriately labeled to indicate:

1. Date the record/file was created or received
2. Description of contents, if not visually identifiable
3. Retention period
4. Destruction/purge date(s)
5. Type of record (confidential or public)

II. Records Destruction

A. Confidential or sensitive Records shall be destroyed in a manner that ensures that the confidentiality of the information is not compromised.

B. Unit Managers and Division Captains shall be responsible for ensuring that the Records in their units or divisions are purged and destroyed in accordance with this policy.

C. Staff authorized to destroy record(s) / file(s) shall complete a Notice of Destruction, which includes:

1. A receipt or invoice of vendor removal to be submitted with the Notice of Destruction if the destruction of Records is contracted.

2. Staff responsible for the destruction of records shall request a receipt or invoice of removal from the contract vendor.

3. Staff will forward all Notices of Destruction and receipt or invoice of vendor removal to the custodian of records in the Internal Affairs Unit.

4. Notices of Destruction and receipts or invoices of vendor removal shall be maintained with the custodian of records in Internal Affairs for 4 years, after which they may be discarded.

D. Department of Correction Records shall be destroyed in accordance with the "Records Retention and Destruction Schedule" attached to this policy.

1. The retention period listed shall be the minimum amount allowed by law or contract for the Record, recording, video, telephone or radio communication.

2. The Unit Manager or Division Captain may retain Records longer than required by law, but must establish and implement a plan for destroying them.

E. Any recordings including but not limited to audio, telephone, radio, or video that are associated with an active investigation or litigation shall not be destroyed until such investigation or litigation is resolved.

F. Certain Records may be kept indefinitely for historical reasons. These Records include, but are not limited to Escape Reports, Escape Statistics, Suicide/Death Reports, Environmental Health Inspections, Grand Jury Inspections, Corrections Standard Authority Inspections, Fire Marshal Inspections, and Board of Supervisor's Transmittals.

G. It shall be the responsibility of the Director of Custody Health Services to retain, maintain, and destroy all Medical, Dental, and Pharmaceutical Records.

1. Any such Records maintained within a Department of Correction facility shall be kept confidential. Staff and inmates shall not have access to them.

2. Certain medical information may be shared with custody staff, where permitted by law.

III. Policy Revision

A. All Department policies will be reviewed by the Professional Compliance and Audit Unit.

Records Retention and Destruction Schedule
Attachment to Policy 1.61

Type of Record or Communication **Minimum Retention Reference Recordings of Telephone and Radio Communications.**	**100 days; and until final disposition** of any pending legal action or litigation, in which case destruction shall be approved by the legislative body, and the written consent of the agency attorney shall be obtained.	**Govt. Code 26202.6** **Govt. Code 34090.6**
Recordings of Video Monitoring. Includes videotapes or records from an electronic imaging system.	**1 year; and until final disposition** of any pending legal action or litigation, in which case destruction shall be approved by the legislative body, and the written consent of the agency attorney shall be obtained.	**Govt. Code 34090.6, 34090.7**
Internal Affairs. Investigation of citizen and internal complaints against employees of the Department of Correction. Includes Internal Affairs investigation files, employee interviews, witness statements, complainant statements, grievance reports, disciplinary reports, record of actions taken, voice stress analysis records/results, and any related documents.	**5 years; and until final disposition** of any pending legal action or litigation.	**Penal Code 832.5** **Penal Code 5021;** **Govt. Code 12525 (related to deaths in custody)**
Personnel. **Personnel records for all employees, including those terminated or who resigned in lieu of termination.** Includes background investigations, performance evaluations, requisitions, commendations, training, basic employment and earning records, work schedules, requests for reasonable accommodation, application forms and other records concerning hiring, promotion, demotion, transfer, lay-off or termination, rates of pay or other terms of compensation.	**7 years after date of separation; and until final disposition** of any pending legal action or litigation.	**8 CCR 11040.7; 2 CCR 7287.0** (2 yr. req.); **29 C.F.R. 1627.3** (1 yr. req.); **29 C.F.R. 1602.14** (1 yr. req.); **29 C.F.R. 1602.12; Govt. Code 26202** (2 yr. req.); **Govt. Code 12946** (2 yr. req.); **29 C.F.R. 1602.31** (2 yr. req.); **29 C.F.R. 516.6**
Materials related to disciplinary actions	Upon written request, **3 years** after disciplinary action is imposed. If disciplinary action is overturned on appeal, disciplinary materials shall be removed from personnel file.	**2001 MOU**
Files on persons who applied but were not selected for employment with the Department. Includes background investigations, criminal records, oral board scores, original applications, summaries of findings, polygraph examination results.	**2 years from date records created or received; and until final disposition** of any pending legal action or litigation.	**Govt. Code 12946;** **2 CCR 7287.0**

Records Retention and Destruction Schedule
Attachment to Policy 1.61

Type of Record or Communication	Minimum Retention	Reference
Personnel continued. **Discrimination claims.**	**7 years after date of separation; and until final disposition** of any pending legal action or litigation.	**29 C.F.R. 1602.14; Govt. Code 12946**
Records created for the completion of an EEO report.	**7 years** from date records created; **and until final disposition** of any pending legal action or litigation.	**29 C.F.R. 1602.12; Govt. Code 12946; 2 CCR 7287.0**
Recruitment Files, includes brochure, advertisements, and tests.	**7 years after date of separation.**	**29 C.F.R. 1602 et seq.; 29 C.F.R. 1627.3; Govt. Code 12946; Govt. Code 26202**
Examination Test Files.	**7 years after date of separation.**	**29 C.F.R. 1602 et seq.; 29 C.F.R. 1627.3** (1 yr. req.); **Govt. Code 12946; Govt. Code 26202**
Training Records. Includes employee training files, academy files, STC training records, and C.I.P. records, instructor information, certifications of classes, quarterly reports, and miscellaneous reports.	**7 years after date of separation; and until final disposition** of any pending legal action or litigation.	**29 C.F.R. 1627.3; Govt. Code 12946; Govt. Code 26202**
Records pertaining to the administration of polygraph examinations of employees in connection with ongoing investigation involving economic loss or injury, misconduct, criminal, or otherwise.	**4 years** after date the examination is administered.	**29 C.F.R. sec. 801.30**
Inmate Records. Includes booking and custody records, such as pre-booking sheet, completed property card, jail copy of court order(s), jail copy of Affidavit re: Probable Cause, miscellaneous computer print outs, grievances, and inmate requests for information, charges and dispositions, and changes and modifications to charges.	**4 years from date of release; and until final disposition** of any pending legal action or litigation. Retention period may be extended as required by any grants, contracts or other compliance requirements. Booking Records related to SCAAP grant will be retained 5 years from date of release.	**Govt. Code 26202**
Bail Bond Log, includes a list of the amount of the bail bond and the date of the deposit.	**3 years**	**Penal Code 1269**
Cash Bail Log, includes receipts for bail and/or fine/money paid.	**3 years**	**Penal Code 1269**

Records Retention and Destruction Schedule
Attachment to Policy 1.61

Type of Record or Communication	Minimum Retention	Reference
Inmate Records continued. **Lost Property Reports** includes records of property lost or alleged to have been stolen, embezzled, or taken from a prisoner. **Pro Per Services Files.**	**4 years; and until final disposition** of any pending legal action or litigation. **4 years after final disposition of the pending legal action or litigation.**	**Penal Code 1413; Govt. Code 26202** **Penal Code 1413; Govt. Code 26202**
Departmental/ Divisional Records. Includes inmate grievances, inmate request forms, inmate infractions, inmate injury reports, housing unit logs, control logs, daily assignment sheets, employee rosters, employee reports, incident reports, AED reports, and correspondence.	**Current year plus 4 years; and until final disposition** of any pending legal action or litigation.	**Govt. Code 26202**
Cal Gang Database Information.	**4 years**	**Govt. Code 26202**
Records pertaining to the arrest or conviction of any person for possession of marijuana.	**4 years** from date of conviction or arrest, except for minors where records shall be retained until minor reaches 18.	**Health & Safety Code 11357& 11361.5**
Financial Records. **Records of financial activities,** including receipts for monies received for various services and functions, deposit receipts, cash disbursements, cash reimbursement requests, bank statements, and financial reports. **Payroll records** for each employee, indicating name, address, date of birth, occupation, rate of pay, and compensation earned each week, and employee rosters.	**Fiscal Year plus 5 years** **Fiscal Year plus 5 years**	**Govt. Code 26202** **29 C.F.R. 1627.3**
Service and Maintenance Records. Records for services to the community that are non-crime related, such as facility maintenance and inspection reports, work orders, and State Board of Corrections inspections. Health and OSHA inspections and logs of injuries and illnesses.	**4 years** **5 years**	**Govt. Code 26202** **29 C.F.R. 1904.10; 8 CCR 14307**
Juvenile Records.	**5 years after record was ordered sealed; or** **3 years from date of arrest/citation if court finds minor to be factually innocent of charges**	**Welfare & Inst. C. 781, 781.5, 389**

Records Retention and Destruction Schedule
Attachment to Policy 1.61

Type of Record or Communication	Minimum Retention	Reference
Miscellaneous Files and Records. Includes letters, memos, reports, or documents, other than those specifically addressed in this document, created or received in the normal course of business that are not covered or regulated by other statutes.	**2 years, unless** the document is repealed or replaced or otherwise determined to be obsolete.	**Govt. Code 26202**
Workers Compensation Records		
Claims	**5 years** from date of injury or date of last provision of compensation benefits, whichever is later.	**8 CCR 10102, 10101.1, 15400.2**
Inactive/closed claims (original documents)	**2 years** after claim is inactive/closed.	**8 CCR 15400.2**
Medical and/or toxic substance exposure records	**30 years** after date of separation from employment.	**8 CCR 3204(d)**

NOTICE OF DESTRUCTION

Facility/Division/Unit:

_____

Method of Destruction:

_____

Date of Destruction:

_____

Retention Requirements: _____

Description of Records Destroyed: _____

_____

_____

_____

_____

_____

_____

_____

Receipt of Destruction:

_____	_____	_____
Employee Name (type or print)	Signature	Date

Attachment to Policy 1.61
Original Copy- Custodian of Records in Internal Affairs

COUNTY OF SANTA CLARA

Department of Correction Policy and Procedure Manual	**Policy Number:** 2.01 **No. of Pages:** 2 **Date of Origin:** 30 May 1994 **Date of Revision:** 08 Jun 2004
Chapter: Physical Plant	**Subject:** New Construction/Remodeling
Supersedes: Policy 7.02, New Construction rev. 05/13/96	**Distribution:**
References: ACA 3-ALDF-2A-01, 2A-02; California Code of Regulations, Title 24, Sections 13-102(A)(B)(C); California Penal Code, section 6029	
Signature of Issuing Authority Edward C. Flores, Acting Chief of Correction	**Current Policy Review** **Date of Review:** 08 Jun 2004 **Revisions Made:** ☒Yes ☐No

POLICY: It is the policy of the Department of Correction to comply with all applicable codes, regulations and local, state and federal laws pertaining to new construction or remodeling projects within detention facilities.

PURPOSE: To establish compliance guidelines pertaining to applicable codes, regulations and laws for the new construction or remodeling of Department facilities.

DEFINITIONS: None

PROCEDURE:

I. New Construction/Remodeling

A. It is important that individuals involved in construction planning are familiar with regulations when considering construction, remodel or renovation. Facility operation is, in large part, defined by physical plant design. Careful planning during the architectural design phases is closely tied with the operational strengths and limitations of the facility.

B. Penal Code section 6029 requires the Board of Corrections to review and make recommendations on plans for constructing or remodeling:

> "...every jail, prison, or other place of detention of persons charged with or convicted of crime or of persons detained pursuant to Juvenile Court Law...or the Youth Authority Act...if those plans and specifications involve construction, reconstruction, remodeling, or repairs of an aggregate cost in excess of fifteen thousand dollars ($15,000)...No state department or agency other

than the board shall have authority to make recommendations in respect to plans and specifications for the construction of county jails or other county detention facilities or for alterations thereto."

C. While Penal Code Section 6029 requires review by the Board of Corrections if construction, remodeling or repair is in excess of $15,000, the Board should be contacted in all instances where regulations may be involved, regardless of the cost. Discussion with Board staff may help jurisdictions avoid unanticipated problems such as those that could result from conversion of a storage space to housing or moving a wall. Failure to consider the regulatory impact of such changes could subject local agencies to unnecessary expense and exposure to litigation. The plan review provides recommendations that focus on compliance with regulations, and, when state/federal funded construction occurs, compliance is required.

D. The Chief of Correction will have final approval of any remodeling or new construction of Department facilities or areas contained within, ensuring this policy is integrated into the development process.

II. Inmate Observation

A. Staff directly involved in the phases of planning, design or construction for remodeling or new construction of Department facilities or areas contained within will ensure that the continuous observation of inmates by staff will be incorporated into all phases of the process.

B. When remodeling or new construction is initiated within a facility, the Division Commander of the affected facility will be responsible for ensuring that inmate observation and security are enforced through supervision and inspection measures to ensure compliance with this policy.

C. The Division Commander of the affected facility will ensure that measures are in place for the safety of staff, inmates and visitors during new construction or remodeling projects.

III. Policy Revision

A. All Department policies will be reviewed not less than once a year. The Professional Compliance and Audit Unit will establish an annual schedule identifying policies to be reviewed during a specific month.

COUNTY OF SANTA CLARA

Department of Correction Policy and Procedure Manual	**Policy Number:** 2.03 **No. of Pages:** 4 **Date of Origin:** 31 Aug 2004 **Date of Revision:** new
Chapter: Physical Plant	**Subject:** Repair/Maintenance Requests
Supersedes: none	**Distribution:**
References: California Code of Regulations, Title 15, Section 1280	
Signature of Issuing Authority Edward C. Flores, Acting Chief of Correction	**Current Policy Review** **Date of Review:** new **Revisions Made:** ☐Yes ☐No

POLICY: It is the policy of the Department of Correction to establish and maintain a process for requesting and facilitating repair and maintenance requests.

PURPOSE: To establish guidelines for initiating and processing repair and maintenance requests.

DEFINITIONS: GSA: General Services Agency

PROCEDURE:

I. Maintenance/Repair Requests for the **Main Jail Complex**

A. Staff may initiate maintenance and repair work requests by completing a Maintenance Request Form (attachment 1) and forwarding the form to the Operations Unit for processing or by contacting the Operations Service Desk at 299-2300/1230 and providing the Service Operator with the appropriate service request information.

1. Maintenance and repair requests initiated through the Operations Service Desk must be made during regular service hours (Monday through Friday 0700-1600, excluding holidays).

2. The date and time a maintenance request is made will be documented in the Post Log, if applicable to the post or area that is the subject of the request.

B. Upon receiving a maintenance or repair request, Operations staff will enter the service request into the GSA/Operations computer system to initiate processing of the request.

1. The service request will be forwarded to the appropriate staff for completion (either Facility Operations staff or GSA Operations staff).

2. A service call number will be assigned to the work order if the repair or maintenance work is to be completed by GSA Operations staff.

3. Staff may contact the Operations Service Desk to inquire about tracking matters.

C. Maintenance/repair requests that are vital to the function of the facility may require immediate GSA response. An emergency maintenance/repair request may be initiated within the following guidelines:

1. Staff will notify their supervisor and obtain approval for the emergency request.

   Note: The Watch Commander must approve requests for after-hours emergency repairs or maintenance.

2. Upon approval from the supervisor, staff will notify Central Control staff who will:

   a. Contact either the Operations Service Desk or the GSA Monitoring Automation Center (MAC Room), depending on the time of day and the day of the week.

      1) The Operations Service Desk will be contacted during regular service hours, Monday through Friday 0700-1600, excluding holidays.

         Note: Once notified of the situation, the Operations Service Desk will make the appropriate notifications for GSA response.

      2) The GSA MAC Room will be contacted directly at 299-3682 after hours, weekends and holidays.

   b. Record emergency repair initiation and information on the Daily Jail Report.

II. Maintenance/Repair Requests for the **Elmwood Complex**

A. Staff may initiate maintenance and repair work requests through the First Class system on the Elmwood Complex's computer network.

B. Staff will generate and forward a Maintenance Request Form to the Operations Unit via the First Class system.

1. A work order number will be assigned for tracking purposes.

2. A service call number will be assigned to the work order if the repair or maintenance work is to be completed by GSA Operations staff.

C. Maintenance/repair requests that are vital to the function of the facility may require immediate GSA response. An emergency maintenance/repair request may be initiated within the following guidelines:

1. Staff will notify their supervisor and obtain approval for the emergency request.

   Note: The on-duty Watch Commander must approve requests for after-hours emergency repairs or maintenance.

2. Upon approval from the supervisor, staff will notify Central Control staff who will:

   a. Contact the GSA MAC Room at 299-3682 and request assistance.

   c. Record emergency repair initiation and information on the Daily Jail Report.

III. Maintenance/Repair Requests for the **Food Services Division**

A. Food Services staff will initiate maintenance and repair work requests within the following guidelines:

1. **At Main Jail**

   a. During regular business hours, service requests will be initiated by completing a Maintenance Request Form (attachment 1) and forwarding the form to the Operations Unit for processing or by contacting the Operations Service Desk at 299-2300/1230 and providing the Service Operator with the appropriate service request information.

   b. During non-business hours, service requests will be initiated by the Cook II supervisor, who will notify the MAC Room directly with the service request. For tracking purposes, the Cook II supervisor will forward the assigned service request number to the Operations Unit.

   c. Service requests and assigned service request numbers will be recorded in the Kitchen Repair Book.

2. **At Elmwood**

a. The Food Services Division at Elmwood has its own assigned Maintenance Engineer on duty during regular business hours.

b. During regular business hours, service requests will be initiated by notifying the on-duty Maintenance Engineer.

1) The Maintenance Engineer will attempt to repair the item or device in question.

2) If the Maintenance Engineer is not able to make the repair, he or she will forward a service request to the MAC room.

c. During non-business hours, service requests will be initiated by the Cook II supervisor. The Cook II supervisor will notify the MAC Room directly with the service request.

d. Service requests and assigned service request numbers will be recorded in the Kitchen Repair Book.

e. The Maintenance Engineer will be responsible for forwarding all Elmwood Food Service assigned service request numbers to the Operations Unit for tracking purposes.

B. Non-business hours service requests for Food Services do not require Watch Commander approval or notification to Central Control. Central Control will only be notified in emergency situations, such as a gas leak.

IV. Policy Revision

A. All Department policies will be reviewed not less than once a year. The Professional Compliance and Audit Unit will establish an annual schedule identifying policies to be reviewed during a specific month.

COUNTY OF SANTA CLARA

Department of Correction Policy and Procedure Manual	Policy Number: 2.05 No. of Pages: 3 Date of Origin: 01 Apr 1992 Date of Revision: 08 Jul 2009
Chapter: Physical Plant	**Subject:** Smoking / Tobacco Use Restrictions
Supersedes: Policy 2.05 rev. 06/08/04	**Distribution:**
References: Santa Clara County Ordinances NS-625.4; California Assembly Bill 846; CAL/OSHA, Title 8 General Industry Safety Order 5148; Labor Code, Section 6404.5; County Board Policy Manual Section 3.47 Resolution NO. 09-03; California Penal Code 4575 (b) (c)	
Signature of Issuing Authority Edward C. Flores, Chief of Correction	**Current Policy Review** **Date of Review:** 08 Jul 2009 **Revisions Made:** ☒Yes ☐No

POLICY: It is the policy of the Department of Correction to maintain compliance with County policy, ordinances, state laws and regulations relating to smoking and other tobacco product use.

PURPOSE: To provide guidelines for maintaining compliance with local ordinances and state laws and regulations relating to smoking and other tobacco product use.

DEFINITIONS:

Employees: Any person who is employed by any employer in consideration for direct or indirect monetary wages or profits, including but not limited to temporary, permanent, part-time, and full-time employees and independent contractors.

Tobacco Products: Cigarettes, cigars, pipe tobacco, chewing tobacco, smokeless tobacco (snuff).

Tobacco Paraphernalia: Any device that is intended to be used for ingesting or consuming tobacco, or any container or dispenser used for any of those products.

Visitors: Official and social visitors.

PROCEDURE:

I. Smoking/Tobacco Use Laws, Regulations and Ordinances

A. In accordance with California Assembly Bill 846 and County ordinance, smoking within the confines of any County owned building or leased building in which the County is the sole occupant or County owned pool car is prohibited. In addition,

smoking is prohibited within 30 feet surrounding County-owned non-health facility buildings, and leased buildings where the County is the sole occupant.

B. In accordance with County Policy 3.47, No Smoking Policy, smoking in County vehicles is prohibited.

C. In accordance with County Policy 3.47, No Smoking Policy, smoking on the Santa Clara Valley Medical Center Campus is prohibited.

D. In accordance with CAL/OSHA General Safety Order 5148, the following guidelines apply:

1. No employer shall knowingly or intentionally permit, and no person shall engage in, the smoking of tobacco products in an enclosed space at a place of employment.

2. Clear and prominent signs are posted where smoking is prohibited throughout the building or structure, and a sign stating "No smoking" is posted at each entrance to the building or structure.

II. Control of Tobacco Products

A. In order to control tobacco related contraband within Department facilities, the following guidelines will be applied at each facility:

1. Employees, visitors and inmates are prohibited from using tobacco products within the secure perimeters of Department facilities.

2. Employees and visitors are prohibited from allowing inmates access to tobacco products.

a. Tobacco products found within the secure perimeters of Department facilities or in the possession of inmates will be considered contraband and disposed of in accordance with Department policy 9.09, Processing Contraband, Evidence and Found Property.

1) Inmates found to have tobacco products or paraphernalia may be charged with a violation of Penal Code 4575, Possession of wireless communication device, tobacco products, or handcuff keys in a local correctional facility.

b. Arrestees in the possession of Tobacco products will have the items placed in their property bag until time of release.

3. Employees are required to maintain control of their tobacco products at all times while in Department facilities.

4. Visitors are prohibited from bringing tobacco products within the secure perimeters of Department facilities.

   a. Visitors refusing to follow Department tobacco restriction guidelines, County policy, ordinances, or state laws relating to smoking restrictions will be asked to leave the premises.

   b. Signs will be posted at main entrances of facilities to inform visitors that the use of tobacco products is prohibited within the facility.

III. Assistance with Tobacco Free Environments or Lifestyles

A. Employees may request information or assistance in coping with a tobacco free environment or tobacco free lifestyle from the County's Employee Services Agency.

B. Inmates requesting assistance to cope with a tobacco free environment may seek assistance by completing an Inmate Request Form with the appropriate information, to be forwarded to the facility programs staff.

IV. Policy Review

A. All Department policies will be reviewed by the Professional Compliance and Audit Unit.

COUNTY OF SANTA CLARA

Department of Correction Policy and Procedure Manual	**Policy Number:** 3.01 **No. of Pages:** 2 **Date of Origin:** 01 May 1992 **Date Revised:** 18 May 2001
Chapter: Personnel	**Subject:** Establishment of the Personnel Manual
Supersedes: All Previous Orders	**Distribution:**
References: ACA 3-ALDF-1C-01 Santa Clara County Personnel Policy and Procedure Santa Clara County Ordinance Codes & Merit System Rules	
Signature of Issuing Authority: _____ Chief of Correction	**Current Policy Review:** **Date of Review:** 18 May 2001 **Revisions Made:** ☒ Yes ☐ No

POLICY: It is the policy of the Department of Correction to maintain, within the scope of the County's personnel regulations, a personnel manual that provides guidance to administrators and serves as a resource to managers and supervisors as they administer the personnel assigned to the Department.

PURPOSE: To describe the procedures that will be used to establish and maintain a personnel manual for the Department of Correction.

PROCEDURE:

I. Establishment of the Personnel Manual

A. The series of policies contained in the Personnel Chapter of the Department's Policy Manual will constitute the personnel manual. These policies will include, but not be limited to:

1. A representation of the Department's organizational structure reflected in organizational charts as outlined in policy #1.07.

2. Procedures for recruitment, promotion, and ensuring equal employment opportunity.

3. County procedures for establishing and maintaining job descriptions and qualifications and salary determinations, including the administration of

county-approved competency and skills-based tests for specific occupational areas.

4. Policies and procedures that manage retirement, resignation, terminations, benefits, holidays, leave, and work hours in accordance with county regulations.

5. Procedures for establishing and maintaining personnel records and employee evaluations.

6. Procedures for staff development, including in-service training as outlined in the "Training and Staff Development" chapter of the Department policy manual.

7. Procedures for monitoring and managing employee-management relations, including disciplinary, grievance, and appeals procedures.

8. A description of any restrictions on employees with regard to political activities.

9. A description of insurance and professional liability coverage and other job-related legal services available to staff, including their right to obtain independent legal representation in any litigation to which they are a party.

B. The County's rules and regulations as outlined in the County's ordinances and merit system rules shall provide additional guidance to the Department's administrators, managers and supervisors as they manage personnel.

II. Director of Personnel

A. The Chief of Correction shall appoint a Personnel Director responsible for the overall management of the Department's personnel system.

B. The Personnel Director shall ensure that the major provisions of personnel policy are covered in new employee orientation and that new employees are informed in writing of the Department's hostage policy in regard to staff roles and safety.

C. The Personnel Director shall ensure the personnel manual and personnel procedures are made available to employees on request.

III. Policy Revision

A. All Department policies shall be reviewed not less than once a year. The Professional Compliance and Audit Unit will establish an annual schedule identifying policies to be reviewed during a specific month.

COUNTY OF SANTA CLARA

Department of Correction Policy and Procedure Manual	**Policy Number:** 3.13 **No. of Pages:** 9 **Date of Origin:** 01 Jun 1992 **Date of Revision:** 18 Oct 2006
Chapter: Personnel	**Subject:** Employee Performance Appraisals
Supersedes: Policy 3.13, Employee Evaluations rev. 03/07/02	**Distribution:**
References: ACA 3-ALDF-1C-10, 1C-16; Santa Clara County Merit System Rules #A25-272-276; Memorandums of Understanding between all applicable bargaining units and the Department of Correction	
Signature of Issuing Authority Edward C. Flores, Chief of Correction	**Current Policy Review** **Date of Review:** 16 Feb 2006 **Revisions Made:** ☒Yes ☐No

POLICY: It is the policy of the Department of Correction to use a systematic performance appraisal process that is consistent with County regulations and applicable Memorandums of Understanding to measure employee job performance and provide a means for supervisors/managers to assist employees in improving job performance and recognize accomplishments and skills.

PURPOSE: To describe the performance appraisal system for Department employees.

DEFINITIONS: Performance Appraisal Form: A form utilized to document employee performance appraisals.

Appraiser: The supervisor/manager completing an employee's performance appraisal.

PROCEDURE:

I. Badge Employee Performance Appraisals

A. Badge employee performance appraisals shall be based on defined criteria relating to job performance and shall reflect a direct relationship to the skills, knowledge and abilities defined for their assigned job classification. In accordance with policy 3.01, Establishment of the Personnel Manual, job descriptions are available for review in the Personnel Unit.

1. Performance appraisals will address the following job performance related subject matter including, but not limited to:

a. Standardized performance factors, as outlined in the badge employee Performance Appraisal form (*attachment*).
b. Overall performance
c. Attendance during the rating period.
d. Assignment(s) during the rating period.
e. First-Aid, CPR, STC requirements and other information
f. Performance Improvement Plan, as applicable

2. Performance appraisals shall reflect ratings for various standardized performance factors as well as overall job performance.

a. Appraisers will evaluate performance based on the following rating system:

1) An ***"outstanding"*** rating is when overall work performance or performance related to a particular standardized performance factor is definitely superior and well above the standards expected and required of a trained and qualified employee.

2) An ***"exceeds standards"*** rating is when overall work performance or performance related to a particular standardized performance factor is consistently above the standards expected and required of a trained and qualified employee.

3) A ***"meets standards"*** rating is when overall work performance or performance related to a particular standardized performance factor meets the standard required of a trained and qualified employee.

4) A ***"below standards"*** rating is when overall work performance or performance related to a particular standardized performance factor is below the standards expected and required of a trained and qualified employee.

5) An ***"unsatisfactory"*** rating is when overall work performance or performance related to a particular standardized performance factor is inadequate and grossly below the standards expected and required of a trained and qualified employee.

b. Appraisers will include a written narrative rating on all Performance Appraisal forms.

B. The employee's immediate supervisor is responsible for formally appraising the employee's job performance.

1. Probationary employees will be appraised in accordance with applicable guidelines in the Department's Training Program. In addition, supervisors will appraise probationary employees on a quarterly basis.

2. Permanent employees will be appraised on an annual basis. Appraisals shall be due each year on a specific month based upon the last digit of the employee's social security number as follows:

   a. 0=February
   b. 1=March
   c. 2=April
   d. 3=May
   e. 4=June
   f. 5=August
   g. 6=September
   h. 7=October
   i. 8=November
   j. 9=December

C. Appraisers will provide each employee scheduled for a performance appraisal with a Pre-Appraisal Questionnaire form (*attachment*) before conducting the appraisal.

   1. The Pre-Appraisal Questionnaire form is intended to allow the employee an opportunity to participate in the performance appraisal process and can be utilized by the appraiser to assist in conducting and completing the appraisal.

   2. The employee should complete the Pre-Appraisal Questionnaire form and provide the completed form to the appraiser prior to beginning the appraisal process.

D. Prior to completing the Performance Appraisal form, appraisers should discuss the employee's performance with the employee addressing the comments that he or she intends to make on the appraisal form and identifying at least three attainable and measurable goals for the next evaluation period. This will allow the employee to have input into the appraisal and goal setting processes.

   1. When the employee has had more than one supervisor/manager during the rating period, the employee's current supervisor/manager when the evaluation comes due must contact the employee's previous supervisor/manager and include that supervisor's/manager's input and comments in the appraisal process.

a. The previous supervisor/manager is required to provide information on the employee's work performance to assist the current appraiser with the appraisal process. Information may be provided verbally.

b. The employee's current supervisor/manager will review the completed Performance Appraisal form with the previous supervisor/manager to ensure that comments and ratings were correctly documented.

2. Upon completion of the Performance Appraisal form, the appraiser will meet privately with the employee to review the appraisal and obtain the employee's signature on the completed appraisal form. Appraisers shall take appropriate steps to assist an employee in correcting sub-standard areas when an employee's overall work performance or an individual standardized performance factor is rated as ***below standards*** **or** ***unsatisfactory.***

a. When an employee is not satisfied with any aspect of an appraisal, the employee shall have the right to appeal for a hearing before his or her appointing authority/designee in accordance with the County's personnel regulations. The employee has ten working days after receiving the appraisal, to request his/her appeal or the appeal is waived.

b. In the event the employee remains unsatisfied after a hearing before the appointing authority/designee, the employee may, within ten working days after the decision, request that the appraisal appeal be heard by a review board.

1) The request must be in writing to the Director of County Personnel and the appeal must be based on an aspect of the appraisal that the review board is empowered to change.

2) The review board shall be convened by the Director of County Personnel and shall consist of the Director of Personnel or his/her designee in the Personnel Department, the appointing authority or his/her designee (cannot be the appraiser), and a third member chosen by the employee.

3) The review board shall conduct an informal hearing and shall decide all questions by a majority vote. The review board shall have the power to raise rating factors and/or overall appraisal ratings and to strike narrative portions of the appraisal. The review board shall not have the power to otherwise alter the appraisal.

c. Employees shall have the right to attend appeal hearings on release time, call witnesses on release time and have the appraiser present.

3. The appraiser will sign the completed appraisal form and forward it to his or her supervisor/manager for review and signature approval.

4. Once all required signatures have been obtained, the appraiser will provide the employee with a copy of the completed appraisal form and forward the original to the Personnel Unit by the established due date.

E. Information derived from the performance appraisal process shall be used to identify training needs and to help determine the employee's eligibility for merit salary increases, promotions, transfers, salary increases, demotions, discharges, re-employment, and other personnel actions.

II. Civilian Employee Performance Appraisals (SEIU Local 715)

A. SEIU represented employees with the exception of extra help staff shall participate in individual performance appraisals on an annual basis. Supervisory/management staff will schedule annual employee performance appraisals within thirty calendar days of the affected employee's anniversary date or as required by licensing, accreditation or other official regulatory board.

1. Performance appraisals will address the following performance related subject matter including, but not limited to:

   a. Job performance guidelines, as outlined in the Appraisal and Development form (*attachment*)
   b. Overall job performance
   c. Performance targets for current appraisal period
   d. Future performance targets

2. Performance appraisals shall reflect a performance rating for each appraised job performance guideline and for overall performance. Appraisers will appraise job performance guidelines and overall performance based on the following rating system:

   a. Above standard (routinely performs above standard or stated expectations)
   b. Meets standard (work is performed within standards or stated expectations)
   c. Improvement needed (identified performance gap)
   d. Not applicable (category does not apply to employee)

3. Appraisers will provide documented comments on the Appraisal and Development form for ratings of improvement needed. Comments should include a brief description of further training and/or specific goals that may assist the employee in achieving a meets standard or higher rating by the next appraisal.

a. Appraisers will provide documented comments on the Appraisal and Development form for ratings of above standard.

b. Appraisers will not be required to provide documented comments on the Appraisal and Development form for ratings of meets standard.

4. Appraisers will complete the appraisal and provide the worker with a finalized copy. Additional forms may be attached to the appraisal form to evaluate competency and/or satisfy other regulatory requirements.

5. Appraisers will provide employees with at least ten working days notice prior to the date of a scheduled appraisal meeting. Scheduled appraisal dates may only be modified based upon mutual agreement of the appraiser and the employee.

6. Appraisers will review and complete an Appraisal and Development form prior to conducting the appraisal meeting.

7. Appraisers and employees will review and discuss each job performance related section addressed on the appraisal form during the appraisal meeting.

   a. Any information, items, requests or suggestions that were not identified or addressed within the Appraisal and Development form will be addressed by the appraiser and employee during the appraisal meeting.

   b. Employees shall have the right to provide a written appraisal response, within ten working days from completion of their appraisal meeting, addressing any concerns that they may have regarding their performance appraisal. The written appraisal response may be attached to the Appraisal and Development form, at the request of the employee.

8. Completed Appraisal and Development forms will be signed by the appraiser and the employee, reviewed and signed by the appraiser's supervisor/manager and forwarded to the Personnel Unit for filing in the employee's personnel file.

   a. Performance appraisal forms shall be temporarily removed from employee personnel files if a hiring authority or management staff requests to review the personnel file for disciplinary process, for the purpose of lateral transfers or for the purpose of promotions.

   b. Upon completion of the review, Personnel Unit staff shall return the performance appraisal form to the employee's personnel file.

9. Performance appraisals shall be excluded from the grievance process. However, employees may request a meeting with the appraiser's immediate supervisor/manager, within ten working days from completion of the appraisal meeting, to review and discuss the appraisal if there are any areas of dissatisfaction.

   a. The appraiser's immediate supervisor/manager will meet with the appraiser and the employee to review and discuss the performance appraisal within ten working days of the employee's request.

   b. Any changes shall be documented on the Appraisal and Development form and a copy of the finalized appraisal form shall be provided to the employee. The reviewer's decision shall be final regarding the performance appraisal.

10. Copies of all performance appraisal related documents will be forwarded to the affected employee.

B. The annual performance appraisal process will not be used/considered in the Department/County disciplinary process, for the purpose of lateral transfers or for the purpose of promotions.

C. Employees on original probation shall receive a performance appraisal prior to completion of their probationary period.

III. Civilian Employee Performance Appraisals (CEMA)

A. CEMA represented employees shall participate in individual performance appraisals on an annual basis. Management staff will determine when annual performance appraisals will be conducted and completed for those affected employees under their supervision (e.g. employee anniversary date, all employees on one designated date, tiered).

1. Performance appraisals will address the following performance related subject matter including, but not limited to:

   a. Job purpose and responsibilities
   b. Skill appraisal factors, as outlined in the Performance Appraisal form (*attachment*)
   c. Foundation/future focus (e.g. areas of strength, areas to improve, areas to develop)

2. Performance appraisals shall reflect an overall performance rating for each appraised skill factor. Appraisers will evaluate performance based on the following rating system:

a. Outstanding, consistently exceeds job requirements
b. Effective and successful, may sometimes exceed job requirements
c. At times does not meet job expectations, needs improvement
d. Not applicable

3. When completing performance appraisals, appraisers shall:

   a. Review each area of performance and corresponding descriptive statements.
   b. Evaluate and rate the employee on only those areas that apply to the employee's specific job.
   c. Comment specifically on each area of performance being evaluated/rated.
   d. Include any support documentation (e.g. examples or additional comments).

4. Completed Performance Appraisal forms will be signed by the appraiser and the employee, reviewed and signed by the appraiser's manager and forwarded to the Personnel Unit for filing in the employee's personnel file.

5. An employee who is dissatisfied with their performance appraisal may request and receive a review from the next highest-level manager. This request must be received in writing within twenty working days of the delivery of the appraisal.

   1. If still dissatisfied after the review, the employee may request a further review with the next highest-level manager. Requests must be in written format and received by the applicable manager within ten days of completion of the previous review.

   2. Changes made as a result of the review process will be included in the Performance Appraisal form.

B. During each annual appraisal period, the appraiser and employee will meet on a quarterly basis to participate in a performance appraisal update.

1. The purpose of the appraisal update is to allow the appraiser and employee an opportunity to discuss any changes that have occurred during the appraisal period, note progress made toward the developmental goals agreed upon in the last annual performance appraisal, remove any obstacles that might be inhibiting the employee's success and discuss additional resources that might be needed.

2. Performance appraisal updates shall be documented on Performance Appraisal Update forms (*attachment*). Completed Performance Appraisal Update forms will be signed by the appraiser and the employee.

3. Performance Appraisal Update forms are working documents and will not be filed in employee personnel files.

C. Copies of all performance appraisal and performance appraisal update related documents will be forwarded to the affected employee.

D. Appraisers and employees may not utilize performance appraisals and performance appraisal updates in the disciplinary process or with oral board qualifying examinations.

IV. Personnel Unit Responsibilities

A. Personnel Unit staff shall:

1. Provide Division Commanders/Unit Managers with a monthly listing of employee appraisals due for that month, as applicable.

2. Notify Division Commanders/Unit Managers of employee appraisals past due and/or not yet received by the Personnel Unit.

3. Ensure the JIS database is updated to reflect appraisal completion dates when completed appraisals are received in the Personnel Unit.

4. File copies of completed appraisal forms in employee personnel files.

5. Forward original completed appraisal forms to the County Employee Services Agency.

6. Send a quarterly master list of delinquent employee appraisals to the Chief, as applicable.

V. Performance Appraisal Training

A. Appraisers shall participate in and complete appropriate training in the performance and completion of employee performance appraisals prior to conducting appraisals.

VI. Policy Revision

A. All Department policies will be reviewed not less than once a year. The Professional Compliance and Audit Unit will establish an annual schedule identifying policies to be reviewed during a specific month.

☐ Annual
☐ Supplemental
☐ Probation-Quarterly

Santa Clara County
Department of Correction
Performance Appraisal

Rating Period: From:
To:
First Aid:
CPR:
Range:
Sick Leave:

Name (Last)	(First)	(Middle)	Rank	Employee Number

Division Assigned	Duty Assignment

STANDARD FACTORS	UNSATISFACTORY	BELOW STANDARD	MEETS STANDARD	EXCEEDS STANDARD	OUTSTANDING
1. CARE OF EQUIPMENT: The extent to which the Employee exercises proper operation and maintenance of equipment.	☐ Shows a complete disregard for, and is at times deliberately abusive towards equipment.	☐ Is careless and inconsistent in the care and operation of equipment. Requires close supervision.	☐ Makes a reasonable effort to ensure proper operation and maintenance of equipment.	☐ Follows policies and procedures to ensure above average care in the proper use and maintenance of equipment.	☐ Demonstrates, through self-initiated effort, a high degree of care and concern for all equipment. Ensures against loss or damage by initiating needed maintenance or repair.
2. COOPERATIVENESS: The extent to which the employee is a team player and is willing to assist others to get the job done and promote harmony and good relationships.	☐ Makes no effort to work with others to get the job done. General behavior creates disharmony and promotes poor relationships.	☐ Frequently has to be urged to assist others. Inability or lack of desire to be a team player lowers effectiveness.	☐ Participates as a team player. Behavior generally promotes harmony and good relationships.	☐ Often seeks opportunity to assist others and actively participates as a team player. Behavior promotes harmony and good relationships.	☐ Shows an exceptional interest in getting team results. Is self-sacrificing in efforts to help others get the job completed. Behavior consistently promotes harmony and good relationships.
3. COURTESY: The extent to which the employee is polite, respectful, tactful, considerate and dignified.	☐ Is often rude and disrespectful in manner and speech. Frequently antagonizes others.	☐ Tends to be rude and abrupt at times. Can be courteous to others; however, is not consistent in this regard.	☐ Treats others with respect and generally displays a courteous attitude.	☐ Recognizes the importance of treating others with courtesy and respect and is able to maintain courteous demeanor even in an adverse situation.	☐ Makes an overt effort to be courteous. Demeanor commands the highest degree of respect and serves as a standard of excellence.
4. DILIGENCE: The extent to which the employee can be relied upon to complete assignments.	☐ Cannot be relied upon to complete an assignment, except under the closest supervision.	☐ Often requires follow-up to ensure that an assignment is completed in a reasonable length of time.	☐ Requires routine supervision to ensure that assignments will be completed in a reasonable length of time.	☐ Minimum supervision required ensuring that assignments are completed within a reasonable length of time.	☐ Can be consistently relied upon to complete assignments in a timely manner. Sets an example for others and supervision is rarely required.
5. INITIATIVE: Extent to which the employee displays the motivation necessary to produce without urging.	☐ Lacks drive and energy and must be continually urged to get results. Requires constant supervision and guidance.	☐ Tends to be lazy and requires an inordinate amount of specific direction and supervision.	☐ Displays an acceptable level of drive and energy. Only requires routine guidance and direction.	☐ Is self-motivated and needs little direction. Frequently seeks assignments and takes advantage of opportunities to produce.	☐ Is highly motivated and requires very little stimulation. Actively pursues every opportunity to increase productivity. Serves as an outstanding example for fellow workers, superiors and others.
6. JUDGMENT: The extent to which the employee considers all available facts before acting and is logical in conclusions and actions.	☐ Does not consider obvious facts in a situation and fails to act logically. Decisions are unreliable.	☐ Does not always consider available facts, resulting in some illogical conclusions. Supervisors tend to question and review decisions.	☐ Gives adequate consideration to all known facts before taking action. Decisions are generally accepted.	☐ In most cases decisions are sound and reflect thorough consideration of all known facts.	☐ Displays extraordinary insight and ability to analyze and evaluate facts. Resulting conclusions and actions are consistently reliable.
7. LEADERSHIP: The extent to which the employee is able to accept the responsibility of leadership. Has the ability to organize, control and guide the work of others to obtain satisfactory results.	☐ Does not demonstrate the ability to obtain the desired results through the work of others. Does not have the respect and confidence of others.	☐ Possesses leadership capabilities. However, frequently fails to gain the support of those who must be controlled and directed.	☐ Accepts a leadership role in keeping with the position and generally achieves satisfactory results through the efforts of those directed or controlled.	☐ Has the ability to organize, plan, control and guide others very effectively. Consistently gains the confidence and support of those supervised.	☐ Actively seeks the responsibility of leadership. Possesses exceptional leadership ability to plan, control and organize. Regularly relied upon for advice, assistance and direction.

STANDARD FACTORS	UNSATISFACTORY	BELOW STANDARDS	MEETS STANDARD	EXCEEDS STANDARD	OUTSTANDING
8. DEDICATION: The extent to which the employee supports the Department and its policies; the quality of rendering faithful and willing service towards the attainment of Departmental goals, principles, and values.	☐ Displays antagonistic and resentful attitude towards the department and its policies.	☐ At times openly critical the department, its procedures, policies, and operations in a non-constructive manner. When in personal disagreement, does not provide support.	☐ Generally supportive of the department and its policies. Renders willing and faithful service when called upon.	☐ Supports and defends the department and its policies, procedures and operation. Frequently provides willing and faithful service to the department without being called upon.	☐ Actively supports, defends, and promotes the department and its policies and instills such an attitude in others. Sets an exemplary example of devotion to duty. Works with the organization to resolve issues in a positive and constructive manner.
9. PERSONAL APPEARANCE: The employee's ability to maintain a standard of personal appearance and neatness in keeping with the demands and prestige of the position.	☐ Creates an unfavorable impression. Dresses slovenly or inappropriately.	☐ Frequently has been found to be inappropriately or untidily dressed. General appearance, including dress and personal neatness is not up to standard.	☐ Is presentable in appearance and meets the acceptable standard of dress.	☐ Consistently creates a favorable impression. General appearance is above standard.	☐ Consistently presents a striking appearance. Sets an example for others and brings credit to the department.
10. PERSONAL DEVELOPMENT: The extent to which the employee strives for self-improvement and skill development through education.	☐ Regularly fails to participate in required training programs.	☐ Occasionally fails to participate in required training programs.	☐ Participates in required training programs to maintain skills and knowledge at an acceptable level.	☐ Participates in self-initiated training programs and as a result has enhanced skills and knowledge.	☐ Shows an exceptional interest in personal development by consistent participation in education programs, which extend beyond those available through the department. These efforts serve as an example to others
11. PHYSICAL FITNESS: The employee's physical condition, level of endurance, and ability to react to a physically demanding situation.	☐ Is unable to perform required duties due to a poor physical fitness level.	☐ Unable to react effectively to a physically demanding situation or endure strenuous assignments.	☐ Maintains an acceptable level of physical fitness. Successfully reacts to most physical challenges and strenuous assignments.	☐ Physical condition exceeds acceptable standards. Is capable of enduring physically demanding situations and strenuous assignments.	☐ Is in excellent physical condition and is capable of reacting to any physical challenge. Makes a direct effort to remain physically fit through an ongoing fitness program.
12. QUALITY OF WORK: The extent to which the employee completes work in a thorough, neat, accurate and effective manner.	☐ Work product consistently needs revision as a result of incompleteness, untidiness, inaccuracy or ineffectiveness.	☐ Work product frequently reflects a lack of consideration for the factors of thoroughness, neatness, and accuracy. An undue amount of review is necessary.	☐ Work is completed in an acceptable manner. Generally considers the need for neatness, accuracy and thoroughness.	☐ Work product is consistently effective, thorough, neat and accurate. Requires minimal supervision.	☐ Work product is exceptional. Sets an example for others in the completion of work in a very accurate, neat, thorough and effective manner.
13. SAFETY SKILLS: The extent to which the employee practices safety techniques in both routine and emergency situations.	☐ Demonstrates little concern for the safety of self or others. Consistently violates safety procedures.	☐ Frequently demonstrates poor safety techniques. Requires close supervision.	☐ Generally demonstrates good safety techniques and procedures.	☐ Regularly demonstrates proper and effective safety techniques and procedures.	☐ Consistently demonstrates exceptional safety techniques. Is outstanding in this capacity and serves as an example for others.
14. SELF-EXPRESSION: The extent to which the employee communicates both orally and in writing, in a clear, precise and convincing manner.	☐ Is unable to communicate in a clear, precise and convincing manner.	☐ Exhibits difficulties in expression. Frequently is unable to communicate clearly and precisely. Reports are difficult to read and understand.	☐ Is able to write and speak in an acceptable manner.	☐ Oral and written expressions are clear, precise and convincing.	☐ Projects an outstanding ability to express clear, precise, and convincing thought.
15. STABILITY: The extent to which the employee displays poise and controls emotions in routine or adverse situations.	☐ Displays a serious lack of self-control. Can not be relied upon in routine or emergency situations	☐ Frequently loses control of situations. Cannot be relied upon to maintain self-control and poise.	☐ Demonstrates an acceptable level of self-control. Exhibits poise and composure during most situations.	☐ Is emotionally well balanced. Shows good self-control and poise and can be relied upon to perform under pressure.	☐ Sets an example of poise and self-control. Is exceptionally well balanced and acts in a manner that promotes stability in others.

STANDARD FACTORS	UNSATISFACTORY	BELOW STANDARDS	MEETS STANDARD	EXCEEDS STANDARD	OUTSTANDING
SUPERVISION / /MANAGEMENT (only)					
16. INSPECTION: The extent to which the employee conducts ongoing inspections to reveal areas where improvement or correction is needed.	☐ Fails to conduct inspections in order to reveal areas where improvement or correction is needed.	☐ Inspections are inconsistent. Problems are often not recognized nor corrected.	☐ Conducts regular inspections to reveal areas where improvement or correction is needed. Takes necessary action to correct problems.	☐ Inspections are timely and thorough. Problems are corrected and suggestions are made for needed change.	☐ Consistently conducts timely inspections. Identifies problem areas and makes the necessary corrections to ensure a high standard of operation
17. PERSONNEL DEVELOPMENT: The extent to which the employee is involved in the professional development of subordinates through evaluation, training and discipline.	☐ Not concerned with the professional growth, training needs or discipline of subordinates.	☐ Subordinate evaluations are superficial. Rarely involved in subordinate training. Is inconsistent in discipline practices.	☐ Involved in the development of subordinates. Evaluations show research and thought. Encourages professional growth through training and appropriate discipline.	☐ Demonstrates an exceptional interest in subordinate development. Uses comprehensive evaluations as a tool to direct training and consistently applies effective discipline.	☐ Committed to the development and growth of subordinates. Evaluations reflect continuous involvement in their training and discipline.
18. PLANNING AND ORGANIZING: The extent to which the employee plans and organizes work, utilizing available resources.	☐ Does not effectively plan and organize work. Fails to utilize resources to achieve results.	☐ Has difficulty in planning and organizing work. Does not always make use of available resources.	☐ Generally plans and organizes work appropriately. Sets reasonable priorities and makes use of available resources to meet most goals.	☐ Consistently and effectively plans and organizes work. Seeks out and utilizes available resources.	☐ Demonstrates exceptional skill in planning and organizing work. Is innovative in identifying and utilizing resources.
19. OVERALL APPRAISAL	☐ Unsatisfactory ☐ Below Standard ☐ Meets Standard ☐ Exceeds Standard ☐ Outstanding This overall evaluation is based on: 1. The employee's value in the present assignment and performance therein during the evaluation period. 2. Consideration of general needs of the department, comparing the capabilities and characteristics of this employee to departmental standards.				

20. COMMENTS:

21. SPECIFIC ACHIEVEMENTS:

22. EMPLOYEE'S STRONGEST POINTS:

23. AREAS FOR IMPROVEMENT:

24. ADDITIONAL INFORMATION:

25. ACTION PLAN FOR IMPROVEMENT/DEVELOPMENT: (Specifically indicate how each item in Section 23 can be improved and, where appropriate, items in Section 22 may be further developed)

26. SIGNATURES AND APPROVALS

Appraiser

Print	Signature	Date

Supervisor Reviewing with Employee

Print	Signature	Date

I have discussed this report with a supervisor and understand that signing this evaluation does not necessarily imply agreement

Employee

Print	Signature	Date

Commanding Officer

Print	Signature	Date

TO THE EMPLOYEE: The overall evaluation is the summary judgment of your performance assigned by your supervisor and reviewed by the persons whose signatures appear above. If you are not satisfied with any aspect of the evaluation, you have the right of a hearing before your appointing authority. You must request this hearing within ten (10) working days after the decision of the appointing authority request in writing to the director of Personnel that a review board hear your evaluation appeal. The review board's procedures are described in section A25-276 of the Merit System Rules. You have the right to designate one member of the review board.

Santa Clara County
Department of Correction
Pre-Appraisal Questionnaire

To: _____ Date: _____

From:_____

Include Dates for:
Range: CPR: 1st Aid: SCBA Mask Fit Chk:

You are due for an annual, probation, transfer, supplemental or quarterly update appraisal. In order to make the process as fair and accurate as possible, the supervisor completing your appraisal will need input from you. Listed below are a number of questions that will help your supervisor more accurately reflect your performance during the rating period. Your supervisor will be scheduling an interview with you prior to preparing your appraisal. This questionnaire is to be completed and turned in to your supervisor at the beginning of this interview.

1. What classes or special training have you completed during this rating period?

2. Have you received any commendations during this rating period?

3. Are you a member of any specialized teams?

4. Are you interested in any of the specialized teams?

5. What are your career goals?

6. What do you plan to do to accomplish your goals? Are you planning to attend any school or specialized classes?

7. What do you see as your strengths?

8. What do you see as your weaknesses?

9. Are you involved in any community services or activities?

10. Are there any other issues you would like to bring out?

SANTA CLARA COUNTY (SEIU LOCAL 715) APPRAISAL AND DEVELOPMENT FORM

Name:_____ Class:_____ REASON FOR APPRAISAL: ☐ PROBATIONARY PERIOD

☐ ANNUAL PERFORMANCE APPRAISAL

Date_____ Appraisal Period From: _____ To: _____

JOB PERFORMANCE GUIDELINES	NOT APPLICABLE	ABOVE STANDARD	MEETS STANDARD	IMPROVEMENT NEEDED	UNSATISFACTORY (HHS ONLY)
Quality of work					
Quantity of Work					
Work Relationships					
Adaptability					
Communication					
Work Habits					
Job Knowledge					

OVERALL APPRAISAL:

Comments on Performance: Appraisal of "Above Standard", "Improvement Needed" and "Unsatisfactory" must be explained. Comments are encouraged but not required for "Meets Standard" performance. You may continue your comments on the reverse or attach separate memo when needed.

Performance targets for this period: **How well were targets accomplished?**

Future performance targets: **How will targets be accomplished?**

☐ I accept the overall appraisal. ☐ I do not accept the overall appraisal.

☐ I wish to discuss the appraisal with higher supervision within the department.

EMPLOYEE COMMENTS (OPTIONAL):

Signature: _____ Date: _____

SUPERVISOR Name:

Signature: _____ Date: _____

REVIEWER ☐ I concur with the appraisal.

☐ I have been requested to review the appraisal. The following are my comments and decision.

Signature: _____ Date: _____

Original – Personnel File
Duplicates – Supervisor
Employee

Revised - 10/14/2004

KEY

RATING DEFINITIONS:

Not Applicable (NA):	This category does not apply to this worker.
Meets Standard:	Work is performed within standards or stated expectations.
Above Standard:	Routinely performs above standard or stated expectations.
Improvement Needed:	Identified performance gap. A rating in this area must include a comment by the supervisor.

APPRAISAL AREAS:

Quality of Work:	Makes decisions consistent with departmental policy and accepted practice.
Quantity of Work:	Completes work assignments in a timely manner consistent with the requirements of the task.
Adaptability:	Performs quality work in difficult or new situations.
Work Habits:	Observes rules, policies and procedures. Demonstrates initiative. Manages time efficiently and effectively.
Work Relationships:	Works with coworkers and clients effectively.
Communication:	Demonstrates oral communication skills. Demonstrates written communication skills.
Job Knowledge:	Demonstrates knowledge in applicable laws, policies, rules and regulations. Demonstrates technical professional knowledge and/or job related skills.

Supervisor's Comments (continued from front):

Employee Comments (continued from front):

Reviewer's Comments (continued from front):

COUNTY OF SANTA CLARA
COUNTY EMPLOYEES MANAGEMENT ASSOCIATION
PERFORMANCE APPRAISAL

Review Dates From: To:

Employee Name: Position Title:

Agency / Department:

Reviewing Manager:

Part I: Job Purpose and Responsibilities

Job Purpose Statement:

How does the employee's job fit into the overall purpose of the unit / department / agency?

Manager
Employee

Manager		
Job Responsibilities	Performance Expectations	Relevant Measures
Employee		

Part II: Skill Appraisal

INSTRUCTIONS:

Read each skill area, change or add descriptive statements as necessary to reflect the employee's responsibilities. Give a rating for each skill area to reflect the employee's performance over the past year.

All ratings require manager's comments.

Mark a skill area or descriptive statement as 'not applicable' if the employee has no responsibilities in this area.

RATING KEY:

Outstanding, Consistently Exceeds Job Requirements	**+**
Effective and Successful, May Sometimes Exceed Job Requirement	**✓**
At Times Does Not Meet Job Expectations, Needs Improvement	**–**
Not Applicable	**na**

SKILL AREAS:

1. Job Knowledge and Application — Overall Rating:

- Demonstrates knowledge of management and professional field.
- Demonstrates ability to apply job knowledge.
- Effectively utilizes regulations and related systems.
- Understands other operations and areas and uses them effectively.
-
-

Manager Comments:

Employee Comments:

ρSee attached

Rev: 1/21/03

2. Planning Overall Rating:

- Strategically plans work and makes appropriate assignments / delegates effectively
- Organizes information, gathers data, defines tasks.
- Uses systematic and efficient methods for tracking and measuring.
- Considers alternatives and contingencies, makes adjustments accordingly.
- Subordinates are well organized and aware of priorities.
-

Manager Comments:

Employee Comments:

ρSee attached

3. Budget Management Overall Rating:

- Operates effectively within budget.
- Prepares any necessary budget forecasts and forms.
- Achieves established targets and encourages cost improvements.
- Effectively controls functional costs.
-

Manager Comments:

Employee Comments:

ρSee attached

4. Time Management Overall Rating:

- Meets agreed upon deadlines and targets.
- Maintains a high rate of productivity.
- Demonstrates appropriate use of resources.
-
-

Manager Comments:

Employee Comments:

ρSee attached

5. Communication Overall Rating:

- Anticipates information needs of management staff and other entities.
- Listens and is accessible to employees.
- Shares information effectively.
- Presents concepts and proposals effectively.
-

Manager Comments:

Employee Comments:

ρSee attached

6. Customer Service Overall Rating:

- Demonstrates knowledge of the organization's customer and their needs.
- Seeks customer comments.
- Seeks continuous improvement.
- Provides high-quality services that address the needs of a diverse community.
- Establishes reliable measures to determine quality of services.
-

Manager Comments:

Employee Comments:

ρSee attached

7. Interpersonal Relationships Overall Rating:

- Maintains self-confidence & self-esteem of others.
- Maintains constructive relationships.
- Focuses on the situation, issue or behavior, not the person.
- Takes initiative to make things better.
- Leads by example.
- Manages conflict effectively.

Manager Comments:

Employee Comments:

ρSee attached

8. Selection & Development of Staff Overall Rating:

- Recruits and hires well-qualified staff.
- Provides coaching, development, training and promotional opportunities where possible.
- Addresses discipline problems in a timely and effective manner.
- Demonstrates balance and objectivity in personnel decisions.
- Monitors performance of employees.
-

Manager Comments:

Employee Comments:

ρSee attached

9. Equal Opportunity / Diversity Overall Rating:

- Demonstrates a high standard of conduct with actions and decisions.
- Provides information, guidance, and training to employees regarding E.O. policies and standards for behavior.
- Approaches difficult issues objectively and rationally.
- Actively promotes Diversity efforts within the organization.
-

Manager Comments:

Employee Comments:

ρSee attached

10. Safety Policies & Procedures Overall Rating:

- Ensures compliance with Safety Rules and Regulations.
- Provides information, guidance, and training to employees regarding safety issues.
- Takes prompt and appropriate action to address safety concerns.
-
-

Manager Comments:

Employee Comments:

ρSee attached

Part III: Foundation / Future Focus

INSTRUCTIONS: Using the results of Part II "Skill Appraisal" List the specific areas of strength, areas to improve and areas to develop. Address technical, interpersonal and managerial areas.

Manager: What are the employee's strengths, skills and abilities in the performance of their job?	Manager / Employee: What are the targeted areas the employee can strengthen to develop their skills / performance.	Employee / Manager: What training, tools, methods, resources, opportunities, do I need from the manager to develop my skills / performance?
ρAttach additional sheet if necessary	ρ Attach additional sheet if necessary	ρ Attach additional sheet if necessary

Manager Signature: _____ **Date:** _____

Employee Signature: _____ **Date:** _____

Second-Level managerial: _____ **Date:**_____

Rev: 1/21/03

COUNTY OF SANTA CLARA
COUNTY EMPLOYEES MANAGEMENT ASSOCIATION
PERFORMANCE APPRAISAL UPDATE

Four-Month Update:
Review Period Dates:
From:
To:

Indicate any changes in the following:

- Job Purpose Statement:

- Job Responsibilities, Expectations and Measurements:

- Update progress toward agreed upon areas of performance of skill development:

Manager Signature: _____ **Date:** _____

Employee Signature: _____ **Date:** _____

Rev: 1/21/03

COUNTY OF SANTA CLARA

Department of Correction Policy and Procedure Manual	**Policy Number:** 3.15 **No. of Pages:** 3 **Date of Origin:** 04 Oct 1993 **Date of Revision:** 04 Nov 2008
Chapter: Personnel	**Subject:** Employee of the Month
Supersedes: Old DOC Policy 1.20 rev. 09/11/97, Main Jail Procedure 119	**Distribution:**
References: None	
Signature of Issuing Authority Edward C. Flores, Chief of Correction	**Current Policy Review** **Date of Review:** 04 Nov 2008 **Revisions Made:** ☒Yes ☐No

POLICY: It is the policy of the Department of Correction to encourage excellence in the performance of duty and to reward such excellence when demonstrated.

PURPOSE: To establish a process for recognition of outstanding performance and exemplary accomplishments of Department of Correction employees.

DEFINITIONS: None

PROCEDURE:

I. Divisional Team Employee of the Month Award

A. At the beginning of each month, each division will recognize one (1) employee from each team or unit for his/her outstanding contribution to the facility.

B. Team Employee of the Month Nomination

1. The Team Selection Committee for the Team Employee of the Month Award consists of the Team Lieutenant and Team Sergeants.

2. The Team Selection Committee will meet during the last week of the month to select the following month's recipients.

3. Nominations must be submitted to each division's Administration Sergeant by the last day of each month to be recognized for the following month.

4. A digital picture of the selected employee will be submitted diskette to the division administration sergeant by the last day of the month.

5. The Administration Sergeant is responsible for preparing the Team Employee of the Month Certificate.

C. Recognition

1. The selected employee will be awarded with the following:

a. A division "Employee of the Month" Certificate.

b. The Administrative Sergeant will post the Team Employee of the Month Certificate and a photo of the employee on the first week of the honored month in the division's designated bulletin board area.

c. A reserved parking space for the month.

II. Department Employee of the Month

A. Each quarter, the Department of Correction will honor an employee for his/her outstanding contributions to the Department.

B. The Department of Correction Personnel Unit will distribute a memorandum requesting nominations for the Department Employee of the Month to be submitted to the Division Commander.

C. The announcement for nominations will include a deadline for submission and a copy of the Employee of the Month Recognition Program form.

D. A nomination report should include a narrative explaining why the candidate deserves recognition.

E. Each Division Commander will select one (1) nomination to forward to the Department of Correction Personnel Unit for review by the Chief of Correction.

F. The Chief of Correction will select an employee from those nominations referred by the Division Commanders/Unit Managers.

G. The Personnel Unit will distribute a memorandum announcing the Department of Correction employee of the month.

H. The selected employee shall be honored at the public Board of Supervisor's meeting. The Department of Correction Personnel Unit is responsible for making the proper notification in order to have the item placed on the Board of Supervisor's Agenda.

III. Criteria for Selection

A. Reasons for selection include, but are not limited to, the following:

1. Exemplary performance of duty.
2. Submission of a suggestion involving the implementation of a procedure, method, or device that materially contributes to the efficient and effective operation of the facility, division, or unit.

3. Act or accomplishment which reflects credit to the facility, division, or unit.

B. All selections will be documented in the employee's divisional files and/or department personnel files.

III. Nominations

A. Any employee may nominate any Department of Correction employee for Employee of the Month, either at the divisional level or department level.

B. Nominations must be submitted on an Employee's Report to the division Administration Sergeant by the last day of each month to be recognized for the following month.

IV. Policy Review

A. All Department policies will be reviewed by the Professional Compliance and Audit Unit.

COUNTY OF SANTA CLARA

Department of Correction Policy and Procedure Manual	**Policy Number**: 3.17 **No. of Pages**: 8 **Date of Origin**: 06 May 2003 **Date of Revision**: new
Chapter: Personnel	**Subject:** Awards and Commendations
Supersedes: none	**Distribution:**
References: none	
Signature of Issuing Authority James W. Babcock, Chief of Correction	**Current Policy Review** Date of Review: Revisions Made: ☐Yes ☐No

POLICY: It is the policy of the Department of Correction to encourage excellence in the performance of duty and reward such excellence. The level of recognition will be based on the level of achievement as outlined in this policy.

PURPOSE: To establish a process to officially recognize and reward employees for outstanding performance of duty, other exemplary accomplishments and length of service.

DEFINITIONS: Chair: A member of the Board of the Employee Awards Committee tasked with its organization. The chair is a non-voting board member, with the exception of tie-breaking votes, or when a voting member is required in order to establish a quorum.

PROCEDURE:

I. Awards and Commendations

A. The Department expects a high level of professional conduct from all employees; however, some members of the Department frequently perform their duties in a manner exceeding the highest standards of the Department.

1. When such conduct occurs, official commendations will be made.

2. These commendations may either originate from citizens or from within the Department.

B. Recognition of performance rising above that, which is expected, shall be accomplished through the award system detailed in this policy.

II. Awards approved by the Department of Correction

A. Medal of Honor

Awarded to any officer who has been killed in the line of duty, or at the risk of such officer's own life, displays extreme courage, bravery, and devotion to duty in exposing oneself to grave danger in the face of a seemingly hopeless situation notwithstanding the officer's own imminent peril. The Medal of Honor recipient must have demonstrated that there was a conscious awareness of the imminent threat to physical safety at the time the action was performed. This award may be presented as soon as possible after the occurrence and as a ceremonial presentation at the annual awards ceremony. The recipient will receive a plaque and a one-inch solid gold ribbon bar with a centered Silver Star.

B. Medal of Valor

May be awarded to any officer who distinguishes oneself by conspicuous bravery in the performance of such officer's sworn duties under unusual, complicated, or hazardous conditions where the officer used excellent judgment in accomplishing an assigned mission, including sustaining human life. This award may be presented as soon as possible after the occurrence and as a ceremonial presentation at the annual awards ceremony. The recipient will receive a one-inch solid red ribbon bar with a centered Silver Star.

C. Meritorious Service

May be awarded for an act of intervention performed in an unusual incident, rendering a valuable service to the Department of Correction. This award may be conferred for intervention into a situation of imminent death or serious injury to a victim, attempted suicide, emergency situation, mass inmate disturbance or demonstration, prevention of a riot, or for an act above and beyond the normal course of duty. This award may be presented as soon as possible after the occurrence and as a ceremonial presentation at the annual awards ceremony. The recipient will receive a one-inch solid royal blue ribbon bar with a centered Silver Star.

D. Outstanding Service

May be awarded to Department of Correction employees and volunteers, who while serving in an official capacity distinguish themselves by performing an action above and beyond the normal call of duty or other outstanding performance. For those employees who demonstrate accomplishing a level of dedication accomplishing the Mission of the Department of Correction that is far superior and serves as an inspiration for all. This award will be presented at the annual awards ceremony. The recipient will receive a certificate signed by the Chief of Correction.

E. County Employee of the Month

May be awarded to Department of Correction employees who distinguish themselves through consistent diligence and application and have demonstrated a level of dedication that accomplishes the Mission of the Department of Correction that is superior to the norm and serves as an inspiration for all employees. The recipient will receive a certificate signed and presented by the County Board of Supervisors.

F. Certificate of Appreciation

Awarded for routine or non-routine acts of customer service, performance of assigned duties, administrative excellence, or community service requiring more time or effort than normal job expectations. This award will be presented at the annual awards ceremony. The recipient will receive a certificate signed by the Chief of Correction.

G. Letter of Recognition

Awarded for consistent professional, courteous customer service or commendable performance of assigned duties. The recipient will receive a letter from the supervisor and a copy of the letter will be placed in the employee's personnel file. Letters of Recognition are not included in the annual presentation of awards.

H. Service Awards (automatically initiated)

Awarded for continued employment with the County of Santa Clara and the Department of Correction, as listed below:

1.	40 Years	Marble timer
2.	35 Years	Marble Plaque
3.	30 Years	Desk Trophy
4.	25 Years	Watch
5.	20 Years	Pen and Pencil Set
6.	15 Years	Clock
7.	10 Years	Marble Box
8.	5 Years	Lapel Pin and Certificate with holder

In addition to the awards listed above. Officers will be awarded a service bar at 5 years and in 5-year increments thereafter that can be worn on the left arm of the long sleeve uniform shirt. This award will be presented at the annual awards ceremony.

I. Attendance Award

Awarded for perfect attendance record with no absences for 5 consecutive calendar years. This award will be presented at the annual awards ceremony. The

recipient will receive a red/white/blue ribbon bar. For each additional five-year award, a silver star will be added to the ribbon bar. In calculating perfect attendance, certain approved absences such as vacation, bereavement, FMLA, Maternity, Paternity or 4850 will be taken into consideration.

J. Retirement Award

Awarded to staff retiring in good standing with 10 or more years of Department of Correction service when formal notification is given. The recipient will be presented with a certificate and plaque at the annual awards ceremony.

1. If the departing employee was an officer, he or she will have the option of retiring his or her badge.

2. If the employee opts to retire his or her badge, the Personnel Manager will arrange to have the employee's badge charged to the budget unit from where the employee is leaving.

III. Nominations

A. When a department employee performs an act worthy of consideration for a departmental commendation, the person wishing to nominate the employee must submit a written memorandum to the nominee's supervisor. The memorandum must include, but not be limited to, the following information:

1. Name and assigned unit of the nominated employee

2. Circumstances surrounding the event prompting nomination

3. Miscellaneous attachments (e.g. photos or charts).

B. If the nomination is associated with a specific event, the memorandum must be submitted within 90 days of the event.

C. After reviewing the memorandum, the nominee's supervisor will forward it to the Chair of the Employee Awards Committee (the Personnel Manager).

D. The Chair or an agent of the chair will review all nominations for completion and accuracy and return, if necessary, to the originator. If complete, the chair will forward the nomination to the Employee Awards Committee for evaluation and classification.

IV. Employee Awards Committee

A. The Employee Awards Committee will be responsible for evaluating and classifying commendation reports, and for recommending appropriate action to the Chief of Correction via the Assistant Chief.

B. The Personnel Manager will continuously Chair the committee. The Chair is a non-voting member with the exception of tie-breaking votes.

C. The Employee Awards Committee serves under and reports to the Chief of Correction.

D. The Employee Awards Committee's membership will include voting board members.

1. The Board will be compromised of five voting members from the following areas:

a. One member representing the Elmwood Complex

b. One member representing the Main Jail Complex

c. One member representing the Support Services/Programs Division

d. One member representing the Administrative Division

e. One member representing the Administrative Support Services Unit.

2. The Division Commander or Assistant Division Commander will be the voting board member for each respective division.

a. The Division Commander will notify the Personnel Manager of his or her selection by the first of January each year, or no longer than five days after transfer into a Division or Unit.

b. Each voting board member will serve on the Employee Awards Committee for a period of one year.

3. The number required for quorum will be at least three of the five voting board members present to vote on commendation reports. Each voting board member will have one vote. The Personnel Manager (Chair) may be considered the final voting board member in order to establish a quorum.

4. The Personnel Manager will provide secretarial and clerical support.

5. The Board is empowered to make recommendations to the Chief of Correction with regards to proposed policy changes pertaining to the departmental awards system.

6. The Employee Awards Committee will meet at least two months prior to the annual awards ceremony, and as deemed necessary by the Chair.

V. Employee Awards Committee Procedures

A. The Board will evaluate all nominations submitted, and will recommend which type of award or commendation is merited in each case. It may also conduct any necessary additional inquiry of the event.

B. Any member of the Board may request to be excluded in consideration of a nominee for an award if the member feels biased or prejudiced towards the nominee.

C. Recipients of awards will be selected by a majority vote by the Board.

D. The Board will present its findings to the Assistant Chief for review and approval before forwarding to the Chief for approval. The Chief may disapprove of the Board's recommendation.

E. The Board may recommend to the Division Commander, that a Letter of Recognition be inserted in the nominee's personnel file in lieu of a recommended award. The Board may also add its own Letter of Recognition, in lieu of the recommended award.

F. The Board will review all nominations for awards. They will determine which award is appropriate based on the criteria set forth in this policy. During the voting process each voting board member will have only one vote. A two-thirds majority vote must be reached for an award approval.

G. In the event the nomination does not meet any award criteria, it will be returned with a brief explanation to the person initiating the request. Appeals may be submitted to the Assistant Chief.

H. If a member of the public or an outside agency wishes to recognize an employee for personal achievements, the information received, either verbal or in writing, will be forwarded to the Chair who will submit the information to the Employee Awards Committee for review.

VI. Award Presentations

A. Annual Employee Awards Ceremony

1. Each year, the Personnel Manager shall be responsible for planning and hosting the Annual Employee Awards Ceremony during the month of March at the direction of the Chair.

2. Every award recipient will be invited to attend with his or her guest. The Department will serve as host for these invitees.

3. The PIO will be responsible for notifying the media and Board of Supervisors as appropriate and for providing photographic service during the ceremony.

B. Notification and Presentation of Awards

1. It will be the responsibility of the Chair to schedule approved awards for presentation.

2. The Chair will ensure that the award recipient is notified of the time, date, and location the award will be presented.

C. Promotions will be acknowledged at the annual awards ceremony or at a similar event throughout the year by the presentation of insignia rank.

VII. Uniform Authorization for Pins, Bars, and Ribbons

A. Awards may only be worn above the nametag on the right side of the chest, on class A and B uniforms not Battle Dress Uniforms.

B. When wearing one authorized pin, ribbon bar on the uniform, it shall be worn horizontally, centered 1/8 inch above the right top pocket seam.

C. When wearing more than one authorized pin or ribbon bar on the authorized uniform, it shall be worn horizontally. All centered 1/8 inch above the top pocket seam, beginning with the highest award closest to the heart, spaced 1/4 inch apart.

D. Special designation insignia may be worn in conjunction with commendation bars, centered one-quarter inch above the uppermost commendation bar. Special designation insignia are limited to JTO pin, ERT pin, U.S. Flag ribbon or pin, years of service pin, or Certified Jail Manager pin.

1. JTO pins with a blue patch shall be worn on the right epilept. This pin may be worn on a Class A, B or BDU uniform.

2. No other pins are approved for display on the uniform.

VIII. Replacement of Awards

A. If service pins, commendation ribbons or awards are lost or broken during the performance of a staff member's duties, they will be replaced at no cost.

B. If service pins, commendation ribbons or awards are lost or broken in any other circumstances, the employee will be asked to bear the cost if he or she requests replacement of the item.

IX. Policy Revision

A. All Department policies will be reviewed not less than once a year. The Professional Compliance and Audit Unit will establish an annual schedule identifying policies to be reviewed during a specific month.

COUNTY OF SANTA CLARA

Department of Correction Policy and Procedure Manual	**Policy Number:** 3.19 **No. of Pages:** 3 **Date of Origin:** 25 Feb 2004 **Date of Revision:** new
Chapter: Personnel	**Subject:** Employee Bilingual Services and Compensation
Supersedes: None	**Distribution:**
References: Santa Clara County Personnel Policy and Procedures Memorandums of Understanding for all applicable bargaining units	
Signature of Issuing Authority James W. Babcock, Chief of Correction	**Current Policy Review** **Date of Review:** **Revisions Made:** ☐Yes ☐No

POLICY: It is the policy of the Department of Correction to develop communication between staff and inmates, visitors or other persons by providing bilingual services.

PURPOSE: To provide guidelines for bi-lingual services and compensation.

DEFINITIONS: Bilingual: Using or capable of using two languages with equal or nearly equal facility.

PROCEDURE:

I. Bilingual Services

A. Bilingual services are an essential component to the operation of a Jail. The Hispanic and Asian population represent the largest ethnic groups in the Jail; therefore, the Department provides much of its information in English, Spanish and Vietnamese languages.

1. The inmate rulebook is available in English, Spanish and Vietnamese.

2. The inmate orientation videos are available in English, Spanish and Vietnamese.

B. The Assistant Chief and the Personnel Manager will review bilingual assignments annually to determine if bilingual services are adequate.

II. Bilingual requests, testing and approval

A. Employees interested in providing bilingual services for the Department may submit a memorandum of interest to their supervisor who will review and assess the operational need for this service.

B. Requests will then be forwarded to the Division Commander or Unit Manager with a recommendation.

C. When reviewing the requests, the Supervisor and Division Commander/Unit Manager will include an assessment of the following criteria as the basis for their decision:

1. Does the facility/unit have inmates or persons who speak the other language that would require interpretation from staff.

2. Does the facility/unit have an adequate number of staff who are certified to speak that language.

D. If the supervisor determines there is a need for bilingual services, he or she will complete and attach a Bilingual Test Request form to the employee's memorandum of interest.

1. If the employee is already certified bilingual, the supervisor will ensure this information is noted in the memorandum.

2. If the Division Commander or Unit Manager approves the request, he or she will forward the memo to the Personnel Manager.

E. The Personnel Manager or designee will be responsible for the coordination of requests, testing and approvals for bilingual employees.

1. Requests will be accepted on a first come first serve basis.

2. If there is an opening, the Personnel Manager will schedule the employee for a test with the County's Bilingual Testing Coordinator.

3. If the County certifies the employee bilingual, the Personnel Manager will request approval from the Assistant Chief.

4. If the Assistant Chief approves the appointment, the Personnel Manager will advise the employee and Division Commander / Unit Manager and will submit a Department Bilingual Pay Request form.

5. If the Assistant Chief does not approve the appointment, the Personnel Manager will place the employee on a list for future openings.

6. The Personnel Manager will maintain a tracking system of employees providing bilingual services and their assignment to ensure employees are added and removed accordingly.

III. Assignments for bilingual positions

A. The Division Commanders and Unit Managers are responsible for assigning employees to designated bilingual slots.

B. Changes in assignment due to transfers, bumps, or depletion of personnel will have a direct affect on the bilingual assignments.

1. If an employee moves (voluntary or involuntary) to another assignment, team, unit or division, his or her bilingual status will be reevaluated by the Division Commander or Unit Manager.

2. If the amount of employees exceeds the available bilingual slots, the least senior employees will lose their differential. If a bilingual slot is available at another assignment, the employee may be considered for that assignment.

3. If the amount of employees is less than the available bilingual slots, the Personnel Manager will check the standby list for eligible employees.

IV. Compensation for a bilingual position

A. Employees certified and authorized by the Department to provide bilingual services will receive compensation for those services.

B. The amount of bilingual pay will be in accordance with the employee's memorandum of understanding.

C. Differential may be removed when the employee is no longer in a bilingual assignment.

V. Policy Revision

A. All Department policies will be reviewed not less than once a year. The Professional Compliance and Audit Unit will establish an annual schedule identifying policies to be reviewed during a specific month.

DIVISION ASSIGNMENT REQUEST FORM

TO: **PERSONNEL**

FROM: _____

Last Name First Name Rank Badge #

CURRENT ASSIGNMENT: ☐ **Main Jail Complex** ☐ **Elmwood Complex** ☐ **Other**_____

SUBJECT: **ASSIGNMENT REQUEST**

Note: Seniority-based requests may only be made by officers who have completed 10 years of service as a badge employee and have completed divisional training requirements at both the Main Jail and Elmwood complexes.

☐ **Remain at current Division Assignment (seniority-based request)**

or

☐ **Transfer to another Division Assignment based on:**

☐ **Seniority**

or

☐ **Completion of at least one year in current Division Assignment**

DIVISION PREFERENCE:

☐ **Main Jail Complex** ☐ **Elmwood Complex**

.....

PREVIOUS ASSIGNMENTS:

Division / Section	From	To

If desired, indicate special reasons (e.g. career goals), which will assist in evaluating your request:

_____

_____

Signature: _____ **Date:**_____ **Time:**_____

.....

Personnel Staff Only: _____ ☐**Eligible** ☐**Not Eligible**

Signature

Comments:

Rev. 9/05

COUNTY OF SANTA CLARA

Department of Correction Policy and Procedure Manual	**Policy Number:** 3.27 **No. of Pages:** 9 **Date of Origin:** 30 Dec 1993 **Date Revised:** 22 Oct 2009
Chapter: Personnel	**Subject:** Badge Staff Transfer and Assignment Policy
Supersedes: Policy 3.27, rev. 02/24/06	**Distribution:**
References: Santa Clara County Charter, Santa Clara County Merit System Rules, California Government Code Section 3303(i); CPOA Memorandum of Understanding, DSA Memorandum of Understanding, Title VII of Civil Rights Act	
Signature of Issuing Authority Edward C. Flores, Chief of Correction	**Current Policy Review** **Date of Review:** 22 Oct 2009 **Revisions Made:** ☒Yes ☐No

POLICY: It is the policy of the Department of Correction to assign and transfer badge staff as determined by the Chief while taking into account the needs of the Department, the employee's professional development and experience. Assignments and transfers for badge employees will be conducted in accordance with the current bargaining unit agreement.

PURPOSE: To establish a standardized procedure for assignment, review and the transfer of badge employees.

DEFINITIONS:

Bona-fide Occupational Qualification: A statutory exemption to Title VII of the Civil Rights Act, which allows an employer to use their discretion in assignments where it is determined that an employee's gender (male or female) is an essential factor in the efficient operation of the organization.

Division Assignment: An assignment to a division complex (Main Jail or Elmwood) with duties relating to the care, custody and control of inmates.

Division Specialized Assignment: An administrative position within a division complex (Main Jail or Elmwood) providing service to that command.

Longevity Transfer: The reassignment of badge employees from one division assignment to another, normally based on completion of five years in a division assignment.

Specialized Projects Assignment: A temporary assignment, usually of less than six months duration, to perform specific duties in connection with research, specialized operations, grants applications, or any unforeseen temporary Departmental needs.

Specialized Unit Assignment: An assignment to a centralized unit servicing the entire Department of Correction.

Transfer: The reassignment of a badge employee from one Division/Unit to another Division/Unit.

Transfer Review Date (TRD): The date an employee becomes eligible for transfer consideration, based on the length of time in specific Divisions/Units. The Transfer Review Board will use this date when considering transfer eligibility of a badge employee. (The Transfer Review Date only includes month and year)

PROCEDURE:

I. Transfers

A. Transfers of Officers and Sergeants will occur annually, in January, or as determined by the Chief.

1. Transfers will be determined based on one or more of the following:

a. Departmental needs
b. Transfer Review Dates
c. Employees' ability to perform in assignments
d. Employee requests
e. Seniority

2. In situations where gender (male or female) is a "bona-fide occupational qualification", the Chief may consider employee gender as a factor in establishing assignments and transfers of badge employees.

B. Transfers of Lieutenants and Captains will occur at the Chief's discretion and may occur at anytime.

II. Longevity Transfers

A. Officers and Sergeants will be reviewed for, and subject to, a longevity transfer based upon their established TRD.

1. Transfer Review Dates will be used by the Transfer Board to consider the reassignment of Officers and Sergeants due to longevity in their current assignments.

2. Transfer Review Dates will be established according to assignment as follows:

   a. Division Assignment: Officers and Sergeants will be reviewed for transfer on or about 5 years in a Division Assignment. Officers and Sergeants may transfer from a Division Assignment to a Division Specialized Assignment or Specialized Unit Assignment after successfully completing the selection process.

      1) Employees assigned to a Division may be reassigned (prior to completion of 5 years in assignment) as determined by the Chief and supervising Captain/Unit Manager and in accordance with the employee's memorandum of understanding.

   b. Division Specialized Assignment: Officers and Sergeants will be reviewed for transfer on or about 3 years in a Division Special Assignment. Officers and Sergeants may transfer from a Division Special Assignment to a Special Unit Assignment after successfully completing the selection process.

      1) Officers and Sergeants selected for Division Specialized Assignments will **not** receive a new TRD.

      2) Officers and Sergeants selected for Division Specialized Assignments will be subject to longevity transfer on their established TRD regardless of time in their Division Specialized Assignment.

      3) Employees assigned to a Division Specialized Assignment may be reassigned (prior to completion of 3 years in assignment) as determined by the supervising Captain/Unit Manager.

   c. Specialized Unit Assignment: Officers and Sergeants will be reviewed for transfer on or at about 3 years in a Specialized Unit Assignment. Employees leaving a Specialized Unit Assignment should complete at least one year in a Division Assignment before being considered for another Specialized Unit Assignment or Division Specialized Assignment.

1) Employees assigned to a Specialized Unit Assignment may be reassigned (prior to completion of 3 years in assignment) as determined by the supervising Captain/Unit Manager.

d. Specialized Project Assignment: These assignments are usually of less than six months duration. Assignment to a Specialized project has no effect on the employee's scheduled TRD.

3. The Chief or Assistant Chief when designated may authorize employees to remain in their current assignment beyond their established TRD.

a. The Chief or Assistant Chief will consider requests for longevity transfer exemption from employees pending retirement.

b. The maximum time exemption from longevity transfer due to pending retirement will be one year.

c. Non-retirement longevity transfer exemption requests may normally be granted in increments of 3, 6, or 12 months.

B. The Chief may limit the number of longevity transfers due to departmental needs. This may cause a break in the transfer list where some eligible badge employees with the same TRD may be transferred and some may not.

III. Division Assignment Requests

A. Officers may request division assignments based on seniority or after one year in current division assignment.

1. Officers may request to transfer to another Division Assignment or remain in their current Division Assignment based on their seniority when they meet the following requirements:

a. Officers must have completed ten years of service with the Department as a badge employee by December 31st prior to the January transfer.

b. Officers must have completed divisional training requirements at both complexes (Main Jail and Elmwood).

B. Requests to transfer to another Division Assignment or remain in current Division Assignment will be initiated via the completion of a Division Assignment Request form *(attachment)*.

1. Completed Division Assignment Request forms must be submitted to the Personnel Unit, directly.

2. Officers who have met the necessary requirements for a seniority-based assignment request should submit a Division Assignment request form annually to inform the Transfer Board of their Division preference. Assignment decisions will be left to the discretion of the Transfer board for those who do not submit a request.

IV. Transfer Board

A. The Transfer Board will convene on the second Wednesday of November in each calendar year to review and determine transfers of Officers and Sergeants. At the discretion of the Chief, a Transfer Board may be convened on the second Wednesday in May to review longevity transfers that were not completed during the November meeting for a July transfer.

1. The Transfer Board will be composed of the following individuals:

a. Assistant Chief (Chair)
b. Professional Compliance Captain (Voting Member)
c. Elmwood Complex Captain (Voting Member)
d. Main Jail Complex Captain (Voting Member)
e. Support Services Captain (Voting Member)
f. Administrative Services Manager (Voting Member)
g. Personnel Manager/and designated staff (support)
h. One CPOA Representative (Observer)

2. In the event that a voting member assignment is vacant or unfilled, the Chief will appoint another voting member for that position.

B. The mission of the Transfer Board is to make assignment recommendations to the Chief based on a thorough review of those badge employees subject to longevity transfer and those requesting a division transfer or to remain in their current division assignment.

1. In making recommendations, the Transfer Board will consider the following factors for each employee and provide the Chief with the rationale for any recommended exemptions from transfer or denial of assignment requests:

a. Departmental needs
b. Transfer Review Dates
c. Seniority
d. Prior exemptions
e. Number of employees eligible for longevity transfer
f. Number of employees eligible for seniority-based assignment requests.
g. Gender (male or female), when necessary, in accordance with the "Bona-fide Occupational Qualification" statutory exemption of Title VII of the Civil Rights Act.

h. Employee's personal needs

2. When considering longevity transfers of employees with the same TRD, the Transfer Board will:

   a. Review the employee seniority within this group and consider the least senior first.

   b. Review employee request forms that were submitted. If an employee with more seniority in that group prefers to be transferred, he or she will be considered prior to the employee with the least seniority.

3. The Transfer Board will recommend as many assignment requests as possible. However, the Chief may limit the number of requests that are approved based on the needs of the Department.

4. The Personnel Unit will provide the Transfer Board with listings of Officers and Sergeants due for longevity transfer and Officers who have submitted and are eligible for seniority-based assignment requests.

C. The recommendations of the Transfer Board are not binding upon the Chief.

D. Upon approval by the Chief, a Specialized Order will be executed by the Personnel Manager listing the name, rank, current command, new assignment, effective date, and new transfer review date for each badge employee being transferred in the next calendar year.

1. Approved transfers/assignment requests will become effective on the first day of a new pay period whenever possible.

2. The Specialized Order will be posted on all Department bulletin boards and a copy will be forwarded to affected employees.

3. Badge employees transferred to a new Division Assignment will be assigned to an existing vacancy. These employees may submit a request for a preferred team/shift assignment during the next scheduled Facility team/shift bid process.

E. Employees who are to be transferred will be given two weeks notice by the Department except under one of the following conditions:

1. In an emergency. In such cases, the Division Captain/Unit Manager will advise the employee(s) of the nature of the emergency.

2. When the employee or respective bargaining unit waives such notice.

3. When all other requirements of the respective bargaining unit are met.

V. Selection and Assignment to Specialized Units, Divisional Specialized Assignments, and Specialized Projects Assignments

A. Identification of Specialized Units, Division Specialized Assignments, and Specialized Projects Assignments

1. Specialized Units are identified as follows:

a. Classification Unit
b. Industries and Operations Unit
c. Inmate Programs Unit
d. Central Training Unit
e. Professional Compliance and Audit Unit
f. Internal Affairs Unit
g. Inmate Screening Unit (ISU)
h. Personnel Unit

2. Division Specialized Assignments are identified as follows:

a. Administrative Sergeant, Main Jail
b. Administrative Training Officer, Main Jail
c. Administrative Safety/Compliance Officer, Main Jail
d. Administrative Sergeant, (Men's) Elmwood Complex
e. Administrative Sergeant, (Women's) Elmwood Complex
f. Administrative Operations Sergeant, Elmwood Complex
g. Administrative Training Officer, Elmwood Complex
h. Administrative Compliance Officer, Elmwood Complex
i. Administrative Safety Officer, Elmwood Complex
j. Assignments Officer, Elmwood Complex
k. Visiting Officer, Elmwood Complex
l. Security Enhancement Training Team (SETT) Officer (4) Main Jail Complex

3. Specialized Projects Assignments are identified as, but not limited to:

a. Research projects
b. Recruitment
c. Grant projects
d. Unfilled position pending completion of an application process
e. Training

B. Selection for Specialized Unit and Division Specialized Assignments

1. Selection for a Division Specialized Assignment or Specialized Unit should be completed by the appropriate Division Captain/Unit Manager

within sixty days from the closing date of the application process for that particular position.

2. In some instances, selection of an applicant within the sixty-day time frame may not be feasible due to certain Departmental needs.

   a. In these instances, the affected Division Captain/Unit Manager or designee will notify qualified applicants in writing of the delay and the current status of the selection process.

3. Selection and assignment to the Internal Affairs Unit and the Professional Compliance and Audit Unit are exempt from this policy and remain the sole discretion of the Chief of Correction.

C. Establishment of and Selection for Specialized Projects Assignments

1. Selection for Specialized Projects Assignments should be completed by the appropriate Division Captain/Unit Manager with final approval to be made by the Chief of Correction or his/her designee.

   a. Specialized Project Assignments may be unfunded or uncoded outside of those authorized by the Department of Correction's Staffing Report.

   b. Specialized Project Assignments are not regular appointments, but ones made to meet unusual work situations that may require certain skills, and need not be made from eligible lists.

2. Division Captains who identify the need for a Specialized Project Assignment will establish the qualifications and anticipated length of the assignment and forward the request for a Specialized Project Assignment to the Chief of Correction for approval.

   a. Upon approval, the Division Captain may offer the position to an employee at his/her discretion.

   b. If the assignment is not completed within the requested time period, an extension may be requested through the Chief of Correction. The extension must be requested at least one week prior to the scheduled assignment termination date.

   c. In emergency situations, Division Captains may offer a Specialized Project Assignment to an employee, and then proceed with obtaining necessary approvals within five working days.

3. The Department's Personnel Manager will maintain records of all Specialized/temporary position assignments for a period of three years.

VI. Employees Returning to Previous Assignments

A. Employees returning to their previous assignment (e.g. those returning from Specialized assignments or reinstated employees) will be assigned to a Division according to the current needs of the Department.

1. Employee seniority will be considered when determining reassignments but will not be the sole factor.

2. Employees who have yet to complete training at both Divisions will be assigned to the appropriate Division to complete their training.

3. Employees wishing to return to their previous assignment after training will do so in accordance with this policy.

VII. Policy Review

A. All Department policies will be reviewed by the Professional Compliance and Audit Unit.

Department of Correction

Outside Employment/Incompatible Activity Form

Employee Name _____ **SSN** _____

Agency / Department Unit _____

Position _____

1. Do you now engage in or are you contemplating outside employment? ☐ Yes ☐ No

2. Are you engaging in or contemplating any activities, whether paid or unpaid, which might be considered incompatible with your County employment? ☐ Yes ☐ No

If the answer to questions 1 or 2 is yes, please explain the nature of the employment, the employer, employer's address and approximate number of hours to be worked per week or the nature of the, possible, incompatible activity: _____

_____

_____

Work hours: _____

3. Is any part of your outside employment or activity effort subject to approval by any officer, employee, board or commission member of the County of Santa Clara? ☐ Yes ☐ No

If the answer to question 3 is yes, please explain: _____

_____

I understand that prior approval of the appointing authority is required, if at anytime I engage in or change outside employment or engage in an activity which may be incompatible with my County position. I realize that failure to obtain this prior approval or falsification of information on this request is cause for disciplinary action that may include suspension, demotion or dismissal.

Employee Signature _____ _____ **Date**

Immediate Supervisor _____ _____ **Date** **Approved** ☐ **Yes** ☐ **No**

Division Commander _____ _____ **Date** **Approved** ☐ **Yes** ☐ **No**
(or Unit Manager)

Department Head _____ _____ **Date** **Approved** ☐ **Yes** ☐ **No**

COUNTY OF SANTA CLARA

Department of Correction Policy and Procedure Manual	**Policy Number:** 3.31 **No. of Pages:** 15 **Date of Origin:** 24 Mar 1993 **Date Revised:** 10 Apr 2009
Chapter: Personnel	**Subject:** Employee Conduct & Performance
Supersedes: Policy 3.31 rev0 8/21/06;Amendment 05/23/07;Amendment 09/21/07	**Distribution:**
References: ACA 3-ALDF-1C-23; California Government Code: Public Safety Officers Procedural Bill of Rights Sections 3300-3311; Article 4.7 Incompatible Activities Sections 1125, 1126 and 1127 and Section 6254; California Penal Code: Sections 293.5, 832.7, and 832.8; Santa Clara County Policy on Sexual Harassment as adopted on August 20, 1991; Department of Correction Policy 1.35, Sexual Harassment Policy	
Signature of Issuing Authority Edward C. Flores, Chief of Correction	**Current Policy Review** **Date of Review:** 10 Apr 2009 **Revisions Made:** ☒Yes ☐No

POLICY: It is the policy of the Department of Correction to require the highest level of conduct from all employees in order to promote the protection of the agency and facilitate the recruitment and retention of the highest caliber employee. All employees are expected to refrain from engaging in any activities that would adversely affect the security, safety, integrity, or reputation of the Department, the County, or its employees.

PURPOSE: To standardize conduct and performance requirements in all divisions, sections, and units of the Department.

DEFINITIONS:

Brutality: Unnecessarily assaulting, beating, or physically or emotionally mistreating any person.

Conflict of Interest: An employee action that adversely affects the interests of the Department/County. Outside concerns which may bring undue pressure upon the employee in his/her effort to make decisions concerning official duties.

Contraband: Any item that is illegal by law or expressly prohibited by Department policy, procedure, rule, order or practice.

Employee: Any staff member, volunteer, agent or individual working for or on behalf of the Department or contracted to provide services to the Department.

Inmate: Any person, whether in pretrial, unsentenced, or sentenced status, who is confined in a correctional facility or who is serving a sentence though not confined in a correctional facility.

PROCEDURE:

I. Rules of Conduct

A. Employees are prohibited from involvement in the following activities with inmates, inmate families, friends, or business representatives:

1. Soliciting
2. Bartering
3. Accepting any gift, gratuity, personal favor or loan
4. Selling goods
5. Loaning money
6. Other activities that adversely affect the Department or the employee's performance while on duty

B. Employees shall not bring, or permit others to bring, contraband into the Department's facilities, or give contraband to, or make it accessible to inmates.

C. Employees shall not grant or promise an inmate privileges or favors not available to all inmates.

D. Employees shall keep information pertaining to an inmate's record, offense, personal history, or private affairs confidential and for official use only. Such information may only be discussed with authorized individuals who require this information in the performance of their duties.

E. Employees shall use discretion and good judgment when providing information to inmates about the Department. Employees will not discuss staff or other county employees with inmates.

F. Employees shall not remove County property from Department facilities without proper authorization.

G. Employees shall not utilize any business or personal cards, or any other form of identification to inscribe thereon any message purporting to exempt the bearer from the processes of this or any other department, or purporting to grant the bearer any special privileges not enjoyed by all individuals.

H. Employees shall not use County/Department owned/related information (e.g. logos, insignias, addresses, other information describing facility/unit assignments or job titles) on their personal non-Department issued business or personal cards.

I. Employees shall not permit or authorize the use of their name, photograph, or official title in connection with testimonials or advertisements for any commodity or commercial enterprise or service which is not a product of the Department or related to their employment.

J. Employees shall not undertake financial obligations which they know, or reasonably should know, they will be unable to meet; and shall pay all just debts when due.

K. Employees shall not violate any law. Upon being arrested or charged with any violation of the law (other than a traffic infraction) ***or becoming an immediate party to any criminal investigation (e.g. suspect, victim, witness),*** the employee shall notify his/her supervisor of the incident within 24 hours. Initial notification can be made verbally (e.g. telephone).

1. Upon initial notification, the supervisor will complete a supervisor's summary report documenting the circumstances of the incident and submit it through his or her Chain of Command.

2. The employee will complete an Employee's Report documenting the circumstances of the incident and submit it to his or her supervisor.

3. Badge employees subject to a restraining order shall notify the Department in accordance with Department Policy 3.45, Lautenberg Domestic Confiscation Law.

L. Employees shall not compromise their integrity or that of the Department or profession by accepting, giving or soliciting any gratuity.

M. Employees shall not participate in any forms of retribution or retaliation against another employee.

II. Employee Relationships with Inmates

A. Employees have the responsibility to provide for the safety, security and welfare of the inmates under their supervision.

B. Brutality will not be tolerated and is cause for dismissal and possible criminal charges.

C. Employees shall not touch an inmate except to:

1. Defend themselves
2. Control or restrain an inmate
3. Prevent the escape of an inmate
4. Prevent serious injury or damage to a person or property
5. Quell a disturbance
6. Search an inmate

7. Render medical aid

D. Employees shall treat inmates with respect, courtesy and firmness. They shall not use profane, demeaning, insulting and threatening language toward an inmate. Employees shall not engage in an argument or shouting match with an inmate.

E. Employees will not engage in sexual acts or sexual contact with inmates. Any sexual acts or contact between an employee and inmate will constitute sexual misconduct and shall subject the employee to disciplinary action and/or to prosecution under the law. The legal concept of "consent" does not exist between employees and inmates.

1. Sexual misconduct includes, but is not limited to:

a. Influencing or offering to influence an inmate's safety, custody, housing, privileges, work detail, conditions of confinement or programming, or offering goods or services, in exchange for sexual favors; or

b. Threatening an inmate's safety, custody, housing, privileges, work detail, conditions of confinement or programming because the inmate has refused to engage in sexual behavior; or

c. Engaging in sexual act(s) or contact (as outlined in California Code of Regulations, Title 15 Crime and Prevention in Corrections, section 3401.5) with inmates; or

d. Engaging in sexual discussions with inmates, including jokes or sexual innuendos; or

e. Making sexual advances toward inmates.

2. All allegations of sexual misconduct shall be subject to investigation, which may lead to disciplinary action and/or criminal prosecution.

a. Any employee who observes, or who receives information from any source concerning any sexual misconduct involving employees, shall immediately report the information or incident directly to his or her supervisor.

b. Failure to accurately and promptly report the incident, information or facts which would lead a reasonable person to believe sexual misconduct has occurred may subject the employee who failed to report it to disciplinary action.

3. Alleged victims who report criminal sexual misconduct falling into one of the Penal Code sections set forth in Government Code 6254(f)(2) shall be

advised that their identity may be kept confidential pursuant to Penal Code Section 293.5, upon their request.

a. Retaliatory measures against inmates who report incidents of sexual misconduct will not be tolerated and shall result in disciplinary action and/or criminal prosecution.

b. Such retaliatory measures include, but are not limited to, coercion, threats of punishment, or any other activities intended to discourage or prevent an inmate from reporting sexual misconduct.

F. Employees shall not retaliate against an inmate in any way for making a complaint or filing a grievance related to any rules or conditions of confinement.

G. Employees must maintain a good staff-inmate relationship to ensure effective discipline and order.

H. Employees shall follow legal practices in areas of interrogation, arrest, detention, searches, seizures, use of informants, and collection and preservation of evidence.

I. Employees shall not write letters of recommendation for inmates without prior approval from the Division Commander (e.g. giving an inmate a copy of a Custody Input form with positive comments).

III. Employee Associations with an Inmate or the Inmate's Family/Friends/Business Associates

A. Employees shall limit their association with an inmate's visitors to that communication which is required to perform official duties.

1. Visitors will be treated respectfully and with courtesy, even though firmness may occasionally be required.

2. Whenever there is reason for an employee to have personal contact or discussions with inmates or the family/friends of inmates, the employee must maintain a helpful but professional attitude and demeanor.

B. Employees will not engage in undue familiarity with inmates or their family/friends beyond what is required to perform official duties.

1. Employees shall not disclose details about their personal life, the personal life of other employees, or identifying information such as an employee's home address or phone number.

2. Except as permitted in accordance with Department policy and directive, court order, and applicable law and regulation, employees shall not take, deliver or otherwise transmit, either to or from any inmate or member of an inmate's family, any verbal or written message, document, item, article

or substance. Any employee asked, coerced or otherwise contacted by any person to transmit, take or relay any message, item or substance, either to or from any inmate or member of an inmate's family, by other than approved means or circumstances, shall immediately notify his or her supervisor or document the incident.

3. Except as necessary in the execution of their assigned duties, employees shall not contact, correspond or otherwise communicate with any inmate or member of an inmate's family. If any inmate or a member of an inmate's family contacts an employee, the employee shall immediately notify his or her supervisor and document the incident.

C. Employees shall not have or pursue a relationship of any kind, or contact any person that they know, or should have known, is an ex-inmate of any penal institution and who has been convicted of a felony, a crime that is an alternate felony/misdemeanor (wobbler), or a crime involving moral turpitude. However, employees may conduct relationships or have contact with any inmate or member of an inmate's family who is the employee's immediate family member (as defined in California Code of Regulations, Title 15 Crime and Prevention in Corrections, section 3000) or the employee's aunt, uncle, niece, nephew, or first cousin.

1. Requests for contacts when the employee is not a family member must be documented on an Employee's Report and approved by a staff officer with the rank of Captain or above. A copy of the approved or unapproved request will be placed in the requesting employee's personnel file.

2. If any member of the employee's immediate family or person living in the employee's household becomes an inmate of the Santa Clara County jail system or any state or federal penal institution, the employee shall notify his/her Division Commander/Unit Manager via an Employee's Report, as soon as possible.

3. If an inmate or former inmate initiates contact or communication of a personal nature or that is non-work related, the employee shall report this to the Division Commander/Unit Manager through the employee's immediate supervisor.

D. Former employees shall be prohibited from visiting an inmate within 60 days after the effective date of resignation, unless otherwise authorized by the Assistant Chief or Chief of Correction.

IV. Employee Conduct

A. County Charter, Merit System Rules, Personnel Regulations, Department's Code of Ethics Policy, and all other Departmental policies shall guide an employee's conduct.

B. Employees shall maintain the integrity of their profession through complete disclosure of those who violate any of these rules of conduct, violate any law, or who conduct themselves in a manner which tends to discredit the profession.

C. Employees shall have the responsibility of reporting to proper authorities any information that would serve to disqualify candidates from transferring into, or entering, the profession.

D. Employees, within legal and Department guidelines, shall share appropriate information that will facilitate the achievement of criminal justice goals and objectives.

E. Employees shall treat as confidential the official business of the Department, and shall not release or disseminate such information unless authorized.

F. Employees shall treat all matters relating to investigations, internal affairs, and personnel as confidential.

G. The Department expects and requires that all employees maintain an exemplary standard of personal integrity and ethical conduct in their relationships with other employees, inmates, and the community.

H. Correctional Officers, Sergeants, Lieutenants, and Captains shall not engage in any strike or work obstruction. Employees are required to perform their full, faithful, and proper assigned duties and responsibilities, except as authorized by law.

I. All employees shall maintain a neutral position with regard to the merits of any labor dispute, political protest, or other public demonstration while acting in any official capacity.

J. Specific Departmental Rules

1. <u>Conformance to Law:</u>

   a. Employees are expected to adhere to Department Policies and Procedures, County Personnel Regulations, County Administrative Procedures, Executive Orders, County Merit System Rules, and all laws applicable to the general public.

2. <u>Compliance with Order:</u>

   a. Employees shall obey a lawful order from a supervisor. If a supervisor issues an order which conflicts with a previously issued order or directive, the employee will respectfully call attention to the conflicting order, and if not rescinded by the supervisor, the order will stand. Responsibility for the order will be that of the issuing supervisor.

b. Supervisors shall not issue any order, which they know would require a subordinate to commit any illegal, immoral or unethical acts.

c. Employees shall not obey any order which they know or reasonably believe would require them to commit any illegal, immoral, or unethical acts.

3. Use of Force:

a. Employees shall only use force in accordance with the law and the Department Policy 9.01, Use of Force and Restraints.

4. Integrity of the Reporting System:

a. Employees shall submit all necessary reports in accordance with established Department policy and procedures. These reports will be accurate, complete, and timely and will be submitted before the end of the employee's tour of duty unless permission is obtained from the on-duty Watch Commander to do otherwise.

5. Punctuality:

a. Employees will be punctual in reporting for duty at the time and place specified by their supervisor.

b. No employee will be absent from duty without leave or without authorization from his/her supervisor.

6. Attentiveness to Duty/Use of Alcohol and/or Drugs:

a. Employees must not sleep or be less than alert and in full possession of all faculties while on duty.

b. Employees shall not receive personal visits while on duty except with permission of the employee's supervisor.

c. Employees assigned to security posts/positions or to supervision and control of Inmates will not read, listen to a private radio, improperly use computers or engage in any distracting amusement or activity while on duty except such authorized activity as may be required in proper performance of their assigned duties.

d. Employees shall not consume or be under the influence of any alcoholic beverage while on duty.

e. Employees shall refrain from consuming intoxicating beverages off-duty to the extent that it results in impairment that brings discredit upon the profession, the Department, or renders them unfit for their next tour of duty.

f. Employees shall not use any narcotic, hallucinogens, or any other controlled substances except when legally prescribed. When an employee is taking a legally prescribed drug that may impair the employee's ability to perform the essential functions of his or her job, the employee shall notify the Department's Health and Injury Prevention Coordinator prior to reporting for duty.

g. Employees have the duty to promptly report to their supervisor the presence of any person, including another employee, who is in or on the grounds of any correctional facility and who is or appears to be under the influence of an intoxicant or drugs.

7. Telephone Maintenance:

a. Employees shall maintain a phone number where they can be contacted during non-work hours.

b. Within 24 hours of a change in phone number, employees shall submit an Employee's Report to their Division Commander/Unit Manager and complete the change of phone number form available from the Department Personnel Unit.

8. Home Address/Residence:

a. Within 24 hours of a change in address, employees shall submit an Employee's Report to their Division Commander/Unit Manager and complete the change of address form available from the Department of Correction Personnel Unit.

b. Employees shall not use a Department address for personal use or for any other unofficial business.

c. Employees shall not use a Post Office Box address in place of their physical address.

9. Conduct Unbecoming:

a. An employee shall not commit any act which constitutes conduct unbecoming a Department employee. Conduct unbecoming an employee includes, but is not limited to, any criminal or dishonest act or an act of moral turpitude. Examples of conduct unbecoming include, but are not limited to, the following:

1) Lying, false statements, intentional misrepresentations and omissions of material facts in a Department investigation
2) Excessive absenteeism, tardiness
3) Profane language in public
4) Assault on a fellow employee
5) Harassment or discrimination
6) Misuse or abuse of County property
7) Failure to cooperate with an investigation

10. Neglect of Duty/Unsatisfactory Performance:

a. Employees shall maintain sufficient competency to properly perform their duties and assume the responsibilities of their positions. This includes, but is not limited to, maintaining current range qualification (as applicable), California Driver License, County Driver permit, and retaining current certification in AED, CPR, First Aid, and Bag Valve Mask (BVM) for the Professional Rescuer, in accordance with American Red Cross standards. No substitutions, mail-in, or web-based certificates will be accepted.

b. Unsatisfactory performance is demonstrated by an inability or unwillingness to perform assigned tasks, failure to take appropriate action in a situation needing attention, or failure to conform to work standards established for the employee's rank, grade or position.

11. Maintenance of Issued Property:

a. Employees will be held accountable for the proper care, use, and maintenance of all uniforms, equipment, and vehicles in their charge. Upon resignation or termination of employment, all Department-issued property must be returned to the employee's Division Commander/Unit Manager or Personnel Director on the last working day.

b. Employees who lose or damage Department property will report such loss or damage, in writing, to their supervisor prior to the close of the shift in which the loss occurs.

c. The employee may be held responsible for the replacement of any Department property lost or damaged as a result of negligence.

d. Employees who are on extended leave in excess of thirty days, excluding vacation, may be required to return Department-issued items to include, but not limited to:

1. Department-issued vehicle(s)

2. Department-issued laptop(s)
3. Department-issued cellular phone(s)

e. Department-issued property will be returned to the employee's Division Commander/Unit Manager or Personnel Director or as directed by the Chief of Correction

e. Upon resignation or termination of employment, all Department-issued property must be returned to the employee's Division Commander/Unit Manager or Personnel Director on the last working day.

12. Wearing the Uniform:

a. The uniform shall be properly worn by employees while on duty or while going to or from their place of assignment in accordance with Department Policy 3.33, Uniform and Grooming Standards.

b. Uniforms shall be serviceable, neat, clean and pressed. Shoes and metal objects will be shined.

13. Mutual Protection:

a. A Department employee will promptly come to the aid of another employee who is in need of assistance while carrying out official duties.

14. Untruthful Statements:

a. Employees shall not make less than truthful statements, either verbal or written.

15. Courtesy:

a. Employees shall, at all times, be courteous and discreet to all persons, maintain decorum and command of temper, and avoid the use of violent, insolent or obscene language.

16. Discrimination/Harassment:

a. Employees will not discriminate against nor harass any other employee(s)or inmate(s) on the basis of age, color, creed, national origin, political opinion, race, religion, sex, organizational affiliation, sexual orientation or any other basis as prohibited by the County, State, and Federal law. Refer to Department Policy 1.35, Sexual Harassment and Department Policy 1.37, Equal Employment Opportunity.

b. Employees will not take, nor contribute to, any reprisal or adverse action against any individual or group of individuals having opposed discriminatory practices or having participated or assisted in a charge, investigation, or proceeding brought under Department policy, or County, state or federal law.

c. Supervisors and/or Unit Managers of the Department will conduct a prompt and candid inquiry into any instance of alleged discrimination or harassment which comes to their attention.

17. Recommending Attorneys, Bail Bond Services, or Other Services:

a. Employees shall not suggest, recommend, advise, or otherwise counsel the retention of any specific attorney, bail bond service, or any other service to any person coming to their attention as a result of official business.

18. Secondary Employment:

a. Employees of the Department of Correction have the same right as other citizens to paid outside employment, if they wish or if they feel the economic need. However, such employment must conform to the Government Code limitations and must not interfere with the efficient performance of the employee's Departmental duties or reflect discredit, cause scandal or unfavorable criticism of the Department.

1) The following is the determining criteria as stated in the Government Code. An employee's outside activity or enterprise may be prohibited if it:

- Involves the use for private gain or advantage of the employee's local agency time, facilities, equipment and supplies; or the badge, uniform, prestige or influence of the employee's local agency office or employment, or

- Involves receipt or acceptance by the employee of money or other consideration from anyone other than the employee's Department for the performance of an act which the employee, would be required to perform in the regular course of the employee's employment with the Department, or

- Involves the performance of an act outside the scope of employment which act may later be subject

directly or indirectly to the control, inspection, review, audit or enforcement of the Department, or

- Involves such time demands as would render performance of the employee's duties with the Department less efficient.

2) An employee's secondary employment activity or enterprise may also be prohibited if it occurs while the employee is on an approved leave of absence (e.g. FMLA). Employees who are on an approved leave of absence must have approval from the Chief of Correction to engage in secondary employment activities or enterprises while on the particular leave.

b. Prior to pursuing secondary employment, employees of the Department of Correction are required to complete an Outside Employment/Incompatible Activity form (*attachment*) upon initial employment, during periodic file updates, and at anytime when contemplating outside employment or engaging in possible incompatible activities.

1) The completed form must be submitted to the Division Commander or Unit Manager. After review by the Division Commander and the Chief or designee, a copy of the form will be returned to the employee indicating approval or denial of the request.

2) If disapproved, the employee will be notified in writing of the reason for the disapproval and may appeal such a decision to the Chief of Correction or his designee.

3) If, after approval, outside employment is subsequently found to be incompatible with the employee's duties or to require such time demands as to make the employee's departmental performance less efficient, such approval may be rescinded upon reasonable time to cease employment of activities found to be incompatible with employee's County employment.

c. An employee's outside employment will be continuously reviewed by his/her immediate supervisor to determine if it impairs the employee's ability to perform his/her assigned duties. If so determined, a review of approval will be conducted.

d. Employees shall notify their Division Commander/Unit Manager annually of continued outside employment and hours of employment.

V. Conduct in Court

A. Employees shall identify themselves in the following manner when testifying in court:

"My name is _____, and I am an employee with the Santa Clara County Department of Correction. My work address is 180 West Hedding Street, San Jose."

1. Officers in a rank above Correctional Officer will use the title of their rank in place of Correctional Officer.

2. Civilian personnel will give their official classification in place of rank.

B. Testimony shall be given truthfully, clearly, modestly, without bias or prejudice, without display of emotion, without exaggeration and without misrepresentation.

1. Professional jargon should be avoided.

2. Questions should be answered directly and completely.

C. When appearing in court or at any public hearing, the manner of dress will be as follows:

1. Civilian clothing should be of the business type, a coat and tie for men and business type suit/dress for women, or Department Dress Uniform (Class A uniform).

VI. Public Relations

A. Each employee is an emissary of the Department and can do much to enhance the image of the corrections profession.

B. One can be an asset to the Department and a satisfied employee by following these simple practices;

1. Take pride in your profession.
2. Take pride in your job performance.
3. Develop community support.
4. Work as a team.
5. Contribute ideas for change.

VII. Attitude

A. An employee's attitude toward his/her job, supervisors, co-workers, inmates, and the Department has a profound impact on the morale of both staff and inmates.

B. Project a positive attitude.

C. Communicate with your supervisor.

D. Professionalism demands honesty, integrity, tact, courtesy, mutual respect, understanding, and a willingness to make the effort to get along with others.

VIII. Policy Review

A. All Department policies will be reviewed by the Professional Compliance and Audit Unit.

COUNTY OF SANTA CLARA

Department of Correction Policy and Procedure Manual	**Policy Number:** 3.33 **No. of Pages:** 26 **Date of Origin:** 20 Apr 1993 **Date Revised:** 18 Oct 2006
Chapter: Personnel	**Subject:** Uniform and Grooming Standards
Supersedes: Policy 3.33, Uniform and Grooming Standards, rev. 08/31/04	**Distribution:**
References: Memorandum of Understanding Between the County of Santa Clara and the CPOA, DSA and Local 715	
Signature of Issuing Authority Edward C. Flores, Chief of Correction	**Current Policy Review** **Date of Review:** 07 Sep 2006 **Revisions Made:** ☒Yes ☐No

POLICY: It is the policy of the Department of Correction to establish specific appearance and grooming standards for all Department of Correction employees.

PURPOSE: To establish and set forth specific dress code standards regarding the uniform, civilian attire and grooming standards for Department of Correction employees.

DEFINITIONS:

Badge Staff: Chief of Correction, Assistant Chief, Correctional Captains, Correctional Lieutenants, Correctional Sergeants, and Correctional Officers.

Civilian Staff: All non-badge Department of Correction employees, to include, Medical staff, and Milpitas Adult Education staff.

Class "A" Uniform: Consists of long sleeve shirt, navy pants with braid, tie, (Ike jacket and hat for formal occasions).

Class "B" Uniform: Consists of short or long sleeve shirt, navy pants with braid, no tie or hat.

Contractual Personnel: Sheriff's Office personnel assigned to a Department of Correction facility.

TDU: Tactical Dress Uniform, a two piece utility uniform.

Uniformed Employees: Badge staff and Custody Support Assistants.

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PROCEDURE:

I. Affected Personnel

A. The specifications in this policy apply to all Department of Correction employees, to include, contractual personnel and volunteers.

II. Civilian Attire

A. Employees, to include badge staff working specialized assignments, are expected to wear neat, conservative, professional clothing in keeping with the requirements of their assignments. Employees are expected to dress so as not to be provocative or distracting to other employees or inmates.

1. Division Commanders/Unit Managers may authorize uniform personnel under their command to wear civilian attire. However, a serviceable, clean uniform must be available at the work site at all times in case of an emergency.

2. Employees wearing civilian attire are required to adhere to appearance and grooming standards that reflect favorably on the Department.

3. The Chief of Correction, Assistant Chief, and Division Commanders/Unit Managers may require a specific level or style of clothing for designated assignments.

B. Badge staff are not authorized to mix civilian attire with the Department of Correction uniform inside the facility's perimeter.

1. Civilian jackets may be worn as a patch cover to and from work; however, they must not be worn into the facility.

2. With the exception of lockers or administrative office areas that have no inmate access, badge staff are not authorized to store any civilian attire, including civilian jackets/sweaters at any officer's station or inside the secure perimeter of the facility.

III. Reporting for Duty

A. Department of Correction employees will report for duty in proper uniform or attire and shall remain in uniform the entire shift unless otherwise approved by their supervisor.

1. Uniforms and other attire shall be kept clean and neat. Uniforms must be serviceable, not faded, worn, frayed, or have any holes.

2. Leather accessories shall be kept dyed and clean. The metal parts shall be shined and clean. Officers who are gun bearers shall keep their service weapon clean and serviceable.

3. Unless granted by proper authority to accommodate a special need, the proper uniform or attire shall be consistent with specifications as listed in this policy.

4. Badge staff and Custody Support Assistants will keep an additional clean dress uniform (Class A or B uniform for badge staff) available at the work site (e.g. locker room) at all times.

5. It is the responsibility of the Division Commander/Unit Manager and/or immediate supervisor to ensure employee compliance with the uniform dress standards.

6. Uniformed employees are subject to uniform inspections at any time.

IV. Minimum Uniform Specifications for Badge Staff

A. The minimum standard required uniform for badge personnel, not including optional TDUs, is as listed below:

1. Three (3) pairs of pants
2. Two (2) long sleeve shirts
3. Two (2) short sleeve shirts
4. One (1) necktie/clip
5. One (1) pair of shoes/boots
6. Four (4) pairs of socks
7. One (1) uniform hat
8. Leather equipment (belt, handcuff case, mini-maglight case)
9. One (1) pair of handcuffs with key
10. Department-issued CPR mask and holder
11. Badge
12. Two (2) name tags
13. Department-issued pepper spray and holder

V. Uniform Accessories for Badge Staff

A. <u>Badges:</u>

1. Metal badges will be provided for all employees who are required to wear them, unless exempted by a previously provided agreement.

2. Employees are prohibited from using any metal badge other than what is provided by the Department.

3. The 3" cloth shield badge will be worn in lieu of metal badge on the TDU. Cloth shield badges are mandatory on field jackets and windbreakers.

B. Footwear:

1. Material: Black, smooth leather with plain round toe and polished finish.

2. Style:

a. Low-cut oxford (military style dress shoes).

b. Ankle-high oxford (desert style).

c. High-top styled, plain, black leather boot or black smooth leather plain toe and heel with black nylon uppers (swat type).

d. High-top black, army or paratrooper boot.

e. Tennis/running type shoes are not authorized.

3. Footwear must be serviceable, untorn, polished, and shined at all times. Heels, soles and leather must not present excessive wear.

C. Hats and Caps:

1. Dress Hat: Navy blue garrison style. Silver simulated link, elasticized metal band for Correctional Sergeants and Correctional Officers, brass (gold) simulated link, elasticized metal band for Staff Officers. Navy oak leaf design on bill of hat of the Assistant Chief and Chief of Correction. The dress hat must be worn with the issued metal hat piece and may be worn at officer's discretion when in Class A Uniform or may be required for special occasions.

2. Hat Covers: Waterproof, plastic, clear cover specifically designed to fit the dress hat.

3. Wool Baseball Caps: Officers assigned to positions at the Elmwood Complex requiring them to be outdoors in extreme temperatures or extreme weather conditions are authorized to wear a 100% wool navy blue, closed back, non-adjustable baseball cap. All baseball caps must

have the 3" Department of Correction patch centered on the front. When worn, the bill of the baseball cap must be facing forward.

a. No other caps are authorized.

b. Baseball caps are not authorized indoors.

D. Leather Equipment:

1. Uniform Belt: A black, 1½" leather basketweave uniform belt with a silver-tone metal buckle must be worn by all badge staff. (Brass/gold buckle for Staff Officers.) A black leather Velcro or nylon belt may be worn when in conjunction with the gun belt.

2. All other miscellaneous equipment placed on the belt shall be made of the same basketweave leather or black nylon items issued by the Department.

E. Nametags:

1. The metal nametags shall be 2½" x 5/8" silver or gold-tone metal in color, engraved with black block letters of the officer's first initial and last name centered on the nametag.

a. The metal nametag for Correctional Officers and Correctional Sergeants shall be silver-tone with black lettering.

b. The nametag for Correctional Lieutenants and ranks above shall be gold-tone with black lettering.

c. The metal nametag shall be centered with the top of the nameplate on the bottom seam of the right breast pocket flap.

2. The cloth nametag shall be 1" navy blue cloth military style with embroidered white 5/8" block-style letters of the officer's first initial and last name centered on the nametag. The letters will be embroidered gold for Correctional Lieutenants and ranks above. The cloth nametag will be sewn above the right pocket and will extend the width of the pocket. On the sweater where no pocket exists, the cloth nametag will measure 6" inches in length and centered on the right side directly across from the badge.

3. Cloth nametags are mandatory on field jackets, windbreakers and TDUs and not allowed on Class A or B shirts.

4. Badge numbers are not allowed on nametags.

F. Ties:

1. Ties to be worn at all times with the dress (IKE) jacket. Ties may be worn at the officer's discretion or as directed by his or her supervisor.

2. The tie shall be a black safety four-in-one hand clip-on tie. Female officers may substitute this tie with a black/navy cross breakaway tie with Velcro snap.

3. The tie bar shall be plain silver-tone metal for Correctional Officers and Correctional Sergeants and plain gold-tone metal for Correctional Lieutenants and above ranks. Emblems or insignia on the tie bar are not authorized.

G. Patches:

1. The authorized patch is the California Eureka Santa Clara County Department of Correction emblem patch.

   a. The 5" patch must be worn on both shoulders of all uniform shirts for badge staff.

   b. The 5" patch must be worn on both shoulders of all outerwear for badge staff, except rainwear.

2. Patches must be sewn 1/2" below the shoulder, centered on the shoulder seam.

3. The 3" patch must be sewn on the wool baseball cap for badge staff. The patch must be centered on the bill of the cap.

H. Pins, Awards, and Other Insignia:

1. Only Department authorized pins, awards and insignia will be worn on the uniform. These include JTO, ERT, CJM, Attendance Award, Award of Honor and/or Valor, Meritorious Service, years of service pin, County Employee of the Month or Flag Ribbon (red, white & blue).

2. All pins, awards, and other authorized insignia shall be placed above the right breast pocket.

   a. Multiple pins will be placed above the right pocket and will be centered and parallel to each other. The highest award will be placed closest to the heart after the flag ribbon. The ranking of the pins is as listed below:

1) Flag ribbon
2) Award of Honor
3) Award of Valor
4) Meritorious Service
5) CJM
6) ERT
7) Attendance Merit
8) Years of service pins
9) County Employee of the Month

b. The JTO pin will be placed on the blue patch on the right shoulder epaulet.

c. Restrictions:

No other items, flags or pins will be worn on the uniform unless approved by the Chief of Correction.

d. TDU Options:

1) ERT members may wear the cloth ERT insignia on the TDU.

2) The insignia will be placed above the right TDU breast pocket.

I. Rank Insignia:

1. Jail Training Officers/Administrative Training Officers: Blue patch with silver JTO insignia attached to the right shoulder epaulet. Only Academy Training Officers may wear the blue patch with gold outline and the silver JTO insignia and only during an Academy.

2. Sergeant Stripes: Blue chevrons with gold outline on sleeves.

3. Lieutenant Bars: Single gold bar on collar.

4. Captain Bars: Double gold bars on collar.

5. Deputy Chief of Operation: Two gold stars on collar.

6. Assistant Chief: Three gold stars on collar.

7. Chief of Correction: Four gold stars on collar.

J. Underclothing:

1. T-shirt: The only shirt to be visible under an open collar is a black round-neck T-shirt. T-shirt sleeves must not be visible below the uniform sleeve. The T-shirt is optional wear.

2. Turtlenecks: Plain black Turtlenecks and mock Turtlenecks are authorized for wear on duty.

3. Visible written slogans or advertisements on T-shirts and Turtlenecks are not authorized.

4. Socks: Black or navy blue as near to the uniform color as possible. Alternate color socks may be worn with high boots when the socks cannot be seen.

K. Service Stripes:

1. Shall be worn to reflect employment as a full-time, paid Correctional Officer, or sworn law enforcement service.

2. Number of Stripes: One (1) service stripe denotes five (5) years of service. Service stripes will be purchased and attached at the employee's expense.

3. Style:

a. Cadets: Cadets are not authorized to wear service stripes.

b. Officers and Sergeants: Royal blue with gold colored border.

c. Lieutenants and above: Solid yellow color, no border.

4. Placement of Service Stripes:

a. Long sleeve dress uniform/TDU shirt: Service stripes must be sewn on the left sleeve, touching inner crease, 1/8" inch above cuff, pointing diagonally downward on long sleeve shirt.

b. Outer wear: Two (2) inches above left cuff, touching inner crease, pointing diagonally downward. Service stripes will be placed on all long sleeved outerwear, except sweaters and rainwear.

VI. Badge Staff Uniform (Class A/B Uniforms and TDUs)

A. Shirts:

1. Long or short sleeves may be worn at the discretion of the officer, unless a particular style is ordered for a specific occasion.

2. Material: Navy blue 65% polyester/35% wool/Shade 96. (May upgrade to optional 100% wool.) Different materials will not be combined.

3. Buttons: Navy blue to match color of shirt.

4. Collar: To be of the semi-dress type with the height in proportion to the build of the individual. Collar to be stitched all around, ¼" from the edge.

5. Long Sleeves: Cuffs to be 2¾" deep, with length of sleeves corresponding to size of shirt. Cuffs to be single-stitched one-fourth inch from edges. Cuffs to have two (2) buttonholes, with the buttons placed correspondingly. Long sleeves will be fully extended and buttoned at all times.

6. Short Sleeves: Must be no higher than 1" above the inside elbow crease.

7. Epaulets: To be of two thicknesses of the same material as the shirt and fastened at the top end by a button.

8. Badge: Department issued metal badge must be centered above the left breast pocket. Cloth badges are not authorized on the class A or B uniform shirt.

B. Pants/Trousers:

1. Material: Navy blue trouser. 65% polyester/35% wool/Shade 96. Vertical pockets. (May upgrade to the 100% wool or blend.) Different materials will not be combined.

2. Waistband: Two (2) inches wide with seven (7) tunnel loops.

3. Cuff: Plain bottom with no outside cuffs.

4. Stripes: (Correctional Officers and Correctional Sergeants) Royal blue (match to patch) stripe on legs of line officers from the bottom of the side pockets to the bottom of the pant leg.

5. Stripes: (Correctional Lieutenants and above) Yellow (match to patch) stripes on legs of Staff Officers from the bottom of the pant pocket to the bottom of the pant leg.

C. Tactical Dress Uniform (TDU):

1. TDUs are authorized as an optional uniform for badge staff in designated non public-contact positions.

   a. Division Commanders will determine which posts are designated as non public-contact positions.

   b. Sergeants and above are not authorized to wear TDUs, unless worn for a specific, temporary or training class assignment.

2. Style (Pants): 5.11 Dark Navy 100% ripstop TDU pants, style #74003 (65% polyester/35% cotton at 7.5 ounces). When worn, TDU pants must be bloused at the bottom of each pant leg.

3. Style (Shirts): 5.11 Dark Navy 100% ripstop TDU shirt, style #72002 (65% polyester/35% cotton at 6.14 ounces), long or short sleeve.

   a. Shirts must have shoulder epaulets attached (one on each side of the shirt).

   b. Absent exigent circumstances, badge employees who wear long sleeve TDU shirts will not roll up the sleeves of the shirt in any manner.

4. Cloth badge: The 3" cloth Department of Correction badge must be centered above the left breast pocket and sewn directly over the badge tab. Badge numbers must be embroidered on the corresponding cloth badge in white stitching.

5. Name Tags: Cloth name tags must be centered and placed 1/16" above the right breast pocket and must be 1" in height and extend to the outer edges of the pocket.

   a. Cloth name tags must be of the same Dark Navy color (no border/trim) as the TDU itself with the badge employee's first initial (of first name) and full last name embroidered with white stitching.

   b. No other markings, insignias or lettering (except as noted previously) are authorized on cloth nametags.

6. Mandatory Insignia: The 2" x 3 ¼" cloth American Flag insignia must be attached to the TDU. The insignia must have white bordering/trim and will be placed 1 ¼" above the right TDU pocket.

D. Outerwear Items

1. The outerwear items listed below may be worn at the officer's discretion, unless ordered otherwise for a special event.

a. Jackets:

1) Dress (Ike) Jacket (Class "A" Uniform):

a) Material: Navy blue 16-ounce wool serge.

b) Style: Peak lapel jacket with coat sleeves, regulation collar, and shoulder straps. Front to be fastened with a zipper from the bottom vertically to base of the lapel.

c) Length of Jacket: To be tailored to fit the individual for whom it is made. Back of the jacket to extend below the belt line to the top edge of the hip pockets.

d) Pockets: Two breast pockets to be patch pocket style, with center box pleats and three-point flaps with buttons and buttonholes.

e) Buttons/Zippers: All buttons will be California Eureka style, silver color. (Gold color for Staff Officers).

f) Braid: Royal blue braid for Sergeants and Correctional Officers. One Gold braid for Lieutenants and Captains.

g) Metal Badge: To be centered above the left breast pocket.

h) Metal Nametag: Nametag shall be centered with the top of the name plate on the bottom seam of the right breast pocket flap.

i) Necktie: To be worn with the dress Ike jacket.

2) Field Jacket (Tuffy): The Tuffy Jacket authorized prior to 2002 has been phased out and is not authorized.

3) Horace Small New Generation II Jacket:

a) Material: Navy blue in color. Water resistant, durable canvas. The inner lining is a nylon insert that can be removed when desired.

b) Style: Horace Small NGII, navy blue with epaulets and detachable fur collar and detachable liner.

c) Badges: The 3" cloth Department of Correction badge to be centered above the left breast pocket and sewn directly over the badge epaulets.

d) Name Tags: Cloth name tags must be centered and placed 1/16" above the right breast pocket and must be 1" in height and extend to the outer edges of the pocket.

e) Closure: Silver California Eureka style buttons for line staff, gold for staff officers, with an inside storm zipper.

4) Fecheimer Ultra Jacket:

a) Material: Navy blue in color. Water resistant, durable canvas. The inner lining is a nylon insert that can be removed when desired.

b) Style: Fecheimer Ultra #58130, navy blue with epaulets and detachable fur collar and detachable liner.

c) Badges and Name Tags: Placement of the badges and nametags shall be the same as the Horace Small New Generation II jacket.

d) Closure: Silver California Eureka style buttons for line staff, gold for staff officers, with an inside storm zipper.

b. Rainwear: Rainwear will be used only when needed for protection against rain.

1) Material: Two piece black vinyl with 12" Velcro slit on each side.

2) Style: Only department-issued rainwear is authorized.

3) Patches: Shoulder patches are not authorized for placement on rainwear.

4) Badges: The metal badge must be worn or a cloth badge may be sewn over the left breast pocket in lieu of the metal badge.

5) Rubber Footwear: Plain, black rubber overshoe or plain black buckle overshoes.

c. Sweater:

1) The navy blue v-neck pullover sweater, if worn, must be worn over a long or short sleeve Class A uniform shirt, with or without a tie.

2) Material: Navy blue in color. 100% wool sweater is dry cleanable and is the recommended choice. The optional acrylic/wool blend is a lighter weight and is machine washable.

3) Style: Horace Small #719, Military Style, V-Neck, Pullover, Long sleeves.

4) Features: Cloth shoulder and elbow patches, badge and nametags.

5) Patches: Department patches on both sleeves, 1" inch down from shoulder seam.

6) Name tab: Four (4) inches down from bottom of shoulder patch, or even with bottom of badge tab.

7) Badge:(Metal or Cloth): Badge to be centered above the left breast on a pre-sewn navy blue cloth patch. A cloth badge may be worn in lieu of the metal badge and shall be sewn directly on the cloth patch.

8) Name Tags: Metal nametags shall be centered above the top right breast on a pre-sewn cloth tab. A 6" cloth nametag

may be worn in lieu of the metal nametag and shall be sewn directly above the right breast.

d. Wind-breakers:

1) Material: Light weather nylon, Navy blue in color. (Nylon windbreakers with emblem on the back are not authorized.)

2) Style: Horace Small Windbreaker #2579, with two front pockets, bloused back, buttoned cuffs, epaulets, and collar. The Spartan #525MNV, NY1841, navy blue, 100% nylon shell, 100% nylon lining is also authorized for wear.

3) Closure: Silver-tone California-style buttons on front pockets and epaulets for officers. Gold-tone for Staff Officers.

4) Cloth Badge: Cloth badge to be centered above the left breast on a pre-sewn cloth patch.

5) Nametags: Cloth nametags shall be placed 1/16" above the right breast pocket and must be 5/8" in height and extend to the outer edges of the pocket.

6) Patches: Department patches on both sleeves, 1" inch down from shoulder seam.

E. Sergeant's Uniform:

1. Sergeant's uniform will be identical to an officer's uniform, with the following exceptions:

a. Metal Hat Piece: To have the word "Sergeant" printed across the top.

b. Chevrons: Three (3) bar chevrons to be worn on both sleeves of all shirts and outerwear except on rain gear. To be sewn on ½" directly below the bottom of the shoulder patch.

F. Lieutenant's Uniform:

1. The Lieutenant's uniform will be identical to an officer's uniform, with the following exceptions:

a. Hat Brim Cord: To be yellow gold in color.

b. Metal Hat Piece: To be brass (gold) in color, with the word "Lieutenant" printed across the top.

c. Insignia of Rank:

1) Jacket and Sweater: One yellow gold color bar, one inch in length and three-eighths inch in width to be placed on shoulder strap of the jacket, ¾" inch from and parallel to the shoulder seam of the garment.

2) Shirt: Insignia on the shirt to be placed on each collar three-fourths inch from and parallel to collar flap front and midway between top and bottom of collar flap. The edge of the bar shall be centered and placed slightly above the seam of the collar. Bars to be three-fourths inch in length and five-sixteenths inch in width.

3) Metal Pieces: All visible metal pieces on leather gear and nametags to be brass (gold) in color.

4) Buttons/Zippers: Buttons on the dress jacket to be brass (gold) in color.

d. Stripes: Yellow (match to patch) stripes on legs of uniform pants from the bottom of the pant pocket to the bottom of the pant leg.

G. Captain's Uniform:

1. Same uniforms as the Lieutenants except the insignia will be two (2) yellow/gold colored bars.

2. Metal Hat Piece: Same as Lieutenants, except the word "Captain" shall be printed across the top.

3. Stripes: Yellow (match to patch) stripes on legs of uniform pants from the bottom of the pant pocket to the bottom of the pant leg.

H. Deputy Chief of Operations, Assistant Chief and Chief of Correction Uniform:

1. Same uniform as the Lieutenants and Captains, except the insignia will be gold colored stars.

2. Metal Hat piece: Same as Lieutenants and Captains, except the words "Deputy Chief", "Assistant Chief" or "Chief of Correction" shall be printed across the top.

3. Stripes: Yellow (match to patch) stripes on legs of uniform pants from the bottom of the pant pocket to the bottom of the pant leg.

4. Dress (Ike) Jacket: The number of gold braids will be consistent with the number of stars worn on the epaulets.

VII. Pregnancy Uniform

A. Pregnant officers and CSAs are required to wear the Department authorized pregnancy uniform, regardless of their duty status.

B. Female officers and CSA's, while pregnant, are not authorized to wear civilian clothes and shall modify the standard uniform or TDU to accommodate their individual needs.

1. Shirt: The shirt will be worn with the following modifications:

a. The shirt will be worn untucked with the bottom portion of the shirt squared.

b. The shirt side seams can be extended by adding additional panels that match the same material and color of the shirt, as needed.

2. Pants: The pants will be worn with the following modifications:

a. The zipper and snap can be removed and replaced with a stretch panel and elasticized waistband matching the color of the pants, as needed.

3. Shoes: A soft leather, black loafer shoe may be substituted, as needed.

4. Belt: Pregnant officers or CSA's are not required to wear a belt.

C. All other grooming and appearance standards as listed in this policy also apply to pregnant badge personnel and Custody Support Assistants.

VIII. Minimum Uniform Requirements For Academy Cadets

A. Training staff will designate the uniform of the day for academy cadets. Cadets will be required to possess the minimum uniform standards described in this policy upon graduation from the academy.

B. Training staff will provide academy cadets with instructions and timelines for purchasing the required uniform.

C. Training staff will provide academy cadets with instructions and timelines for purchasing the required clothing for defensive tactics and facility observation classes.

IX. Minimum Uniform Specification for Custody Support Assistants

A. The minimum standard required uniform for Custody Support Assistants is as listed below:

1. Three (3) pairs of pants/trousers
2. Two (2) long sleeve shirts
3. Two (2) short sleeve shirts
4. One (1) pair of shoes/boots (safety)
5. Four (4) pairs of socks
6. One (1) belt
7. One (1) jacket
8. Name tag

B. Custody Support Assistant supervisors will be required to keep a dress uniform available at the work site (e.g. office) at all times.

X. Uniform Accessories for Custody Support Assistants

A. <u>Footwear:</u>

1. A safety shoe voucher shall be provided by the County for purchase of a pair of steel round toe, plain black leather shoes which must be worn during all working hours. No substitutions are authorized.

B. <u>Baseball Caps:</u>

1. CSAs assigned to facility positions requiring them to be outdoors in low temperatures and/or extreme weather conditions are authorized to wear a 100% wool navy blue, closed back, non-adjustable baseball cap. When worn, the bill of the cap must be facing forward. All baseball caps must have the 3" Department of Correction patch centered on the front. No other caps are authorized.

C. <u>Leather Equipment:</u>

1. Belt: 1½ inch black, leather basket weave with silver metal buckle.

D. Nametag:

1. Silver border, blue field with white engraved lettering. Two (2) lines with "Custody Support Assistant" on the top line. First initial, last name on the bottom line.

2. Name tags must be worn on all jackets and shirts at all times. Nametags shall be centered with the top of the nameplate on the bottom seam of the right breast pocket flap.

3. Cloth nametags on jackets and windbreakers must be placed 1/16" above the right breast pocket and must be 1" in height and extend to the outer edges of the pocket. The lower cloth nametag will contain the CSA's first initial and last name in 5/8" white block letters. A second cloth nametag will be sewn directly above the name and will contain the title, "Custody Support Assistant."

E. Tie (Optional):

1. Men: Clip-on safety tie, black with plain silver tie clip

2. Women: black, Criss-Cross tie, or black clip-on tie with plain silver tie clip.

F. Patches:

1. The authorized patch is the California Eureka Santa Clara County Department of Correction emblem patch.

2. The 5" patch must be worn on both shoulders of all uniform shirts.

3. The 3" patch must be worn above the left breast jacket pocket. CSA's are not authorized to wear shoulder patches on their jackets.

G. Underclothing:

1. T-shirt: The only other shirt to be visible under an open collar is a plain white round-neck T-shirt. The T-shirt is optional wear.

2. Turtlenecks: Plain white Turtlenecks are authorized during inclement weather.

3. Visible written slogans, advertisements, etc., on T-shirts are not authorized.

4. Socks: Black or navy blue as near to the uniform color as possible. Alternate color socks may be worn with high boots when the sock cannot be seen.

XI. Custody Support Assistant Uniform

A. The proper uniform for Custody Support Assistants will be consistent with the established Departmental Policy. No substitutions are authorized.

1. Shirts for male CSA's:

Flying Cross, Light Blue, Short Sleeve #95R6625.
Flying Cross, Light Blue, Long Sleeve #45W6625.

2. Shirts for female CSA's:

Flying Cross, Light Blue, Long Sleeve #152R6625.
Flying Cross, Light Blue, Short Sleeve #102W6625.

3. Pants for male CSA's:

Horace Small, Wool, Navy #8818.
Horace Small, Pal Pants, Navy #759.
Horace Small, Cheater Pants, Navy #B1349.

4. Pants for female CSA's:

Horace Small, Wool, Navy #8818.
Fecheimer, Cheater Pants, Navy #FECH 38233.
Fecheimer, Clerk Pants, Navy #FECH 10250.

5. Outer Wear Items:

The outerwear items listed below may be worn at the CSA's discretion. Sweaters are not authorized for CSA's.

a) Jackets:

1) Horace Small New Generation - Ultra, Navy #2304.

2) Fecheimer New Generation Navy, #58131.

3) Horace Small, Chill Chaser, Navy, #2509.

b) Windbreakers:

1) Material: Light weather nylon, navy blue in color. Nylon windbreakers with emblem on the back are not authorized.

2) Style: Horace Small Windbreaker #2579, with two front pockets, bloused back, buttoned cuffs, epaulets, collar. The Spartan #525MNV, NY1841, navy blue, 100% nylon shell, 100% nylon lining is also authorized for wear.

3) Closure: Silver-tone California Eureka-style buttons on front pockets.

4) Nametag: Cloth name tags shall be placed 1/16" above the right breast pocket and must be 5/8" in height and extend to the outer edges of the pocket. The metal nametag shall be centered with the top of the nameplate on the bottom seam of the right breast pocket flap.

5) Patches: CSAs are not authorized to wear any shoulder patches on any outerwear. The CSAs are only authorized to wear the 3" California Eureka Santa Clara County Department of Correction cloth patch above the left breast jacket pocket.

B. Custody Support Assistants are required to adhere to all appearance and grooming standards as listed in this policy.

C. It will be the responsibility of the Division Commander/Unit Manager or immediate supervisor to ensure employee compliance with the CSA uniform dress standards.

1. CSAs are subject to uniform inspections at any time.

XII. Attire for Training Classes

A. Dependent upon the subject matter, some training classes may require employees to wear specific clothing, as determined by the Central Training Unit.

1. At any time, uniformed personnel may be directed to wear a uniform to the training class.

B. Regardless of subject matter, employees will adhere to the appearance and grooming standards and wear clothing that reflects favorably upon the Department.

XIII. Uniform Repairs and Replacement

A. For damaged uniforms and equipment, the employee must submit an Employee's Report and a Property Loss Claim Form on the date of damage to the Watch Commander via the Duty Sergeant.

1. The employee must replace the damaged item and attach the original receipt to the Employee's Report before submitting the paperwork for claim purposes.

2. ESA Insurance will determine if the claim is approved and if the employee will receive reimbursement.

XIV. Grooming and Appearance Standards

A. Fingernails (Males and Females):

1. While in uniform, fingernails will be kept cleaned and neatly trimmed so as not to interfere with performance of duty, detract from the officer's image or present a safety hazard. The length of the nail extending over the edge of the finger must not exceed ¼" beyond the fingertip. Extreme shades of nail polish, such as gold, florescent, neon, stripes, multi-colored or charms will not be worn.

B. Cosmetics:

1. Cosmetics, including fragrance, are authorized for wear when applied conservatively and in good taste. Exaggerated or faddish cosmetic styles are inappropriate with the uniform and will not be worn.

C. Hair: (Unisex)

1. Many hairstyles are acceptable to the Department of Correction provided the officer's hair is kept in a neat and clean manner. The acceptability of the style will be judged by the criteria described below. Extreme, exaggerated, bizarre or fad hairstyles are not authorized. If dyes, tints or bleaches are used, colors used must be natural and match human hair colors.

2. Styles of hair and texture differ for all ethnic groups, and these differences, affect the length and bulk of hair as well as the style worn by each officer. Hairstyles will present a well-groomed appearance.

3. Hair (Males):

a. The hair on the top of the head will be neatly groomed. The length and bulk of the hair will not be excessive or present a ragged, unkempt or extreme appearance. Hair will present a tapered appearance. Hair, when combed, will not fall over the ears or eyebrows or touch the collar, except for the closely cut hair at the back of the neck. The block cut fullness in the back is permitted in moderate degree as long as the tapered look is maintained. In all cases, the bulk or length of hair will not interfere with the normal wearing of department headgear, gas mask or other life support breathing gear. Ponytails will not be worn.

b. Wigs:

1) A wig or hairpiece may be worn as long as it is of a natural hair color and the style and length conform to appearance standards. They shall be of good quality, fit, and present a natural appearance. They may not interfere with the proper performance of duty, present a safety hazard, or interfere with the normal wearing of department headgear.

c. Sideburns:

1) Sideburns will be neatly trimmed. The base will not be flared and will be a clean-shaven, horizontal line. Sideburns will not extend below the lowest part of the exterior ear opening.

d. Facial Hair:

1) The face will be clean-shaven except for mustaches, which are permitted. If a mustache is worn, it will be kept neatly trimmed, tapered and tidy and will not present a chopped-off appearance. No portion of the mustache will cover the upper lip line. Using the center bottom portion of the lower lip when the face is in a natural expression, draw an imaginary horizontal line straight across the face; both sides of the mustache cannot extend below that imaginary line. Handlebar mustaches, goatees and beards are not authorized.

2) Custody Support Assistants are authorized to wear beards, however, they must be neatly trimmed and the length will not exceed ¼ inch.

4. Hair (Females):

a. Hair will be neatly groomed. The length and bulk of the hair will not be excessive or present a ragged, unkempt or extreme appearance. Hairstyles will not interfere with the proper wearing of Department headgear, protective mask or other life support breathing gear.

1) Hair will not fall over the eyebrows.

2) Hair extending below the bottom edge of the collar must be worn in a braided ponytail. The length of the braided ponytail shall not extend lower than 3" inches in length from the bottom edge of the collar.

3) All other hairstyles must be worn higher than the bottom edge of the collar.

b. Ornaments:

1) Hair-holding ornaments to keep the hair off the lower edge of the collar or to put in a ponytail must be transparent, gold or silver, or similar in color to the hair. Royal blue or black cloth rubber band type hairpieces that look professional and match the uniform are authorized. Hairnets of the same color of the hair that fit tightly around a bun-type hairstyle are authorized.

2) Beads, similar ornamental items or banana clips are not permitted.

5. Wigs (Female):

a. A wig or hairpiece may be worn as long as it is of a natural hair color and the style and length conform to appearance standards. They shall be of good quality, fit, and present a natural appearance. The wig may not interfere with the proper performance of duty or present a safety hazard, or interfere with the normal wearing of department headgear.

D. Jewelry:

1. Jewelry that is authorized will be worn at the employee's risk. The Department is not responsible for lost or damaged jewelry. The only authorized jewelry allowed is as listed below:

a. Medical alert bracelets, necklaces, or similar type of health protection devise may be worn.

b. Two (2) finger rings may be worn. Thumb rings are not authorized.

c. Earring(s):

1) Males: Males are not authorized to wear earrings while on duty.

2) Females: Small metal "post" type ball matching earrings no larger than 5.5 mm in diameter may be worn. No more than two earrings per ear while on duty.

2. With the exception of the authorized earrings, no other visible pierced jewelry is authorized while in uniform or when working a special assignment in civilian clothes.

a. Wristwatches:

1) Wristwatches may be worn. Watches on chains or pinned to the uniform are not permitted. Pocket watches are allowed without a chain or lanyard.

XVI. Policy Revision

A. All Department policies will be reviewed not less than once a year. The Professional Compliance and Audit Unit will establish an annual schedule identifying policies to be reviewed during a specific month.

SICK LEAVE – IMMEDIATE FAMILY DEFINITION

CEMA – Section 12.2c
CPOA - Section 11.3c

An employee who has acquired a sufficient right to sick leave with pay may be granted permission to use same not to exceed three (3) working days of such leave in order to care for a sick or injured member of the employee's immediate family requiring care; however, the initial period of time granted, up to one full shift, must be charged to the STO bank. The second and third day shall be charged to sick leave if necessary. "Immediate family" shall mean the mother, father, grandmother, grandfather of the employee or of the spouse of the employee and the spouse, son, son-in-law, daughter, daughter-in-law, brother or sister of the employee or any person living in the immediate household of the employee.

Local 715 – Section 12.2d

An employee who has acquired a sufficient right to sick leave with pay may be granted permission to use same not to exceed three (3) working days of such leave in order that he/she may care for a sick or injured member of his/her immediate family requiring his/her care, or in order that he/she may obtain medical consultation to preserve his/her health. "Immediate family" shall mean the father, mother, grandmother, grandfather of the worker or of the spouse or of the same sex domestic partner of the worker and the spouse, son, son-in-law, daughter, daughter-in-law, brother or sister of the employee or any person living in the immediate household of the employee.

BEREAVEMENT LEAVE

CEMA – Section 12.2e

Leaves of absence with pay shall be granted employees in order that they may discharge the customary obligations arising from the death of a member of their immediate family. "Immediate family" shall mean the mother, father, grandmother, grandfather of the employee or of the spouse of the employee and the spouse, son, son-in-law, daughter, daughter-in-law, brother, sister, brother-in-law, sister-in-law, or grandchild of the employee or any person living in the immediate household of the employee. Up to five (5) days with pay shall be granted. The first two (2) days shall not be charged to any employee bank. If necessary, the third day shall be charged to the STO bank and the fourth and fifth days to the sick leave bank.

CPOA – Section 11.3e

Leaves of absence with pay shall be granted employees in order that they may discharge the customary obligations arising from the death of a member of their immediate family. "Immediate family" shall mean the mother, father, grandmother, grandfather, son or daughter of the employee or of the spouse of the employee and the spouse, son-in-law, daughter-in-law, brother or sister of the employee or any person living in the immediate household of the employee. Up to five (5) days with pay shall be granted. The initial period of time granted, up to one (1) full shift, shall be charged to the STO bank. The second and third days shall not be charged to any employee bank. The fourth and fifth day, if needed, shall be charged to the sick leave bank.

Local 715 – Section 12.10

Leaves of absence with pay shall be granted workers in order that they may discharge the customary obligations arising from the death of a member of their immediate family. "Immediate family" shall mean the mother, father, grandmother, grandfather, son, or daughter of the worker or of the spouse of the worker or of the same sex domestic partner of the worker; and the spouse, stepparent, son-in-law, daughter-in-law, brother, sister, grandchild, brother-in-law, or sister-in-law of the worker or any person living in the immediate household of the worker. Up to forty (40) hours pay shall be granted which will consist of sixteen (16) hours not charged to any accumulated balance followed by twenty-four (24) hours chargeable to sick leave, if necessary. An additional twenty-four (24) hours, sixteen (16) chargeable to sick leave and eight (8) not charged to any accumulated balance, is authorized if out-of-state travel is required.

Original: Payroll 1 Copy: Division file

SANTA CLARA COUNTY DEPARTMENT OF CORRECTION
SICK LEAVE CONFIRMATION

Today's Date _____ **Time** _____ **am/pm**
Circle today's day of the week: M T W Th F S Sun

Employee's Name _____ **Team/Unit Assignment** _____
(Please Print)

Supervisor's Name _____ **Supervisor's Initials** _____
(Please Print)

Person calling if not the Employee _____ _____
(Name) **(Relationship to employee)**

Check below the type of leave requested by the Employee and Note: Medical substantiation is required for any absence that exceeds 3 days (OR) upon the Supervisor's request.

☐ **Sick - Employee** **Approximate date of return:** _____ **Doctor's note requested by Supervisor YES or NO**

☐ **Sick pursuant to contractual agreement for Immediate Family*** **Approximate date of return:** _____
Relationship to employee _____ **Doctor's note requested by Supervisor YES or NO**

Note: When used for a parent, spouse or child, this leave runs concurrent to leave pursuant to Labor Code 233.

☐ **Sick pursuant to Labor Code 233 for spouse, parent or child only** **Approximate date of return:** _____
Relationship to employee _____ **Doctor's note requested by Supervisor YES or NO**

Note: There is a maximum per calendar year of 6 days for Local 715 and 5 days for CEMA and CPOA

☐ **Sick – Employee or spouse for pregnancy related conditions** **Approximate date of return:** _____
(Circle one: Employee / Spouse) **Doctor's note requested by Supervisor YES or NO**

☐ **Worker's Compensation / 4850** **(Charged as sick leave until confirmed by Worker's Compensation Division)**
Date of Injury or Illness: _____ **Approximate date of return:** _____

Note: Medical substantiation must be provided to the HIP Coordinator. Employee may not return to work until the employee is cleared to return by the HIP Coordinator.

☐ **Bereavement – Immediate Family*** **Relationship to employee:**_____ **Approximate Date of return:** _____

☐ **Intermittent leave pursuant to Family and Medical Leave Act** for spouse, parent or child only.
(Pre-approved FMLA Request must be on file with D.O.C Personnel)

Approximate date of return: _____

Note: Each time an employee takes Intermittent FMLA Leave, a copy of the sick leave form that reflects the exact date(s) of absence must be provided to Personnel.

☐ Other: _____
Approximate date of return: _____ **(Circle one: Emergency vacation or LWOP)**

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SICK LEAVE – IMMEDIATE FAMILY DEFINITION

CEMA – Section 12.2c
CPOA - Section 11.3c

An employee who has acquired a sufficient right to sick leave with pay may be granted permission to use same not to exceed three (3) working days of such leave in order to care for a sick or injured member of the employee's immediate family requiring care; however, the initial period of time granted, up to one full shift, must be charged to the STO bank. The second and third day shall be charged to sick leave if necessary. "Immediate family" shall mean the mother, father, grandmother, grandfather of the employee or of the spouse of the employee and the spouse, son, son-in-law, daughter, daughter-in-law, brother or sister of the employee or any person living in the immediate household of the employee.

Local 715 – Section 12.2d

An employee who has acquired a sufficient right to sick leave with pay may be granted permission to use same not to exceed three (3) working days of such leave in order that he/she may care for a sick or injured member of his/her immediate family requiring his/her care, or in order that he/she may obtain medical consultation to preserve his/her health. "Immediate family" shall mean the father, mother, grandmother, grandfather of the worker or of the spouse or of the same sex domestic partner of the worker and the spouse, son, son-in-law, daughter, daughter-in-law, brother or sister of the employee or any person living in the immediate household of the employee.

BEREAVEMENT LEAVE

CEMA – Section 12.2e

Leaves of absence with pay shall be granted employees in order that they may discharge the customary obligations arising from the death of a member of their immediate family. "Immediate family" shall mean the mother, father, grandmother, grandfather of the employee or of the spouse of the employee and the spouse, son, son-in-law, daughter, daughter-in-law, brother, sister, brother-in-law, sister-in-law, or grandchild of the employee or any person living in the immediate household of the employee. Up to five (5) days with pay shall be granted. The first two (2) days shall not be charged to any employee bank. If necessary, the third day shall be charged to the STO bank and the fourth and fifth days to the sick leave bank.

CPOA – Section 11.3e

Leaves of absence with pay shall be granted employees in order that they may discharge the customary obligations arising from the death of a member of their immediate family. "Immediate family" shall mean the mother, father, grandmother, grandfather, son or daughter of the employee or of the spouse of the employee and the spouse, son-in-law, daughter-in-law, brother or sister of the employee or any person living in the immediate household of the employee. Up to five (5) days with pay shall be granted. The initial period of time granted, up to one (1) full shift, shall be charged to the STO bank. The second and third days shall not be charged to any employee bank. The fourth and fifth day, if needed, shall be charged to the sick leave bank.

Local 715 – Section 12.10

Leaves of absence with pay shall be granted workers in order that they may discharge the customary obligations arising from the death of a member of their immediate family. "Immediate family" shall mean the mother, father, grandmother, grandfather, son, or daughter of the worker or of the spouse of the worker or of the same sex domestic partner of the worker; and the spouse, stepparent, son-in-law, daughter-in-law, brother, sister, grandchild, brother-in-law, or sister-in-law of the worker or any person living in the immediate household of the worker. Up to forty (40) hours pay shall be granted which will consist of sixteen (16) hours not charged to any accumulated balance followed by twenty-four (24) hours chargeable to sick leave, if necessary. An additional twenty-four (24) hours, sixteen (16) chargeable to sick leave and eight (8) not charged to any accumulated balance, is authorized if out-of-state travel is required.

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COUNTY OF SANTA CLARA

Department of Correction Policy and Procedure Manual	**Policy Number:** 3.39 **No. of Pages:** 12 **Date of Origin:** 26 Jan 1996 **Date of Revision:** 21 Jul 2004
Chapter: Personnel	**Subject:** Employee Attendance
Supersedes: Policy 3.39, Employee Attendance and Sick Leave rev. 05/28/02 and Policy 3.16, Hours of Work rev. 02/11/98	**Distribution:**
References: Memorandums of Understanding for CPOA, SEIU Local 715, and CEMA, Merit System Rules, Section A25-694; California Labor Code, Section 233; Family and Medical Leave Act; Pregnancy Discrimination Act; Fair Employment & Housing Act (Gov. Code §12945), 29 USC §2601 et seq.	
Signature of Issuing Authority Edward C. Flores, Acting Chief of Correction	**Current Policy Review** **Date of Review:** 21 Jul 2004 **Revisions Made:** ☒Yes ☐No

POLICY: It is the policy of the Department of Correction to maintain a record of attendance for each employee. Each employee shall maintain acceptable attendance at work.

PURPOSE: To establish the acceptable attendance standards and the process for managing absences.

DEFINITIONS: Sick Leave: Accrued increments of compensated leave provided by an employer to an employee as a benefit of the employment for use by the employee during an absence from employment for any of the following reasons:

1. The employee is physically or mentally unable to perform his or her duties due to illness, injury, or a medical condition of the employee.

2. The absence is for the purpose of obtaining professional diagnosis or treatment for a medical condition of the employee.

3. The absence is for other medical reasons of the employee, such as pregnancy or obtaining a physical examination.

Net Adjusted Sick Leave: Term used to define that portion of an employee's overall Sick Leave usage that will be considered for purposes of counseling and progressive discipline. For CEMA and CPOA represented employees, Sick Leave includes the first day sick even though it is taken from their vacation hours.

Immediate Family: Pursuant to labor contract, immediate family is defined as the mother, father, grandmother, grandfather of the employee or of the employee's spouse or of the same sex domestic partner of the employee; and the spouse, son, son-in-law, daughter, daughter-in-law, brother, or sister of the employee; or any person living in the immediate household of the employee.

California Labor Code, Section 233: A California law that allows an employee to use Sick Leave to attend to the illness or injury of an employee's family member. Under this provision **family member includes only an employee's child, parent, spouse, or domestic partner**.

Family and Medical Leave Act (FMLA): A federal law that allows eligible employees up to 12 weeks of unpaid leave for certain family care and medical leave. Under this provision family care and medical leave means any of the following:

- Leave for reason of the birth of a child of the employee, the placement of a child with an employee in connection with the adoption or foster care of the child by the employee, or the serious health condition of a child of the employee.
- Leave to care for a parent or a spouse who has a serious health condition.
- Leave because of an employee's own serious health condition that makes the employee unable to perform the functions of the position of that employee, except for leave taken for disability on account of pregnancy, childbirth, or related medical conditions.

Fair Employment and Housing Act: FEHA provisions prohibit discrimination against pregnant employees in granting of sick leave benefits.

Pregnancy Discrimination Act: The PDA will cover any type of condition that is related to pregnancy from morning sickness to severe complications.

H.I.P. Coordinator: The Health and Injury Prevention Coordinator is an employee of the Department that coordinates an employee's return to work after injury or illness and serves as the liaison between the employee, the Department, the County and the employee's supervisor during that process.

PROCEDURE:

I. Sick Leave

A. Employees accrue Sick Leave each year and it is their responsibility to accrue a sick leave bank for use in case of serious injury or illness.

1. CPOA, CEMA and Local 715 represented employees accrue Sick Leave without limitation as follows:

a. CPOA represented employees accrue 2.462 hours per pay period.
b. CEMA represented employees accrue 2.462 hours per pay period.
c. Local 715 represented employees accrue 3.693 hours per pay period.

2. Upon death, retirement or resignation in good standing, represented employees shall be paid for any balance in the Sick Leave bank as agreed upon in their respective contract.

B. Sick Leave may be used under the following conditions:

1. Employee injury or illness that renders the employee incapable of performing his or her duties.

2. Family Care consistent with FMLA, CFRA, Contract and Labor Code 233

a. Pursuant to Labor Code 233, an employer who provides sick leave for employees shall permit an employee to use in any calendar year the employee's accrued and available sick leave entitlement, in an amount not less than the sick leave that would be accrued during six months at the employee's then current rate of entitlement, to attend to an illness of a child, parent, spouse or domestic partner of the employee.

b. Pursuant to CPOA, CEMA and SEIU Local 715 Labor Contracts, an employee who has acquired a sufficient right to sick leave with pay may be granted permission to use same not to exceed 3 working days of such leave in order to care for a sick or injured member of the employee's Immediate Family (see definition) requiring care; however, the initial period of time granted, up to one full shift, must be charged to the STO bank. The second and third day will be charged to sick

leave if necessary. If the family member is a child, parent, spouse or domestic partner of the employee, the leave will run concurrent with Labor Code 233.

c. The Family and Medical Leave Act of 1993 (FMLA or Act) allows "eligible" employees of a covered employer to take job-protected, unpaid leave, or to substitute appropriate paid leave if the employee has earned or accrued it, for up to a total of 12 workweeks in any 12 months. In certain cases, this leave may be taken on an intermittent basis rather than all at once.

3. Employee's or immediate family member's medical, dental or eye exams/treatment consistent with the current labor agreement for the affected employee.

4. Employee industrial injury or illness

a. Employees represented by CPOA will have their Sick Leave bank charged pending the approval of a Worker's Compensation claim.

b. Employees represented by Local 715 will have the first three days charged to their accrued but unused Sick Leave. If the temporary disability exceeds 14 calendar days, temporary disability will be paid for the first three days.

5. Bereavement Leave consistent with the current labor agreement for the affected employee.

C. Net Adjusted Sick Leave

1. For the purpose of this policy, Net Adjusted Sick Leave includes leave for minor short-term, non-work-related illness or injury.

2. For the purpose of this policy, Net Adjusted Sick Leave does not include approved leaves such as those provided for under the Family Medical Leave Act, California Labor Code Section 233, the Pregnancy Discrimination Act, the Fair Employment and Housing Act, or as otherwise provided by law.

3. For the purpose of this policy, Net Adjusted Sick Leave will not include a major injury or catastrophic illness suffered by an employee or his/her immediate family member or death of his/her immediate family member.

4. Absences reported by an employee or doctor as being the result of a work related illness or injury will be recorded as Sick Leave until notification is received from the County Workers' Compensation Department that the employee's workers' compensation claim is approved. For the purpose of this policy, however, these absences will not be included in Net Adjusted Sick Leave usage until notification is received that the County has rejected the employee's workers' compensation claim and a supervisor has reviewed the circumstances of the absence.

D. Disciplinary action, up to and including termination, may be taken against an employee who uses Sick Leave with the intent to defraud the Department or County.

II. Attendance

A. Employees are encouraged to pursue a program of personal wellness that ensures acceptable attendance.

B. Employees are expected to be at work on their scheduled workdays, during their scheduled work hours, and on time.

1. Hours of work, overtime, holiday work, premium pay, meal periods and rest periods will be consistent with the current labor agreement for the affected employee.

2. Employees are required to notify their supervisors if they will be late.

C. Whenever an employee is ill, requires a routine medical or dental appointment, or requires leave, the employee shall notify the on-duty Supervisor in his or her unit and request leave in accordance with the procedures set forth in this policy.

D. Unacceptable attendance may include, but is not limited to:

1. Net Adjusted Sick Leave usage in excess of 96 hours per rolling calendar year (any 12 month period) for all work schedules.

a. If, during the quarterly evaluation of Sick Leave, the Net Adjusted Sick Leave is projected to be in excess of 96 hours, the Division Commander may take progressive disciplinary action.

2. A pattern of Sick Leave usage involving absences on days adjacent to scheduled days off.

3. A pattern of Sick Leave usage involving frequent mid-day departures from work for personal or family illness.

4. Absence without written medical excuse (verification) when required.

5. Absences with vague or questionable justification.

6. Exhaustion of Sick Leave soon after it is earned.

7. Failure to notify a Supervisor of an absence (AWOL).

8. Failure to notify a Supervisor of a request for leave within the minimum time allowed as outlined in this policy.

9. Sick Leave usage on a date for which the employee previously requested leave, but was denied.

III. Employee responsibility for attendance

A. It shall be incumbent upon the employee to notify his or her Supervisor ***daily*** of an illness, injury, medical appointment, leave request, or circumstance that would prevent the employee from reporting or remaining at work. The employee must tell the Supervisor the type of leave requested and the approximate date and time of return. If the leave is to care for a family member, then the employee must identify the family member and his/her relationship to the employee.

1. Twenty-four-hour duty station personnel shall make such notification to a Supervisor in their unit as far in advance as possible, but no later than one hour prior to their scheduled reporting time. All other personnel shall notify a Supervisor in their unit as far in advance as possible, but no later than the first half-hour of their scheduled shift.

2. When an employee calls in sick and a Supervisor is not available by telephone, radio or otherwise, the person receiving the call shall note the time and obtain a telephone number from the employee where he or she can be reached. The Supervisor will be located as soon as possible and informed of the sick call, as well as, the time received and the telephone number where the employee may be reached. The Supervisor will return the call as soon as possible and ascertain the circumstances of the request for leave.

3. Once an employee has called in for Sick Leave, it is the employee's responsibility to immediately notify a Supervisor should the employee's

circumstances change. Depending on the circumstances, the Supervisor may direct the employee to return to work, or to change the Sick Leave to personal or vacation leave.

4. Employees are responsible for scheduling routine medical and dental appointments so that the absence has minimal impact on the work assignment.

B. An employee requesting paid Sick Leave in excess of three consecutive working days is required to provide written medical excuse or verification.

1. Medical excuse or verification shall be in the form of a supporting statement from an accredited physician.

2. A Supervisor may require a written medical excuse or verification for absences less than three days.

3. Providing a written medical excuse or verification does not automatically exclude the Sick Leave hours from the Net Adjusted Sick Leave as defined in this policy.

4. To maintain the confidentiality of medical information, employees will submit any written medical excuse or verification directly to the Personnel Unit. When the medical note does not include confidential information, employees may submit it directly to their Supervisor.

C. Employees who are absent due to a work-related illness or injury and employees who are absent for more than two weeks due to a non-work-related illness or injury must provide a written medical note and ability to work statement to the H.I.P. Coordinator outlining their work status prior to returning to work.

1. If the employee requests to return to work on the weekend or holiday when the Personnel Unit is closed, the Watch Commander may clear the employee to return to work provided the employee provides a written medical note that states the employee may return to full duty and that the employee has no work restrictions.

2. The Watch Commander will immediately notify the H.I.P. Coordinator by e-mail of his or her decision to return an employee to work. The H.I.P. Coordinator will respond to the Watch Commander's e-mail as soon as possible and confirm the employee's return to work status.

D. An employee's absence without Departmental notification will be investigated as soon as possible by the on-duty Supervisor.

1. The Supervisor shall:

a. Call the employee's home to find out the circumstances of the absence from the employee or, if not available, from an adult residing with the employee.

b. Contact the Police agency where the employee resides and request a welfare check of the employee's residence if the employee cannot be reached by phone.

c. Submit a detailed report to the Division Commander regarding the employee's failure to report to work and include all information regarding the attempt to contact the employee.

F. A failure to report for three or more consecutive workdays without notification to the Department and without legitimate reason for absence shall be presumed to be a resignation pursuant to Sec. A25-682 of the Santa Clara County Merit System Rules.

1. When an employee fails to report to work without notification and without legitimate reason for absence for three or more consecutive workdays, the Division Commander shall:

a. Review the Supervisor's report and write a formal letter to the employee.

b. Initiate disciplinary action.

IV. Supervisor's responsibility for attendance

A. Supervisors are responsible for maintaining accurate attendance records for each employee assigned to their unit.

1. Supervisors shall use the Leave Confirmation Form (Attachment 1) to record each employee absence.

2. Supervisors shall maintain an ongoing record of an employee's absences by logging each absence on the employee's Attendance Log (Attachment 2).

B. Supervisors are responsible for inquiring further of the employee who is requesting sick leave or family care to determine if the leave qualifies as FMLA-qualifying leave. If the employee (or the employee's family member) is receiving ongoing medical treatment and the employee has been absent for three or more days, the employee most likely qualifies for family medical leave. The Supervisor is responsible for verifying this information, designating the leave as family medical, and notifying the employee and the Personnel Unit. Whether the employee makes a request for FMLA leave or not, the Department may designate qualifying periods of leave as family medical leave. FMLA leave runs concurrently with sick and family care leave. Depending on the circumstance, sick or family care leave may be designated after the leave has begun, but with notice to the employee.

C. Supervisors are responsible for calculating the appropriate Net Sick Leave Usage and will not include in the Net Sick Leave Usage those leaves protected and listed under Section I.C. of this policy or other applicable law.

1. For the purpose of calculating leave taken under Labor Code 233, the following will apply:

a. Employees represented by Local 715 will be allowed a maximum of 6 Sick Leave days per calendar year.

b. Employees represented by CPOA and CEMA will be allowed a maximum of 32 hours of their annual Sick Leave accrual and half of their annual STO-Vacation accrual per calendar year. Therefore, each employee could potentially have a different amount of time he or she may take under Labor Code §233 depending on how much STO-Vacation time the employee can accrue in a calendar year.

c. The following is a list of the STO-Vacation accrual factors and hours of STO per year for employees represented by CPOA and CEMA:

Service Years	**Accrual Factor**		**Hours of STO/Year**	
	CPOA	**CEMA**	**CPOA**	**CEMA**
1st	5.846	9.53846	152	248
2nd through 4th	6.461	10.15385	168	264
5th through 9th	7.692	11.38462	200	296
10th through 14th	8.307	12.0000	216	312
15th through 19th	8.923	12.61538	232	328
20th and thereafter	9.538	13.23077	248	344

e. Example calculation for an employee represented by CPOA and requesting leave pursuant to Labor Code 233:

When an employee is absent from work and is taking leave pursuant to Labor Code 233, the Supervisor must charge the first shift to the employee's STO-Sick Leave bank (vacation hours). If needed, the next 32 hours must be charged to the employee's Sick Leave Bank (sick hours). Any additional time, up to the maximum hours allowed from vacation accrual must be charged to the employee's STO-Sick Leave Bank (vacation hours). The Supervisor must track the Labor Code 233 hours used by each employee throughout the calendar year in order to ensure that the appropriate accrual bank is charged.

2. For the purpose of calculating Bereavement leave, the following will apply:

a. Employees represented by CPOA will have the initial period of time granted, up to one full shift, charged to the STO-Sick Leave bank (vacation hours). The second and third days will not be charged to any employee bank. The fourth and fifth day, if needed, will be charged to the Sick Leave bank.

b. Employees represented by Local 715 will be granted up to 40 hours of pay which will consist of 16 hours not charged to any accumulated balance followed by 24 hours chargeable to Sick Leave, if necessary. An additional 24 hours, 16 chargeable to Sick Leave and 8 not charged to any accumulated balance, is authorized if out-of-state travel is required.

B. Supervisors shall review and evaluate their employees' attendance, at a minimum, each January, April, July and October (Quarterly), to determine if the employees' attendance meets the acceptable standards set forth in this policy. Supervisors will record this review on a Sick Leave Quarterly Report and forward the report to the Division Commander.

1. For those employees who ***have not*** met the attendance standard, the Supervisor will determine if corrective action is appropriate and review the case with the Division Commander or Unit Manager through the chain of command prior to initiating the corrective action.

2. Corrective action shall be in accordance with the employee's past record of attendance, prior counseling or discipline, the circumstances of the employee's absences, and the practice of progressive discipline (See Section V).

a. The supervisor will meet with the employee to discuss absences.

b. Corrective action, such as verbal or written counseling, will be properly documented and approved by the appropriate Division Commander or Unit Manager through the chain of command prior to delivery to the employee.

c. Disciplinary action such as written reprimands, suspensions or terminations will be handled in accord with the Department's Discipline policy.

3. At the time corrective action is taken, the Supervisor will make an entry on the back of the Attendance Log specifying the date and type of action taken.

C. Once an employee has been determined to be out of compliance with attendance guidelines and corrective action is initiated, the employee's supervisor will review the employee's attendance log on a monthly basis until such time as the employee meets Department attendance guidelines for 12 consecutive months. The date of the monthly attendance reviews will be logged on the back of the Attendance Log, along with a summary of any corrective action initiated as a result of that review.

D. An employee must establish a record of acceptable attendance for a period of 12 months before his/her previous Sick Leave record is no longer considered for the purpose of counseling or progressive discipline.

E. Net Adjusted Sick Leave usage not within the acceptable standard is used as a factor for consideration in the selection of employees for special assignments, voluntary transfers, retention in special assignments and assignment of voluntary overtime.

1. Employees will be advised if action is taken against them regarding selection for special assignments voluntary transfers, retention in special assignments, or assignments of voluntary overtime as a result of unacceptable attendance records.

2. To the extent permitted by law, absenteeism and lateness lessen an employee's chances for advancement and may result in dismissal.

V. Progressive Discipline

A. This policy institutes the principle of counseling and progressive discipline with regard to Sick Leave usage.

1. Once it is determined that an attendance problem exists, the first intervention is for the Supervisor to meet with the employee to advise him/her of the problem, review the Department attendance guidelines and discuss the need for improving attendance.

2. If there are significant personal issues involved that suggest the need for professional advice, the Supervisor will recommend that the employee seek the services of Affiliated for badge staff (telephone number 408-342-0610) or Employee Assistance Program for non-badge staff (telephone number 408-241-7772). Use of Affiliated or the Employee Assistance Program is voluntary by the employee, and is strictly confidential.

B. The progression of counseling and discipline for unacceptable attendance is dependent on the seriousness of the problem (number of hours used, unacceptable Sick Leave pattern, failure to notify properly, or a combination of factors) and may begin with a corrective action more severe than counseling. Similarly, the next step after the initial intervention may be more severe than the next step in the progression of counseling or discipline if the subsequent problem or episodes indicate the need.

VI. Scheduled Time Off (STO) Cash Out **(CPOA and CEMA Represented Employees Only)**

A. Employees who use no Sick Leave for a period of one year beginning the first pay period of the calendar year through the last pay period of the calendar year shall be allowed to cash out 40 hours of STO. CEMA employees also have an option to cash out an additional 40 hours of STO.

VII. Policy Revision

A. All Department policies will be reviewed not less than once a year. The Professional Compliance and Audit Unit will establish an annual schedule identifying policies to be reviewed during a specific month.

SANTA CLARA COUNTY DEPARTMENT OF CORRECTION
SICK LEAVE CONFIRMATION FORM

Employee's Name _____ **Today's date &time** _____

Date(s) for leave _____ **Team/Unit Assignment** _____

Person calling _____ **Relationship to employee** _____
(Complete only when it is not the employee calling)

Supervisor receiving call _____ **Supervisor's initials** _____

Check below the type of leave requested by the Employee

Note: Medical substantiation is required for any absence that exceeds 3 days (or) upon the Supervisor's request.

☐ **Sick - Employee** **Approximate date of return:** _____ **Doctor's note requested by Supervisor : YES or NO**

☐ **Sick pursuant to contractual agreement for Immediate Family*** **Approximate date of return:** _____
Relationship to employee _____ **Doctor's note requested by Supervisor : YES or NO**

Note: When used for a parent, spouse or child, this leave runs concurrent to leave pursuant to Labor Code §233.

☐ **Sick pursuant to Labor Code §233 for spouse, parent, child or domestic partner only**
Approximate date of return: _____
Relationship to employee _____ **Doctor's note requested by Supervisor: YES or NO**

Note: The Supervisor will calculate and track the appropriate amount of leave depending on the employee's bargaining unit.

☐ **Sick – Employee or spouse for pregnancy related conditions** **Approximate date of return:** _____
(Circle one: Employee / Spouse) **Doctor's note requested by Supervisor: YES or NO**

☐ **Worker's Compensation / 4850** **(Charged as sick leave until confirmed by Worker's Compensation Division)**
Date of Injury or Illness: _____ **Approximate date of return:** _____

Note: Medical substantiation must be provided to the HIP Coordinator.

☐ **Bereavement – Immediate Family***
Relationship to employee: _____ **Approximate Date of return:** _____

☐ **Leave pursuant to Family and Medical Leave Act** for spouse, parent or child only
Leave is requested for (circle one): **Employee** **Spouse** **Parent** **Child**
Is leave pre-approved: YES or NO **Approximate date of return:** _____
Note: Medical substantiation must be provided to the Personnel Unit whenever the employee uses this type of leave.

☐ Other: _____
Approximate date of return: _____ **(Circle one: Emergency or LWOP)**

County of Santa Clara
Department of Correction
Professional Compliance and
Audit Unit (PCAU)
(408) 957-5322

By Direction of the Chief

NOTICE TO ALL STAFF

5-9-08

Policy #3.39 Amendment Effective 05/12/2008

Policy Amendment

#3.39 Employee Attendance

The Department is amending Policy #3.39, Employee Attendance, to reflect recent changes affecting the use of sick leave banks when utilizing FMLA and/or Labor Code 233 protected leaves. Sick leave hours approved under these leaves will be documented *consecutively* instead of concurrently.

Additionally, policy language was modified to clarify the steps necessary to request Scheduled Time Off (STO) when an employee does not utilize any sick leave during the calendar year. A sample version of 'STO Cash Out' electronic form has been attached to the policy.

The following modifications to the policy are shown as strikethroughs for deletion and underlined in bold font for addition.

Section(s) Amended: I., B. 2, b & C, 2

I. Sick Leave

B. Sick Leave may be used under the following conditions:

2. Family Care consistent with FMLA, CFRA, Contract and Labor Code 233

b. Pursuant to CPOA, CEMA and SEIU Local 715 Labor Contracts, an employee who has acquired a sufficient right to sick leave with pay may be granted permission to use same not to exceed 3 working days of such leave in order to care for a sick or injured member of the employee's Immediate Family (see definition) requiring care; however, the initial period of time granted, up to one full shift, must be charged to the STO bank. The second and third day will be charged to sick leave if necessary. If the family member is a child, parent, spouse or domestic partner of the employee, the leave will run **consecutively** ~~concurrent~~ with Labor Code 233.

the Pregnancy Discrimination Act, the Fair Employment and Housing Act, **labor agreements,** or as otherwise provided by law.

Division Commanders/Unit Managers shall ensure that this notice is ***read at all briefings*** and/or a copy given to each staff member. ***A copy of this notice must also be attached to the front of Policy #3.39 in the Policy Manuals located in the respective Divisions or Units.*** This amendment may also be viewed online at Department workstations. Any questions regarding this policy amendment should be directed to PCAU at 957-5322.

R:/policyamendments/03.39Policy Amendment am 042908 2

COUNTY OF SANTA CLARA

Department of Correction Policy and Procedure Manual	**Policy Number:** 3.43 **No. of Pages:** 5 **Date of Origin:** 10 Feb 2006 **Date of Revision:** new
Chapter: Personnel	**Subject:** Employee Suggestion Program
Supersedes: None	**Distribution:**
References: Santa Clara County Employee Suggestion Program Guidelines	
Signature of Issuing Authority Edward C. Flores, Chief of Correction	**Current Policy Review** **Date of Review:** new **Revisions Made:** ☐Yes ☐No

POLICY: It is the policy of the Department of Correction to encourage and reward employees who submit suggestions resulting in improved service, financial savings, and/or the generation of revenue for the Department/County.

PURPOSE: To establish guidelines for acknowledging and/or rewarding employees for ideas which contribute workable solutions for improvement of Department or County operations.

DEFINITIONS: Tangible Savings: Employee suggestions that demonstrate savings or revenue increases.

Intangible Savings: Employee suggestions that offer benefits that enhance or improve operations, customer service, and/or working environment but do not clearly demonstrate a direct cost savings or revenue increase.

PROCEDURE:

I. Employee Suggestion Program

A. The Employee Suggestion Program (ESP) is a County-wide program developed to acknowledge and/or reward employees for ideas that contribute workable solutions for improvement to Department or County operations and/or services including, but not limited to:

1. Improving service delivery or operations
2. Enhancing business practices or technologies
3. Increasing morale
4. Enhancing team building
5. Improving safety
6. Generating monetary savings or revenue growth

B. All employees or groups of employees are eligible to participate with the exception of the following;

1. County Board Members or their staff
2. Elected Officials
3. Executive Management
4. Administrators of the program or their staff

C. The Personnel Manager will act as the Department's ESP Program Administrator and shall be responsible for the dissemination, administration and maintenance of the program.

II. Employee Suggestion Program Process

A. Employees may submit suggestions that improve efficiency, reduce waste, reduce costs and/or increase revenue.

1. Suggestions are not exclusive to only monetary-related suggestions. Non-monetary-related suggestions may also be submitted.

2. Suggestions may address any County department or agency operation or service.

3. Suggestions that are exempt from the program include, but are not limited to:

a. Routine maintenance and repair that the Department/County can correct through normal operating procedures.

b. Matters which are the result of assigned or contracted auditing, studies, surveys, reviews, or research (e.g. suggestions made as a result of an Internal Audit report)

c. Matters already under consideration or previously awarded.

d. Suggestions made by managers/supervisors related to their areas of responsibility.

e. Personal grievances or specific personnel actions.

f. Matters subject to collective bargaining, as determined by labor relations (e.g. changes in labor contracts)

g. Recommendations of changes to pay of classifications.

h. Suggestions to diminish or discontinue services or programs.

i. Suggestions that involve providing unsupported preferences.

B. Employees may submit suggestions via a signed memorandum including sketches, or charts, when applicable, to the Department's Personnel Manager.

1. Suggestions must clearly articulate the following information:

a. The existing issue, process or situation that is being addressed.

b. A specific and clear statement of what can be done to resolve or improve the issue, process or situation.

c. Specific steps on how to accomplish or implement change.

d. Anticipated benefits (e.g. estimated cost savings, increased revenues, operational efficiency)

e. Associated implementation costs

2. Upon receipt of a written suggestion, the Personnel Manager will:

a. Review the document to ensure all required elements have been addressed and the suggestion subject matter is not exempt from the program (section II, B).

1) If elements are missing, the Personnel Manager will return the document to the employee with instructions or suggestions on how to address the missing elements.

2) The employee will be required to resubmit the suggestion to the Personnel Manager after completing appropriate additions or changes.

b. Maintain confidentiality of the authors and his or her suggestion until it is accepted.

c. Forward the suggestion to the Department's subject matter experts to determine viability, financial impact.

d. Provide analysis and recommendation to the Chief for acceptance and decisions on implementation.

1) Recommendations to the Chief should be made within 60 days from the time that the suggestion was initially submitted.

2) Final approval for suggestions that are submitted through the program by Department employees will be the responsibility of the Chief.

3) Final decision for a suggestion should be made within 90 days from the time that the suggestion was initially submitted. Additional time may be required if further research is necessary.

e. Notify the employee in writing on the final disposition of his or her suggestion.

III. Suggestion Approval - Awards and Recognition

A. Employees submitting successfully approved suggestions that demonstrate tangible or intangible savings may be eligible for monetary and/or non-monetary awards.

1. Employees submitting approved suggestions involving tangible savings may be eligible for a monetary award, which will be determined based on 10% of the calculated Department or County savings/revenue, not to exceed $10,000.

2. Employees submitting approved suggestions involving intangible savings may be eligible for a monetary or non-monetary award.

a. Intangible savings awards are based on Department evaluation of the estimated benefit to the organization.

b. Intangible savings awards can be presented from $50.00 to 200.00 dollars.

B. The Chief will evaluate each approved suggestion and determine the type of award, including any monetary values, to be awarded and presented.

1. Awards will be established in accordance with applicable County Employee Suggestion Program guidelines.

2. All determinations by the Chief will be final and not subject to appeal.

C. The personnel manager will coordinate recognition and award efforts to publicly recognize approved employee suggestions.

1. Events to recognize successful employee suggestions should take place at least twice a year and may be conducted quarterly, if necessary.

2. All successful suggestions will be submitted to the County Comline for publication in the next available issue.

D. Approved suggestions shall become the property of the Department and County.

IV. Quarterly Tracking

A. The Personnel Manager will submit quarterly tracking reports to the Employee Services Agency and the Deputy County Executive addressing the program's performance within the Department.

B. Reports will include the following information:

1. Number of suggestions received within the quarter.

2. A list of all open suggestions with a title, brief description, identifying number, and date received.

3. Status of each suggestion by using the following categories;

a. "In Review"
b. "Approved"
c. "Denied"
d. "Duplicate"
e. "Awarded"
f. "Comline"
g. "Closed"
h. "Financial Award" (when applicable)

V. Policy Revision

A. All Department policies will be reviewed not less than once a year. The Professional Compliance and Audit Unit will establish an annual schedule identifying policies to be reviewed during a specific month.

COUNTY OF SANTA CLARA

Department of Correction **Policy and Procedure Manual**	**Policy Number**: 3.45 **No. of Pages:** 4 **Date of Origin**: 06 Nov 2000 **Date Revised**: 09 May 2002
Chapter: Personnel	**Subject:** The Lautenberg Domestic Confiscation Law (1996 Amendment to the Federal Gun Control Act of 1968)
Supersedes: Policy 3.45, The Lautenberg Domestic Confiscation Law 11/06/00.	**Distribution**:
References: The Federal Gun Control Act of 1968, as amended effective September 30, 1996, also referred to as the Lautenberg Domestic Confiscation Law. United States Code, Title 18, Sections 922(g)(8) and (9) Penal Code Sections 240/242, 243, 273.5, 273.6, 646.9, and 1203.4	
Signature of Issuing Authority _____ Dennis P. Handis, Chief of Correction	Current Policy Review Date of Review: 09 May 2002 Revisions Made: ☒ Yes ☐ No

POLICY: It is the policy of the Department of Correction to adhere to the Federal Gun Control Act of 1968 and the Lautenberg Domestic Confiscation Law (September 30, 1996 amendment to the federal Gun Control Act of 1968) which prohibit law enforcement personnel who are currently subject to a restraining order or convicted of federal or state misdemeanor crimes of domestic violence from possessing firearms, including while on duty.

PURPOSE: To establish uniform guidelines for adhering to the Federal Gun Control Act of 1968 and the 1996 Amendment to the Federal Gun Control Act of 1968.

DEFINITIONS: Misdemeanor Crime of Domestic Violence: An offense that is a misdemeanor under federal or state law; and has, as an element, the use or attempted use of physical force, or the threatened use of a deadly weapon, committed by a current or former spouse, parent or guardian of the victim, by a person with whom the victim shares a child in common, by a person who is cohabiting with or has cohabited with the victim as a spouse, parent or guardian of the victim. (Reference 18 U.S.C. § 921(a)(33)(A).) This definition includes all misdemeanors that involve the use or attempted use of physical force e.g., simple

assault, assault and battery, if the offense is committed by one of the defined persons. This is true whether or not the state or local statute specifically defines the offense as a domestic violence misdemeanor. A conviction of a misdemeanor crime of domestic violence includes offenses described in Penal Code §§ 240, 242, 243, 273.6 and 646.9.

Prohibited Person: A "Prohibited Person" is defined as one who can never again own or acquire a firearm of any type. The only exception is if the person is subsequently pardoned or otherwise has his/her criminal record expunged.

PROCEDURE:

I. The Lautenberg Domestic Confiscation Law (Federal Gun Control Act of 1968 as Amended, Effective September 30, 1996)

A. Effective September 30, 1996, 18 USC § 922(g)(8) prohibits any person from possessing any firearm or ammunition who is subject to a court order that restrains such person from harassing, stalking, or threatening an intimate partner of such person or child of such intimate partner or person, or engaging in other conduct that would place an intimate partner in reasonable fear of bodily injury to the partner or child; and

1. Includes a finding that such person represents a credible threat to the physical safety of such intimate partner or child; or

2. By its terms explicitly prohibits the use, attempted use, or threatened use of physical force against such intimate partner or child that would reasonably be expected to cause bodily injury.

B. Effective September 30, 1996, 18 U.S.C. § 922(g)(9) prohibits any person who has been convicted in any court of a misdemeanor crime of domestic violence from possessing any firearm or ammunition.

1. The Lautenberg Domestic Confiscation Law applies to any misdemeanor crime of domestic violence committed regardless of the date of conviction.

C. Law enforcement officers and other employees of government agencies **ARE NOT** exempt from this prohibition, thus, badge personnel and sworn peace officers who are subject to a current restraining order or have been convicted of a federal or state misdemeanor crime of domestic violence **WILL NOT** be permitted to possess or use a

firearm, including in the course of their official duties. (Reference 18 U.S.C. § 925(A)(1).)

II. The Effect of the Lautenberg Domestic Confiscation Law on Department of Correction Badge Personnel

A. In order to determine those employees who are classified as "Prohibited Persons," the Department of Correction Personnel Director shall ensure the Department of Justice receives the appropriate information in order to conduct a criminal history check on current and future employees.

B. Responsibilities of affected badge personnel:

1. All current and new badge personnel **MUST** complete the Domestic Violence Questionnaire within 14 days of receipt. The completed questionnaire must be returned to the employee's immediate supervisor and that supervisor **MUST** forward the completed questionnaire to the Department of Correction Personnel Director for further processing.

2. Department of Correction badge personnel who are currently subject to a restraining order, or who have been convicted at any time of a misdemeanor crime of domestic violence **MUST** notify the Chief of Correction, through their Division Commander, in writing within 24 hours of the entry of a restraining order or conviction for a misdemeanor crime of domestic violence.

3. Upon notification, the Chief of Correction **MUST** notify the Office of the Sheriff of those individuals, who under this law, are no longer eligible to carry, possess, or use a firearm in the course of their official duties.

C. Any Department of Correction employee, who is a "Prohibited Person" and is convicted of possessing a firearm, may be guilty of a felony that could subject him/her to a $250,000 fine and a 10-year prison sentence.

D. Any Department of Correction employee who is classified as a "Prohibited Person" will be ineligible to possess or use a firearm, even in the course of their official duties and may be subject to termination, consistent with the current laws.

E. Responsibilities of the Internal Affairs Commander:

1. The Internal Affairs Commander will be responsible for reviewing all results received from the Department of Justice regarding firearm eligibility for new and

current employees. The I.A. Commander will date stamp the paperwork noting his or her review and forward the paperwork to the Personnel Director to be filed in the employee's Personnel file.

2. The Internal Affairs Commander will maintain a confidential list on the Department's Executive Information System of those employees who are or are not Prohibited Persons. This list will be reviewed monthly and as changes occur.

3. The Internal Affairs Commander will notify the Sheriff's Jail Administration Lieutenant and the Personnel Director when an employee is listed as a Prohibited Person, or when an employee's status changes, no longer making the employee a Prohibited Person.

III. Policy Revision

A. All Department policies will be reviewed not less than once a year. The Professional Compliance and Audit Unit will establish an annual schedule identifying policies to be reviewed during a specific month.

CONFIDENTIAL QUESTIONNAIRE

The Lautenberg Domestic Violence Law

FEDERAL LAW, TITLE 18, UNITED STATES CODE SECTION 922(g)(8) and (9)
Employee Name:_____ Badge #: _____ Date: _____

Within fourteen (14) days of receipt, you are required to complete this questionnaire and return it to your immediate supervisor. The purpose in completing this form is to obtain information regarding civil restraining orders or misdemeanor domestic violence convictions in order to assist the Department in determining if personnel reassignment and/or administrative action is warranted.

You have a duty to complete this form. Criminal histories on all Department of Correction badge personnel will be requested from the Department of Justice. Disciplinary action up to, and including, termination may be undertaken if you refuse to answer or if you fail to reply fully and truthfully.

Question #1: Have you ever been convicted of a misdemeanor crime of domestic violence? Misdemeanor crimes of domestic violence involve the use or attempted use of physical force, or threatened use of a deadly weapon against a current or former spouse, the person who is the mother or father of his/her child, cohabitant, a child, or ward. The term "convicted" is generally defined in the statute as excluding anyone whose conviction has been expunged or been set aside, or has been pardoned.

Initial and Date: _____Yes _____No

Question #2: Are you currently subject to a court order that restrains you from harassing, stalking, or threatening an intimate partner, or a child of an intimate partner or of your own, or engaging in other conduct that would place an intimate partner in reasonable fear of bodily injury to the partner or child?

Initial and Date: _____Yes _____No

Copy: Personnel File
Policy 3.45 - rev 11/00

If you answered "Yes" to Question #1, provide the following information with respect to the conviction(s). If you need additional space, use the back of the form:

Court/Jurisdiction: _____

Docket/Case Number: _____

Statute/Charge:_____

Date Sentenced: _____

Court/Jurisdiction: _____

Docket/Case Number: _____

Statute/Charge:_____

Date Sentenced: _____

If you answered "Yes" to Question #2, provide the following information:

Court/Jurisdiction: _____

Docket/Case Number: _____

Court Hearing Date/Expiration Date: _____

I hereby swear or affirm that the foregoing is true, correct, and provided under penalty of perjury. I understand that false or fraudulent information provided herein may be grounds for further administrative action up to, and including, termination.

Print Name:_____ Date: _____

Title:_____ Badge #: _____ Current Assignment: _____

Signature: _____

Copy: Personnel File
Policy 3.45 - 10/00

COUNTY OF SANTA CLARA

Department of Correction Policy and Procedure Manual	**Policy Number:** 3.49 **No. of Pages:** 3 **Date of Origin:** 29 Jul 1996 **Date of Revision:** 11 Dec 2008
Chapter: Personnel	**Subject:** Drug-Free Workplace & Employee Assistance Program
Supersedes: Old DOC Policy 3.17 rev 07/29/96	**Distribution:**
References: ACA 3-ALDF-1C-15, 1C-25, Santa Clara County Compliance Statement of December 29, 1989 "Drug-Free Workplace Act of 1988, The Drug-Free Workplace Act of 1988 Public Law 100-690 Title V Subtitle D, Schedules I thru V of the Controlled Substances Act 21 United States Code 812, Memorandum of Understanding Between All Applicable Bargaining Units and Santa Clara County	
Signature of Issuing Authority Edward C. Flores, Chief of Correction	**Current Policy Review** **Date of Review:** 11 Dec 2008 **Revisions Made:** ☒Yes ☐No

POLICY: It is the policy of the Department of Correction to maintain a drug-free workplace. The Department of Correction recognizes drug and alcohol dependence as treatable conditions and, through the Employee Assistance Program (EAP), offers support for employees with dependency problems.

PURPOSE: To establish guidelines for maintaining a drug-free workplace and offer support for those employees with dependency problems.

DEFINITIONS:

Controlled Substances: Classes of drugs that include, but are not limited to: cannabis, depressants, hallucinogens, narcotics, stimulants, steroids, designer drugs, non prescribed medications, and recreational use of prescribed medications.

Employee Assistance Program (EAP): A program designed to assist county employees having problems or illnesses, where they can participate in counseling, diagnosis or treatment. This program is an attempt to aid and help employees before their job performance deteriorates and warrants disciplinary action.

PROCEDURE:

I. Illegal Use of Drugs or Alcohol

A. The Drug-Free Workplace Act of 1988 (Public Law 100-690, Title V, Subtitle D) requires that employees engaged in the performance of work on a Federal contract or grant shall abide by this compliance statement as a condition of employment.

B. The Drug-Free Workplace Act of 1988 requires that employees shall notify their employer within five (5) days of any criminal drug statute conviction which occurs in the workplace or while on County of Santa Clara or Department business.

C. The County of Santa Clara and its various departments are also required to notify the Federal contracting or granting agency within ten (10) days of receiving notice of such conviction and to take appropriate corrective action or to require the employee to participate satisfactorily in an approved drug abuse assistance or rehabilitation program.

D. Employees shall not use illegal substances or abuse legal substances in a manner that impairs performance of assigned tasks.

II. Possession of Illegal or Unauthorized Controlled Substances

A. The County of Santa Clara and the Department of Correction strive to maintain a workplace free from the illegal use, possession or distribution of controlled substances (as defined in Schedules I through V of the Controlled Substances Act, 21 United States Code 812, as amended).

B. Controlled substances include, but are not limited to, cannabis, depressants, hallucinogens, narcotics, stimulants, steroids, designer drugs, non prescribed medications, and recreational use of prescribed medications

C. The unlawful use, possession, distribution, or manufacturing of controlled substances by the employees of Santa Clara County or the Department of Correction is prohibited.

III. Assistance, Treatment and Counseling

A. Employees are encouraged to seek assistance for drug and alcohol-related problems.

B. A Santa Clara County employee having substance abuse problems will be given the same consideration and offer of assistance extended to workers having any other illness.

C. Employees who participate in counseling, diagnosis or treatment may, at their request, use accumulated sick leave or scheduled time off while away from work for such a purpose.

D. Leaves of absence without pay may be granted, depending upon departmental policies and labor management agreements for such purposes.

E. Implementation of this policy will not require or result in any special regulations, privileges or exemptions from the standard administration practices applicable to job performance requirements.

IV. Employee Corrective Action

A. The County of Santa Clara and the Department of Correction agree that if the situation and circumstances permit, an employee with substance abuse problems will be offered access to the Employee Assistance Program before job performance problems warrant disciplinary action.

B. Employees found to be in violation of this policy may be subject to disciplinary action up to and including termination under applicable policies, ordinance codes and labor agreements.

C. Employees may be required at the discretion of the County of Santa Clara or the Department of Correction to satisfactorily participate in an employee rehabilitation program as monitored and verified by the Santa Clara County Employee Assistance Program.

V. Policy Revision

A. All Department policies will be reviewed by the Professional Compliance and Audit Unit.

COUNTY OF SANTA CLARA

Department of Correction Policy and Procedure Manual	**Policy Number:** 3.51 **No. of Pages:** 3 **Date of Origin:** 01 May 1992 **Date of Revision:** 11 Dec 2008
Chapter: Personnel	**Subject:** Non-Department Personnel
Supersedes: Old DOC policy 3.05 rev 05/01/92	**Distribution:**
References: ACA 3-ALDF-1A-12, 1C-24	
Signature of Issuing Authority Edward C. Flores, Chief of Correction	**Current Policy Review** **Date of Review:** 11 Dec 2008 **Revisions Made:** ☒Yes ☐No

POLICY: It is the policy of the Department of Correction to use resources provided by consultants and other non-department employees when the use of those resources is in the best interest of the organization. All such individuals shall remain under the authority of the Chief of Correction and/or Division Commander when in a Department of Correction facility and are subject to the rules and regulations of the facility and the department.

PURPOSE: To establish guidelines that describes the role of consultants and other non-department personnel in the operation of Department of Correction facilities.

DEFINITIONS: Non-Department Personnel: Personnel who are not permanent employees of the Department of Correction and are working via a contract for services.

PROCEDURE:

I. Non-Department Personnel

A. Non-Department personnel include, but are not limited to, the following categories:

1. Consultants

2. Contract personnel

3. Employees of other public or private agencies who provide valuable services to the facility.

4. Other individuals who perform duties or services in a facility on an infrequent basis to include, but not limited to, the following:

a. Law enforcement officers investigating charges against persons.
b. Telephone repair personnel
c. Vendor representatives
d. Authorized facility tours

B. Non-department personnel also include persons or groups of people who have an on-going relationship with the facility to include, but not be limited to, the following:

1. Regular consultants

2. Contract personnel for medical and mental health services.

3. Facilities and Fleet (FAF) staff

4. Authorized Religious volunteers

5. Others that come into the facility for approved purposes at least once a month.

C. The department shall inform consultants and contract personnel of the general rules that apply to all facilities and that their agreement to abide by them is required.

D. Non-Department personnel entering Department facilities are to be admonished of the Department's "No Hostage" policy. In addition, the Department has signs posted at main facility entrances, which inform persons entering a facility of this policy.

II. Authority and Responsibility

A. The Division Commander or their designee may approve individual access to the facility by non-department personnel who perform duties and/or services in the facility on an infrequent basis.

1. These individuals will be escorted at all times while in the facility.

2. All such approved personnel shall be subject to identification, search and other procedures prior to entering the facility.

III. Supervision of Non-Department Personnel

A. Non-department personnel in the facility on an infrequent basis who are authorized entry will be escorted by a department employee and it shall be the escorting employee's responsibility for supervision.

B. Non-department personnel who have an ongoing relationship with the department and are issued a Security Clearance Card shall be authorized to proceed through the facility under minimal staff supervision and direction. Supervision of repetitive

visitors with valid security clearances shall be the responsibility of the facility utilizing the services of that individual.

IV. Security Clearance Records

A. The designated Department Security Clearance Coordinator shall maintain records that will include application materials and a current list of all valid non-department personnel who are authorized to enter Department of Correction facilities.

V. Policy Revision

A. All Department policies will be reviewed by the Professional Compliance and Audit Unit.

COUNTY OF SANTA CLARA

Department of Correction Policy and Procedure Manual	**Policy Number:** 3.35 **No. of Pages:** 11 **Date of Origin:** 01 Jun 1992 **Date Revised:** 08 Jan 2010
Chapter: Personnel	**Subject:** Employee Vacations and Leaves of Absence
Supersedes: Policy 3.08, Employee Leaves of Absence rev. 04/28/98	**Distribution:**

References: California Family Rights Act of 1991; California Family and Medical Leave Act of 1993; Military and Veterans Code of the State of California 395; Military and Veterans Code of the United States of America; Federal Uniformed Services Employment and Reemployment Rights Act (USERRA); County of Santa Clara Ordinance Code, Chapter VI, Section A25-680; Santa Clara County Merit System Rules, Article 6; Santa Clara County Family and Medical Leave Policy, revised and effective 07/01/2006; Memorandums of Understanding between all applicable bargaining units and the Department of Correction/County; Department Policies: 1.57, Subpoenas, Claims, Summons, Other Requests for Information; 3.37, Reporting Serious Injury or Death of an Employee and 3.39, Employee Attendance; The County of Santa Clara Employee Handbook

Signature of Issuing Authority	Current Policy Review
Edward C. Flores, Chief of Correction	**Date of Review:** 08 Jan 2010 **Revisions Made:** ☒Yes ☐No

POLICY: It is the policy of the Department of Correction to provide leaves of absence for its employees in accordance with applicable employee bargaining unit agreements/contracts, County policies and directives, and federal, state, and local laws, regulations and ordinances.

PURPOSE: To describe the guidelines for employee leaves of absence.

DEFINITIONS:

Employee: A person holding a position in the County service.

Leave of Absence: Permission to be absent from duty for a specified period and for a specified purpose, with the right to return at the expiration of the period.

PROCEDURE:

I. Employee Vacations

A. Department employees accrue vacation time on an hourly basis in accordance with their representing union/collective bargaining unit agreement with the County and applicable County Merit System Rules.

1. Vacation time accrued during a one-year period (26 pay periods) should be taken by the employee during the following one-year period. However, in the event the employee does not take all the vacation time to which he or she is entitled in the succeeding 26 pay periods, he or she shall be allowed to carry over the unused portion.

    a. Employees shall not accumulate more than three years of vacation earnings, except:

        1) When absent on full salary due to work-related compensation injury which prevents reducing their vacation hours to the maximum allowable amount; or

        2) In the case of inability to take vacation because of extreme emergency such as fire, flood or other similar disaster; or

        3) As approved by the County Executive and the Director of County Personnel.

    b. In the event that the Department cannot provide an employee the time to utilize accumulated vacation time sufficient to reduce his or her accumulated balance to the amount permitted (three years vacation earnings), the employee may take vacation as a matter of right immediately before the end of the pay period in which vacation time could be lost.

2. Employees who separate from County employment shall be paid the monetary value of the earned vacation as of the actual date of separation of employment.

B. Employees shall bid for vacations within their designated classifications of service and in accordance with their representing union/bargaining unit agreements with the County and applicable County Merit System Rules. Employees may only sign up for the amount of vacation, which they have accrued or will accrue by the date or dates requested.

1. The vacation bid process for Department badge staff will occur on the basis of rank, tenure in rank, class, and seniority within assigned divisions/units, after due consideration of administrative requirements.

    a. Vacation bids for Lieutenants will be conducted in accordance with this policy except vacation bids for Lieutenants assigned as Team Watch Commanders shall be conducted Department-wide by team and then seniority.

b. Badge employees assigned to a work out of class rank will bid for vacations within their actual classified rank (e.g. work out of class Sergeant would bid with officers).

2. Vacation bids for Department badge staff including Academy graduated on-the-job-trainees, will occur in December of each year.

   a. Administrative Division Sergeants will post a listing prior to the dates for vacation sign-ups, which outlines the rank and seniority number of those supervisors and officers assigned to the particular Division and the date and time that they are scheduled to bid and sign up for vacation.

   b. Assistant Division Commanders will coordinate and schedule vacation sign ups for those Lieutenants assigned to their Division.

   c. Specialized Unit Managers will coordinate and schedule vacation sign ups for those badge staff assigned to their unit.

3. Badge employees may sign up for a maximum of eight calendar weeks (Sunday through Saturday) during the primary vacation sign up. Badge employees must have enough vacation hours in their vacation banks or be on schedule to accumulate enough projected vacation hours to cover their requested weeks in order to sign up for those weeks. Each block must be at least one calendar week in duration and must not be more than eight calendar weeks for all blocks combined.

   a. Employees who miss their scheduled sign-up time will lose their place on the sign-up list and have to bid from the remaining available time slots when they call in. Employees expecting to be unavailable for their scheduled sign up time should submit a memo to the appropriate staff member (e.g. Administrative Division Sergeant, Assistant Division Commander, or Specialized Unit Captain/Manager) explaining the situation and documenting their requested dates for vacation.

   b. Once initial vacation sign-ups have been completed, a secondary vacation sign up process may be implemented if there are remaining time slots available. However, the Department may elect to freeze or cancel secondary vacation sign ups based on Department need (e.g. staffing issues).

      1) When secondary vacation sign-ups occur, a notice shall be posted listing the remaining time slots.

2) Employees may participate in secondary vacation sign ups by completing an Employee's Report, indicating requested one week time blocks from those still available.

3) Secondary vacation bidding shall occur on the basis of rank, class, and seniority within assigned divisions/units.

4) All initial and secondary sign-ups will be completed by January 1st.

C. Employees will notify their supervisor of their intention to take their scheduled vacation times (via Request for Leave/Overtime Approval form) one week prior to the vacation time so that payroll can be properly processed.

1. Employees must take their scheduled vacation in increments of not less than one week (Sunday through Saturday).

2. Employees may cancel their vacation in increments of one week. All cancellations must be submitted to the employee's Division Captain a minimum of two calendar weeks prior to their scheduled vacation.

a. If a cancellation notice is not submitted the employee may be required to take that vacation block.

D. Employees shall not be ordered to work during their annually scheduled vacation assignments, absent exigent circumstances. Authorization from the Watch Commander must be obtained prior to ordering an employee to work during his or her vacation.

E. Employees will retain their scheduled vacation assignments (for that year) if promoted or transferred to another assignment (e.g. Division, Division Special Assignment, Special Unit Assignment, and Special Project Assignment).

F. Division Captains/Unit Managers shall determine the maximum number of employees within their division/unit that may be on vacation during any given week.

G. Exchanging vacation leaves between employees is prohibited.

H. Employees are responsible for monitoring and managing their own vacation balances.

II. Leaves of Absence / Leaves of Absence Without Pay

A. Department employees shall not be entitled to a leave of absence as a matter of right, but only upon the approval of the Chief of Correction and County Personnel Director.

1. Leaves for a period not exceeding 30 workdays may be granted by the Chief of Correction at his or her discretion. Such leaves shall be reported to the County Personnel Director.

2. When a leave of absence is granted to a probationary employee, the period of such leave shall not be credited toward the completion of the employee's probationary period.

B. Leaves of absence without pay may be granted to Department employees by the Chief of Correction for up to one year, and beyond one year in unusual or special circumstances.

1. The following are approved reasons for such leave:

a. Illness beyond that covered by sick leave
b. Education or training which will benefit the Department/County
c. Other personal reasons, which do not cause inconvenience on/to the Department/County
d. To accept other government agency employment or to accept employment with an employee organization
e. Paternity leave, not to exceed six months

2. Extensions to leaves approved for less than one year shall not be unreasonably denied, provided adequate advance notice is given.

3. If an employee wishes to return to work early from a leave of absence, he or she shall provide reasonable advance notice to the Chief of Correction and Personnel Manager.

4. A leave may be revoked by the Chief of Correction, upon evidence that the reason for granting the leave was misrepresented, or no longer exists.

C. Department employees may elect to utilize their earned vacation time or take leave without pay for an authorized leave of absence. Employees must notify the Department of their option prior to payroll action; otherwise vacation time will be used. The Department may assign leave without pay for unauthorized absences.

D. Maternity leaves of more than 13 pay periods, leaves of absence without pay of more than two pay periods, and suspensions, shall not be counted as time spent in a salary step in computing eligibility of the employee for further salary increases. All time spent on industrial injury/illness leave shall be counted.

E. Employees who fail to report for three or more consecutive working days for their assigned duties without notification to the Department and without legitimate reason for absence shall be presumed to be resigning from their employment with the Department.

III. Compulsory Leaves of Absence

A. The Chief of Correction/designee may require an employee whom he or she deems incapacitated for work, due to illness or injury, to submit himself/herself to a designated physician for examination, and may require the employee to take such leave of absence as will be necessary to perform his duties.

B. The Chief of Correction/designee may require an employee who has been formally charged in a court of competent jurisdiction with the commission of any felony or of a misdemeanor involving moral turpitude, provided said crime is related to the employee's employment status, to take a compulsory leave of absence without pay pending determination by way of a plea, finding or verdict at the trial court level as to the guilt or innocence of such employee.

1. If there is a determination of innocence or the charges are dropped, the employee shall be reinstated to his/her position with return of all benefits, including salary, that were due for the period of compulsory leave; subject, however, to appropriate disciplinary action if warranted under the circumstances.

2. Any such disciplinary action may be imposed effective as of the commencement date of the compulsory leave imposed under this section.

IV. Personal Leave

A. Employees who need time off work for personal reasons may be authorized personal leave time.

1. Requests for personal leave time will be directed to the employee's supervisor for consideration. Final approval must be obtained from the Watch Commander/Unit Manager before granting personal leave requests.

2. Personal leave should not be used for multiple days off. Only single day requests should be accepted. Employees requesting personal leave for more than a single day must obtain approval from the Assistant Division Commander or Division Captain.

V. Bereavement Leave

A. Bereavement leaves of absence with pay shall be granted to employees in order that they may discharge the customary obligations arising from the death of a member of their immediate family.

1. Immediate family member shall mean the mother, father, grandmother, grandfather of the employee or of the spouse of the employee and the spouse, son, son-in-law, daughter, daughter-in-law, brother, sister,

grandchild, brother-in-law, or sister-in-law of the employee or any person living in the immediate household of the employee.

2. This time is charged in various ways, dependent upon the employee's bargaining unit agreement/contract and applicable County Merit System Rules.

B. Employees who are not able to report for duty due to a death in their immediate family should contact the on-duty supervisor as soon as possible and notify the supervisor of the circumstances and the amount of leave time required to attend to their family needs.

VI. Family and Medical Leave

A. Family and medical leave addresses leaves of absence protected under the following laws and regulations:

1. California Family Rights Act (CFRA)
2. Family and Medical Leave Act (FMLA)
3. Fair Employment and Housing Act (FEHA)
4. Temporary Family Disability Insurance
5. Labor Code Section 233

B. Refer to the Santa Clara County Family and Medical Leave Policy (attachment) and applicable bargaining unit agreements/contract for information and guidelines addressing leaves of absence due to family and medical leave purposes.

C. Employees may obtain information pertaining to family and medical leave from the Department's Personnel Unit.

VII. Sick Leave

A. Sick Leave may be used under the following conditions:

1. Employee injury or illness that renders the employee incapable of performing his or her duties.

2. Family care consistent with section VI of this policy and applicable bargaining unit agreements/contracts.

3. Employee's or immediate family member's medical, dental or eye exams/treatment consistent with the current labor agreement for the affected employee.

4. Employee industrial injuries or illness

5. Bereavement Leave consistent with the current labor agreement for the affected employee and applicable County Merit System Rules.

B. Refer to Department policy 3.39, Employee Attendance, as needed, for further information and guidelines relating to sick leave.

C. CPOA and CEMA represented employees who use no Sick Leave for a period of one full calendar year shall be allowed to cash out 40 hours of STO with an option to cash out an additional 40 hours of STO.

1. Eligible employees shall submit their request to the Office of Labor Relations during the month of January and payment shall be made during the month of February during each calendar year.

2. Requests shall be in writing (sample form attached) and contain the following information:

a. Name
b. Rank
c. Employee ID number
d. Number of hours to be cashed out
e. Verification that no sick leave was used

VIII. Leaves of Absence to Perform Jury Duty or Respond to a Subpoena

A. Department employees shall be allowed to take leave from their Department duties without loss of wages, vacation time, sick leave or benefits for the purpose of responding to summons to jury selection or serving on a jury for which they have been selected, subject to the limitation that employees shall receive paid leave to serve on a jury not more than once during a calendar year, and provided that they execute a written waiver of all compensation other than mileage allowance, for which they would otherwise receive compensation by virtue of their performance of such jury duty.

1. Employees shall not be paid more than their regular shift pay or regular workweek pay as a result of jury duty service. Employees on alternate schedules (i.e.10-plan or 12-plan schedule) will not have their personal or vacation banks charged for the difference of the 8 hour jury duty shift.

a. Employees who live locally will be required to return to work if their service is complete prior to the end of their normal shift to include travel time.

b. Employees living in another county and are serving jury duty will have the remaining travel hours treated as jury duty hours.

c. Employees released early from jury duty will be expected to return to work as soon as possible.

2. Employees are required to notify their immediate supervisor when they receive a jury summons and when their jury service is completed.

3. Employees who respond to a summons to jury duty and who are not selected as jurors shall not be deemed to have performed jury duty and shall return to work immediately.

4. Nothing in this policy shall prevent any Department employee from serving on a jury more than once per calendar year; provided, however, that such additional periods of absence from regular Department duties as a result thereof shall be charged, at the option of such employee, to either accrued vacation time or leave without pay.

B. Employees who are subpoenaed to testify in court shall be compensated for that time in accordance with their bargaining unit agreement/contract and applicable County Merit System Rules.

C. Department employees shall not suffer loss of wages or benefits in responding to a subpoena to testify in court so long as employees are not a party to the litigation.

IX. Military Leave

A. Military Leaves of absence are protected under the following laws and regulations:

1. Military and Veterans Code of the State of California 395
2. Military and Veterans Code of the United States of America;
3 Federal Uniformed Services Employment and Reemployment Rights Act (USERRA);
4. County of Santa Clara Ordinance Code, Chapter VI, Section A25-680;
5. The employee's bargaining unit agreement/contract; and applicable County Merit System Rules.

B. Employees may obtain information pertaining to Military Leave from the Department's Personnel Unit.

X. Industrial Injury/Illness Leave

A. Department employees shall be entitled to industrial injury/illness leave when they are unable to perform services/duties because of any injury/illness as defined in the Worker's Compensation Act.

B. Employees who are disabled as a result of an industrial injury/illness shall be placed on leave. Not more than an employee's full salary will be paid using accumulated compensable overtime, accrued sick leave and vacation time combined with any disability indemnity payable under the Worker's Compensation Act.

1. Employees represented by CPOA will have their Sick Leave bank charged pending the approval of a Worker's Compensation claim.

2. Employees represented by Local 521 will have the first three days charged to their accrued but unused sick leave. If the temporary disability exceeds 14 calendar days, temporary disability will be paid for the first three days.

C. Those employees governed by the public safety members' provision of the public employees' retirement system, when entitled to benefits under Section 4850 of the Worker's Compensation Act, shall be entitled to disability leaves of absence for a period not to exceed one year as provided in the Act, without loss of salary or related benefits.

1. When an injured employee covered by these provisions has received the maximum benefits allowed by section 4850, he or she shall be entitled to use sick leave and vacation accruals as provided for under the provisions of section 4850.

2. Retirement ends the benefits listed in this section, except for the rights to receive vacation and sick leave payoffs in accordance with applicable bargaining unit agreements/contracts.

D. Refer to Department policy 3.37, Reporting Serious Injury or Death of an Employee, as needed, for further information and guidelines addressing reporting requirements for industrial related injuries and illnesses.

XI. Request For Leave/Overtime Approval Forms (County form #5289-A rev. 12/05)

A. Employees who take approved time off work will complete a Request for Leave/Overtime Approval form and submit the completed form to their supervisor (prior to taking the time off or upon returning to work, as applicable to the type of leave).

1. The supervisor will review and sign the completed form, noting whether or not the leave has been approved, and forward the form to the Watch Commander/Unit Manager for review and signature.

a. With regards to leave requests that are prescheduled (e.g. personal leave days), employees shall not assume that the act of submitting a completed Request for Leave/Overtime Approval form to their supervisor implies that the requested leave has been approved.

b. Approval is signified by the supervisor's/manager's signature in the approval section of the form.

2. The supervisor will give a copy of the form to the employee and submit the original (along with the payroll roster) to the Department's Financial Services Division for reference and retention. In instances where leave is not approved (e.g. personal leave request denied), the supervisor will file the original form in the requesting employee's Supervisor File for retention.

XII. Policy Review

A. All Department policies will be reviewed by the Professional Compliance and Audit Unit.

COUNTY OF SANTA CLARA

Department of Correction Policy and Procedure Manual	**Policy Number:** 4.01 **No. of Pages:** 3 **Date of Origin:** 01 Mar 1992 **Date Revised:** 06 Nov 2000
Chapter:	**Subject:** Financial Services Management and Budget
Supersedes: All Previous Orders	**Distribution:**
References: ACA 3-ALDF- 1B-01, 1B-03, 1B-05 County Ordinance Code A7	
Signature of Issuing Authority: Chief of Correction	**Current Policy Review:** **Date of Review:** 06 Nov 2000 **Revisions Made:** ☒Yes ☐No

POLICY: It is the policy of the Department of Correction to develop its budget within applicable statutes and regulations using a process that allows the Chief of Correction to have full input into resource allocation.

All funds will be allocated in accordance with the County Executive process. No funds will be reallocated from one appropriation to another without specific written authorization from the Chief of Correction.

PURPOSE: To establish an institutional budget process which includes the planning and utilization of funds, space, equipment, and personnel in the most cost-effective method.

APPLICABILITY: This policy applies to all Department of Correction employees.

RESPONSIBILITY: It is the responsibility of all employees of the Department of Correction to adhere to this policy. Daily financial management of the Department of Correction will be the responsibility of the Financial Services Manager.

DEFINITIONS: Allocation: The location of assets such as money, positions, or equipment that are, or have been, distributed according to approved plans.

Command Staff: Division, Unit and/or Section Commanders and Managers.

PROCEDURE:

I. The Chief of Correction will participate in the annual budget deliberation process at the County level.

II. Command Staff will participate in the Budget Program to accomplish the following:

A. The preparation of a written budget for the anticipated revenues and expenditures of funds for their assigned command responsibilities.

B. The preparation of a written report reviewing the utilization of space and equipment. The report will include documentation of existing utilization of space and a projection of further and current needs.

C. The preparation of a written assessment of presently assigned personnel and any future need for additional personnel in each facility and unit.

D. The reporting of all requirements and deficiencies that are due annually. The written report will be given to the Financial Services Manager, who will summarize it and report to the County Executive's Office.

III. Scheduled Meetings

A. The Command Staff, chaired by the Chief of Correction, will meet regularly. Minutes will be recorded to summarize each meeting. Copies will be forwarded to each person in attendance. These meetings will be scheduled to:

1. Discuss the status of funding.

2. Enable each Division Commander/Unit Manager to discuss and present justification for any present or future needs.

B. Items that may be discussed in the meetings include, but are not limited to, the following:

1. Summary of current funds and recommendations for reallocation of funds for each department.

2. Status of personnel training and recruitment.

3. Identifying specific Departmental problem areas.

4. Problems with building maintenance or construction.

IV. Policy Revision

A. All Department policies will be reviewed not less than once a year. The Professional Compliance and Audit Unit will establish an annual schedule identifying policies to be reviewed during a specific month.

COUNTY OF SANTA CLARA

Department of Correction Policy and Procedure Manual	**Policy Number:** 4.03 **No. of Pages:** 3 **Date of Origin:** 04 Oct 1993 **Date Revised:** 06 Nov 2000
Chapter: Financial Services	**Subject:** Accounting
Supersedes: All Previous Orders	**Distribution:**
References: ACA 3-ALDF-1B-02,04,06,09 County Ordinance Code A7, County Executive Department Policies.	
Signature of Issuing Authority: Chief of Correction	**Current Policy Review:** **Date of Review:** 06 Nov 2000 **Revisions Made:** ☒Yes ☐No

POLICY: It is the policy of the Department of Correction to structure the Financial Services Division to comply with regulations in the County Charter, County Ordinance Codes, and state and federal statutes.

PURPOSE: To describe and initiate accounting procedures for the receipt and disbursement of funds.

APPLICABILITY: This policy applies to all Department of Correction employees.

RESPONSIBILITY: It is the responsibility of all employees of the Department of Correction to adhere to this policy. The Financial Services Manager is responsible for following standard accounting procedures.

PROCEDURE:

I. Collection of Funds

A. The allotment of funds will be recorded, numbered, and added to the appropriate budget account.

B. All cash receipts will be entered into a cash receipt log. Areas designated to receive cash include:

1. County Treasurer - Cashier's Office

2. DOC Financial Services Division

3. Administrative Booking

4. Main Jail, Elmwood and CCW Mail Rooms

5. Main Jail Intake/Booking

C. All cash received and cash receipt logs will be delivered daily to the Financial Services Manager, or his/her designee, who will:

1. Count and verify the amounts.

2. Return the cash receipt logs, with receipt of cash counted.

D. All cash collected will be deposited in the bank daily.

E. All areas that receive cash will be equipped with a safe or vault. Cash must be secured at all times.

II. Disbursements

A. All transactions with vendors will be accomplished through the use of invoices.

B. All transactions will be logged in a general account ledger.

C. All invoices to be paid must have an approval signature.

D. All checks attached to the invoice will be signed by the appropriate party.

E. Signed checks will be distributed to vendors.

III. Petty Cash

A. A petty cash fund will be established in various areas of the facility with an authorized daily balance. All petty cash will be kept in a secured / locked area.

B. To obtain petty cash, a "Petty Cash Voucher" must be submitted to the Financial Services Division with a written request for funds.

1. Disbursements of petty cash must be supported by a register receipt.

2. Petty cash vouchers must be signed by the person receiving the petty cash as well as the person distributing and approving the transaction.

IV. Employee's Compensation

A. A time sheet will be prepared daily for employees of each team or section. The team or section supervisor will verify and submit the time sheet to his or her commander for authorization.

B. After verification and authorization, payroll personnel will enter each employee's time into the computer.

C. The County Controller will verify information and enter each employee's wages for payroll checks to be printed.

D. Checks are separated into teams/sections and returned to payroll for distribution.

V. External Audit

A. An annual County audit will be conducted by an external agency. All reports will be forwarded to the Chief of Correction and to the Board of Supervisors for review.

VI. Policy Revision

All Department policies will be reviewed not less than once a year. The Professional Compliance and Audit Unit will establish an annual schedule identifying policies to be reviewed during a specific month.

COUNTY OF SANTA CLARA

Department of Correction **Policy and Procedure Manual**	**Policy Number:** 4.05 **No. of Pages:** 2 **Date of Origin:** 04 Oct 1993 **Date Revised:** 06 Nov 2000
Chapter: Financial Services	**Subject:** Internal Control
Supersedes: All Previous Orders	**Distribution:**
References: ACA 3-ALDF-1B- 02, 04, 05, 06, 07, 08	
Signature of Issuing Authority: Chief of Correction	**Current Policy Review:** **Date of Review:** 06 Nov 2000 **Revisions Made:** ☒Yes ☐No

POLICY: It is the policy of the Department of Correction to ensure the safekeeping of all Departmental funds.

PURPOSE: To ensure internal control, monitoring and accounting of all Departmental funds.

APPLICABILITY: This policy applies to all Department of Correction employees.

RESPONSIBILITY: It is the responsibility of all employees of the Department of Correction to adhere to this policy.

PROCEDURE:

I. Internal Control

The Financial Services Manager will establish a division of duties between the employees responsible for the handling of money to ensure the safeguarding of the institutional funds and/or inmate funds.

II. Security of Funds

A. The responsibilities of the Financial Services Manager include, but are not limited to the following:

1. Collection, accounting, and monitoring of institutional funds and inmate funds.

2. Maintaining the security of all funds in a safe and secure location.

3. Safeguarding the transfer of all funds.

III. Signature Control

All Department of Correction employees authorized to sign checks or vouchers must have a signature card on file with the County Controller or Service Company.

IV. Bonding

A All Department of Correction employees will be covered by a blanket bond, which rates are set by the County Board of Supervisors.

B. Employees with specialized duties are bonded at a higher rate.

V. External Audit

An annual County audit will be conducted by an external agency, and all reports will be forwarded to the Chief of Correction and the Board of Supervisors for review.

VI. Policy Revision

All Department policies will be reviewed not less than once a year. The Professional Compliance and Audit Unit will establish an annual schedule identifying policies to be reviewed during a specific month.

COUNTY OF SANTA CLARA

Department of Correction Policy and Procedure Manual	**Policy Number:** 4.07 **No. of Pages:** 2 **Date of Origin:** 01 Mar 1992 **Date Revised:** 30 Nov 2000
Chapter: Financial Services	**Subject:** Inventory Control
Supersedes: All Previous Orders	**Distribution:**
References: ACA 3-ALDF-1B-10 County ordinance Code A31	
Signature of Issuing Authority: Chief of Correction	**Current Policy Review:** **Date of Review:** 30 Nov 2000 **Revisions Made:** ☒Yes ☐No

POLICY: It is the policy of the Department of Correction to provide accountability for all Departmental property, supplies, and other assets through a regular annual inventory.

PURPOSE: To keep accurate accounts of all Departmental property identified by regular inventories.

APPLICABILITY: This policy applies to all Department of Correction employees.

RESPONSIBILITY: It is the responsibility of all employees of the Department of Correction to adhere to this policy.

DEFINITIONS:

Major Equipment: Secured/fixed equipment, a value of over $5,000.

Minor Equipment: All equipment with a value of less than $5,000.

Allotment/Unit Manager: Manager or delegated persons designated to his/her specific area for inventory.

PROCEDURE:

I. Annual Inventory

A. All Departmental property will be divided into appropriate categories as listed below, and inventoried separately by the Allotment/ Unit Manager on June 30th of each year.

1. Warehouse Supplies

a. Food

b. Paper products
c. Cleaning agents
d. Clothing stores

2. Minor Equipment and Furnishings

a. Weapons
b. Pack Set Radios
c. Computers

3. Major Equipment (Classified as secured/fixed equipment)

a. Air conditioners
b. Commercial ovens
c. Boilers
d. All equipment valued over $5,000.00

4. Buildings and Properties

a. Building records and descriptions
b. Land records and descriptions

II. Inventory Report

A. All items inventoried will be tagged and entered into the Automated Inventory system by a designee of the Allotment/Unit Manager. The following information must be entered:

1. Description
2. Location
3. Purchase Date and Price
4. Current Value

B. The Division Commanders/Unit Managers responsible for the inventory in their facilities will submit a written report annually in December of each year of that inventory to the Financial Services Manager for review with a copy forwarded to the Chief of Correction.

III. Policy Revision

A. All Department policies will be reviewed not less than once a year. The Professional Compliance and Audit Unit will establish an annual schedule identifying policies to be reviewed during a specific month.

COUNTY OF SANTA CLARA

Department of Correction Policy and Procedure Manual	**Policy Number:** 4.09 **No. of Pages:** 2 **Date of Origin:** 01 Mar 1992 **Date Revised** 27 Jan 2009
Chapter: Financial Services	**Subject:** Procurement
Supersedes: Policy 4.09 rev 11/06/00 Main Jail Procedure 124	**Distribution:**
References: ACA 3-ALDF-1B-11	
Signature of Issuing Authority: Edward C. Flores, Chief of Correction	**Current Policy Review:** **Date of Review:** 27 Jan 2009 **Revisions Made:** ☒ Yes ☐ No

POLICY: It is the policy of the Department of Correction to procure supplies, food, furnishings, equipment and materials on a competitive basis that will enable all institutional suppliers equal opportunity to submit a bid.

PURPOSE: To provide guidelines for obtaining equipment, supplies, and services.

DEFINITIONS:

County Controller: The Director of Finance, who is the custodian of all money received by the County from any source.

Contract Release: A supplies or service release from a Master Contract Agreement which the Procurement Department has negotiated for a specific service and/or supply. Contract Releases are processed in SAP and issued to the appropriate vendors for ordering the goods and services.

Direct Pay: A list of types of payments authorized and approved by the Board of Supervisors.

Standard Requisition: A request to the Procurement Department for specific goods and/or services that are not covered by the Master Contract Agreement and are over $2,500 in total cost.

Petty Cash: A revolving account in various areas of the facilities used to purchase goods required in the operation of the Department. These are for small items not covered under contracts. The Petty Cash limit for the Department is no more than $100.00 per transaction, including sales tax.

PROCEDURE:

I. General Fund Procurement

A. In order to obtain services, supplies, or equipment, the following conditions must be met:

1. Document the need for service, supplies, or equipment before ordering by submitting a Departmental Requisition showing justification. The form must be approved by Division Commander/ Unit Manager/ or his/her designee.

2. Adequate funding must be available to complete the procurement process.

3. The requisition must be forwarded to the Financial Services Manager for review.

4. One of the following methods for ordering the item must be chosen:

a. Contract Release
b. Standard Requisition
c. Direct Pay
d. Petty Cash

B. Financial Services completes the procurement process for all requisitions with the exception of food and food related items used by the Food Services Division following County guidelines. The Food Services Division processes its own requisitions for food and food related items.

C. No employee may initiate a procurement action outside these guidelines.

II. Petty Cash

A. All petty cash purchases shall be authorized prior to purchasing any item.

B. The Division Commander or designee must approve an advance of petty cash funds.

C. Once an item has been purchased, the receipt must be given to the Division Commander or designee along with any remaining monies.

III. Department Warehouse Requisitions

A. The warehouses are located at the Elmwood Correctional Complex and are supervised by the Managing Dietitian with the assistance of the Senior

Storekeeper, Material Handlers (3) and Account Clerk II. The warehouses store the following items:

1. Warehouse #1

    a. Textile supplies
    b. Janitorial supplies
    c. Chemical supplies
    d. Safety equipment
    e. Emergency and safety supplies
    f. Inmate necessities and supplies (ie, soap, sandals, sanitary napkins, toilet paper, etc.)

2. Warehouse #2

    a. Food
    b. Food related supplies

3. Warehouse #3

    a. Office supplies/materials
    b. Emergency supplies
    c. Inmate supplies
    d. Forms

4. IWF Warehouse

    a. Games
    b. Athletic equipment
    c. Hair dryers
    d. Hot combs
    e. Curling irons
    f. Nail clippers
    g. Televisions
    h. Pencil sharpeners
    i. Miscellaneous IWF items for inmates

Note: Warehouse #2 is the Food Services warehouse.

B. Requests for goods from all of the Department warehouses must be made on a Departmental Requisition Form with approval from the appropriate supervisor or manager. The warehouse should receive the requisition at least one week prior to the needed date. Goods are delivered directly to the requesting unit from the warehouse except for all Elmwood food supply orders which must be picked up at the food service warehouse.

IV. Ordering Responsibilities

A. The staff listed below is responsible for placing the following types of orders:

1. Inmate Services Supervising CSA

   a. Cleaning supplies/materials
   b. Small tools
   c. Radio batteries
   d. Office supplies
   e. Janitorial supplies
   f. Clothing/bedding

2. Law Library Coordinator

   a. Resource materials

3. Programs Coordinator

   a. Resource materials

4. Managing Dietitian (Warehouse Manager)

   a. Food items
   b. Kitchen supplies/materials
   c. Office supplies/equipment
   d. Food Service Equipment
   e. Equipment repair and maintenance parts

5. Inmate Welfare Fund Manager (All IWF purchases)

   a. Incentive beverages
   b. Recreation and athletic equipment
   c. Non-mandated grooming items

V. Policy Review

All Department policies will be reviewed by the Professional Compliance and Audit Unit.

DEPARTMENTAL REQUISITION AND ISSUE SLIP

DIV. REQUESTING	DATE REQUESTED	COST CENTER	GL - ACCOUNT	IO	REQ#/P.O.#

SUPPLIES AND /OR ARTICLES		ACCOUNTING USE ONLY			
QUANITY	ARTICLE	ITEM#	QUANITY	COST	EXT.

JUSTIFICATION OF THE NEED

REQUESTED BY PHONE #	APPROVAL: DIV. COMMANDER	APPROVAL: FISCAL
RECEIVED BY:	DATE RECEIVED:	ISSUED BY:

COUNTY OF SANTA CLARA

Department of Correction Policy and Procedure Manual	Policy Number: 4.13 No. of Pages: 2 Date of Origin: 01 Mar 1992 Date Revised: 06 Nov 2000
Chapter: Financial Services	**Subject:** Position Code Control
Supersedes: All Previous Orders	**Distribution:**
References: ACA 3-ALDF-1B-14	
Signature of Issuing Authority Chief of Correction	**Current Policy Review** **Date of Review:** 06 Nov 2000 **Revisions Made:** ☒Yes ☐No

POLICY: It is the policy of the Department of Correction, through its Financial Services Division and Personnel Units, to regulate position code control through allocation, budget authorization, personnel records and payroll. Information on the number and type of positions filled and vacant, will be available at all times.

The Financial Services Manager, or his/her designee, will verify that all position codes are authorized in the budget, all persons on the payroll are legally employed, all attendance records support the payroll, and that funds are available. Payroll will be based on time keeping records.

PURPOSE: To ensure position code control within the Department of Correction.

APPLICABILITY: This policy applies to all Department of Correction employees.

RESPONSIBILITY: It is the responsibility of all employees of the Department of Correction to adhere to this policy.

DEFINITIONS: Santa Clara County Salary Ordinance: An annual list of all authorized employment position codes in Santa Clara County. This report is produced by the Santa Clara County Board of Supervisors.

Position Status Report: A bi-weekly report of all currently paid position codes in the Department of Correction. This report is produced by the Santa Clara County Personnel Department.

PROCEDURE:

I. Position Code Control.

A. All Department administrators, facility commanders and unit managers will participate in personnel planning that includes reviewing position allocations, staff-related budget

allocations, personnel records and payroll functions. They will be responsible for the following:

1. Ensuring the effective use of all positions assigned to their area of responsibility.

2. Monitoring position allocations and budget authorizations within their budget area.

B. The Board of Supervisors publishes an annual Santa Clara County Salary Ordinance that will be used by the Financial Services Manager to verify all Department of Correction positions. The Financial Services Manager will:

1. Verify that all payroll positions are authorized.

2. Verify employment of all personnel contained in the People Soft system that is maintained by Santa Clara County Personnel.

3. Verify that attendance records support the payroll.

4. Ensure that needed funds are available.

C. The Personnel Manager will maintain information on the number and type of positions, filled and vacant at all times and will:

1. Verify employment of all personnel contained in the Position Status Report.

2. Verify that all personnel on the payroll are legally employed in accordance with the personnel hiring standards.

3. Submit to the Financial Services Manager, a complete list of employee positions filled, the total number of vacancies and the total number of positions authorized.

4. Notify the Financial Services Manager when discrepancies arise between the Personnel Unit and the Financial Services Division.

D. When discrepancies arise between the Financial Services Division and the Personnel Unit concerning position codes, the Personnel Unit will be responsible for ensuring that there is proper authorization of positions. Reconciliation of all positions will be conducted annually by the Financial Services Manager and the Personnel Manager.

II. Policy Revision

A. All Department policies will be reviewed not less than once a year. The Professional Compliance and Audit Unit will establish an annual schedule identifying policies to reviewed during a specific month.

COUNTY OF SANTA CLARA

Department of Correction Policy and Procedure Manual	**Policy Number:** 4.17 **No. of Pages:** 4 **Date of Origin:** 01 Mar 1993 **Date Revised:** 06 Nov 2000
Chapter: Financial Services	**Subject:** Fixed Assets
Supersedes: All Previous Orders	**Distribution:**
References: ACA 3-ALDF-1B-10, County of Santa Clara STARS Fixed Asset Procedures (6/30/86). Fixed Asset Training Manual, D.O.C. Financial Services Division (11/94).	
Signature of Issuing Authority Chief of Correction	**Current Policy Review** **Date of Review:** 06 Nov 2000 **Revisions Made:** ☒Yes ☐No

POLICY: It is the policy of the Department of Correction to ensure that all Fixed Assets, County properties, and Inmate Welfare Fund properties, which have been purchased by Santa Clara County or the Inmate Welfare Fund, will not be transferred or moved from one Department of Correction location to another location or disposed of to other County agencies without proper approval.

PURPOSE: To establish uniform guidelines for maintaining accountability and tracking the location of Fixed Assets, equipment, Inmate Welfare Fund properties and County properties within the Department of Correction.

APPLICABILITY: This policy applies to all Department of Correction employees.

RESPONSIBILITY: It is the responsibility of all employees of the Department of Correction to adhere to this policy.

DEFINITIONS: Fixed Asset: Any equipment with a useful life of one year or longer and a value of five thousand dollars ($5,000.00) or more. This includes computers, firearms, machinery and video equipment. Items which can be easily converted to personal use, such as televisions, VCR's and camcorders should be listed and treated as Fixed Assets. Computers and firearms are regarded as Fixed Assets regardless of their value.

County Property: All items purchased with Santa Clara County funds.

Inmate Welfare Fund Property: All items purchased by the Inmate Welfare Fund.

GSA: General Services Agency.

PROCEDURE:

I. Department of Correction Financial Services Manager's Responsibilities

A. The Financial Services Manager will maintain a computerized list of all Fixed Assets, County properties and Inmate Welfare Fund properties. The list will include specific detail so as to promote easy identification and location of all items.

B. The Financial Services Manager will establish a procedure for conducting an inventory of Fixed Assets, County properties and Inmate Welfare Fund properties as of June 30th of each year in accordance with the Departmental policy on Inventory Control.

II. Division Commander's and Unit Manager's Responsibilities

A. Division Commanders and Unit Managers are responsible for ensuring that proper record keeping and inventory controls are followed for all Fixed Assets assigned to their facility or unit.

B. Division Commanders and Unit Managers will maintain a computerized list of all Fixed Assets, County properties and Inmate Welfare Fund properties assigned to their index code, unit or section. The list will be sufficient in detail as to promote easy identification and location of all items.

C. Division Commanders and Unit Managers will complete the annual inventory of all assigned assets, and account for all Fixed Assets. If, after an exhaustive search, an item is determined to be lost or stolen, the Division Commander/Unit Manager will submit an Employee's Report to the Chief of Correction and the Financial Services Manager.

D. Division Commanders and Unit Managers will replace missing tags with substitute tags, engraved numbers, or painted numbers.

E. Division Commander and Unit Managers will transfer equipment that is identified as idle or no longer in use to the GSA Property Disposal Unit.

III. Transfer of Fixed Assets Between Departments.

A. The transfer of any Fixed Asset, whether County or Inmate Welfare Fund property, must first be approved by the appropriate Division Commander/Unit Manager

B. Requests to make a transfer must be submitted on the "STARS Fixed Asset Transfer Form."

C. When approved the signed form will accompany the items to be transferred.

D. The receiving department must verify the item and the property number and complete their portion of the "Fixed Asset Transfer Form."

1. Retain one copy.

2. Return one copy to the originating department.

3. Forward the original and canary-colored copies to the Department of Correction Financial Services Division.

IV. Transfer of Fixed Assets Within and Between Divisions

A. Fixed Asset property/equipment will not be relocated, except for repair, without approval of the Division Commander/Unit Manager who will ensure the following:

1. Fixed Assets relocated for repair will be properly tracked and returned to original locations or properly updated if relocated or disposed of after repair.

2. Any time a Fixed Asset, whether County or Inmate Welfare Fund property, is relocated within a facility or transferred between Divisions, the Financial Services Division will be notified by an Internal "Fixed Asset Transfer Form."

B. Whenever computer equipment is relocated, the Information Systems Manager will be notified by memorandum.

V. Disposal of Fixed Assets

A. Disposal of Fixed Assets are accomplished by completing a "Fixed Asset Transfer Form" and transferring the item(s) to the GSA Property Disposal Unit.

B. The Division Commander/Unit Manager will make arrangements with the Financial Services Division for the physical movement of disposable Fixed Assets, except where computer equipment which is Information Systems Manager's responsibility.

VI. Inmate Television Control Procedure

A. Specific procedures for tracking IWF-purchased televisions can be obtained from the Inmate Welfare Fund Manager.

VII. Policy Revision

A. All Department policies will be reviewed not less than once a year. The Professional Compliance and Audit Unit will establish an annual schedule identifying policies to be reviewed during a specific month.

VENDOR NAME

COUNTY OF SANTA CLARA
VOUCHER

DAF - P02

INSTRUCTIONS TO CLAIMANTS

VOUCHERS MUST BE CERTIFIED TO BY THE CLAIMANT AND THE PROPER AUTHORITY ORDERING THE DELIVERY OF ARTICLES OR PERFORMANCE OF SERVICES BEFORE BEING FILED WITH THE DEPARTMENT OF FINANCE.

ALL INFORMATION TO BE PRINTED EXCEPT SIGNATURES

CLAIMANTS PERFORMING SERVICES OR SUPPLYING ARTICLES TO TWO OR MORE COUNTY DEPARTMENTS MUST MAKE SEPARATE VOUCHERS FOR EACH DEPARTMENT.

NO VOUCHER WILL BE AUDITED OR ALLOWED UNLESS OR UNTIL THE ABOVE REQUIREMENTS HAVE BEEN COMPLIED WITH.

DOCUMENT DATE	EFFECTIVE DATE	DUE DATE
MM DD YY	MM DD YY	MM DD YY

DEPT [3]	PAYMENT VOUCHER NUMBER [8]
240	V

DATE WORKED	DESCRIPTION OF SERVICE AND AMOUNT			
	REGULAR HOURS WORKED	SUPV APPROVAL	OVERTIME HOURS WORKED	SUPV APPROVAL & PHONE NUMBER
	HRS TO HRS		HRS TO HRS	
	HRS TO HRS		HRS TO HRS	
	HRS TO HRS		HRS TO HRS	
	HRS TO HRS		HRS TO HRS	

SFX [2]	T/C [3]	INDEX [4]	ESBJ [4]	ED [3]	FA3C [3]	PCA [5]	FUND [4]	FD [2]	RSBJ [4]	RD [2]	GLA [4]	SUB ACCT [5]	PROJECT [5]	PPH [3]	GRANT [5]	GPH [3]	TASK [4]	AMOUNT [13]
01	230		2102				0001											

REF DOC [3]	RSFX [2]	MOD [2]	FAC [4]	LOC [5]	CRC [4]	CI [2]	MPC [10]	DMI [2]	F/O [2]	INVOICE DESCRIPTION [30]	INVOICE # [24]
										Overtime Meals	

X X X VENDOR DATA X X X

NUMBER [10]		SFX [2]	

SEP HDLG IND		CONTRACT AUTH. #	DIRECT PAY AUTH. CODE	

NAME 1 [40]
NAME 2 [40]
ADDRESS [40] Department of Correction

CITY [24]	STATE [2]	ZIP [9]

I HEREBY CERTIFY UNDER PENALTY OF PERJURY that the above claim and the items, amounts and statements as herein set out are true and correct; that no part thereof has been heretofore paid; that the amount claimed is justly due and is presented within one year after the last item thereof has accrued.

I HEREBY CERTIFY THAT THESE MATERIALS SERVICES HAVE BEEN RECEIVED AND ARE NECESS FOR USE IN THIS ORGANIZATION.

APPROVAL FOR PAYMENT

IF ANY QUESTIONS:

CALL _____ EXT. 2582

THE ABOVE CLAIM IS APPROVED FOR PAYMENT SUBJECT TO THE AVAILABILITY OF FUNDS.

BY: _____
DEPUTY CONTROLLER

REFERENCE DOCUMENT VOUCHER #
V

CLAIMANT

Please check location overtime worked

Phone # _____

Elmwood _____ Admin Booking _____
Laundry _____ Classification _____
Whse _____ CCW _____
Main Jail _____ Programs _____

I HEREBY CERTIFY THAT THE TOTAL AMOUNT SH ABOVE HAS BEEN ENTERED INTO STARS AS EXPENDITURE AGAINST THE NAMED ACCOUNT CODES.

BY: DEPT 240 DATE ENTERED

FREQUENTLY USED TRANSACTION CODES

230 - RECORD/INCREASE ACCOUNTS PAYABLE NOT PREV. ENCUMB. - BUDGETARY FUNDS
231 - RECORD/INCREASE ACCOUNTS PAYABLE NOT PREV. ENCUMB. - NON-BUDGETARY DLR ONLY
233 - RECORD/INCREASE ACCOUNTS PAYABLE PREV. ENCUMB.
234 - RECORD AR ACCOUNTS PAYABLE FOR A REVENUE REFUND - BUDGETARY FUNDS

COUNTY OF SANTA CLARA

Department of Correction Policy and Procedure Manual	**Policy Number:** 4.19 **No. of Pages:** 4 **Date of Origin:** 04 Oct 1993 **Date Revised:** 02 Feb 2004
Chapter: Financial Services	**Subject:** Employee Meal Service
Supersedes: Policy 4.19, rev. 12/18/03	**Distribution:**
References: Appropriate Labor Unit Bargaining Agreements Santa Clara County Procedures Manual, Department 102, Part III, Section 320.1 County of Santa Clara Merit System Rule A25-663.1	
Signature of Issuing Authority James W. Babcock, Chief of Correction	**Current Policy Review** **Date of Review:** 02 Feb 2004 **Revisions Made:** ☒Yes ☐No

POLICY: It is the policy of the Department of Correction to provide meals and snacks as authorized by contracts/agreements between the County and labor unions for their members. The Food Services Unit will provide meals to staff not covered under County contracts/agreements for a monetary fee.

PURPOSE: To provide a meal service for employees.

DEFINITIONS: Complimentary Meals: Free meals provided to employees or anyone authorized a free meal by the Department.

PROCEDURE:

I. Meal Services

A. The level of meal service available to staff authorized to consume county-furnished and prepared meals in custody facilities is as follows:

1. One meal per eight-hour or 10-hour work shift.

2. One meal and one snack per twelve-hour work shift.

B. The scope, scale, and content of such meals and snacks will be determined by the Food Services Unit and will be provided at a time most compatible with the work functions at each facility.

C. Staff will consume all food and condiments in the Staff Dining Room (SDR). Food and condiments are not to be taken back to the units. An exception will be

made for any officer that cannot be relieved from his or her post. In that case another officer may bring him or her a disposable container with food from the SDR to that officer.

II. Consumption of Complimentary Meals

A. Staff authorized to consume a complimentary meal in custody facilities are as listed below:

1. All badge staff, including contractual badge staff when assigned to work in a custody facility.

2. Food Services Unit staff when on duty during meal periods (all classes).

B. Inmates routinely assigned to work in the SDR may be given SDR food during their regularly scheduled break. However, staff will not give other inmates food from the SDR as work rewards without the permission of the Director of Food Services and Nutrition.

C. The Chief of Correction, Assistant Chief, Administrative Services Manager, Division Commanders or Unit Managers may authorize consumption of Complimentary Meals for a specific event by persons other than those contractually authorized; however, a single event authorization will not serve to establish any continuing right to such complimentary meals.

D. Staff or others assigned and working within custody facilities who are not authorized to receive a Complimentary Meal must prepay for such meals prior to consumption.

1. Meal tickets will be available for purchase during normal business hours in the Financial Services Unit or in the Elmwood Food Services Administration Office.

2. On nights and weekends, meals will be purchased on the honor system. Staff will place a pre-purchased meal ticket or $4.00 in the lock box slot.

E. It is the responsibility of the Food Services Unit staff to monitor persons consuming SDR meals for compliance with this policy. Any violations of this policy will be referred to the appropriate Supervisor.

F. All persons eating in the SDR will sign the daily meal sign-in sheet.

III. Reimbursement of Meals

A. If an employee is assigned to work overtime work contiguous to his or her regular work shift, that employee may be eligible for a second meal and time to eat same

or reimbursement of the cost of the meal actually purchased and consumed by the employee up to a maximum of $9.00. Eligibility is determined in accordance with Merit System Rules or as stipulated in the employee's memorandum of understanding.

1. To request meal reimbursement, the employee must complete and submit a blue "County of Santa Clara Voucher" form and forward it to their supervisor for approval.

2. The supervisor will verify that the employee is entitled to reimbursement and forward the form to the Financial Services Unit with payroll.

B. Whenever the duties and responsibilities of an employee require him or her to be present and on duty during the serving of meals, such employee will be entitled to that meal without charge.

1. If the employee misses the Complimentary Meal during his or her normal working shift because the employee is transporting and away from the facility, and if that meal is not otherwise provided, the employee may submit for reimbursement.

2. To request meal reimbursement for such cases, the employee must complete and submit a "Travel Authorization" form and a "County of Santa Clara Trip Expense Voucher" form to his or her supervisor.

3. The supervisor will verify that the employee is entitled to reimbursement and forward the forms to the Financial Services Unit.

IV. Disbursement of Meal Tickets

A. Food Services staff will generate numbered meal tickets for use in the SDR.

B. Food Services Unit staff at Elmwood and Financial Services Unit staff will keep a log in order to track the number of meal tickets sold. He or she will count and record the money collected.

C. A copy of the meal ticket log, along with the money from sales, will be forwarded to the Financial Services Unit by Food Services Unit staff. A Financial Services employee will sign the money delivery collection form and prepare a receipt.

D. All meal tickets or revenue reported missing or stolen must be treated as a cash shortage and appropriate procedures followed.

V. Policy Revision

A. All Department policies will be reviewed not less than once a year. The Professional Compliance and Audit Unit will establish an annual schedule identifying policies to be reviewed during a specific month.

TRAVEL AUTHORIZATION

Name of Travelling Individual Last First M.I.	Budget Unit Number
Relation to County [X] Employee [ ] Board Member/Aide [ ] Other (Specify)	Union [ ] CEMA [ ] 715 [ ] 535 [X] CFOA [ ] Exec. Mgmt.
Destination / Travel Agent Used	
Method of Transportation [ ] Air [ ] Private Auto [X] County Auto [ ] Carpool [ ] Other (Specify)	
Date and Time of Departure / Date and Time of Return	Regular Work Hours
Reason for Travel Hospital Guard	

Estimated Expenses

Air Fare , Other Public Carrier Expense or Air Fare Equivalent (Miles_____)	$
Lodging Single Rate _____ No. of Nights	
Meals _____ No. of Breakfasts _____ No. of Lunches _____ No. of Dinners	
Registration Fees	
Car Rental (must include statement of necessity)	
Other Expenses (Itemize)	
Total Estimated Expenses	$

INDEX (4)	ESBJ (4)	ED(2)	FABC(3)	PCA(5)	FUND (4)	PROJ (6)	PPH(2)	GRANT(6)	TASK (4)

I hereby certify that the above estimated expenses are reasonable and necessary for the performance of my services to the county.

X _____ _____ _____ X _____ _____ _____

Traveler's Signature Date Phone No Supv's Signature Date Phone No.

Within Contiguous 48 States, Authorized by: Outside Contiguous 48 States, Authorized By:

_____ _____ _____ _____

Dept Head/Designee Date County Executive Date

Controller-Treasurer Dept. Use Only:

	Date Paid	P V Number	Amount	Comments
Cash Advance				
Lodging Advance				
Registration				
Air Fare				
Car Rental				
Trip Expense				
Other Charges				

REV 10/98 REORDER CODE 963248

COUNTY OF SANTA CLARA
TRIP EXPENSE VOUCHER

DAF-PO4

DEPT. # (3)	CURR DOCUMENT # (8)	DOCUMENT DATE (6)	VENDOR NUMBER (10)	SFX (2)
	V	MMDDYY		

VENDOR NAME 1 (40)

VENDOR NAME 2 (40)

ADDRESS OR DEPARTMENT NAME (40) (REQUIRED FIELD FOR VENDOR NUMBERS)

CITY (23) | STATE (2) | Zip (9)

INDICATE UNION OR EXEC. MGMT.:
☐ATU ☐715 ☐_____
☐CEMA ☐EXEC. MGMT.

DEPARTMENT: _____
If any questions call:
_____ at _____
Name (Type or Print)

Employee (s) _____

Destination _____

Means of Travel _____

Date Left _____ Date Returned _____

Time Left _____ A.M. P.M. Time Returned _____ A.M. P.M.

Regular work hours: _____

#Prisoners _____ Meals: B _____ L _____ D _____

	AMOUNT
Air Fare Equivalent (Miles _____)	
Air Fare or other Public Carrier Expense	
_____ Breakfast	
_____ Lunch X $	
_____ Dinner	
_____ Hotel (Single Rate)	
_____ Auto Rental	
_____ Registration	
sub total	
Less Amount Charged	
Less Expense Advance	
TOTAL	

Miscellaneous Lunch while assigned hospital duty

REPORT MILEAGE ON MILEAGE VOUCHER
ITEMIZE ALL EXPENSES
FURNISH RECEIPTS FOR ALL LODGING REGARDLESS OF AMOUNT AND FOR ALL OTHER EXPENSES IN EXCESS OF $10.00

SFX (2)	T/C (3)	INDEX (4)	ESBJ (4)	ED (2)	FABC (3)	PCA (5)	FUND (4)	FD (2)	GLA (4)	SUB ACCT (6)	PROJECT (6)	PPH (2)	GRANT (6)	GPH (2)	TASK (4)
01	230														

FAC (4)	LOC (6)	CRC (4)	CI (1)	MPC (10)	DMI	DESCRIPTION (30)	NOTE: For multiple accounting distribution, use payment voucher transmittal DAF-PO1
					R		

I hereby certify under penalty of perjury that the above claim is true and correct and was incurred in the performance of my official duties, in accordance with Travel Ordinance A31.

CLAIMANT: _____

APPROVED: _____

I hereby certify that the total amount shown has been entered into STARS as an expenditure against the named accounting codes.

By: _____

Date Accepted by STARS: _____
The above payments approved for payment subject to availability of funds.

By: _____
DEPUTY CONTROLLER

COUNTY OF SANTA CLARA

Department of Correction Policy and Procedure Manual	**Policy Number:** 4.21 **No. of Pages:** 3 **Date of Origin:** 04 Oct 1993 **Date Revised:** 28 Mar 2001
Chapter: Financial Services	**Subject:** Travel Expenses
Supersedes: All Previous Orders	**Distribution:**
References: County Ordinance Section A31-7, Section 31-2(b), Section A31-1	
Signature of Issuing Authority: Chief of Correction	**Current Policy Review:** **Date of Review:** 28 Mar 2001 **Revisions Made:** ☒Yes ☐No

POLICY: It is the policy of the Department of Correction and Santa Clara County to reimburse personnel for travel expenses officially incurred as a result of a Department-required activity.

PURPOSE: To provide guidelines for the reimbursement of travel expenses incurred as a result of a Department-required activity.

PROCEDURE:

I. Travel Outside the County

A. County employees required to travel outside the County in the performance of their duties will receive reimbursement for necessary expenditures for the following expenses:

1. Transportation
2. Registration and tuition fees
3. Lodging
4 Meals
5. Car storage

B. Maximum amount reimbursed will be quoted on the Santa Clara County Travel Request Form and must be approved by the proper authority, as provided in County Ordinance A31-1.

C. Before a trip is made a "Travel Request Form," showing the estimated cost, is to be submitted to the employee's Division Commander/Unit Manager for approval, then forwarded to the Chief of Correction or his designee for authorization.

D. Once the Travel Request Form is approved, the employee may request an advance of funds for travel expenses in accordance with County Ordinance Section A31-7.

E. A Trip Expense Voucher for a cash advance will be prepared and signed by claimant employee.

1. The employee who receives an advance for his/her travel, must forward within ten days of his/her return trip an itemized account of his/her expenses through a "Trip Expense Voucher" to the Financial Services Division.

2. The employee will reimburse the County any unexpended amount.

F. The information listed below must be included on the "Trip Expense Voucher" in order to claim and be reimbursed for travel expenses:

1. Transportation: Actual cost of transportation.

2. Lodging: Normal amount is allowed at the headquarters of the convention, conference or training course. A receipt must be attached.

3. Meals: Maximum authorized amounts listed on approved Travel Request Form.

4. Rental Car: Must be authorized on the approved "Travel Request Form." Credit cards for car rental can be picked up at the Financial Service Division. Purchase fuel outside of the car rental agency and return vehicle with a full tank.

5. General Receipts for expenditures pertaining to the trip in excess of $10.00 must be attached.

II. Travel Within the County

A. When travel commences more that two hours prior to or extends more than two hours beyond the normal working day, employees will be reimbursed for meals. Prior approval must be obtained from the Division Commander/Unit Manager.

III. Other Related Travel Expenses

A. The Revolving Fund may be used to finance trips for transportation of inmates, or investigations. Upon returning, all claims must be filed for reimbursement to the Revolving Fund or individuals.

B. The information listed below must be included on a "Trip Expense Voucher" with a mandatory explanation.

1. County car: For gas or diesel fuels, credit cards belonging to Santa Clara County must be used. They may be picked up from the Transportation Commander. Upon return, fuel receipts must be turned in with the credit card.

2. Private car: County approval through Form EXC-17 must be obtained before payment will be made.

3. All Tickets: Tickets for air or rail must be purchased through the Financial Services Division.

IV. Inmate Transfer Receipts

A. All Inmate Transfer Receipts received from State institutions on the delivery of inmates must be attached to, or accompany the "Trip Expense Voucher."

V. Policy Revision

A. All Department policies will be reviewed not less than once a year. The Professional Compliance and Audit Unit will establish an annual schedule identifying policies to be reviewed during a specific month.

COUNTY OF SANTA CLARA

Department of Correction Policy and Procedure Manual	**Policy Number:** 4.27 **No. of Pages:** 3 **Date of Origin:** 18 Jun 1993 **Date Revised:** 30 Nov 2000
Chapter: Fiscal Management	**Subject:** Inmate Welfare Fund
Supersedes: All Previous Orders	**Distribution:**
References: ACA 3-ALDF-1B-16 1B-17,1B-18, Penal Code Sections 4025 and 4026	
Signature of Issuing Authority Chief of Correction	**Current Policy Review** **Date of Review:** 30 Nov 2000 **Revisions Made:** ☒Yes ☐No

POLICY: It is the policy of the Department of Correction, through the Inmate Welfare Fund Management Analyst and under the direction of the Chief of Correction, to establish and govern the operation of an Inmate Welfare Fund. Any interest earned on the monies other than operating funds accrues to the benefit of the inmate.

PURPOSE: To describe proper utilization of the Inmate Welfare Fund.

APPLICABILITY: All inmates and employees involved in the maintenance and operation of the Inmate Welfare Fund.

RESPONSIBILITY: Under the direction of the Chief of Correction, the Inmate Welfare Fund Management Analyst is responsible for overseeing the Inmate Welfare Fund budget. Financial Services Division personnel are responsible for processing payments and related accounting functions. Program Managers are responsible for the development, management and evaluation of all inmate programs.

DEFINITIONS: Inmate Welfare Fund: A trust account composed of profits from commissary sales, telephone use, a portion of gross profits from the sale of inmate-produced items and accrued interest.

PROCEDURE

I. Inmate Welfare Fund Expenditures

A. Inmate Welfare Funds will not be used to pay the cost of any mandated expenses associated with confining inmates in a local detention system that include, but are not limited to, inmate meals, clothing, housing or medical services.

B. When for the benefit of recreation, education or welfare of inmates, appropriate expenditures include, but are not limited to:

1. Supplies, equipment and tools.

2. Contracted services for inmate programs.

3. Salaries and benefits of staff assigned to provide for inmate programs and services.

II. Public Information Plan

A. As required in Title 15, Section 1045, inmates will have available to them, by request, the Inmate Welfare Fund Financial Statements. The Financial Statements are submitted to the County Board of Supervisors annually.

III. Inmate Commissary

A. The Department of Correction will provide the opportunity for inmates to purchase confectionery, supplies, postage, writing materials, toilet articles and hygiene products.

B. Sales prices of the commissary items will be fixed by the IWF Committee. Any profit will be deposited to the Inmate Welfare Fund and kept in the County treasury.

C. If any inmate-produced items are sold for profit, the Department will deposit ten percent of all gross profits into the Inmate Welfare Fund.

D. The Department will deposit in the Inmate Welfare Fund, any money, refund, rebate or commission received from commissary sales, a telephone company, or a pay telephone provider when the money, refund, rebate or commission is attributable to the sale of items to, or use of telephones by inmates.

E. The money deposited in the Inmate Welfare Fund will be expended primarily for the benefit, education and welfare of the inmates confined within the Department of Correction.

F. Any funds that are not needed for the welfare of the inmates may be expended for the maintenance of the jail facilities. Maintenance of County Jail facilities may include, but is not limited to, the salary and benefits of personnel used in the programs to benefit the inmates, including, but not limited to:

1. Education

2. Drug and alcohol treatment

3. Welfare

4. Library

5. Accounting

6. Other programs deemed appropriate by the IWF Committee.

IV. Policy Revision

A. All Department policies will be reviewed not less than once a year. The Professional Compliance and Audit Unit will establish an annual schedule identifying policies to be reviewed during a specific month.

COUNTY OF SANTA CLARA

Department of Correction Policy and Procedure Manual	**Policy Number:** 4.31 **No. of Pages:** 5 **Date of Origin:** 08 Sep 2008 **Date of Revision:** New Policy
Chapter: Financial Services	**Subject:** Balancing Facility Funds
Supersedes: Elmwood Procedure 202	**Distribution:**
References: ACA 3-ALDF-1B-19, 1B-20	
Signature of Issuing Authority Edward C. Flores, Chief of Correction	**Current Policy Review** **Date of Review:** New Policy **Revisions Made:** ☐Yes ☐No

POLICY: It is the policy of the Department of Correction to ensure all monies at each facility are accounted for by conducting regular cash register money counts.

PURPOSE: To provide guidelines for counting and recording cash register activity at designated times at each facility.

DEFINITIONS: CSA: Custody Support Assistant

PROCEDURE:

I. Facility Shift Balancing Count Schedules

A. The Main Jail Complex conducts the beginning and end shift balancing counts listed below. The money count will be conducted by a CSA.

1. 0700-1500 hours
2. 1500-2300 hours
3. 2300-0700 hours

B. The Elmwood Complex conducts the beginning and end shift balancing counts listed below. The money count will be conducted by a Processing Officer.

1. 0600-1800 hours
2. 1800-0600 hours

II. Beginning of Shift Money Count

A. At the beginning of each shift, the Processing Officer or CSA shall count all money in the cash tray and box. (Located at Elmwood Processing or Main Jail Property Room) The officer or CSA shall record and total the cash counted.

B. The Processing Officer or CSA shall compare his totals with the total from the Fund Balancing Report completed by the previous shift.

C. If the totals match, the Processing Officer or CSA shall place his/her initials and badge number in the "Sign In" box on the Fund Balancing Report.

D. The Processing Officer or CSA shall make two (2) copies each of the Fund Balancing Report and Money Count Sheet and distribute as follows:

1. Place one copy on the clipboard in Processing and forward the second copy to Administration.

2. Insert the original Fund Balancing Report, the original Cash Disbursement History, Warrant stubs, approved cash over or short reports, and Cash replenishment document from the end of Shift money count in the manila envelope and seal. (Night Shift) will deposit the envelope in the accounting safe and (Day Shift) will transport to Financial Services, except weekends.

III. End of Shift Money Count

A. At the end of each shift, the designated Processing Officer or CSA shall initiate the Money Count Procedure. The sequence of steps shall be as follows:

1. From the computer Commissary File, go to "Reports" and print the Cash Disbursement History for the period covering the corresponding shift.

2. Using a calculator, calculate the cash and total the disbursements for the shift.

3. Count the money in the cash tray, noting the total for each denomination on the Money Count Sheet.

4. Count the money in the reserve box, noting the total for each denomination on the Money Count Sheet.

5. On the Money Count Sheet add each line across to determine the total for each denomination, and then add the last column to determine the "REVOLVING CASH BALANCE."

6. The Processing Officer or CSA shall complete the upper portion of the Fund Balancing Report as follows:

a. Check the facility box.

b. Write the date and time of the sign-out procedure.

c. Initial name and badge number in the "SIGN OUT" box.

d. Record the ending cash count from the preceding shift on the CASH COUNT PRECEDING SHIFT line.

e. Record the total of any replenishment money that was received during the shift on the REPLENISHMENT RECEIVED line.

f. Record the amount of cash disbursed verified from the Cash Disbursement History printout on the UNREPLENISHED CASH DISBUR VOUCHERS line.

g. Calculate the balance and enter total on the REVOLVING CASH BALANCE line.

7. Transfer the money count from the Money Count Sheet used in Step #5 above to the lower section of the Fund Balancing Report. The TOTAL CASH COUNT should equal the REVOLVING CASH BALANCE on the upper portion of the report.

8. If the totals are not equal, the Processing Officer or CSA shall:

a. Recount the money in the cash tray and box.

b. Re-total the cash disbursed during the shift from the Cash Disbursement History.

c. Be sure that the replenishment received and the preceding shift count were correctly recorded.

9. If a discrepancy remains on the totals, a second Processing Officer or CSA shall repeat Step 8 above.

B. If the Processing Officer or CSA is unable to balance the Fund Balancing Report, the Processing Officer or CSA shall complete the following:

1. If the REVOLVING CASH BALANCE is greater than the TOTAL CASH COUNT, subtract the cash count from the revolving balance and record that number on the CASH OVER (SHORT) line, highlighting the word "SHORT."

2. If the REVOLVING CASH BALANCE is less than the TOTAL CASH COUNT, subtract the revolving balance from the cash count and record that number on the CASH OVER (SHORT) line, highlighting the word "OVER."

3. The Processing Officer or CSA shall report any cash overage or shortage on a blue CASH OVER OR SHORT report form.

a. The Processing Officer or CSA shall fill in the date, badge number (cashier number) and the amount over or short.

b. The Processing Officer or CSA shall indicate in the Remarks section any reason or condition that may justify the overage or shortage (i.e. opening a roll of coins and finding too few or too many).

4. The Processing Officer or CSA shall submit the report of discrepancy to the Team Sergeant or CSA supervisor. The supervisor will initial the report, generate a copy of the report, and forward the copy to the Division Commander.

C. When the cash count has been completed, the Processing Officer or CSA shall complete the following steps:

1. Make two (2) copies of the Cash Disbursement History and two (2) copies each of the Fund Balancing Report and Money Count Sheet.

2. Legibly print the facility name, date, time, team, officer initials, and badge number on the front of a small 6 ½ x 9 ½ manila envelope.

3. Insert the original Cash Disbursement History, Fund Balancing Report, Money Count Sheet, warrant stubs, approved Cash Over or Short Reports and any cash replenishment documents into the envelope. DO NOT SEAL THE ENVELOPE.

4. Separate the remaining copies into two (2) complete sets and staple them together.

5. The officer or CSA shall leave the unsealed envelope in a secured designated area with appropriate copies for the on-coming staff to review.

IV. Replenishment Cash

A. Replenishment cash is normally picked up at Financial Services Division by Main Jail staff Tuesdays and Thursdays. Elmwood staff will replenish on Mondays and Fridays.

B. The Processing Officer or CSA will unlock the security bag and verify that the plastic bag containing the replenishment cash is sealed and undamaged. Any evidence of tampering will be immediately reported to the Administrative Sergeant or CSA supervisor.

C. The Processing Officer or CSA shall open the bag and remove the contents.

D. The Processing Officer or CSA shall count each denomination and record the total of each on a Money Count Sheet. Using a calculator, the Processing Officer or CSA shall total the column and match it with the total indicated on the receipt enclosed with the money.

E. If the totals match, the Processing Officer or CSA shall submit the Money Count Sheet as part of the ending shift count procedure.

F. Any overages or shortages must be reported to the Administrative Sergeant or CSA supervisor and noted on a Cash Over or Short report which is submitted as part of the ending shift count procedure.

V. Policy Revision

A. All Department policies will be reviewed not less than once a year. The Professional Compliance and Audit Unit will establish an annual schedule identifying policies to be reviewed during a specific month.

COUNTY OF SANTA CLARA

Department of Correction Policy and Procedure Manual	**Policy Number:** 5.07 **No. of Pages:** 4 **Date of Origin:** 08 Apr 1998 **Date of Revision:** 13 Nov 2003
Chapter: Information Systems	**Subject:** Automated Fingerprint Identification System (AFIS)
Supersedes: 5.06, AFIS (Automated Fingerprint Identification System) rev 05/05/98	**Distribution:**
References: Requirement Specification for the Santa Clara County Automated Fingerprint Identification System, 1998	
Signature of Issuing Authority James W. Babcock, Chief of Correction	**Current Policy Review** **Date of Review:** 13 Nov 2003 **Revisions Made:** ☒Yes ☐No

POLICY: It is the policy of the Department of Correction to ensure positive identification of all arrestees through the use of the Automated Fingerprint Identification System.

PURPOSE: To establish guidelines for the proper use of the Automated Fingerprint Identification System and associated equipment.

DEFINITIONS:

AFIS Booking: Arrestee fingerprinted at the Live Scan, resulting in positive identification, photographs, booking number (CEN), and Personal Filing Number (PFN).

Criminal Justice Information Control (CJIC/2): An intergovernmental computer-based information system that provides information concerning the nature of prior and current involvement in the criminal justice process. CJIC/2 provides rapid access to data about prior criminal history and about the current status of individuals in the criminal justice process. CJIC/2 contains County based information only.

Remote AFIS Booking: Preprocessing of a subject and partial or full CJIC/2 entry at a law enforcement agency. The subject may be released directly from the law enforcement agency, or transported to the Department of Correction.

Remote Booking: An arrest and booking conducted, at least in part, at a law enforcement agency, resulting in partial or full CJIC/2 entry and assignment of a CJIC/2 generated CEN, but subject's identity has not been verified by AFIS.

PROCEDURE:

I. AFIS

A. AFIS is an integrated identification system shared by Santa Clara County law enforcement agencies. AFIS positively identifies arrestees that have been previously issued Personal Filing Numbers (PFN) through CJIC/2.

B. AFIS interfaces with CJIC/2 and San Jose Police Department's Central Identification Unit (CIU). The Department utilizes AFIS through Live Scans and Single Finger Identity Scans.

1. Live Scans and Single Finger Scans capture demographic information and fingerprint impressions of arrestees and electronically send the captured data to San Jose Police Department's Central Identification Unit fingerprint database, where it is searched against fingerprint impression records on file within that database.

a. If the CIU database finds a positive match on the fingerprints, AFIS will send the assigned PFN and a CJIC/2 generated booking number back to the Live Scan.

b. If the CIU database does not find a match on the fingerprints, AFIS will send a new CJIC/2 generated PFN and a CJIC/2 generated booking number back to the Live Scan.

C. Other law enforcement agencies within the County that have preprocessing sites equipped with Live Scan equipment may perform Remote AFIS Bookings or Remote Bookings.

II. AFIS Coordinators

A. The Professional Compliance Commander will act as the Department's AFIS Representative for issues relating to Department use and operation of AFIS.

B. The ACJCS, under direction of the Professional Compliance Commander will assume the role of Department AFIS Coordinator. As the Department AFIS Coordinator, the ACJCS will act as Department liaison with outside agencies on matters related to AFIS and provide assistance to Live Scan Coordinators as needed.

C. Live Scan Coordinators are officers that are trained on the use of Live Scan devices and AFIS. Live Scan Coordinators perform specific security, maintenance and training related Live Scan/AFIS functions including, but not limited to:

1. Training staff on the proper use of Live Scan devices and associated printers.

2. Modifying, adding, or deleting user accounts including setting or resetting user passwords.

3. Shutting down, restoring power, or re-booting the system, as necessary.

4. Calibrating Touch Screens and Fingerprint Acquisition Systems (FAS) as needed.

5. Investigating and resolving error messages on console log window.

6. Providing routine maintenance to Live Scan devices, including:

   a. Cleaning touch screens and fingerprint scanning glass
   b. Inspecting cooling fans and intake air filters
   c. Cleaning monitors and cabinet exteriors
   d. Adding paper, changing toner cartridges, and cleaning laser printers, as needed.

7. Providing assistance associated with the AFIS or Live Scan devices to other Department facilities, as needed.

D. Division Commanders will ensure that an appropriate number of Live Scan Coordinators are available on each team at their respective facilities.

III. AFIS System Off-Line

A. In the event that AFIS goes off-line, the on-duty Live Scan Coordinator will immediately investigate for the cause of the problem and attempt to restore the system to operational status.

1. If the Live Scan Coordinator is unable to restore the system, he or she will contact the CIU AFIS Administrator at 277-5104 for further assistance in restoring the system.

2. If the AFIS Administrator cannot restore the system, he or she will contact an on-call vendor system engineer to respond and restore the system. The AFIS vendor supports the system with 24 hour, seven-day a week on-call assistance.

3. In most cases, a problem with AFIS or the Live Scan can be resolved in less than three hours and the booking process will only be delayed.

B. If the system is not restored within three hours, the Booking Sergeant may authorize off-line booking.

1. When off-line booking is utilized and the identification process is postponed temporarily, the booking process may be modified as follows:

   a. The intake/booking officer will receive the booking paperwork and complete the booking process using CJIC/2 to issue a booking number and to search for an existing PFN.

   b. The booking packet with the CJIC/2 issued booking number will be forwarded to the ID Officer who will complete the identification process once AFIS resumes operation.

   c. When AFIS is back on-line, the ID Officer will enter the CJIC/2 issued booking number as the existing booking number and take the arrestee's fingerprint impressions.

2. In the event that AFIS or Live Scan is down indefinitely or longer than twenty-four hours, the off-line booking process may include modifying the identification process as follows:

   a. Fingerprint impressions will be ink rolled on fingerprint cards and on the Pre-booking ID Sheet.

   b. Supplies such as inkpads, rollers, and fingerprint cards are kept in storage by the Watch Commander and may be used for such emergencies.

   c. The ID Officer will forward the fingerprint cards and ID Sheets to the Sheriff's Office Records Unit, who will forward the fingerprint cards to the Department of Justice.

   d. At the discretion of the Division Commander, arrestee's may be fingerprinted again at a later date and time to add their fingerprint impressions to the automated system.

C. AFIS may be affected when CIU or CJIC/2 are off-line. If the Live Scan is working properly but has a connection problem with CJIC/2 or CIU, staff may continue to use the Live Scan to store fingerprint impressions for transmission once the connection is restored.

IV. Policy Revision

A. All Department policies will be reviewed not less than once a year. The Professional Compliance and Audit Unit will establish an annual schedule identifying policies to be reviewed during a specific month.

COUNTY OF SANTA CLARA

Department of Correction Policy and Procedure Manual	**Policy Number:** 5.09 **No. of Pages:** 6 **Date of Origin:** 13 Nov 2003 **Date of Revision:** 13 Nov 2003
Chapter: Information Systems	**Subject:** Victim Information Notification Everyday (VINE)
Supersedes: Policy 5.09, Victim Information Notification Everyday (VINE) rev.11/13/03	**Distribution:**
References: California Penal Code, Sections 646.9, 646.92, 4018.6; California Family Code, Section 6211	
Signature of Issuing Authority Edward C. Flores, Chief of Correction	**Current Policy Review** **Date of Review:** 21 Mar 2010 **Revisions Made:** ☐ Yes ☒ No

POLICY: It is the policy of the Department of Correction to give notice of the release of any person who is convicted of violating PC 646.9 or a felony offense involving domestic violence, as defined in Section 6211 of the Family Code, or to any person the court identifies as a victim of the offense or a witness to the offense.

PURPOSE: To establish uniform guidelines for victim notification in accordance with PC 646.9 via the VINE system.

DEFINITIONS:

Criminal Justice Information Control (CJIC/2): An intergovernmental computer-based information system that provides information concerning the nature of prior and current involvement of an individual in the criminal justice process. CJIC/2 contains County based information only.

Escorted Release: Inmates temporarily released from the custody of the Department of Correction to that of another law enforcement agency.

TSO Status: Court ordered, unsentenced inmates temporarily released to the custody of a law enforcement agency.

TSOS Status: Court ordered, sentenced inmates temporarily released to the custody of a law enforcement agency.

Unescorted Releases: Inmates temporarily released from our custody without the supervision of a Department of Correction officer, or any other authorized law enforcement officer.

4018.6 Furlough: An inmate request for a pre-release furlough approved under the provisions of Penal Code Section 4018.6. Unless exigent circumstances exist, these inmates are unescorted inmates and are placed in TSO Status until their return to custody.

PROCEDURE:

I. Victim Information and Notification Everyday (VINE)

A. The VINE system is a fully automated victim notification and inmate custody information service contracted by the County through the Appriss Company. Appriss provides VINE service to customers throughout the United States.

B. The VINE system provides users with inmate custody, court, and arrest information in a matter of minutes anywhere in the United States. Users can access inmate custody status, location and other inmate information anonymously 24 hours a day, 365 days a year, with live operator assistance if needed.

C. The County's contracted VINE service is composed of the following functions:

1. Victim Information Line
2. Automated victim notifications
3. Public pay-per-call line

D. The VINE system works in conjunction with information that is entered into CJIC/2.

II. Victim Information Line

A. The Victim Information Line is a toll free number that provides the caller with access to information on the custody status of an inmate. Callers may also use this toll free line to register for the VINE systems automated victim notification service, which notifies registered victims of inmate releases.

B. The Victim Information Line will only allow a caller to find out if an inmate is in custody. It will not give out details of bail, charges or other inmate information that is available through the VINE system's pay-per-call JAIL line.

C. The Victim Information Line will be supported in English, Spanish and Vietnamese languages.

III. Automated Notification Calls/Letters

A. The VINE system will monitor inmate release activity via data that has been transmitted from CJIC/2 and immediately begins the registered victim notification processes when one of the following scenarios occurs:

1. Release of the associated inmate from jail due to bail, escape, expiration of sentence or temporary sign-out. This message will simply indicate that the inmate is no longer in custody. In this instance, the registered victim must use their PIN code to confirm the notification from VINE.

a. In these scenarios, the VINE system will call the registered victims at thirty-minute intervals until a person or answering machine answers the line. Once the system makes contact with a person or answering machine, the system will continue to call the registered victim every two hours until, he or she enters their correct confirmation PIN code into the system or twenty-four hours have passed. The victim's PIN code allows the VINE system to confirm that the victim has received the message.

b. In the scenario of a scheduled release, the VINE system will notify registered victims of the upcoming release fifteen days prior to the inmate's scheduled release date or upon sentencing if the release date is less than fifteen days away.

1) The system will call victims until the notification message is acknowledged or twenty-four hours have passed. It will continue to call at thirty-minute intervals until the notification is confirmed or twenty-four hours have passed.

2) If the registered victim cannot be reached by telephone within the twenty-four hour time period, the next morning the VINE system will automatically prepare notification letters for all registered victims not reached by telephone and for whom the Department of Correction has entered a name and address.

c. When the inmate is actually released from custody, the system will call the registered victim within ten to fifteen minutes and notify him or her that the inmate has been released from custody. If the victim cannot be reached, the system will continue calling as previously described until confirmation of the message is obtained through the victim's PIN code.

2. Transfer of the associated inmate to another facility outside of Santa Clara County. This message will indicate to the registered victim that the inmate

is being transferred to a law enforcement agency outside Santa Clara County. If more information is needed, the victim can call the Administrative Booking Unit at 299-2306.

3. Temporary release of the associated inmate via temporary sign-out status, court order or Penal Code 4018.6 furlough. This message will indicate that the inmate has temporarily been released.

B. Each day, the VINE system will forward a report to the Department showing all successful victim notifications performed by the system. The report will indicate whether notifications were made by telephone or letter.

IV. Jail Access Information Line (JAIL) Service

A. The JAIL service is a twenty-four hour public pay-per-call phone service provided through the VINE system that allows callers access to information on inmates including, but not limited to:

1. Inmate housing location
2. Inmate charges
3. Inmate bail amount
4. Information about posting bail
5. Visitation information
6. Next court appearance, date and time

B. To access inmate information when calling, callers will need to input the particular inmate's personal filing number, booking number, name or offense case number to obtain information.

C. Callers to this service will be charged a per-call access fee on their telephone bill. Only local callers from billable phones can use this service. Those outside of the Santa Clara County calling area will not be able to use this service. A 1-900 line for callers outside of the local area will be provided by the VINE system.

V. CJIC/2 Data Input and VINE Notifications

A. Scheduled Releases

1. Administrative Booking staff will notify the Release Officer, via a CJIC/2 "JNOT" message, of inmates scheduled for release. The "JNOT" message will include:

a. Inmate's name and booking number
b. Inmate's housing location
c. Type of release

2. The Release Officer will process the releases in accordance with Department policy and procedure. The Release Officer is responsible for entering the appropriate information into CJIC/2 via the "JIUR" release code prior to the inmate physically exiting the facility.

   a. If the Network System is down, but CJIC/2 is up, the Release Officer must enter the release information into CJIC/2 terminal located at the Release Station via the "JIUR" release code prior to the inmate exiting the facility.

   b. If CJIC/2 is down and VINE is up, the Release Officer must contact Administrative Booking to update the VINE terminal prior to the inmate exiting the facility. Once CJIC/2 is up, the Release Officer must update the release information in CJIC/2.

   c. If VINE and CJIC/2 are down, the Release Officer must call Administrative Booking to notify them of the VINE release. Administrative Booking will call the appropriate telephone number to notify the victim of the scheduled release. The Release Officer will wait for the Administrative Booking Unit to advise that the VINE terminal has been updated prior to the inmate being released.

B. Other Releases

1. Inmates that are TSO/TSOS releases, program releases, prison releases or releases to other agencies will have their status updated in CJIC/2 using the appropriate code for the particular type of release.

   a. The update must be completed prior to the inmate exiting the facility.

   b. The VINE System will then make appropriate notifications to affected registered victims. The victim will not be removed from the VINE database until the inmate is permanently released.

   c. If CJIC/2 is down and the inmate is an Escorted Release, do not delay the transporting agency. The releasing officer must contact Administrative Booking to update the VINE terminal or call the 800 number to notify VINE of the temporary release.

C. Release In Error

1. In the event that a release in error occurs, such as the releasing officer enters the wrong booking number, the releasing officer will implement the following actions:

a. Notify Administrative Booking Unit of the errant release.

b. Run the JJQC query to determine the exact date and time of release as entered in CJIC/2.

c. Run the "JIAC" query in CJIC/2 to reactivate and restore the release into custody in CJIC/2 and into VINE.

1) The Release Officer must enter the booking number, PFN and the exact date and time of release.

2) Once accepted, VINE will automatically be reactivated.

VI. CJIC/2 Timely Victim Notification Report

A. The County CJIC Office will forward a monthly Timely Victim Notification Report to the Department's Administration regarding the performance of staff involved in the release of inmates from custody as it relates to the timely notification of victims and others registered on the VINE system.

VII. Vine Block

A. A VINE block is a method of removing an inmate's Personal Filing Number from the VINE System.

B. A VINE block may be requested by an inmate or initiated by the Classification Commander without request from the inmate based on such factors including, but not limited to:

1. Major threats to security
2. High profile inmate

C. The Classification Unit will be responsible for reviewing requests by inmates for VINE blocking.

D. Inmates may request a VINE block via an Inmate Request Form forwarded to the Classification Commander. Inmates requesting a block will be considered on a case by case basis.

E. The Classification Commander will be responsible for the final approval or denial for inmate requests for VINE System blocking.

VIII. Policy Revision

A. All Department policies will be reviewed by the Professional Compliance and Audit Unit.

COUNTY OF SANTA CLARA

Department of Correction Policy and Procedure Manual	Policy Number: 6.01 No. of Pages: 5 Date of Origin: 02 Mar 2006 Date Revised: new
Chapter: Training and Staff Development	**Subject:** Central Training Unit
Supersedes: none	**Distribution:**
References: California Code of Regulations, Title 15 Sections 1020, 1021, 1023, 1025	
Signature of Issuing Authority Edward C. Flores, Chief of Correction	**Current Policy Review** **Date of Review:** new **Revisions Made:** ☐Yes ☐No

POLICY: It is the policy of the Department of Correction to maintain a training support unit that assists each staff member in maintaining proper job performance and assist with their professional development consistent with the Department's Mission.

PURPOSE: To describe the Central Training Unit and outline it's relationship to Department training goals, objectives and philosophies.

DEFINITIONS: STC: Standards and Training for Corrections.

Training: An organized, planned, and evaluated activity designed to achieve specific learning objectives through classroom, computer-based or guided on-the-job instruction.

PROCEDURE:

I. Central Training Unit - Objectives and Responsibilities

A. The Central Training Unit is a specialized unit that manages and facilitates training programs for Department badge staff under the direction and supervision of a Training Manager or other designated representative.

B. The overall objective of the Central Training Unit is to provide Department employees with quality training programs of instruction aimed at improving employee performance, facilitating the professional development of employees and assist the Department in achieving its stated goals and objectives.

1. Training programs will be based on needs assessments and task analysis designed to ensure training integrity, quality and credibility.

a. Training programs should be assessed on such factors as current position requirements, professional development needs, current correctional issues and any new theories, techniques and technologies related to the delivery or dissemination of training.

b. Assessments may entail observation and analysis of job tasks, formal staff surveys, individual and group interviews and review of training evaluations and various departmental reports and documents.

c. Individual and unit specific training programs may be customized and tailored to meet specialized assignment requirements.

2. Training programs produced or sponsored by the Department will be student-centered and performance-based, achieve specific learning objectives and results, which can be identified, and maintain a constant sensitivity and responsiveness to the community, Department and work environment.

3. Training programs may be administered and disseminated through various means including, but not limited to:

a. Prepackaged programs of instruction prepared by private providers or other agencies and organizations.

b. Interactive audio-visual, computer based, distance learning and satellite training programs of instruction.

c. Outside training specialists or in-house instructors who provide in-house training or off-site training at other locations.

C. Central Training Unit staff responsibilities include, but are not limited to:

1. Plan, develop and coordinate the facilitation of:

a. The annual Department Training Plan, which outlines the program elements, requirements, resources and schedules that will be utilized and implemented to meet Department training goals and objectives and STC compliance requirements for the upcoming fiscal year.

1) The Training Plan will be developed from information provided by the Training Advisory Committee (refer to section II) and based on an assessment of training needs and current and future job related requirements.

2) The Training Plan will outline provisions for providing for an ongoing formal evaluation of all training activities scheduled and completed throughout the course of each annual Training Plan.

3) The Training Plan will include a review and assessment of the allocation of funding to accomplish projected training activities, as well as a calendar of projected training dates and a specific time schedule proposed for the accomplishment of all approved training for the upcoming fiscal year.

b. The correctional officer academy, including agency specific training programs and the Adult Corrections Officer Core training program (administered by the South Bay Regional Public Safety Consortium).

c. Division specific core and supplemental training requirements.

d. STC training requirements.

1) Ensure that badge staff meet or exceed the annual Standards and Training for Corrections (STC) compliance requirements consistent with Titles 15 and 24 of the California Administrative Code and Section 6035 of the California Penal Code.

2) Ensure timely enrollment of selected staff into appropriate Supervisor and Manager/Administrator Core Training to be completed within the first year of assignment as a supervisor, manager or administrator.

2. Maintain badge staff Central Training files.

3. Maintain accurate tracking data of training programs (e.g. compliance information, attendance information, completion information and evaluation information).

4. Maintain current listing of certified in-house training instructors that are available to administer programs of instruction to Department employees.

5. Serve as a resource for staff as they continue their educational and professional development, which may include:

a. Providing staff advisory support.

b. Encouraging attendance of approved professional meetings, seminars, workshops and similar work-related activities.

c. Providing library reference services in support of training and staff development programs.

d. Coordinating and sponsoring guest lectures and workshops for the purpose of delivering current information and education to specific audiences by acknowledged subject matter experts.

6. Coordinate the use of available alternative training resources from the public, private agencies, private industry, colleges and libraries.

7. Coordinate the facilitation of training programs with Division/Unit training representatives (e.g. Jail Training Officers, Administrative Sergeants).

8. Manage and administer the Department's Career Incentive Program (CIP).

II. Training Advisory Committee

A. The Department shall establish a Training Advisory Committee consisting of the Department Training Manager and designated representatives from each division/unit who will represent their respective division/unit on the committee.

1. Committee representatives should possess knowledge of current staff development and training practices.

2. Committee representative responsibilities include, but are not limited to:

a. Addressing their division's/unit's training needs and concerns.
b. Assisting in the evaluation, development and revision of Department Training Plans.
c. Assisting in the development of selected curriculums.
d. Assisting in the review and evaluation of training resources and budgets.
e. Providing the committee with their division's/unit's current status towards STC compliance.

3. The committee will convene on a quarterly basis. The Training Manager/designee will coordinate and chair the meeting.

a. A written record of these meetings will be prepared and maintained by the Training Manager/designee.

b. Copies of the record will be provided to Executive Staff and committee representatives.

III. Policy Revision

A. All Department policies will be reviewed not less than once a year. The Professional Compliance and Audit Unit will establish an annual schedule identifying policies to be reviewed during a specific month.

County of Santa Clara
Department of Correction
Professional Compliance and
Audit Unit (P.C.A.U.)
(408) 957-5322

By Direction of the Chief

NOTICE TO ALL STAFF

Re: Policy change effective August 25, 2006

Policy Amendment

The Department is amending policy 6.03, Employee Training, to change Division core training timelines from approximately 18 weeks at each Division to approximately 22 weeks at the Main Jail Complex and 24 weeks at the Elmwood Complex. Section III, B, 1, a, 1) of this policy has been amended to reflect these changes.

B. Division specific training programs

1. Division specific training includes:

a. Core training

1) Core training consists of approximately ~~18~~ 22 weeks of training at the Main Jail Complex or approximately 24 weeks of training at the Elmwood Complex ~~of training covering all of the basic posts at the an assigned Division~~ and addresses training requirements for all of the basic posts at an assigned Division.

2) Core training is for newly appointed correctional officers.

Division Commanders/Unit Managers must ensure that this notice is **read at all briefings** and/or a copy given to each staff member. A copy of this notice must also be attached to Policy 6.03 in the Policy Manuals located in their respective Divisions or Units. Any questions regarding this policy amendment should be directed to the PCAU Unit at 957-5322.

COUNTY OF SANTA CLARA

Department of Correction Policy and Procedure Manual	**Policy Number:** 6.03 **No. of Pages:** 7 **Date of Origin:** 17 Jun 1994 **Date of Revision:** 02 Mar 2006
Chapter: Training and Staff Development	**Subject:** Employee Training
Supersedes: Policy 4.01, Employee/Staff Training rev. date 07/29/96	**Distribution:**
References: California Code of Regulations, Title 15; California Administrative Code, Titles 15 and 24; California Penal Code, Section 6035	
Signature of Issuing Authority Edward C. Flores, Chief of Correction	**Current Policy Review** **Date of Review:** 02 Mar 2006 **Revisions Made:** ☒Yes ☐No

POLICY: It is the policy of the Department of Correction to provide training to its employees in accordance with Standards and Training for Corrections (STC), consistent with Titles 15 and 24 of the California Administrative Code (CAC) and Section 6035 of the California Penal Code, aimed at improving employee performance and facilitating career development.

PURPOSE: To establish guidelines for incorporating training goals and objectives designed to increase employee productivity and effectiveness.

DEFINITIONS:

CSA: Corrections Standards Authority (formally known as the Board of Corrections)

Standards and Training for Corrections (STC): A state program established July 1, 1980 (SB924), which sets minimum standards for the selection and training of Corrections and Probation Officers.

Training: An organized, planned, and evaluated activity designed to achieve specific learning objectives through classroom, computer-based or guided on-the-job instruction.

PROCEDURE:

I. Training Programs

A. Training programs consist of a combination of individual courses, combined courses and courses developed and delivered by outside providers.

1. Credit hours are awarded for various classes based upon the designated period of time specified by curriculum or approved lesson plans.

2. Credit hours may also be awarded for on-the-job training, which is normally provided in a non-classroom environment, usually by an immediate supervisor who trains employees to meet job requirements or to perform in accordance with new policies and directives.

3. Actual classroom time may vary due to class size and prior level of participant experience.

4. Instructors are selected and qualified on the basis of subject matter expertise and the ability to teach.

B. Training programs will be based on one or more of the following forms of implementation:

1. Informal training, which is normally provided in a non-classroom environment by immediate supervisors who provide ongoing training to enable employees to meet job requirements.

2. Performance oriented training, which assesses the employee's ability to perform specified tasks. Successful completion of training requires the employee to achieve set standards.

3. Competency based training, where the objective is performance of a job-related task that can be observed and measured by means of a formal job/task analysis process.

C. Applicable training programs shall be offered for all position classification categories.

II. STC Training Requirements (Core and Annual)

A. Core STC training consists of entry-level or basic training linked to specific job classifications for which attendance is mandatory within the first 12 months of appointment to a position.

1. The CSA has identified the following specific training courses as Core training:

a. <u>Adult Corrections Officer Core Course</u>

1) Consists of a minimum of 200 hours instruction in specific instructional objectives (administered during the Correctional Officer Academy).

2) Entry-level correctional officer candidates must complete this course as demonstrated by as satisfactory level of proficiency on relevant achievement tests.

b. Supervisor Core Course

1) Consists of a minimum of 80 hours instruction to be completed during the first year of assignment as a supervisor in an adult jail institution.

2) Satisfactory completion of the POST-certified "Supervisor Training Course" satisfies STC's core training requirement for supervisors.

c. Manager and Administrator Core Course

1) Consists of a maximum of 80 hours instruction to be completed during the first year of assignment as a manager or administrator.

2) The POST-certified "Management Training Course" or the "Executive Development Course" may be substituted for this Core course.

d. Executive Management Staff - Consists of 24 hours of position appropriate training each year.

2. Each course has a specific course outline and required number of hours.

a. Entry-level courses have subject matter and instructional objectives that must be presented in set time frames.

b. The employee's understanding of this subject matter is also evaluated through a testing process in the core course.

B. Annual training consists of specialized or refresher training that develops or enhances job-related skills. Flexibility is permitted in course content and method of instruction in order to meet changing conditions and local needs.

1. A minimum of 24 hours are required annually for all STC eligible staff that have completed core training.

2. All non-badge professionals are encouraged and/or mandated to attend selected STC certified annual training classes that are job-related and position appropriate.

a. Clerical and support staff - Newly appointed clerical/support staff with minimum inmate contact shall receive appropriate orientation during their first year of employment. It is a Department goal to provide these employees with an opportunity to attend job-related training in each subsequent year.

b. Support service staff - It is a Department goal to provide support services employees, whose work requires day-to-day contact with inmates, 24 hours of job-related training annually, to include basic inmate supervision.

c. Part-time/contract staff - The Department will provide an orientation to facility rules, security/operational procedures as well as technical training appropriate to their assignment.

d. Probationary staff - All full-time employees shall receive appropriate on-the-job training during their probationary period, which will be provided by selected, experienced staff. Training may range from a documented checklist attesting to the accomplishment of specific performance/competency based standards to a formalized, structured on the job-training program administered by a Jail Training Officer for newly appointed Correctional Officers.

III. Other Training

A. Correctional Officer Academy (Agency Specific Requirements)

1. Agency-specific training requirements (approximately 200 hours) must be successfully completed during the Correctional Officer Academy, as demonstrated by a satisfactory level of proficiency.

2. Agency specific requirements include, but are not limited to:

a. Operational training such as tactical scenarios, less lethal weapons, OC delivery systems, radio communications, CJIC familiarization, direct supervision, and drivers training.

b. Training reviews of Department policies, suicide prevention, legal issues, ethics, sexual harassment, and workplace violence.

c. Description and outline of Department units/divisions (e.g. Main Jail, Elmwood, Personnel, Programs, Food Services)

d. P.C. 832 training, which includes, laws of arrest, firearms and chemical agents.

B. Division specific training programs

1. Division specific training includes:

a. Core training

1) Core training consists of approximately 18 weeks of training covering all of the basic posts at an assigned Division.

2) Core training is for newly appointed correctional officers.

b. Orientation training

1) Orientation training consists of approximately 2 to 4 weeks of training covering one or more of the basic posts at an assigned Division.

2) Orientation training is for those officers who have worked and successfully completed core training at one Division and are now assigned to a different Division for the first time.

c. Familiarization training

1) Familiarization training consists of approximately 2 weeks of training covering one or more of the basic posts at an assigned Division.

2) Familiarization training is for officers who were assigned to a Division but have been absent from that Division for more than one year.

2. Division specific training programs will be administered by Jail Training Officers (JTOs). JTOs will receive 16-40 hours of specialized training following JTO designation.

3. Refer to Department policy 6.05, Training Officers, as needed, for further information and guidelines relating to JTOs and Division specific training programs.

C. Emergency Response Team (ERT) training

1. ERT members will receive specialized training coordinated by designated staff at their respective Divisions.

2. Documentation of this training will be the responsibility of the designated team ERT Sergeant/designee who will forward a copy to the Central Training Unit. Documentation will include the following information:

   a. The names of all participating ERT members.
   b. A description of the training conducted.
   c. The results, if any, of the training
   d. The time spent on training.
   e. The name of the supervisor.

3. Refer to Department policy 10.13, Emergency Response Team, as needed, for further information and guidelines relating to ERT.

D. Range/firearm qualification training

1. Correctional officers authorized to use firearms in a gun-bearing assignment will demonstrate competency on a semi annual basis through weapons familiarization/qualification.

2. Refer to Department policy 6.09, Firearms Issuance and Training, as needed, for further information and guidelines relating to firearms training.

E. First Aid and Cardiopulmonary Resuscitation (CPR) for the Professional Rescuer/Automated External Defibrillator (AED) training

1. Correctional Officers shall, as a condition of employment, comply with CPR/AED and First Aid training requirements.

2. First aid certification is required every 3 years and CPR is required annually. CPR certification must include the Automated External Defibrillator (AED) refresher-training component of CPR.

   a. Certification must be renewed prior to the expiration date of the current certification.

   b. Upon renewal of certification, officers must provide a copy of that certification to their Division's Administrative Sergeant and a copy to the Central Training Unit.

3. Refer to Department policy 12.23, Use of Automated External Defibrillator (AED), as needed, for further information and guidelines relating to the AED.

F. Self Contained Breathing Apparatus (SCBA) training

1. Correctional officers will be required to show proficiency in the use of the SCBA on a quarterly basis.

2. Sergeants are responsible for scheduling this training for their staff and submitting the appropriate documentation to their Division Commander.

3. A copy of the documentation will be forwarded to the Central Training Unit.

4. Refer to Department policy 10.31, Fire Prevention/Inspections, as needed, for further information and guidelines relating to SCBAs.

G. Fire evacuation drill training

1. Each facility must conduct a quarterly fire drill for the purpose of maintaining staff proficiency in fire and life safety.

2. Team Sergeants will coordinate implementation of fire drills for their respective teams and maintain appropriate documentation of completed drills.

3. Refer to Department policy 10.31, Fire Prevention/Inspections, as needed, for further information and guidelines relating to fire evacuation drills.

H. Supplemental training

1. Officers will receive training consistent with the needs of their respective job classification and pertinent to their work assignments. Certain positions such as booking, control, commit desk and gun-bearing assignments require supplemental training.

2. Administrative Team Sergeants and JTOs will coordinate supplemental training activities for their respective teams.

3. Copies of the training documentation will be forwarded to the Central Training Unit.

IV. Policy Revision

A. All Department policies will be reviewed not less than once a year. The Professional Compliance and Audit Unit will establish an annual schedule identifying policies to be reviewed during a specific month.

COUNTY OF SANTA CLARA

Department of Correction Policy and Procedure Manual	**Policy Number:** 6.05 **No. of Pages:** 11 **Date of Origin:** 14 May 1993 **Date of Revision:** 02 Mar 2006
Chapter: Training and Staff Development	**Subject:** Training Officers
Supersedes: Policy #4.13, Facility Trng Officer Selection, Assignment of Duties rev 8/22/96; Policy #4.12, Appointment of Temporary TO's rev 5/1/95; Policy #4.07, Academy Trng Officers rev 9/06/96	**Distribution:**
References: State of California Standards and Training for Corrections; C.P.O.A. Memorandum of Understanding	
Signature of Issuing Authority Edward C. Flores, Chief of Correction	**Current Policy Review** **Date of Review:** 02 Mar 2006 **Revisions Made:** ☒Yes ☐No

POLICY: It is the policy of the Department of Correction to designate and utilize Correctional Officers in the capacity of Training Officers, as needed, to implement Department training programs, goals and objectives.

PURPOSE: To establish uniform procedures for the selection of Training Officers and to describe their responsibilities for training.

DEFINITIONS: STC: Standards and Training for Corrections

Training: An organized, planned, and evaluated activity designed to achieve specific learning objectives through classroom, computer-based or guided on-the-job instruction.

PROCEDURE:

I. Training Officers - General

A. The Department utilizes Training Officers to assist in supporting Department training plans, goals and objectives for badge staff.

1. Training Officers assist with development, maintenance, facilitation and completion of training plans, goals and objectives; coordinate and facilitate training activities; and provide training related support and resources.

2. Designated Training Officer positions within the Department include:

a. Jail Training Officers (JTOs)
b. Temporary Jail Training Officers (TTOs)

c. Administrative Team JTOs
d. Administrative Division JTOs
e. Central Training JTO Coordinator
f. Academy Training Officers

II. Jail Training Officers (JTOs)

A. JTO is an assignment available to officers, upon appointment through successful completion of a selection process, in addition to their responsibilities of working in the capacity of a correctional officer. The selection process for JTO assignment will be as follows:

1. Officers must submit a written memorandum to the Division Commander detailing their qualifications and reasons for interest in the position of Jail Training Officer. Those officers submitting applications must:

a. Have completed the probationary period
b. Effectively communicate, orally and in writing
c. Possess knowledge of department policies and procedures and post orders
d. Present a neat appearance within the grooming standards
e. Have demonstrated respect for superior officers and a good working relationship with peers
f. Be willing to work any shift or assignment
g. Be aware that others will view the Jail Training Officer as a role model
h. Have a good attendance record and be aware that an objective review will be conducted of division and department files with respect to sick leave and disciplinary actions

2. The Division Commander/designee will initiate and coordinate the JTO selection process, as needed, to fill JTO positions within his or her Division.

a. The Division Commander will establish a Selection Committee for the purposes of:

1) Reviewing all memorandums of interest received for the position of Jail Training Officer.

2) Holding formal interviews with each applicant.

3) Developing appointment recommendations based upon review of applications and interviews of officers and presenting those recommendations to the Division Commander for final selection.

b. The Selection Committee should consist of at least one representative from the Division, the Personnel Unit and the Central Training Unit.

3. Division Commanders may fill JTO vacancies up to the number of JTO positions authorized for the particular facility/unit.

a. Division Commanders may appoint Temporary Jail Training Officers (TTOs) when the workload and the number of trainees assigned to a facility impacts the ability of the JTO's to adequately train and supervise those trainees.

b. TTOs will be selected by the Division Commander and can remain in place until the next formal JTO selection process or until the need no longer exists.

4. Applicants who are appointed to the position of JTO through the formal JTO selection process will be presented with a blue insignia patch, which will be worn on the right shoulder epaulet of his/her authorized Department uniform in accordance with applicable guidelines in Department policy 3.33, Uniform and Grooming Standards.

B. JTOs, in conjunction with the Administrative Team Sergeant and JTO, assist with the facilitation of training programs and activities, including Division specific core orientation, familiarization and supplemental training programs and in-service training programs.

1. JTOs will ensure that trainees obtain the experience and knowledge necessary to complete required training objectives and goals. Training objectives and goals may include, but are not limited to:

a. Division operations and emergency response
b. Department policies and procedures
c. Division rules, regulations, security and post orders
d. Effective communication skills
e. Report writing
f. Radio communications
g. Investigations
h. Appropriate execution of duties and tasks
i. Officer safety
j. Other related duties

2. JTOs will utilize the following evaluation forms, as applicable, which must be completed for each assigned trainee:

a. Daily/Weekly Performance Appraisals forms

1) Daily Performance Appraisal forms will be completed by the end of each workday for officers completing core training.

2) Weekly Performance Appraisal forms will be completed by the end of each workweek for officers completing orientation/familiarization training.

b. A Supplemental Training Appraisal form will be completed and submitted to the Administrative Team JTO by the end of each workweek for Officers who are assigned to specialized posts that require supplemental training.

Note: Appraisals forms should be reflective of the trainee's performance and include constructive criticism, as applicable.

c. A Position Checklist form will be completed and submitted, as applicable, to the Administrative Team JTO, along with the appropriate appraisal form when the trainee has completed training and met the training requirements and standards for a particular post.

3. JTOs will review completed Performance Appraisal forms with the related trainee and:

a. Provide the trainee an opportunity to ask questions regarding his/her performance.

b. Discuss deficiencies encountered during training with the trainee and methods to improve his or her performance.

c. Ensure that the trainee signs his or her Performance Appraisal form. The trainee will have the right to respond, in writing, if he or she disagrees with the performance rating.

d. Review the completed Performance Appraisal forms with the Administrative Team Sergeant and obtain their signature indicating concurrence with the evaluation.

e. Forward Performance Appraisal forms to the Administrative Team JTO for review and processing.

4. JTOs will inform the Administrative Team Sergeant and JTO when remedial training is appropriate due to deficiencies in performance that affect a trainee's ability to meet training standards.

a. Deficiencies will be documented and appropriate steps for correction will be implemented.

1) The Administrative Team JTO will notify the Administrative Division JTO and the Central Training JTO Coordinator for assistance in developing and implementing a remedial training plan to correct deficiencies.

2) If the trainee does not respond to the remedial training plan, the Administrative Team and Division Sergeants will meet to develop and implement a further plan of action.

III. Administrative Team JTO

A. Each team Lieutenant/designee will select a JTO on his or her team to act as the Administrative Team JTO.

B. The Administrative Team JTO, in conjunction with team sergeants and the Administrative Division JTO, assists with the coordination of training activities (e.g. core, orientation/familiarization, supplemental and STC) for their particular team. Responsibilities include, but are not limited to:

1. Coordinate training related duties and tasks with the Administrative Division JTO, team sergeants and JTOs to ensure accurate and timely facilitation.

2. Provide training support and resources for team sergeants and JTOs.

3. Track training status of trainees and meet with the Administrative Division JTO on a regular basis to submit training documentation and review training status of each trainee.

4. Ensure that the Administrative Team Sergeant reviews and approves all applicable training documentation.

5. Monitor all informal and formal remediation processes and provide status updates to team sergeants and the Administrative Division JTO.

6. Coordinate and facilitate STC related training activities and requirements (e.g. track team STC compliance status and provide regular team STC compliance status updates to the Administrative Division JTO).

IV. Administrative Division JTO

A. The Administrative Division JTO is a Division Special Assignment position within both the Main Jail and Elmwood Divisions. The selection process for Administrative Division JTO will be as follows:

1. The Division Commander/designee will publish a memorandum announcing the position opening.

    a. Minimum qualifications and other position related information will be provided in the announcement memorandum.

        1) Minimum qualifications and other position related standards will be determined by the Division Commander.

        2) Minimum qualifications may include current JTO status or prior JTO experience.

    b. Interested officers must meet the minimum qualifications and submit their Memorandum of Interest to the Division Commander by the published deadline.

2. The Division Commander will select an applicant from those officers who submitted a Memorandum of Interest for the position. An interview process conducted by an established Selection Committee may be implemented at the discretion of the Division Commander.

B. The Administrative Division JTO, in conjunction with the Central Training JTO Coordinator, assists with the coordination of training activities (e.g. core, orientation/familiarization, supplemental and STC) for their Division and reports to the Administrative Division Sergeant. Responsibilities include, but are not limited to:

1. Develop and maintain a Division training plan which supports and is in alignment with the Department's training plan.

2. Coordinate trainee activities with the Administrative Team JTOs and team sergeants to ensure accurate and timely facilitation.

3. Provide training resources and direction to staff as needed or requested.

4. Review daily and weekly training evaluations and all associated training documents for completeness.

5. Meet with the Administrative Division Sergeant on a regular basis to submit training documentation and review training status of each trainee.

6. Establish and maintain a training file for each trainee during the training period and forward completed training files to the Department Training Coordinator.

7. Provide Division training status updates to the Central Training JTO Coordinator.

8. Monitor all informal and formal remediation processes and provide status updates to the Administrative Division Sergeant and Central Training JTO Coordinator.

9. Coordinate and facilitate STC related training activities and requirements (e.g. track Division STC compliance status and provide regular STC compliance status updates to the Central Training JTO Coordinator).

10. Other duties as assigned.

V. Central Training JTO Coordinator

A. The Central Training JTO Coordinator is a Special Unit Assignment position within the Central Training Unit. The selection process for the Central Training JTO Coordinator will be as follows:

1. Personnel Unit staff will publish a memorandum announcing the opening for the position.

a. Minimum qualifications and other position related information will be provided in the announcement memorandum.

1) Minimum qualifications and other position related standards will be determined by the Central Training Unit Commander.

2) Minimum qualifications may include current JTO status or prior JTO experience.

b. Interested Officers must meet the minimum qualifications and submit their Memorandum of Interest to the Personnel Unit by the published deadline.

2. Personnel Unit staff will screen all submitted Memorandums of Interest and coordinate a Selection Committee with the Training Lieutenant. The Selection Committee will use a "recommend or not recommend" rating system.

3. The Training Lieutenant will make the final recommendation with the final approval by the Chief.

B. The Central Training JTO Coordinator, in conjunction with the Training Manager/Lieutenant, assists with the coordination of training activities (e.g. core, orientation/familiarization, supplemental and STC) for the Department and reports to the Training Manager. Responsibilities include, but are not limited to:

1. Assists with the overall planning, development and implementation of Department training programs for badge staff.

2. Coordinates Division JTO activities.

3. Plans, organizes and implements the delivery of in-service STC training programs.

4. Identifies and develops in-house instructors to facilitate training programs.

5. Maintains badge staff training files.

VI. Academy Training Officer (ATO)

A. The Academy Training Officer is a Special Project Assignment position within the Central Training Unit. The selection process for ATOs will be as follows:

1. Personnel Unit staff will publish a memorandum announcing the opening for the position.

a. Minimum qualifications and other position related information will be provided in the announcement memorandum. Minimum qualifications may include current JTO status or prior JTO experience.

1) Minimum qualifications and other position related standards will be determined by the Central Training Unit Commander.

2) Minimum qualifications may include current JTO status or prior JTO experience.

b. Interested Officers must meet the minimum qualifications and submit their Memorandum of Interest to the Personnel Unit by the published deadline.

2. Personnel Unit staff will screen all memorandums and coordinate a Selection Committee with the Training Lieutenant. The Selection Committee will use a "recommend or not recommend" rating system.

3. The Training Lieutenant will make the final recommendation with the final approval by the Chief.

B. ATOs, in conjunction with the Central Training Unit, assist in supervising the Correctional Officer Academy.

1. ATOs report to the Training Lieutenant or designated representative and facilitate cadet-training programs through the Central Training Unit.

2. Under the guidance and supervision of the Central Training Unit, ATOs will assist cadets in meeting required training objectives. Responsibilities include, but are not limited to:

   a. Training and supervision
   b. Leadership and guidance
   c. Tutoring and motivation
   d. Role modeling
   e. Training recommendations and evaluations

VII. Training Officer Premium Pay

A. Premium pay will be in accordance with the current Memorandum of Understanding.

1. JTOs, TTOs and Team Administrative JTOs will only receive premium pay for those shifts when assigned a trainee or when performing training related tasks and duties (e.g. instruction, coordination, clerical) relevant to Department, Division, or team training plans and programs (e.g. core, orientation/familiarization, supplemental and STC training components). The Team Sergeant must include the trainee's name on the payroll roster when JTOs/TTOs are assigned trainees.

2. Administrative Division JTOs, ATO's and the Central Training JTO Coordinator will receive premium pay throughout their assignment to positions requiring daily processing of training related tasks.

   Note: In assignments where premium pay is included as part of the assignment, notification will be given in the job announcement memorandum.

VIII. Training Officer Status – Removal or Disqualification

A. The following performance related deficiencies may result in the removal of Training Officer status:

1. Excessive, or abuse of, sick leave

2. Annual evaluation (MS-11) or other supplemental evaluation that reflects a need for improvement.

3. Inability or unwillingness to perform the tasks required of a Training Officer.

B. Officers in a modified/alternative work assignment will be evaluated by the Division Commander on a case-by-case basis and will not automatically be disqualified. The Division Commander will determine the officer's ability to perform the duties and responsibilities of a Training Officer.

C. At the discretion of the Division Commander, a Training Officer who fails to meet the Department's standards of the training program may be removed from training.

D. Training Officers who are disqualified or removed may request a hearing with the Division Commander.

1. If the officer is still not satisfied, he or she may appeal to the Appeals Committee that consists of the Division Commander, the Assistant Chief or other representative as designated by the Chief and a representative from the Central Training Unit.

2. All decisions made by this committee will be final.

IX. Assignment Transfers of Training Officers (JTO Status Retention)

A. Training Officers who are involuntarily transferred due to reasons other than longevity will retain their JTO status, without pay, until they have demonstrated the proficiency to perform in a JTO capacity at the new Division/unit.

B. Training Officers who are involuntarily transferred due to longevity will not retain JTO status.

C. Training Officers who voluntarily transfer from one Division to another will not retain JTO status.

D. Training Officers who voluntarily transfer from a Division to a training related Special Unit, Special Division assignment or Special Project Assignment (e.g. JTO Coordinator, Administrative Division JTO or Academy Training Officer) will retain their JTO status.

E. Training Officer status will not be an influencing factor in the team/shift bidding process (e.g. semi-annual shift bump), except for ATOs assigned to an Academy.

X. Training Files

A. Department training files for employees will be maintained in the Central Training Unit.

B. If an employee resigns or retires, the Department training file will be held and maintained according to applicable guidelines set forth in Department policy 1.61, Records Retention, Maintenance and Destruction.

C. The Administrative Division JTO at each Division will maintain a temporary training file for the collection of active training documents.

a. When training is completed, the file will be forwarded to the Central Training Unit.

b. If the trainee is transferred, the temporary training file will be forwarded to the Division that continues the training.

XI. Policy Revision

A. All Department policies will be reviewed not less than once a year. The Professional Compliance and Audit Unit will establish an annual schedule identifying policies to be reviewed during a specific month.

COUNTY OF SANTA CLARA

Department of Correction Policy and Procedure Manual	**Policy Number:** 6.11 **No. of Pages:** 7 **Date of Origin:** 30 May 1994 **Date of Revision:** 02 Mar 2006
Chapter: Training and Staff Development	**Subject:** Career Incentive Program
Supersedes: Policy 4.09 dated 05/30/94	**Distribution:**
References: Memorandum of Understanding between the County of Santa Clara and CPOA.	
Signature of Issuing Authority Edward C. Flores, Chief of Correction	**Current Policy Review** **Date of Review:** 02 Mar 2006 **Revisions Made:** ☒Yes ☐No

POLICY: It is the policy of the Department of Correction to provide a Career Incentive Program for correctional officers, sergeants and lieutenants consistent with the requirements outlined in the Memorandum of Understanding for the Santa Clara County Correctional Peace Officers' Association.

PURPOSE: To encourage and enhance the continued professional development of correctional officers, sergeants and lieutenants by authorizing incentive pay for completion of approved job-related, educational programs of study and instruction.

DEFINITIONS: College Unit: Standard of measurement designating a period of time allocated for an academic college course of study (e.g. semester or quarter).

Training Hour: Period of time allotted to an approved program of instruction or course of study.

PROCEDURE:

I. Career Incentive Program

A. The Career Incentive Program (CIP) is a voluntary Department incentive program designed to recognize and compensate correctional officers, sergeants and lieutenants for broadening their educational backgrounds by completing approved job-related educational courses of instruction on their own time and at their own expense.

B. The Department's Personnel/Training Unit Commander shall designate a CIP Manager to manage and administer the Department's CIP. Duties shall include but are not limited to the following:

1. Manage and administer the CIP in accordance with applicable provisions of the current Memorandum of Understanding between the County of Santa Clara and Santa Clara County Correctional Peace Officers' Association.

2. Verify annual individual eligibility criteria for each level of CIP participation to include the preparation of a participant listing for review by the Chief.

3. Determine validity of training programs of instruction, college courses of study and acceptable accreditation criteria.

   a. The CIP Committee shall resolve any disputes that arise over the validity of a training course, college unit, educational certificate, or degree.

   b. The CIP Committee shall have sole discretion over what constitutes career-related training. The majority decision of the committee shall be final.

   c. The CIP Committee is composed of the Personnel/Training Commander or Chief's designee, a member of Santa Clara County's Personnel/Labor Relations Department and a member of the Santa Clara County Correctional Peace Officer's Association.

C. Correctional officers, sergeants and lieutenants are the only Department employees who are eligible to enroll and participate in the Department's CIP.

1. Participation in the CIP will be on a voluntary basis.

2. Participating employees are responsible for meeting the qualifications and completing the educational/training requirements of the program.

3. Participating employees must complete educational/training requirements in their personal time and at their own expense. Eligible participants who provide and administer educational instruction, on their own time, may utilize up to 30 hours of that instruction to meet CIP training requirements.

D. Eligible employees may enroll in the CIP by completing a CIP application (attachment) and forwarding it, along with required training/educational support documentation (e.g. educational transcripts, training completion certificates), to the Department's Central Training Unit for processing and approval.

1. Applications for initial enrollment to the CIP will only be accepted during the program's annual open enrollment period, June 1st through June 30th. Applications for upgraded levels within the program (e.g. basic to intermediate, intermediate to advanced, or non-maintenance status) will be accepted anytime.

2. Training/educational courses utilized to satisfy CIP training/educational requirements should be approved by the CIP Manger prior to enrollment to ensure that they are valid towards program requirements. Failure to obtain prior approval may result in disallowance of the units/hours toward the program.

   a. Participants who attend college level courses to satisfy CIP training/educational requirements must provide an official transcript to the CIP Manager that reflects either the number of accredited semester or quarter hours/units granted and a final passing grade of "C" or better (for letter-based grading systems) or a 70% or better (for percentage based-grading systems), or a "pass" (for pass/no pass- based grading systems).

      1) If a participant has more than the minimum amount of college units needed to satisfy CIP training/educational requirements but not enough training hours, then surplus college units can be substituted for training hours (e.g. one quarter unit translates to 8 training hours; one semester unit translates to 10 training hours).

      2) Surplus training hours cannot be substituted for college units.

   b. Participants who fail to meet the educational/training requirements for their next scheduled renewal period to the CIP will be automatically disqualified for that appointment period. Employees who have been disqualified from the program may re-enroll during the next annual open enrollment period.

1) Participants who fail to complete the requisite training due to an on-the-job injury may, upon the employee's written request and upon decision of the Training Manager, be granted a time extension for make-up of the necessary hours or units.

2) Educational/training requirements may be temporarily suspended for participants who are on an extended military leave. However, it is the participant's responsibility to notify the CIP Manager prior to departure and immediately upon return to duty.

3. Participants may use prior sworn (coded) correctional/law enforcement experience obtained in California towards the years of service requirements of the CIP. Participants may use prior military or sworn (coded) correctional/law enforcement experience (not to exceed five years) obtained outside of California towards the years of service requirements of the CIP.

   a. In order to utilize prior service towards the years of service requirements, participants must submit support documentation that confirms service of applicable prior employment.

   b. Prior years of service will only be counted towards the CIP requirements upon completion of applicable years of service requirements for employment with the Department.

4. Qualified participants will receive compensation increases under the CIP, as follows:

   a. 2 ½% career incentive pay increase for qualifying for and participating in the program at the basic level.

   b. 5 % career incentive pay increase for qualifying for and participating in the program at the intermediate level.

   c. 7 ½% career incentive pay increase for qualifying for and participating in the program at the advanced level.

5. Compensation increases for qualified participants will commence with the first pay period of the fiscal year or with the first pay period after qualification and appointment to an upgraded level.

6. Participation in the CIP will not affect the benefits made available to County employees under the provisions of the Educational Assistance Program.

II. Qualification and Continuation Requirements for CIP Participation Levels

A. Basic level

1. To qualify for the basic level, eligible participants must:

a. Complete an approved STC certified Basic Correctional Academy, and

b. Complete one continuous year of full time service with the Department as a coded correctional officer, and

c. Currently serve as a paid full time employee, and

d. Complete educational/training requirement of 60 pre-approved CIP training hours or 6 accredited college semester units (or equivalent in quarter units), or any combination thereof.

2. Continued participation at the basic level requires annual completion of 60 CIP training hours or 6 accredited semester units (or equivalent quarter units), or any combination thereof, prior to May 31st of each participating year. This date may be extended to July 1st, on a case-by-case basis, at the discretion of the CIP Manager.

B. Intermediate level

1. To qualify for the intermediate level, eligible participants must:

a. Complete an approved STC certified Basic Correctional Academy, and

b. Complete one continuous year of full time service with the Department as a coded correctional officer, and

c. Currently serve as a paid full time employee, and

d. Acquire one of the following years of service and educational/training requirement combinations, as follows:

Years of Service	Education/Training
2	B.A. or B.S. Degree
4	A.A. or A.S. Degree
4	45 Semester Units & 300 Training Hours
6	30 Semester Units & 600 Training Hours
8	15 Semester Units & 900 Training Hours

2. Continued participation at the intermediate level requires completion of 60 CIP training hours or 6 accredited semester units (or equivalent quarter units), or any combination thereof, every three years, prior to May 31st of the year in which the requirement is due. This date may be extended to July 1st, on a case-by-case basis, at the discretion of the CIP Manager.

C. Advanced level

1. To qualify for the advanced level, eligible participants must:

   a. Complete an approved STC certified Basic Correctional Academy, and

   b. Complete one continuous year of full time service with the Department as a coded correctional officer, and

   c. Currently serve as a paid full time employee, and

   d. Acquire one of the following years of service and educational/training requirement combinations, as follows:

Years of Service	Education/Training
4	M.S. or M.A. Degree
6	B.S. or B.A. Degree
9	A.A. or A.S. Degree
9	45 Semester Units & 600 Training Hours
12	30 Semester Units & 900 Training Hours

2. Continued participation at the advanced level requires completion of 60 CIP training hours or 6 accredited semester units (or equivalent quarter units), or any combination thereof, every three years, prior to May 31st of the year in which the requirement is due. This date may be extended to July 1st, on a case-by-case basis, at the discretion of the CIP Manager.

a. Eligible participants at the advanced level may be exempt from the training/educational requirements (every three years) by qualifying for non-maintenance status.

b. To qualify for the non-maintenance status, eligible participants must:

1) Acquire ten years of service with the Department or a combination of ten years of service with the Department and the Sheriff's Department, and

2) Participate in the Department's CIP for three continuous years, and

3) Currently possess an accredited B.A./B.S. or higher degree or have attained at least 120 accredited semester units (or equivalent in quarter units) with grades of "C" or better.

V. Policy Revision

A. All Department policies will be reviewed not less than once a year. The Professional Compliance and Audit Unit will establish an annual schedule identifying policies to be reviewed during a specific month.

COUNTY OF SANTA CLARA

Department of Correction Policy and Procedure Manual	**Policy Number:** 7.01 **No. of Pages:** 2 **Date of Origin:** 29 Sep 1993 **Date Revised:** 12 Mar 2001
Chapter: Administrative Booking	**Subject:** Administrative Booking Goals and Objectives
Supersedes: All Previous Orders	**Distribution:**
References: ACA 3-ALDF-1A-14, Administrative Booking Procedures, Volumes 1-5 Fisher v County of Santa Clara, Federal Court; Gov. Code Section 26202, 6254(F) Penal Code Sections 825, 1268, 2900.5, 4000, 4019, 11075, 11142 & 13125	
Signature of Issuing Authority Chief of Correction	**Current Policy Review** **Date of Review:** 12 Mar 2001 **Revisions Made:** ☒ Yes ☐ No

POLICY: It is the policy of the Department of Correction to ensure that the Administrative Booking Unit maintains written policy and procedure governing Case Record management. Management of Case Records shall include the establishment, use and content of inmate records; right to privacy; secure placement and preservation of records; and schedule for retiring or destroying inactive records.

PURPOSE: To establish guidelines that will enable the Administrative Booking Unit to track all inmates through the judicial system in a secure, timely, and accurate manner as prescribed by law.

DEFINITIONS: Booking Record: A file recording an incarceration/booking event. Also referred to as Inmate Record, Case File, and Case Record.

PROCEDURE:

I. Booking Records

A. The Administrative Booking Unit is responsible for processing, updating, and maintaining the physical Booking Record established for each inmate at the time of booking.

B. Using applicable Department policies, Administrative Booking Unit procedures, and related laws, the Administrative Booking Unit will review, correct, and/or process all documents related to the incarceration/booking event of an inmate.

II. Inactive Booking Records

A. The Administrative Booking Unit will act as the primary custodian for inactive Booking Records and will maintain control and track the movement of such records.

B. The Administrative Booking Unit will maintain responsibility of the inactive Booking Records until such time as the inactive Booking Record is destroyed/purged in a manner allowed by law, Department Policy or action by the County Board of Supervisors.

III. Information to Inquiries

A. The Administrative Booking Unit is responsible for providing accurate information in response to inquiries from the public, Department staff, and law enforcement personnel.

B. The Administrative Booking Unit personnel shall be trained in reading and interpreting necessary documents and computer information and will provide responses to inquiries within an acceptable level of accuracy based on applicable Release Information Laws, Departmental policies and Administrative Booking Unit procedures.

IV. Compliance Goals

A. In order to ensure compliance with mandates relating to the maintenance, processing, storage, and retention of Booking Records and documents, the Administrative Booking Unit will adhere to all applicable laws, Departmental policy, and Administrative Booking Unit procedures.

B. The Administrative Booking Unit will establish policy and operational procedures in accordance with all applicable Government Codes, Penal Codes and Welfare and Institution Codes which mandate the performance of personnel in relation to the maintenance and confidentiality of Criminal Offender Record Information (CORI).

1. The Administrative Booking Unit Manager will be responsible for the monitoring and updating of such policy.

V. Policy Revision

A. All Department policies will be reviewed not less than once a year. The Professional Compliance and Audit Unit will establish an annual schedule identifying policies to be reviewed during a specific month.

COUNTY OF SANTA CLARA

Department of Correction Policy and Procedure Manual	**Policy Number:** 7.03 **No. of Pages:** 3 **Date of Origin:** 04 Oct 1993 **Date Revised:** 21 Mar 2001
Chapter: Administrative Booking	**Subject:** Case Record Management
Supersedes: All Previous Orders	**Distribution:**
References: ACA 3-ALDF-1E-01 Administrative Booking Procedures: 100, 408, 1601, 1615, 1616 Government Code 26202 and 6254	
Signature of Issuing Authority _____ Chief of Correction	**Current Policy Review** **Date of Review:** 21 Mar 2001 **Revisions Made:** ☒ Yes ☐ No

POLICY: It is the policy of the Department of Correction to ensure the Administrative Booking Unit maintains a written procedure governing Case Records Management. These written procedures shall cover, at a minimum, the establishment, use and content of inmate records; right to privacy; secure placement and preservation of records; and a schedule for retiring or destroying inactive records.

PURPOSE: To establish guidelines governing the use and content of inmate records; the right to privacy; the secure placement and preservation of records and a schedule for retiring or destroying inactive records.

DEFINITIONS: Booking Record: A file recording the incarceration/booking event. Also referred to as an Inmate Record, Case File and Case Record.

Criminal Offender Record Information: Records and data compiled by criminal justice agencies for the purpose of identifying criminal offenders and/or maintaining a summary of arrests, pretrial proceedings, the nature and disposition of criminal charges, sentencing, incarceration, rehabilitation, and release. Such information shall be restricted to that which is recorded as the result of an arrest, detention, or other indication of criminal proceedings or any related proceedings.

Need to Know: The necessity to obtain criminal offender record information in order to execute official duties.

Right to Know: The right to obtain criminal offender record information pursuant to court order, statute, or decisional law in order to execute official duties.

PROCEDURE:

I. Establishment, Use, and Content of Inmate Records

A. The Administrative Booking Unit shall establish and maintain a Booking Record on all inmates incarcerated within the Department of Correction for the specific use/purpose of tracking all inmates through the judicial system in a manner prescribed by law.

B. Booking Records shall contain, but shall not be limited to the following:

1. Intake booking information, to include cash & property.
2. Court-generated information.
3. Time computations and release dates.
4. Detainers/Holds.
5. Warrants/Warrant Abstracts.
6. Orders to Produce/Return.

II. Right to Privacy

A. All Booking Records shall be considered confidential.

B. The release of inmate information shall be governed by the "Need to Know" and "Right to Know" standard, and shall apply to the information contained in the inmate's Booking Record.

C. Public information *that may be released* while a person is in custody, shall be as follows:

1. Full name and occupation.
2. Inmate's date of birth and physical description.
3. Date and time of arrest.
4. Date and time of booking.
5. Arresting agency and location of arrest.
6. All charges, including warrants or holds.
7. Bail amount.
8. Location where arrestee is being held.

D. Inmates may access specific information in their Booking Record as listed below by completing an Inmate Request Form:

1. Active charges, warrants, holds.

2. Bail amount.
3. Future court dates.
4. Projected release dates.

III. Secure Placement and Preservation of Records

A. The Administrative Booking Unit has an established procedure in accordance with mandated Government Codes, Penal Codes, and Welfare and Institutions Codes which guides personnel in complying with the statutes, regulations, and procedures pertaining to security, privacy, and confidentiality of Criminal Offender Record Information (CORI).

B. Booking Records shall be kept in a secure area which is not accessible to inmates or other unauthorized personnel.

IV. Schedule for Retiring/Destroying Inactive Records

A. Booking Records shall be held in a secured area for two years plus the current year as mandated by Government Code 26202.

B. Booking Records to be destroyed shall be shredded by Administrative Booking Unit staff.

V. Policy Revision

A. All Department policies will be reviewed not less than once a year. The Professional Compliance and Audit Unit will establish an annual schedule identifying policies to be reviewed during a specific month.

COUNTY OF SANTA CLARA

Department of Correction Policy and Procedure Manual	**Policy Number:** 7.05 **No. of Pages:** 2 **Date of Origin:** 04 Oct 1993 **Date Revised:** 06 Mar 2001
Chapter: Administrative Booking	**Subject:** Computation of Time Served
Supersedes: All Previous Orders	**Distribution:**
References: Administrative Booking Procedure 1503, C.C.R. Title 15, Section 1041 Penal Code Sections 669, 825, 849(a), 849(b), 1205, 290.5, and 4019 Vehicle Code Section 40223(b), Youngblood v Gates, 200 Cal. App. 3rd pg. 1302	
Signature of Issuing Authority _____ Chief of Correction	**Current Policy Review** **Date of Review:** 06 Mar 2001 **Revisions Made:** ☒ Yes ☐ No

POLICY: It is the policy of the Department of Correction to ensure an inmate's time is accurately computed and recorded in a timely manner, and in conformance with current statutes and regulations.

PURPOSE: To provide guidelines for the computation of a sentenced inmate's time in a timely and accurate manner.

DEFINITIONS:

Booking Record: A file recording the incarceration/booking event. Also referred to as Inmate Record, Case File and Case Record.

CJIC: Criminal Justice Information Control

Stay of Execution (Stay Date): A defendant prebooked and released to report back to custody at a later date to begin serving a court ordered county jail/prison sentence, or a state hospital commitment.

PROCEDURE:

I. Administrative Booking Unit Responsibilities

A. The Administrative Booking Unit staff shall compute release dates for inmates in custody within the Department of Correction facilities.

II. General Computation Guidelines

A. A projected release date shall be computed on an in-custody inmate as soon as all local charges have been adjudicated, either by being released from custody on a charge or sentenced to serve a jail sentence.

B. A projected release date shall be computed as soon as possible prior to the Stay Date and, in all cases, shall be computed by the Stay Date.

C. If an inmate wishes to pay the balance of a fine that has been ordered as a commitment, the Administrative Booking Unit shall process the fine and re-compute the date for release.

III. Computation of Time

A. Computation of time will commence when all local charges have been adjudicated.

B. Time will be computed using either the computerized automated time calculation program in CJIC, or manually.

IV. Sentencing/Release Information

A. Sentencing/release date information shall be entered into CJIC and on the face of the Case Record. Time computation paperwork in required order shall be filed in the Case Record.

B. All time computations shall be computed by one staff member and verified for accuracy by a second staff member.

C. Both employees shall indicate their calculations (which must agree) and sign the computation documents.

V. Policy Revision

A. All Department policies will be reviewed not less than once a year. The Professional Compliance and Audit Unit will establish an annual schedule identifying policies to be reviewed during a specific month.

COUNTY OF SANTA CLARA

Department of Correction Policy and Procedure Manual	**Policy Number:** 7.07 **No. of Pages:** 2 **Date of Origin:** 04 Oct 1993 **Date Revised:** 06 Mar 2001
Chapter: Administrative Booking	**Subject:** Transfer of Inmate Records
Supersedes: All Previous Orders	**Distribution:**
References: ACA 3-ALDF-1E-02, Administrative Booking Procedures #408, 412 C.C.R. Title 15 Section 1041 and Section 1206(n)	
Signature of Issuing Authority _____ Chief of Correction	**Current Policy Review** **Date of Review:** 06 Mar 2001 **Revisions Made:** ☒ Yes ☐ No

POLICY: It is the policy of the Department of Correction that updated Case Records for an inmate transferred from one facility to another are transferred simultaneously, or within 72 hours. A summary of salient medical and mental health information shall be transferred at the time each inmate is transferred.

PURPOSE: To ensure that appropriate information pertaining to the classification, programming and medical status of a specific inmate is transferred with the physical move of the inmate.

DEFINITIONS: Booking Record: A file recording the incarceration/booking event. Also referred to as Inmate Record, Case File and Case Record.

Case Record: Information concerning an inmate's criminal, personal and medical history, behavior, and activities while in custody. The record typically includes commitment papers, court orders, detainers, personal property receipts, photographs, fingerprints, type of custody, disciplinary infractions and action taken, work assignments, program participation, and miscellaneous correspondence. Also referred to as a Classification Record, Medical Record or Booking Record.

PROCEDURE:

I. Transfer of Booking Records

A. Booking Records for inmates in custody shall not be transferred and will remain in the Administrative Booking Unit.

B. Booking Records for inmates on the Weekend Work Program shall be transferred by the Administrative Booking staff to the Program's Unit.

C. Prior to an inmate's transfer, Administrative Booking staff shall review the information in the inmate's Booking Record.

II. Transfer of Classification Records

A. Classification Records shall be transferred to the facility's Classification Unit to where the inmate has been transferred.

B. Transfer of an updated Classification sheet shall be the responsibility of the facility staff from where the inmate is transferred.

III. Transfer of Medical Records

A. Transfer of medical records shall be the responsibility of medical staff.

B. The Nurse Manager/Director of Custody Mental Health will insure that a summary of salient medical and mental health information is compiled and forwarded to the facility to which an inmate is transferred. Custody staff shall notify the medical and mental health staff prior to the transfer of an inmate to allow sufficient time to compile the medical and mental health information.

C. Medical information about inmate conditions such as disabilities about which custody must be informed to make the appropriate housing decisions shall be included in the Classification Case Record.

IV. Policy Revision

A. All Department policies will be reviewed not less than once a year. The Professional Compliance and Audit Unit will establish an annual schedule identifying policies to be reviewed during a specific month.

COUNTY OF SANTA CLARA

Department of Correction Policy and Procedure Manual	**Policy Number:** 7.09 **No. of Pages:** 2 **Date of Origin:** 04 Oct 1993 **Date Revised:** 21 Mar 2001
Chapter: Administrative Booking	**Subject:** Bail Acceptance and Surrender
Supersedes: All Previous Orders	**Distribution:**
References: Administrative Booking Procedure 200, 401, 402, 410, 500, and 645.2 California Rules of the Court 805 Government Code 6157, 71385, and 72386 Penal Code 1268 through 1317	
Signature of Issuing Authority Chief of Correction	**Current Policy Review** **Date of Review:** 21 Mar 2001 **Revisions Made:** ☒ Yes ☐ No

POLICY: It is the policy of the Department of Correction to accept Bail, Bonds, and Bond Surrenders on all in-custody inmates in accordance with Penal Code Sections 1268 through 1317.

PURPOSE: To establish uniform guidelines for determining and accepting bail, bonds, and bond surrenders.

DEFINITION: Affidavit of Undertaking: A written affidavit given by the bail licensee or surety company listing all that specific information that would be included on a certified copy of an undertaking of bail.

Bail: Money or securities, deposited with a court to guarantee a defendant's appearance in court on a certain date.

PROCEDURE:

I. Establishing Bail

A. The Administrative Booking Unit Manager shall develop specific procedures for establishing and accepting Bail in accordance with the California Penal Code and the Government Code.

II. Bail Surrender/Bond Surrender

A. A defendant may be surrendered by any given person who has deposited money or bonds to secure the defendant's release. A person of suitable age may be empowered to do so by written authority endorsed on a copy of the deposit. A licensed agent may do so with a sworn Affidavit of Undertaking.

B. The Administrative Booking Unit Manager shall develop and implement specific procedures for accepting a bail surrender on a defendant currently in custody when surrendered by a citizen, bail bondsman or agent, in accordance with the California Penal Code and the Government Code.

III. Accepting Bail Money

A. Bail moneys will be accepted as follows:

1. Bail must be in the form of U.S. currency, or U.S. Postal Money Order, Cashier's Check, or Traveler's Check made payable to the Santa Clara County Department of Correction.

2. Personal Checks will only be accepted for the posting of Bail on certain charges in accordance with the California Penal Code and the Government Code. The Administrative Booking Unit Manager shall develop specific procedures for acceptance of a personal check.

3. Credit cards are not accepted as payment for Bail.

4. Bail moneys will not be accepted via the mail.

B. Persons wishing to post bail for inmates housed at the Main Jail, Elmwood, or the Correctional Center for Women will be directed to the Administrative Booking Unit.

C. Upon verification that the inmate is in custody, the Information Desk Officer shall provide the person/bondsman with a "Request for Bail" form and direct the person/bondsman to the Administrative Booking Unit for further processing.

D. Inmates may initiate a request for self-bail by stating his/her request to any Department of Correction officer. Upon notification, the officer shall contact the Administrative Booking Unit for further processing.

IV. Policy Revision

A. All Department policies will be reviewed not less than once a year. The Professional Compliance and Audit Unit will establish an annual schedule identifying policies to be reviewed during a specific month.

COUNTY OF SANTA CLARA

Department of Correction Policy and Procedure Manual	**Policy Number:** 7.11 **No. of Pages:** 3 **Date of Origin:** 13 Jul 1995 **Date of Revision:** 13 Feb 2009
Chapter: Administrative Booking	**Subject:** Court Order Compliance
Supersedes: Old DOC policy 6.07 rev 07/13/95	**Distribution:**
References: None	
Signature of Issuing Authority Edward C. Flores, Chief of Correction	**Current Policy Review** **Date of Review:** 13 Feb 2009 **Revisions Made:** ☒Yes ☐No

POLICY: It is the policy of the Department of Correction to establish a process by which court orders are executed in a timely manner and a record of the transaction is established.

PURPOSE: To establish guidelines that ensure court orders are processed, tracked, and executed in a timely manner.

DEFINITIONS:

County Counsel: Attorney for the Department of Correction who, upon review of the court order, renders legal opinion on the applicability of the order or makes arrangements to appear before the court of origin to oppose the order.

Court Order: A document prepared by any court, signed by a judge or other designated court official directing that action be taken by the Department of Correction.

Court Order Compliance Form: A form utilized by Administrative Booking staff to track and ensure compliance of court orders.

TSO Status: Court ordered, unsentenced inmates temporarily released to the custody of a law enforcement agency.

TSOS Status: Court ordered, sentenced inmates temporarily released to the custody of a law enforcement agency.

PROCEDURE:

I. Administrative Booking Unit Responsibilities

A. All court orders requiring action by the Department of Correction will be routed through the Administrative Booking Unit.

B. Administrative Booking will complete a Court Order Compliance Form as soon as practical, but no later than one (1) hour after receipt.

C. The original Court Order and the Administrative Booking Unit copy of the Court Order Compliance Form will be placed in the Administrative Booking file for the affected inmate.

D. The Administrative Booking Unit shall notify custody staff of the Court Order and the Court Order Compliance Form as follows:

1. For all Main Jail court orders, the Main Jail South Sergeant shall be called to pick up the paperwork.

2. All Elmwood court orders will be faxed to Elmwood Administration. Main Jail Control will be notified if an emergency court order is issued after regular business hours to process the court order.

a. If a court order is faxed to a facility, a follow-up phone call to the facility must be placed to ensure arrival of the court order and to identify the recipient. The date, time, and person receiving the faxed court order must be noted on the Court Order Compliance Form.

3. The original court order and the original Court Order Compliance Order Form shall be sent to the Assistant Division Commander of the affected division prior to the end of the shift on which the order was received.

4. Any court order requiring action contrary to established policy or procedure or which causes undue hardship to the department will be immediately forwarded to County Counsel and the Assistant Chief and Chief will be advised of such order as soon reasonable.

II. Emergency Court Orders

A. Any court order requiring immediate (emergency) action will be directed to the on-duty watch commander via fax with a hard copy follow-up. Telephone confirmation of receipt of the fax will be made by the Administrative Booking staff.

III. Registration Requirements

A. Any court ordered registration requirements such as sex offender, arson offender, narcotics offender, etc., shall be initiated by the Administrative Booking Unit and completed by the Release Officer at the time of release. The Release Officer shall forward the finished court ordered paperwork to the Administrative Booking Unit upon completion.

1. If the inmate participates in the WWP or PSP program, the Programs Unit shall be responsible for the completion of the court ordered paperwork.

B. When an inmate who is required to register is scheduled to be released, the Administrative Booking Unit will notify the respective facility of the court ordered requirement via CJIC. The Administrative Booking Unit will then fax and/or send the applicable form.

C. The Release Officer will complete the original form with the necessary information and obtain the inmate's fingerprints as noted on the form.

D. Per DOJ, the carbonless (NCR) 8047 Form will be used for PC457.1 and PC290 registrants only. For HS11590 registrants, a photocopy must be used. Three (3) copies with original fingerprints shall be completed. Photocopies of fingerprints will not be accepted.

IV. Division Responsibilities

A. Each Division Commander will ensure that court orders, compliance forms, proof of service documents and/or registration forms are executed in a timely manner, and the completed paperwork is returned to the Administrative Booking Unit.

1. Proof of service documents will be completed and signed by the team sergeant who delivered the document(s) to the inmate. The date and time of service must be indicated on the form. The completed form will be returned to the Administrative Booking Unit immediately for further processing.

B. Duty sergeants are also responsible for processing court orders processed by Administrative Booking for TSO/TSOS inmates.

V. Policy Revision

A. All Department policies will be reviewed by the Professional Compliance and Audit Unit.

COUNTY OF SANTA CLARA

Department of Correction Policy and Procedure Manual	**Policy Number:** 7.13 **No. of Pages:** 2 **Date of Origin:** 04 Oct 1993 **Date Revised:** 06 Mar 2001
Chapter: Administrative Booking	**Subject:** Inmate Access to Case Record Information
Supersedes: All Previous Orders	**Distribution:**
References: ACA 3-ALDF-1E-04, Administrative Booking Procedures #1603 Government Code Section 6254(f)	
Signature of Issuing Authority _____ Chief of Correction	**Current Policy Review** **Date of Review:** 06 Mar 2001 **Revisions Made:** ☒ Yes ☐ No

POLICY: It is the policy of the Department of Correction to provide inmates access to information in their Case Records consistent with applicable statutes regarding the procedures and conditions for reviewing this information. The Administrative Booking Unit shall maintain written procedures governing inmate access.

PURPOSE: To establish guidelines allowing inmate access to information in case records.

DEFINITIONS: Case Record: Information concerning an inmate's criminal, personal and medical history, behavior, and activities while in custody. The record typically includes commitment papers, court orders, detainers, personal property receipts, photographs, fingerprints, type of custody, disciplinary infractions and action taken, work assignments, program participation, and miscellaneous correspondence. Also referred to as a Classification Record, Medical Record or Booking Record.

PROCEDURE:

I. Inmate Access to Case Record Information

A. Inmates may have access to the following information in their case record by requesting such information on an Inmate Request Form.

1. Active charge(s), Warrant(s) and/or Hold(s)
2. Bail Amount(s)
3. Future Court Date(s)
4. Projected Release Date

B. Inmate Request Forms are available in most inmate housing units or inmates may request an Inmate Request Form from a Correctional Officer.

C. Correctional staff shall respond to Inmate Request Forms, forward to the appropriate Department when applicable or forward to a supervisor if unable to respond.

D. Correctional staff shall use CJIC (Criminal Justice Information Control) to respond to inmate requests for information regarding active charges, warrants, or hold; a future court date; or a release date. The response shall be written on the form and returned to the inmate.

E. If an officer is unable to locate information in CJIC, or if the inmate is requesting bail or other information, the request should be forwarded, without delay, to the Administrative Booking Unit. The Administrative Booking Unit staff shall effect a timely response to such requests.

1. Administrative Booking Unit staff shall locate the Case Record to extract the requested information and record it on the Inmate Request Form.

2. When the Inmate Request Form is completed, Administrative Booking Unit staff shall confirm the housing of the inmate and route the inmate's copy of the Request Form to the inmate.

3. The original Inmate Request Form shall be maintained in the inmate's facility custody file.

II. Release of Information

A. The confidentiality of information regarding inmates is protected by law.

B. Release of information will be within the guidelines specified in Departmental Policy, “Case Record Management” and Administrative Booking Unit Procedure.

III. Policy Revision

A. All Department policies will be reviewed not less than once a year. The Professional Compliance and Audit Unit will establish an annual schedule identifying policies to be reviewed during a specific month.

COUNTY OF SANTA CLARA

Department of Correction Policy and Procedure Manual	**Policy Number:** 8.01 **No. of Pages:** 6 **Date of Origin:** 15 Jun 1992 **Date of Revision:** 26 Nov 2008
Chapter: Food Services	**Subject:** Administration of the Food Services Division
Supersedes: Old DOC policy 11.01 rev 04/09/98, Main Jail Procedure 504	**Distribution:**
References: ACA 3-ALDF-2E-05, 2E-06,2E-07, 4C-01 thru 4C-05, 4C-09, 4C-11 thru 4C-16, California Code of Regulations Title 15, Section 1243(a), Department of Correction Food Service Unit procedure 11.801 rev. 02/12/04, Penal Code 6030(e) to Food services and WI Sec 222	
Signature of Issuing Authority Edward C. Flores, Chief of Correction	**Current Policy Review** **Date of Review:** 26 Nov 2008 **Revisions Made:** ☒Yes ☐No

POLICY: It is the policy of the Department of Correction to ensure the Food Services Division provides a food service program which is fiscally sound, operationally effective, nutritionally complete, and acceptable in quantity and quality.

PURPOSE: To establish guidelines for the operation of the Food Services Division.

DEFINITIONS:

Medical Diets: Modified meals with dietary restrictions prescribed by authorized medical personnel or dentist as part of the inmate's treatment.

Menu Planning Committee: Consists of the Food Services Director, Assistant Food Service Director, a Food Services Supervisor, Managing Dietitian and Purchasing/Warehouse Manager.

Religious Diets: Modified meals with religious dietary restrictions as required by a religious denomination and approved by the Facility Chaplain.

Wholesale Purchasing: The purchasing of goods in relatively large quantities and at usually lower than retail prices.

PROCEDURE:

I. Food Services Administration

A. The Santa Clara County Department of Food Services shall be administered by the Food Services Director.

B. The Food Services Director is responsible for the overall food service facilities operations and programs.

C. The Department of Correction facility kitchens shall be staffed with Assistant Directors, Food Service Supervisors, Managing Dietitian, Purchasing/Warehouse Manager, clerical staff and other food service kitchen personnel. Inmate workers shall also work in the kitchens on a shift schedule. For more information see Department Policy 8.03, Food Services Management Staff Duties.

II. Budget

A. The Food Services Director shall operate the Food Services Unit as cost-effective as possible without sacrificing the quality or nutritional value of the meals.

B. The Food Services Director or designee shall prepare monthly reports and annual expenditure reports detailing food service expenditures and number of meals served.

1. The Food Services Director or designee shall maintain an accurate record of the number of meals served and associated costs.

III. Maintaining Food Supplies

A. The Purchasing/Warehouse Manager in conjunction with the Food Service Supervisor shall be responsible for ordering all necessary food and supplies in accordance with the supplies and ordering procedures and Santa Clara County purchasing procedures.

B. All incoming supplies and products will be checked to verify the quality and quantity of items ordered. No food shall be accepted that is spoiled, tainted, opened, or otherwise below standard in quality.

C. The Food Services Director shall maintain an inventory system to reconcile the annual physical inventory to the accounting records ensuring storage costs are minimized and comply with the federal regulations.

D. The Food Services Director or designee shall ensure a proper quantity of food is maintained in order to provide a variety of menu selections.

IV. Food Storage

A. All food and supplies shall be properly stored under secure, sanitary, and climatically correct conditions in accordance with the requirements of the Santa Clara County Health Department.

1. The Food Services Director shall maintain internal controls sufficient to ensure that inventory is safeguarded from theft, spoilage or loss from other means.

B. The Food Services Director or designee will determine guidelines for the refrigeration of food, with specific storage periods, to eliminate any spoilage or outdated food products.

V. Menu Planning

A. The menus shall establish the service of three (3) meals a day to each inmate, which includes a minimum of one (1) hot meal.

B. The Menu Planning Committee plans four (4) week cycle menus based upon the current Recommended Dietary Allowance (RDA), Title 15, and the California Daily Food Guide. The Menu Planning Committee ensures the menus are nutritionally adequate, provide a variety of foods, reflect the Medical and Religious diet needs of the population, are cost effective, culturally diverse, reflect the seasonal availability of foods, and adapt to production and service constraints.

1. All menus including medical and religious modified meals shall be planned dated and available for review at least two weeks in advance. The menus shall be planned to provide a variety of foods, thus preventing repetitive meals.

a. The Dietetic Assistants shall make copies of the menus one (1) week in advance and distribute to the Food Services Unit and the Facility Commanders.

2. The Managing Dietitian will plan the master menus based on inmate input, Menu Committee recommendations and in accordance with Title 15, the Recommended Dietary Allowances, and the California Daily Food Guide.

3. A file of tested recipes, adjusted to a yield appropriate for the inmate population will be maintained.

C. Any substitutions to the meals actually served will be noted and replacements will be of equal nutritional value. Menu changes shall be made in coordination with the Managing Dietitian.

1. Two (2) weeks before the scheduled menu, the Food Service Supervisor shall assess the ingredient availability, production status and recommend temporary menu changes to the Managing Dietitian.

2. In the event of a food delivery delay, an insufficient supply, or overstocking, the Warehouse Manager shall notify the Food Service Supervisor or Assistant Food Service Director of Operations.

3. Food Services staff is expected to adhere to the currently planned menu. In emergency situations and after consulting with the Managing Dietitian or a Dietetic Assistant, the Cook II assigned to the diet room may make menu and diet item substitutions. The item substitutions must be appropriate and meet Title 15 requirements.

D. All food will be prepared and served in a manner which will:

1. Maximize safety and quality control
2. Preserve the nutritive quality and content
3. Enhance the appearance and overall palatability
4. Preserve the flavor, color and texture
5. Fulfill the appropriate temperature requirements for hot and cold food

E. Inmates requiring medical diets for medical or dental reasons shall be provided this service upon receipt of written authorization by a physician, dentist or other authorized medical personnel specifying an implementation time period. Medical meals shall be developed by the Managing Dietitian and conform as closely as possible to the regular menu.

F. Inmates requiring religious diets because of strict adherence to religious beliefs shall be provided this service upon receipt of a written request from the facility chaplain. The chaplain will be consulted to assist in the establishment of a special religious meal which shall conform as closely as possible to the regular menu.

VI. Inmate Meals

A. Inmate meals shall be served under conditions minimizing regimentation and supervision by officer(s) responsible for maintaining order and security and in accordance with Department policy #8.07, Inmate Meals.

1. Inmates shall be provided with three (3) meals each twenty-four (24) hour period with no more than fourteen (14) hours between dinner and breakfast meals. At least one (1) meal must be a hot meal.

2. A minimum of fifteen (15) minutes shall be allowed for the actual consumption of each meal, except for those inmates on medical diets where the responsible physician has prescribed additional time.

3. Should an inmate miss a regularly scheduled meal due to court, etc., he/she shall be provided with a sandwich and beverage in lieu of that meal.

4. Inmates on medical diets who miss a regularly scheduled medical diet meal due to court, etc. shall be provided a full medical diet meal to replace a missed facility meal.

VII. Security of Culinary Items

A. All knives and utensils will be used and maintained in a safe and secure fashion.

B. All knives and bladed kitchen utensils shall be stored in a locked cabinet in the Food Services Unit when not in use. At shift change, the Kitchen Officer and Food Service supervisors shall inventory and account for all kitchen cutlery and equipment.

1. If a controlled culinary tool is missing, the Kitchen Officer shall notify the Team Sergeant and Food Services shift supervisor. A search for the missing controlled item shall be initiated and no inmate movement in or out of the kitchen shall be initiated until the discrepancy has been resolved.

VIII. Equipment Inspections

A. All areas of the Food Service Unit and equipment shall be inspected daily by a Food Service supervisor to ensure proper hygienic standards are maintained and equipment is in good repair.

1. The kitchen and all food service equipment shall be cleaned and sanitized in accordance with established State of California and Santa Clara County Health Department Standards.

C. All routine and emergency equipment maintenance shall be scheduled by the Food Services Director or designee. The maintenance shall include, but not be limited to:

1. Daily checks of refrigerator and water temperatures.

2. Weekly inspections of all dining areas and equipment.

IX. Food Preparation

A. Food Services staff and inmates involved in the preparation of food shall meet and comply with the requirements of Department Policy 8.05, Food Service Safety Compliance.

X. Safety

A. All Food Services personnel and assigned inmate workers shall be trained in equipment safety procedures.

B. An independent outside source shall inspect the Food Services Unit to ensure the unit and equipment meet established governmental health and safety codes. Corrective action shall be taken on all deficiencies, as necessary.

C. Food Services personnel shall be trained in accident prevention, first aid, use of safety devices, floor care, knife storage, and the use of fire extinguishers.

D. A Food Services Division representative will attend the quarterly Department of Correction safety meetings and conduct safety inspections in order to promote safe work conditions.

XI. Policy Review

A. All Department policies will be reviewed by the Professional Compliance and Audit Unit.

COUNTY OF SANTA CLARA

Department of Correction Policy and Procedure Manual	**Policy Number:** 8.03 **No. of Pages:** 6 **Date of Origin:** 26 Nov 2008 **Date of Revision:** New Policy
Chapter: Food Services	**Subject:** Food Services Management Staff Duties
Supersedes: Main Jail Procedure 503	**Distribution:**
References: ACA 3-ALDF-4C-01, Penal Code 6030(e) to Food services and WI Sec 222	
Signature of Issuing Authority Edward C. Flores, Chief of Correction	**Current Policy Review** **Date of Review:** New Policy **Revisions Made:** ☐Yes ☐No

POLICY: It is the policy of the Department of Correction to ensure the Food Services Unit will be supervised by full-time staff members experienced in food services management.

PURPOSE: To describe the organization structure and responsibilities of the Food Services Unit and the custody staff Kitchen Officer.

DEFINITIONS: None.

PROCEDURE:

I. Food Service Unit Organization

A. The Food Services Director duties include, but are not limited to, the following:

1. Directs and coordinates the operations, programs and activities of the Department of Correction Food Services Unit and DOC warehouse.

2. Develops and coordinates plans for implementation of departmental goals and procedures.

3. Administers budget for Food Services Department and Department of Correction Warehouse.

4. Directly supervises the Assistant Director of Operations, Assistant Director of Support Services, Administrative Services Officer II and Administrative Assistant.

5. Enforces compliance with applicable standards and regulations.

6. Reviews and approves food and equipment purchases.

7. Plans and implements organizational structure.

8. Responsible for working relationships within the facility.

9. Liaison with the Department of Correction, County and outside services.

10. Participates in the development of HACCP program, emergency planning and employee training.

B. The Assistant Food Service Director of Operations duties include, but are not limited to, the following:

1. Supervises Food Supervisor, Managing Dietician, Maintenance Engineer and Office Specialist III assigned to Operations.

2. Supervises, directs and evaluates Cook II's, Cook I's, Correctional Food Service Workers and Diet Assistants.

3. Supervises and coordinates meal production, tray line operations, Minimum Camp Dining Room, meal service and deliveries.

4. Responsible for menu patterns and food portion control.

5. Establish and enforce inmate food quality standards.

6. Responsible for safety, sanitation and adherence of Food Service standards.

7. Participates in the recruiting, hiring, counseling, reward and discipline of operational personnel.

8. Participates in the development and implementation of employee training.

9. Oversees coordination of building and equipment maintenance.

10. Responsible for and coordinates capital projects

11. Oversees vehicle maintenance and purchases.

12. Liaison with Facilities and Fleet Services.

13. Participates in HACCP development and implementation.

C. The Assistant Food Service Director-Support Services job duties include, but are not limited to, the following:

1. Supervises and coordinates bakery, Staff Dining Room, Main Jail food service operations, catering and warehouse/purchasing functions.

2. Supervises, directs and evaluates Food Service Supervisor, Managing Dietitian and Office Specialist III assigned to Support Services.

3. Oversees Cook II's, Cook I's, Correctional Food Service Workers, Senior Warehouse Material Handler, Storekeeper, Material Handlers and Account Clerk II.

4. Participates in the recruiting, hiring, counseling, reward and discipline of operational personnel.

5. Oversees personnel functions including hiring, payroll, work schedules, workers compensation and disciplinary actions.

6. Liaison with Labor Relations.

7. Liaison with County Procurement

8. Participates in the development and implementation off employee training.

9. Participates in the development of HAACP and emergency planning.

D. The Food Service Supervisor-Operations job duties include, but are not limited to, the following:

1. Supervise and coordinate production, tray line, scullery, Minimum Camp Dining Room, vegetable preparation, transportation and delivery functions.

2. Direct, supervise and evaluate Cook II's, Cook I's and Correctional Food Service Workers.

3. Supervise and plan daily food productions and service.

4. Responsible for quality control, standardization, recipe/menu development, healthy menus, customer satisfaction, cost controls and seasonal changes.

5. Maintains efficient ordering and delivery systems for food and supplies.

6. Develops efficient improvements and procedures in all areas of responsibility.

7. Participates in the hiring, assigning and training of food service personnel.

8. Oversees hiring and training of inmate workers.

9. Identifies building and equipment problems and coordinates appropriate maintenance and repair.

10. Participates in the development and implementation of the HACCP program.

E. The Food Services Supervisor-Support Services job duties include, but are not limited to, the following:

1. Supervise and coordinate the bakery, Main Jail food service operations and the Main Jail and Elmwood Staff Dining Room functions.

2. Create and manage food service employee work schedules and job assignments.

3. Supervise, direct, and evaluates Lead Bakers, Bakers, Cook II's, Cook I's and Correctional Food Service Workers, Float positions and Extra Help workers.

4. Responsible for quality control, recipe/menu development, healthy menus, customer satisfaction, cost controls and seasonal changes.

5. Develops efficient improvements and procedures in all areas of responsibility.

6. Maintains efficient ordering and delivery systems for food and supplies.

7. Participates in the hiring, assigning and training of food service personnel.

8. Responsible for safety and sanitation in work areas.

9. Plans and coordinates catering projects.

10. Participates in the development and implementation of the HACCP program.

F. The job duties of the Management Dietician of Operations include, but are not limited to, the following:

1. Supervise, coordinate and develop menus, modified diets, inmate nutritional care, and quality assurance and regulation compliance.

2. Supervise, direct, and evaluate Dietetic Assistants.

3. Develop and manage menus for normal, therapeutic and religious diets.

4. Ensures menus and practices meet all applicable standards and guidelines.

5. Responsible for quality control/training programs in serving units.

6. Supervise meal patterns and food portion standards.

7. Develop efficient improvements and procedures in all areas of responsibility.

8. Responsible for the department diet manual.

9. Confirms the appropriateness of the diet prescriptions.

10. Provides nutritional consultation to inmates as ordered by physician or chaplain.

11. Responds to inmate grievances and requests.

12. Participates in the hiring, assigning and training of food service personnel.

13. Acts as medical, health department, custody and religious liaison.

14. Coordinates emergency planning.

15. Participates in the development and implementation of the HACCP program.

G. The job duties for the Management Dietitian-Support Services include, but are not limited to, the following:

1. Supervises and coordinates the material management of food and supplies including purchasing, receiving, storing issuing, inventory and record keeping.

2. Supervises, directs and evaluates Senior Material Handlers, Storekeepers, Warehouse Material handlers and Account Clerk II.

3. Researches, plans, evaluates and purchases food and supplies.

4. Coordinates warehouse/purchasing functions with Operations.

5. Develops efficient improvements and procedures in all areas of responsibility.

6. Maintains budgetary controls and cost analysis in relation to food and supplies.

7. Responsible for warehouse safety and forklift training.

8. Liaison with vendors.

9. Works with internal and county departments to ensure compliance.

10. Responsible for HACCP implementation in the warehouse/purchasing areas.

H. The job duties of the Administrative Support Officer II include, but are not limited to, the following:

1. Oversees safety, training and food service procedures.

2. Manages and coordinates new employee orientation.

3. Prepares, updates and maintains food service procedure manual.

4. Food Services Unit Safety Officer.

5. Coordinates and manages food service Safety Committee.

6. Responsible for distribution of safety information to all staff.

7. Develops and manages injury prevention program.

8. Conducts studies, analyzes and makes recommendations regarding needed training programs and classes.

9. Assists in preparation of administration of employee training classes.

10. Schedules employee training and manages and maintains the employee training data base.

11. Coordinates, schedules and monitors inmate orientation and inmate serve safe classes.

12. Conducts studies and analyzes departmental requirements, organizational structure, expenditure of funds and types and effectiveness of equipment.

II. Custody Staff-Kitchen Officer Responsibilities

A. Refer to the Kitchen Officer Post Orders for information regarding the post duties.

III. Policy Review

A. All Department policies will be reviewed by the Professional Compliance and Audit Unit.

COUNTY OF SANTA CLARA

Department of Correction Policy and Procedure Manual	**Policy Number:** 8.07 **No. of Pages:** 12 **Date of Origin:** 26 Nov 2008 **Date of Revision:** 26 Nov 2008
Chapter: Food Services	**Subject:** Inmate Meals
Supersedes: Policy 8.07, Inmate Meals rev. 11/26/08	**Distribution:**
References: Title 15, Article 12, Sections 1240-1246; Health and Safety Code California Uniform Retail Food Facilities Law , Health and Safety Code, division 104, Prt 7 chapter 4, articles 1-8, Penal Code 6030(e) to Food services and WI Sec 222	
Signature of Issuing Authority Edward C. Flores, Chief of Correction	**Current Policy Review** **Date of Review:** 31 Mar 2010 **Revisions Made:** ☐Yes ☒No

POLICY: It is the policy of the Department of Correction to provide Food Services for all inmates in custody to include inmates with modified diets as prescribed by appropriate medical or dental personnel or for inmates whose religious beliefs require their adherence to religious dietary laws. Meals will be served under the supervision of staff in a manner that ensures food safety, sanitation, proper handling, adequate allocating, equal treatment of inmates, and overall waste reduction.

PURPOSE: To establish guidelines for the delivery and service of inmate meals.

DEFINITIONS:

Cold Cart: Cart used to transport trays of food that require refrigeration and/or reheating.

Hot Cart: Cart used to transport trays of reheated food.

Menu Planning Committee: Consists of the Food Services Director, Assistant Food Services Director, a Food Services Supervisor, a Managing Dietitian and Purchasing/Warehouse Manager.

Medical Diets: Modified meals with dietary restrictions prescribed by authorized medical personnel or dentist as part of the inmate's treatment.

Religious Diets: Modified meals with religious dietary restrictions as required by a religious denomination and approved by the Facility Chaplain.

Rethermalization Carts (Hot Carts): Insulated electrical oven carts used to heat and transport inmate meals to DOC facilities.

PROCEDURE:

I. Meal Count For Inmate Population

A. The Food Services Unit at Elmwood is responsible for loading the food for each meal and confirming the inmate count per unit from the CJIC computer printout. The inmate count will be increased by approximately one for every fifty (50) to provide trays for new arrivals.

1. The Food Services Unit will ensure that the number of trays sent to each facility is adequate to feed the number of inmates housed each unit.

2. The Food Services Unit will record the meal count on the Food Services Delivery Receipt, which will accompany the food carts.

II. Inmate Meals

A. Inmates will be provided with at least three meals (including one hot meal), at regular meal times during each twenty-four hour period, with no more than fourteen hours between the evening meal and breakfast. Variations may be allowed based on weekend and holiday Food Services demands or major emergencies, provided basic nutritional goals are met.

B. Meals will be served at approximately 0430, 1030 and 1630 hours daily. A minimum of fifteen minutes will be allowed for the actual consumption of each meal. Serving times are approximate and subject to change due to facility emergencies.

C. Food Services Dietetic Assistants will forward copies of menus, including modified diet menus for medical, pregnancy or religious diets to each Division Commander. A copy of each menu shall be posted in each housing unit.

1. All modified diet meals and snacks will be delivered by the Food Services Unit and will indicate the housing unit, type of diet, name of meal and date of meal printed on the meal label that accompany the meal and snacks.

D. A registered nutritionist/dietician analyzes the daily dietary allowances of the inmate meals on an annual basis to ensure that they meet Title 15 requirements for basic nutrition.

E. Food will never be withheld, nor the standard menu varied, as a disciplinary sanction for an individual inmate. **Exception:** When approved by the Division Commander, Disciplinary Housing may include a disciplinary isolation diet in

accordance with Title 15 and Department Policy 15.01, Inmate Rules and Discipline.

F. Meals are served in a manner that minimizes regimentation, but is supervised by a Housing Unit Officer at all times. Inmates are required to return to their housing assignment area prior to the delivery of the meal trays. The Housing Unit Officer will use discretion in determining the number of inmates that will be allowed to form in line at one time to receive their meal tray. Inmates housed in general population units are allowed to sit at a table, along with other inmates, to consume their meals.

G. Cold meal items and boxed lunches that are waiting to be served shall be held in the refrigerator. Hot meal items shall be held in rethermalization ovens at 170° F for no more than two (2) hours.

H. Inmate meals and box lunches that are waiting to be served shall never be placed on the floor prior to being served to the inmate.

III. Inmate Workers/Food Handlers

A. The Housing Unit Officer or Kitchen Officer will monitor inmate workers and other persons working in Food Services each day for health and cleanliness. They will conduct a cursory medical check to ensure that inmate workers do not have open sores or obvious illness.

B. The inmate workers will receive a pre-assignment medical examination to ensure that they do not suffer from diarrhea, skin infections, and other illnesses transmitted by food or utensils. All examinations are conducted in accordance with all Health and Safety requirements.

C. Inmate workers are under the supervision of the Housing Unit Officer or Kitchen Officers in specific buildings, and will adhere to the following rules:

1. All food handlers are required to contain/cover their hair with hairnets and facial hair with beardnets.

2. All food handlers are instructed to wash their hands upon reporting to duty and after using toilet facilities, and as often as needed.

3. All food handlers will wear disposable gloves at all times during the preparation or handling of meals.

4. Inmate workers are required to wear a disposable kitchen apron over their jail clothing during the preparation, handling, and delivering of the meals.

5. Inmate workers serving food will give only one meal to each inmate.

6. Inmate workers will eat their meals after all inmates have been served.

7. Inmate workers will clean and sanitize the eating and food preparation areas, and remove all trays, leftovers and food carts from modules at the direction of the officer.

IV. Food Cart Transportation/Delivery

A. Elmwood Food Services will be responsible for delivery of the food carts to each facility kitchen and will adhere to specific delivery and pickup schedules.

B. Meals will be delivered in refrigerated trucks. The Food Services delivery driver will be responsible for ensuring the refrigeration unit of the truck is in good working condition.

1. The Food Services driver must remain with the vehicle.

C. A Housing Unit Officer will meet the Food Services delivery truck and count the cold food trays on the cold carts and number of meals on the hot cart. The Housing Unit Officer will verify and sign a Tray Count Log indicating the number of hot and cold trays received. The Food Services driver must also sign the log. At this time, the carts will also be inspected for contraband.

D. The Food Services driver is responsible for operating the truck lift. Inmate workers unload the food carts from the truck and push the carts into the refrigerators.

E. Once the food carts have been unloaded from the truck, the inmate workers will load the empty carts from the previous meals onto the truck.

F. The inmate workers will deliver the full food carts from the kitchen to the designated units.

G. If additional meals are needed after the food carts have been delivered to the units the Housing Unit Officer shall locate and use extra meals from nearby units. If additional trays cannot be located within the facility, the Housing Unit Officer will contact the Elmwood Food Services Unit.

H. Any damaged or inoperable ovens or Rethermalization carts shall be reported to a Food Services supervisor.

I. Housing Unit Officers and Food Services delivery drivers are responsible for monitoring and documenting the temperatures of unit refrigerators several times daily to ensure proper temperature. If the temperature reads above 40° F, a service call will be placed and the Food Services Unit will be notified to make a determination regarding the food in the refrigerator. Food is not to be served until this determination is made.

V. Meal Preparation at Elmwood Medium Security Units

A. To prevent food spoilage and food borne illnesses, boxed lunches and cold food items must be held in the refrigerator until inmates can eat them. As a general guideline, if food is going to be held for more than fifteen (15) minutes, it must be held in the refrigerator at 35° F to 41° F. Any shelf stable goods in the kitchen will be stored above the floor at 45° F to 80° F.

B. Inmate workers will remove the food carts from the kitchen walk-in refrigerator, which will be maintained at 35°F to 41°F. Each cart is marked to indicate the unit designation. Any shelf goods in the kitchen will be maintained at 45°F to 80°F.

C. For foods that need to be reheated, the Food Services Oven Chart posted in the kitchen will note the proper cooking temperature, holding temperature, timer setting, and start time for the rethermalization ovens. Ovens will remain empty for fifteen (15) minutes for preheating.

1. Inmate workers assigned to work in the lockdown kitchen will obtain an inmate count for each building from Central Control.

2. After the recommended temperature is verified the empty oven is preheated and the cooking time is set. The inmate workers will place the correct number of sealed meals to be heated inside of the corresponding oven.

3. Heated meals should reach a minimum food temperature of 165°F. If the food temperature reads below 165°F, the trays should be returned to the Rethermalization oven for further heating.

4. Completed cooking time should be scheduled as close to serving time as possible. If cooking time is completed prior to serving, food may be held at 170 ° for no more than two (2) hours.

5. Just prior to serving time the inmate workers will turn off and unplug hot cart. The kitchen inmate workers will immediately push hot cart and matching cold cart to designated units to ensure a hot meal.

6. Meals for inmates away at court should be held at correct temperatures.

VI. Meal Preparation at Main Jail

A. Cold food items will be kept in the kitchen walk-in refrigerators prior to delivery. Meal rethermalization will be performed by Food Services personnel in the Food Services kitchen. Meals will be heated and held at proper temperatures.

VII. Meal Service at Elmwood and Main Jail Medium/Maximum Security Units

A. The rover officer will notify the unit of the impending arrival of all meals. This will allow the Housing Unit Officer time to lockdown the unit and prepare for meal service upon arrival of the food carts.

B. Upon the arrival of the cold and hot carts the Housing Unit Officer will direct the inmate workers to begin preparation for meal service.

1. Housing Unit Officers will count the number of hot and cold trays to ensure that the correct amount has been delivered. The Housing Unit Officer will complete and sign the delivery receipt in order to accept the delivery of the food carts.

2. The Housing Unit Officers will inspect the meal trays and lunch boxes for contraband prior to distribution to the inmates.

3. Housing Unit Officers will randomly take temperature readings of the hot food and document the readings on the temperature log which will be turned in daily to the Team Sergeant.

4. The Housing Unit Officer shall maintain a Modified Diet Log for the day beginning at 0001 hours, and will ensure those inmates receiving modified diets sign the log acknowledging receipt of their meals.

a. Using the diet list, the Housing Unit Officer will serve the Medical and Religious diets first.

5. The inmate workers will hand out the meals in a systematic fashion, removing one (1) pan of meal trays at a time. The Housing Unit Officer will monitor the meals as they are being handed out.

C. Inmates in Maximum Security and other restricted housing units will be served meals through the food port on the cell door.

1. Inmate workers are not allowed to enter the Maximum Security Units. The Rover officer will serve and collect all trays. Upon completion of the meal, the officer will remove food trays from the food port, collect all utensils (each inmate may have one spoon in their possession to stir coffee, tea, etc.), discard hot tray and garbage, and place the cold tray in the cold cart.

2. The Housing Unit Officer will supervise the removal of trays, carts and garbage from the unit after each meal.

3. During lunch service, the Housing Unit Officer will save enough lunches for those inmates who are out to court, interviews, doctor's appointments, etc. The officer shall ensure the lunches are properly refrigerated.

VIII. Meal Service for Inmates in Intake/Processing

A. Inmates in custody in Intake/Processing during the serving of meals will be given a bagged meal according to their time of arrival at the facility.

B. The Food Services staff is responsible for delivering the bagged meals from the kitchen.

IX. Meal Service for Inmates in Court Holding

A. Inmates already in custody but are being detained in court or transportation holding cells during meal times will be provided a box lunch. Transportation Officers will be responsible for notifying the Kitchen of the number of box lunches required.

1. Inmates held over for the Hall of Justice (HOJ) will be fed in the Court Movement area by Court Movement Officers.

2. Inmates held over at outer courts (i.e. Palo Alto/ Levi courts) are fed at the court facility.

X. Team Sergeant Duties

A. During inmate meal times Team Sergeants shall:

1. Ensure that sufficient officer staffing is present in the inmate dining hall prior to starting an inmate meal.

2. Frequently monitor inmate feeding in their areas of responsibility.

3. Ensure that the Kitchen Temperature Logs are completed and submitted on a timely basis. If any temperatures fall below 140° F ensure that Food Services provides adequate hot food to complete feeding for those areas affected.

4. Review every Employee's Report for each incident of food not meeting the temperature requirement. Initiate and follow-up with needed corrective action to prevent further occurrences.

5. Periodically check to ensure that inmates are receiving medical or religious diets as ordered.

6. Forward all inmate grievances relating to food to the Food Services Director.

7. Collect and forward the completed diet logs daily to facility administration for filing.

XI. Modified Diet Meals

A. A physician, dentist, or other authorized medical personnel may prescribe modified medical diet meals to inmates as part of treatment. These meals will be kept as simple as possible and conform as closely as possible to the foods served to general population.

1. Upon booking during assessment by medical personnel a medical diet for the inmate may be initiated.

2. Inmates may request a medical diet during a medical appointment or via a medical request form.

3. Medical diet orders must be in writing on the Doctor's Order Sheet in the inmate's medical record. Medical will inform Food Services of new diet orders via the Therapeutic Diet order form. Dietetic Assistants shall refer non-routine orders to the Managing Dietitian for review. Food Services staff shall refer to the medical diet spreadsheet which delineates food items to be served on medically prescribed diets for all meals.

B. The Elmwood medical staff will provide the Food Services Unit with the names of those inmates in need of pregnancy diet via the Medical Diet order form. Pregnancy diet includes four (4) servings of milk per day and an evening snack.

1. The pregnancy meals and snacks will be delivered by the Food Services Unit and will indicate the housing unit, type of diet, name of meal and date of meal printed on the meal label that accompany the meal and snacks.

2. Using the Diet List, the Housing Unit Officer will deliver the meals to the inmate as the designated meal time. If the inmate is not available to receive her meal, it should be placed in the refrigerator and/or held in the Rethermalization carts at 170°F until it can be delivered.

C. Any inmate who wishes to request a religious diet to comply with dietary requirements of his/her religious beliefs must submit an Inmate Request Form to the Facility Chaplain. If approved, the Chaplain shall send Food Services the order on the Therapeutic Diet order form. Dietetic Assistants will screen the order, referring non-routine orders to the Managing Dietician for review. Routine orders include Kosher, Halal and Lacto-ovo-vegetarian diets.

1. Religious diets will be made available upon written authorization from the approving Facility Chaplain.

2. Religious diets are planned with counsel from the Facility Chaplain.

   a. The food items shall be specific and compliant to the inmate's religion. Food Services Staff shall refer to the daily menu spreadsheet which delineates food items for modified diets when preparing religious diets.

   b. If the requested religious diet does not conform to one readily available diet plans, i.e. Kosher, Halal, or vegetarian, or requires feeding times, the request will be forwarded to the Division Commander for final disposition.

3. The contents of a religious meal may not exceed the contents of meals for the general inmate population.

4. Religious diets can only be discontinued by the Facility Chaplain.

D. An inmate who has been approved to receive a medical/religious diet must sign a "Medical Agreement Form" from Custody Health Services and agrees to:

1. Receive the modified meal in place of the regular meal.

2. NOT choose between medical/religious meals and regular meals.

   a. If an inmate refuses a medical/religious diet because he/she desires a regular meal, the inmate is required to sign a Refusal of Essential Medications Treatment and/or Initial MD/NP Appointment Form available from the medical staff. Medical staff will then discontinue the medical diet and notify the dietician.

3. NOT receive a regular meal in addition to the medical/religious meal.

4. NOT give away or trade his medical/religious meal with other inmates.

E. All medical/religious diet meals will indicate the housing unit, type of diet, name of meal and date of meal on labels that accompany the trays and/or lunchboxes.

F. When inmates require both medical and religious diets, the medical diet prevails. Combined medical/religious diets are not available. The Chaplain will be notified when a medical diet prevails.

G. If an inmate refuses a medical diet because he/she desires a religious diet, the inmate is required to sign a Refusal of Essential Medications, Treatment and/or Initial MD/NP Appointment Form available from the medical staff. Medical will then discontinue the medical diet and notify the Chaplain.

H. The Housing Unit Officer shall ensure that all inmates who are prescribed a medical or religious diet are provided with one by Food Services staff.

1. When a medical diet has been prescribed, the pill call nurse will fasten a purple and white wristband on the inmate's wrist. The wristband shall have the inmate's name, booking number, type of diet and the date the diet ends.

   a. Inmates who remove the wristband will be subject to a major infraction.

2. After a medical/religious diet has been ordered, it may take one or two working days for the order to take effect.

3. The Housing Unit Officer shall ensure the inmates receive their designated diet based on the Diet List and sign the Inmate Diet Log acknowledging receipt of the medical/religious diet. The diet log will be collected at the end of the day on a daily basis by the night Team Sergeant.

4. The Housing Unit Officer shall contact Food Services if an inmate has not received his/her medical/religious meal and his/her name is not on the Diet List.

5. If an inmate refuses his/her medical/religious diet meal, the reason for the refusal must be logged by the Housing Unit Officer on the Diet Log and in the Post Log Book.

6. All diets must be searched by the Housing Unit Officer for contraband prior to delivery to the inmate.

7. Inmates who are not compliant to their medical/religious diets will be reported to both Food Services and Medical staff or the Chaplain as applicable.

XII. Inmate Food Complaints

A. If a complaint is received from an inmate regarding food that is spoiled or containing a foreign object, the Housing Unit Officer will temporarily stop Food Services to the inmates and report to the Food Services Unit immediately.

1. If the inmate food contains a foreign object such as hair, the Housing Unit Officer will issue another tray.

   a) The Housing Unit Officer will save the tray, including the foreign object, and submit it to the Food Services supervisor for investigation.

2. If it is determined that the food may be spoiled, the officer will immediately contact the Team Sergeant and a Food Services Supervisor.

   a) A Food Services supervisor will visit the feeding site and inspect the food to determine if the food is fit for consumption and if not, make necessary adjustment to ensure that inmates are fed.

B. If it is decided that the food will not be served, a sample of the spoiled food will be sealed in a clear plastic property bag and stored in the freezer and/or given directly to a Food Services Unit Supervisor for analysis.

C. The Housing Unit Officer shall complete an Employee's Report describing the incident. The Housing Unit Officer shall not confirm or offer opinions regarding food complaints in the presence of inmates. The completed report shall be forwarded to the Team Sergeant prior to the end of shift.

D. The Team Sergeant will be responsible for notifying and/or forwarding information to the Food Services Unit and advising them of the problem. The Food Services Unit is responsible for picking up the alleged spoiled food and investigating the spoilage, and arranging for additional food, if needed. If it is determined that the food is spoiled, the Food Services Unit will deliver a substitute.

E. Refer to Department Policy #8.05, Food Services Safety Compliance for additional information.

XIII. Inmate Housekeeping After Meals

A. Upon completion of the meal, each inmate will:

1. Discard leftover food into the large plastic garbage containers in the units. The inmates will stack the food tray on top of the cold cart container.

2. The leftovers from the box lunches will be discarded in the garbage containers. The paper boxes will be placed in a separate plastic bag for recycling purposes.

3. Inmates are allowed to keep one reusable plastic spork in their possession as an eating utensil and to stir coffee, tea, etc. Any other eating utensils in excess of this spork are to be considered contraband and collected, if found. It is the responsibility of the Housing Unit Officer to ensure that all inmates have a reusable spork and tumbler.

B. The inmate workers will collect hot carts, cold carts and garbage.

C. Bags of garbage are not to be placed in/on the top of the meal carts at anytime. The bags of garbage are to be disposed of in the trash compactor and/or garbage bins.

XIV. Unit Housekeeping After Meal Service

A. The units will lockdown after each meal to allow the unit inmate workers to conduct their housekeeping duties.

1. Inmate workers will collect cold carts, hot carts, recyclable cardboard lunch boxes and garbage. The carts will be taken to the kitchen and the garbage will be placed in the trash compactor.

2. Inmate workers will clean the Food Services area, cold and hot carts, and all surface areas after each and every meal.

B. The Housing Unit Officer will inspect the unit after cleaning to ensure:

1. All tables are cleaned.

2. All cold trays are accounted for.

3. All recyclable lunch boxes are collected are flattened and placed in the plastic milk crates for collection by inmate workers to be picked up by the appropriate recycling company.

4. Garbage containers are emptied and relined with a new plastic bag.

5. The food temperature probe is accounted for.

6. The lockdown kitchen is clean, including rethermalization carts, sinks, floors and walk-in refrigerators. (Elmwood only)

C. The Food Services Unit will be responsible for transportation of the hot and cold carts back to the Elmwood Kitchen.

XV. Policy Review

A. All Department policies will be reviewed by the Professional Compliance and Audit Unit.

COUNTY OF SANTA CLARA
DEPARTMENT OF CORRECTION

MISSING OR STOLEN BADGE/IDENTIFICATION/ SECURITY CLEARANCE CARD REPORT

To:	From:
Subject: Missing or Stolen Badge/ID Card	Date & Time:

Per DOC Policy 3.09 & 9.07, you are required to do the following if your badge and/or I.D. card are lost:

- ☐ Notify your supervisor/Affiliation Coordinator and advise him/her of the situation.
- ☐ Complete a Missing or Stolen Badge/I.D./Security Clearance Card Report describing the circumstances surrounding the loss of your badge/ID card and submit to your supervisor/Affiliation Coordinator. The supervisor will forward the report to the Personnel Unit.

PLEASE NOTE: If you believe your badge/ I.D. or Security Clearance card was stolen, you are also required to:

- ☐ Contact the Law Enforcement Agency in whose jurisdiction the theft occurred, and request a Police Report documenting the incident
- ☐ Submit a copy of the Police Report along with your completed Missing or Stolen Badge/I.D. Card Report to your supervisor. The supervisor will forward the packet to the Personnel Unit.

If Badge/I.D. or Security Clearance Card was stolen, please provide the following:

Police Report Number:	***Police Agency Name:***

Explanation:

_____

_____

_____

Location of incident:

Supervisor/Affiliation Supervisor	Employee/ Sec.Clearance Applicant	HR Manager Approval
Signature Date	Signature Date	Signature Date

COUNTY OF SANTA CLARA

Department of Correction Policy and Procedure Manual	**Policy Number:** 9.07 **No. of Pages:** 10 **Date of Origin:** 05 Oct 1993 **Date of Revision:** 25 Feb 2009
Chapter: Security and Control	**Subject:** Security Clearances
Supersedes: Policy 9.07 rev. 01/29/03	**Distribution:**
References: Penal Code sections 4570, 4570.5, 4571, 4573, 4574, 4535 Department Policy 17.11	
Signature of Issuing Authority Edward C. Flores, Chief of Correction	**Current Policy Review** **Date of Review:** 25 Feb 2009 **Revisions Made:** ☒Yes ☐No

POLICY: It is the policy of the Department of Correction to restrict access to its facilities to employees of the Department. All other persons must obtain a security clearance prior to being allowed access to any secured portion of a Department of Correction facility.

PURPOSE: To establish guidelines for admitting other County department employees, official/government visitors, outside contractors and vendors into secured areas of the Department's facilities.

DEFINITIONS:

Official Visitor: A person of proper authority who comes to see an inmate in a professional or business capacity such as law enforcement personnel, Administration of Justice employees, or other professional persons designated by the court to conduct official business related to the incarceration/adjudication of the inmate.

Security Clearance Request: A form to be filled out with pertinent data when applying for a permanent or temporary Security Clearance.

Security Clearance: Authorization to enter a secured area of the Department facility. A security clearance may be issued in the form of an Identification Card, a Visitor's Pass, or a one-day clearance.

Security Clearance List: A list of persons who are cleared to enter and perform specific functions within the secured areas of the Department's facilities.

Service Providers: Non-Department contractors, consultants or vendors who provide goods and/or services to the Department.

CJIC: Criminal Justice Information Control

PROCEDURE:

I. Facility Access by Non-Department Personnel

A. The operation of the Department's facilities involves the use of outside personnel to provide services such as food service, medical service, outside maintenance, repair service or programs. To ensure that the security of the facilities is not compromised, persons who are not directly employed by the Department of Correction and require access on a routine basis, will be required to complete a permanent Security Clearance Request form (a*ttachment*) to gain access to the secured areas of the Department's facilities.

B. The Division Commander, Assistant Division Commander, or Watch Commander may authorize outside vendor contractors, community agency representatives or volunteers requiring access to a facility on an infrequent or one-time basis to enter the facility provided the person is under employee escort at all times.

C. Security Clearance Request forms for a temporary Security Clearance or Security Clearance of less than 90 days, will be handled at the involved facility by staff designated by the Division Captain in accordance with Section VI of this policy.

D. Any failure to follow the rules set by the Department for access to its facilities may be cause for the Division Captain of the facility to revoke the individual's access to the facility.

II. Types of Security Clearance Cards/Passes

A. A red permanent Security Clearance Identification Card for Non-Department personnel who need access on a daily basis to include but not limited to;

1. Medical/Mental Health Personnel
2. Pre-Trial Services
3. Facilities and Fleet (FAF)
4. Milpitas Adult Education
5. Contracted community-based inmate assistance organization (e.g. Friends Outside)
6. Public Defender's Office
7. Other County Employees

B. A one-day plastic Visitor's Pass for official access issued and collected at point of entry.

1. Attorneys
2. Official Visitors
3. Other Government Employees

C. A Daily Clearance Pass (a paper sticker) for intermittent, infrequent or one-time access issued and collected at point of entry.

1. Contractors

2. Tour Group Members
3. Department Employees without Permanent Security Clearance Cards
4. Part-time Volunteers

III. Permanent Security Clearance Requests

A. Security Clearance Request forms for a permanent Security Clearance will be coordinated through the Department's Security Clearance Coordinator who is assigned to the Personnel Unit.

B. The Security Clearance Coordinator will supply the applicant with a copy of the County of Santa Clara Sexual Harassment Policy and have the applicant sign the Sexual Harassment Acknowledgement form.

C. Security Clearance Request forms for a permanent Security Clearance must include the applicant's signature and the sponsor's signature along with a signed copy of the Sexual Harassment Acknowledgement form (*attachment*). The following list includes, but is not limited to, the approved sponsors that may sign a Security Clearance Request form.

1. Chief of Correction
2. Assistant Chief of Correction
3. Deputy Chief of Correction
4. Division Commander
5. Assistant Division Commander
6. Programs Manager or Programs Sergeant
7. Friends Outside Administrator
8. Milpitas Adult Education Administrator
9. Department of Correction Chaplains
10. Adult Custody Health Services Director/Administrator
11. Department of Correction Operations Manager
12. Santa Clara County Facilities and Fleet supervisors
13. Other County Department Supervisors as determined by the Personnel Manager

D. Completed request forms for a permanent Security Clearance may be submitted to the Security Clearance Coordinator by facsimile at 971-1403, by inter-office mail (Pony mail), or in person in the Personnel Unit. All other requests should be submitted to the appropriate Division Captain or designee.

E Employees of other Santa Clara County departments who provide a support service for the Department of Correction and need a permanent Security Clearance will do the following:

1. Contact the Agency Affiliation Coordinator in your Department and complete a Security Clearance Request form.

2. Forward the completed application to your Agency Affiliation Coordinator for review and approval.

3. After approval, mail or pony the completed request form to the Department of Correction Personnel Unit at the following address:

Department of Correction Personnel Unit
885 North San Pedro St.
San Jose, Ca 95110-1772
Attn: Security Clearance Coordinator

IV. Processing Permanent Security Clearance Requests

A. The Security Clearance Coordinator will process new permanent Security Clearance Request forms by reviewing the form for accuracy, ensuring the form is signed, running a check in CJIC and sending the applicant to be fingerprinted for Department of Justice/FBI history checks.

1. If the request form and CJIC check are satisfactory, the applicant will be placed on the Security Clearance List for 30 days pending fingerprint results. The Security Clearance Coordinator will:

a. Contact the County/Outside Agency Affiliation Coordinator to advise him or her of the temporary 30-day clearance.

b. Direct the applicant to pick up a Request for Live Scan Service form, (*attachment*), and make an appointment with the Sheriff's Office I.D. services at 808-4760 for fingerprints to be completed within the temporary 30-day clearance period.

Note: The Security Clearance Coordinator may extend the temporary clearance period on a case-by-case basis. The need for an extension is normally associated with fingerprint Reject Notifications.

2. If the request form is satisfactory but the CJIC check is questionable, the applicant will be denied clearance pending fingerprint results. The Security Coordinator will:

a. Contact the applicant and advise them their clearance is pending a further history check.

b. Direct the applicant to pick up a Request for Live Scan Service form and make an appointment with the Sheriff's Office I.D. services at 808-4760 for fingerprints.

3. If the local warrant check or fingerprint results reveal the applicant has a history of any of the following, the Security Clearance Coordinator will advise the applicant and sponsor that clearance is denied.

a. A pending felony or misdemeanor charge.

b. Currently on probation or parole

c. Any previous convictions for violence, assaultive behavior, sexual offenses or offenses committed while in custody.

d. A felony conviction or Deferred Entry of Judgment within the last five years.

e. A misdemeanor conviction or Deferred Entry of Judgment within the last three years.

f. Any other factor that causes the Department to deem granting security clearance a risk to facility safety and security.

B. The Security Clearance Coordinator will receive and review all fingerprint results and determine if an applicant is eligible for clearance.

1. If the applicant is eligible for clearance, the Security Clearance Coordinator will contact the County/Outside Agency Affiliation Coordinator and sponsor to advise that clearance is approved.

2. The Security Clearance Coordinator will update the Security Clearance List to show the applicant as permanent with a two-year expiration date.

C. Once their clearance request has been approved, selected Non-Department Employees will be issued a Security Clearance Identification Card from the Personnel Unit, which identifies them and their affiliation with the Department. Non-Department employees will not make duplicates of their Security Clearance Identification Card for any reason. Security Clearance cards contain the following descriptors:

1. Non-Department employee's first and last name
2. Authorizing individual's name
3. Type of access
4. Job title
5. Physical descriptors (e.g. sex, hair/eye color, height/weight)
7. Security clearance expiration date

V. Security Clearance Renewal Requests

A. Security clearances must be renewed prior to the expiration date on the Security Clearance List. A new and updated Security Clearance Request form must be submitted to the Security Clearance Coordinator for review and processing.

1. If the applicant's fingerprints were previously cleared, the applicant will only be required to submit a new Security Clearance Request form and not fingerprints. If more then 120 days have passed since the applicant's clearance has expired they may be required to be fingerprinted again.

2. Security clearance will be reissued upon review and acceptance of the new application. If applicable, a new identification card will be issued only once the expired Security Clearance Identification Card has been returned to the Security Clearance Coordinator. If the Security Clearance Identification Card has been lost or stolen please refer to Section IX of this policy.

B. At termination of employment/services or upon revocation of security clearance, the unit manager or supervisor of the employee, contractor or volunteer is responsible for notifying the Security Clearance Coordinator. The unit manager or supervisor will ensure the identification card is confiscated and returned to the Security Clearance Coordinator.

1. Reinstatement of Security Clearance will be done in accordance with Section X of this policy.

VI. Temporary Security Clearance Request

A. Individuals whose official business requires an intermittent, infrequent, one-time only interview such as a court-ordered doctor interview, or polygraph test may contact the Division's Security Clearance Representative directly for a temporary clearance.

B. Attorneys and Bail Agents are allowed official visits and do not require a temporary clearance.

1. Attorneys must present their valid California Bar Card and will be allowed visits in accordance with Department Policy 17.11, Inmate Attorney & Official Visits.

2. Bail Agents must present their valid Agent I.D. to confirm identity and are allowed *WINDOW* visits only.

C. The Division Security Clearance Representative will process Temporary Security Clearance Request forms (*attachment*) by reviewing the form for accuracy and running a check in CJIC.

1. If the request form and CJIC check are satisfactory, the applicant may be cleared to enter on a temporary basis. The Security Clearance Representative will:

a. Sign the form indicating the clearance was processed and obtain the Division Captain's or designee's authorization.

b. Add the applicant's name to the Security Clearance List if the clearance is for more than 2 weeks or at the coordinator's discretion.

c. Send a copy of the approved Temporary Security Clearance form to the applicable facility entrance.

2. If the CJIC check reveals the applicant has a history of the any factors indicated in Section IV. A. 3 of this policy the Division Security Clearance Representative will advise the applicant that clearance is denied.

D. Temporary Security Clearances may be renewed prior to the expiration date of the clearance. To renew a temporary security clearance, the requestor must contact the Division's Security Clearance Representative. If no information has changed, the Security Clearance Representative will run a CJIC check and authorize the extension. If any information has changed, the requestor must submit an updated Temporary Security Clearance form.

E. At termination of employment/services or upon revocation of a security clearance, the unit manager or supervisor of the employee, contractor or volunteer is responsible for notifying the Division Security Clearance Representative.

VII. Identification Card Display

A. All persons entering the secured areas of the facility shall have one of the following identifications fully displayed at all times:

1. Department of Correction Identification Card
2. Department of Correction Badge
3. Security Clearance Card
4. Visitor's Pass
5. Daily Clearance Pass
6. Law Enforcement Officer Identification Card/Badge

B. The Gate/Information Desk Officer posted at the entrance of each facility shall ensure that all persons entering the facility appropriately display their identification and sign the appropriate sign-in registers. Identification shall be displayed on the front upper torso area and readily visible at all times. Expired identification will be confiscated by the officer and forwarded to the Security Clearance Coordinator

C. Persons entering the facility must surrender all items not allowed in the facility and successfully pass through the metal detector prior to entering the secure area of the facility. See Section VII of this policy.

D. Law enforcement officers with firearms must secure their weapons in their vehicle or a gun locker prior to entering secure areas of the facility. If the officer wishes to enter an inmate housing area, he or she must also secure the ammunition.

E. All temporary passes must be surrendered upon exiting the facility. The Gate/Information Desk Officer is responsible for ensuring the person signs out on the register and returns the temporary pass. The officer will re-confirm the visitor's identity prior to returning the visitor's personal identification.

VIII. General Rules of Conduct within Secured Areas

A. All persons entering a secure facility must conform to the dress code approved by the Department of Correction.

B. Persons under the age of 18 will not be allowed access without prior authorization from the Division Captain Assistant Division Commander, or Watch Commander.

C. Bringing firearms, explosives, alcoholic beverages, narcotics or any controlled substance, including marijuana, into the facility is a crime and cause for arrest.

D. Umbrellas, pocketknives, scissors, metal nail files, or other objects that could be used as weapons are not allowed within the security area.

E. Tape recorders, cameras, cell phones, or other wireless communication devices are not allowed in the secure perimeters of Department facilities without the expressed permission of the Division Captain. If approval is granted to carry a cell phone inside the jail facility, it will not be provided to an inmate for any reason.

F. Persons entering a secured facility shall not loan, exchange, borrow, do favors for, or enter into any business transactions with an inmate.

G. Persons entering a secured facility shall not engage in any intimate acts or sexual activities with an inmate.

H. Persons entering a secured facility shall not bring anything into a facility to give to an inmate nor will they take anything from an inmate without prior approval from the Shift Supervisor or Watch Commander. Written religious or educational materials, approved by the Chaplain or Program Supervisor, are the exception.

I. Any person entering a facility may be subject to search in accordance with Department policy, 9.05 Security Searches.

J. Anyone found loitering in an unauthorized area may be escorted from the facility.

K. Persons attempting to enter a secured facility while under the influence of alcohol or drugs will not be allowed to enter a facility and may be subject to arrest.

L. All custody facilities are, "No Hostage" facilities. All attempts will be made to ensure the safe release of anyone held hostage; however, no inmate will be allowed to escape in exchange for the release of a hostage.

M. Anyone who is granted a Security Clearance must immediately report any future arrests to the Department's Security Clearance Coordinator during the clearance period.

N. Violation of any facility rule, regulation or procedure, or any disruption of facility routine, may result in the person's removal from the facility and denial of future access.

IX. Missing Security Clearance Identification Cards

A. Non-Department Employees who have lost their security clearance card will notify their supervisor, as soon as possible, and complete a Missing Badge/Identification Card Report form (*attachment*).

1. Non-Department Employees will forward the completed form to their supervisor.

2. The supervisor will sign the form and forward it to the Department's Personnel Unit.

3. Personnel Unit staff will place the original form in the non-department employee's affiliation file, as applicable and email an advisory to the Executive Staff.

4. Personnel Unit staff will issue a replacement Security Clearance Identification Card to the applicant.

B. Non-department employees who believe that their security clearance card has been stolen will notify their supervisor, as soon as possible and,

1. Contact the law enforcement agency in whose jurisdiction the theft occurred and obtain a police report documenting the incident.

2. Complete a Missing Badge/Identification Card Report form (*attachment*) and forward it, along with a copy of the police report, to their supervisor.

a. The supervisor will sign the form and forward it, along with the copy of the police report, to the Department's Personnel Unit.

b. Personnel Unit staff will place the original form and copy of the police report in the non-department employee's file, as applicable.

c. Personnel Unit staff will issue a replacement security clearance identification card to the requestor.

X. Revocation of Security Clearance

A. Security Clearance Cards are the property of the Department of Correction and may be revoked for any of the following reasons:

1. Violation of State law, Department of Correction Policy, Divisional/Unit Procedure, or other applicable rules and regulations.

2. Disruption of facility security/routine.

3. Attempted use of the Security Clearance Card for any reason other than to enter the facility.

4. Loaning or giving the Security Clearance Card to another person for access into the facility.

5. Utilizing a Security Clearance Identification Card as a form of identification outside of Department facilities.

B. If an applicant had their Security Clearance revoked and would like to have their clearance reinstated they must prepare a signed letter of explanation outlining the circumstances for the revocation and submit the request for reconsideration to their affiliation manager who will then forward to the Personnel Manager for review.

C. In non-emergency situations where the facility's security is not jeopardized but there is question about a Security Clearance, a supervisor may request the revocation of such Security Clearance by submitting a detailed report to the Division Captain as to the reason for such request. The Division Captain will order an investigation and issue a final decision.

D. In emergency situations, where staff or facility security may be in jeopardy, a supervisor may immediately revoke a Security Clearance with the Watch Commander's approval. The Supervisor must follow with a detailed report to the Division Captain who will order an investigation and issue a final decision.

XI. Policy Review

A. All Department policies will be reviewed by the Professional Compliance and Audit Unit.

Santa Clara County Department of Correction
Security Clearance Request

PREFERRED: Security.Clearance@doc.sccgov.org
Phone Number: (408) 808-3689 **Fax:** (408) 971-1403

NEW ☐ **RENEWAL** ☐ **DUPLICATE** ☐

Social Security Number	Last Name	First Name	MI	Date of Birth

Race	Age	Sex	Height	Weight	Eye Color	Hair Color

Address	Apt#	City	State	Zip Code	Residence Phone:

Driver's License Number	Driver's License State	County Employee: Yes / No	Security Clearance Title:

Requesting County/Outside Agency:
Agency Name/Address: _____ Phone Number: _____

Email Address (For Clearance Status): _____

Agency Authorized Designee's Approval For Clearance Request:
Name (**PLEASE PRINT**): _____ Signature: _____ Date: _____

Purpose of access to the jail site?	AKA's (other names used):

List the dates that you will need access (Up to the max of 2 years):
From: _____ To: _____

Which Facilities do you need access to (Select those that apply) ☐ Main Jail Facility ☐ Elmwood Men's Facility ☐ CCW

Have you ever been convicted of any type of criminal offense (Selecting yes will not automatically disqualify you): ☐ Yes ☐ No
If **YES**, please provide the date, charge, arresting agency and the disposition (use additional paper if necessary):

Are you currently on bail and/or OR pending a criminal matter? ☐ Yes ☐ No
Do you currently have any relative in the Santa Clara County Jail System? ☐ Yes ☐ No

*******General Rules for All Facility Personnel*******

1. All visitors, facility and volunteer programs personnel must conform to the dress code approved by the Department of Correction.
2. No one under the age of 18 years of age will be admitted into any security area of any facility without prior authorization from the Division or Assistant Division Commander.
3. Bringing firearms, explosives, alcoholic beverages, narcotics, or any controlled substance, including marijuana, into any custody facility is a crime, and cause for arrest.
4. Umbrellas, pocketknives, scissors, metal nail files, or other objects that could be used as weapons are not allowed within any security area.
5. Tape recorders and cameras are not allowed within any custody facility without prior approval from the Division or Assistant Division Commander.
6. Employees or persons assigned to work within any custody facility shall not loan, exchange, borrow, do favors for, or enter into any business transaction with any inmate or prisoner.
7. Visitors, civilian employees and volunteer program personnel shall not bring anything into any custody facility to give to any inmate, nor will they take anything from an inmate without prior approval from a Custody Staff Supervisor. Exceptions: Written religious or educational material.
8. Any person entering any custody facility may be subject to search.
9. Visitors or civilian employees will proceed directly to their designated visiting or work area. Any visitor or civilian employee found loitering in any unauthorized area may be escorted from the facility and may have their security clearance revoked.
10. Visitors or facility employees under the influence of alcohol or drugs will not be allowed to enter any custody facility and may be subject to arrest.
11. All custody facilities are "NO HOSTAGE" FACILITIES. All attempts will be made to ensure the safe release of anyone held hostage; however, no inmate will be allowed to escape in exchange for the release of any hostage.
12. I understand that during the time my DOC Security Clearance is valid; I must immediately report any future arrests to the DOC Security Clearance Coordinator.
13. Violation of any facility rule, regulation, or procedure or any disruption of facility routine may result in the visitor or employee's removal from the facility and denial of future access.

I understand that the Santa Clara County Department of Correction will review my Criminal history. This information will be used to determine my eligibility for entrance into the jail facilities of this agency. I further acknowledge that I have read and understand the above and that all statements made herein are true and correct to the best of my knowledge and any false statement is cause for my site clearance to be revoked.

Applicant Signature: _____ Date: _____

OFFICE USE ONLY

REQUIREMENTS FOR SECURITY CLEARANCES: **1.** No warrants **2.** Not currently on probation or parole **3.** Three (3) years since last MISDEMEANOR conviction **4.** Five (5) years since release of last FELONY conviction **5.** You are not currently on bail and/or OR pending a criminal charge. **6.** Any previous convictions for violence, assaultive behavior, sexual offenses or offenses committed while in custody **may** result in a denied status.

APPROVED: ☐ **DENIED:** ☐

CJIC PERFORMED BY: INITIALS _____ DATE _____ **30 DAY TEMPORARY CLEARANCE ISSUED THROUGH:** _____
ENTERED BY: INITIALS: _____ DATE: _____ **COUNTY/OUTSIDE AGENCY COORDINATOR NOTIFIED:** DATE _____

Revised: 11/30/07 LS

SANTA CLARA COUNTY DEPARTMENT OF CORRECTION
SEXUAL HARASSMENT ACKNOWLEDGEMENT

Sexual Harassment
The Department of Correction recognizes and adopts the Santa Clara County Sexual Harassment policy. The County Sexual Harassment Policy is incorporated into the Department of Correction Policy #1.35. Both policies are clear that sexual harassment and harassment of any kind WILL NOT BE TOLERATED.

SEXUAL HARASSMENT IS PROHIBITED

The Department of Correction requires that employees treat inmates with respect, courtesy and firmness. The following are specifically prohibited:

1. **Employees may not lay hands on an inmate except to defend themselves, to control or restrain the inmate, to prevent an escape, to prevent serious injury or damage to person or property, to quell a disturbance, to search an inmate, or to render medical aid. Only female officers may search female inmates, and female inmate's cells will be entered only in the presence of a female officer except in an emergency.**
2. **Employees may not touch an inmate's body for the purpose of sexual gratification.**
3. **Employees may not make a sexual advance, condition any benefit on agreeing to submit to sexual advances or punish inmates for refusing sexual advance.**
4. **Employees may not use profane, demeaning, insulting or threatening language.**

YOU MAY REPORT ANY VIOLATION OF THESE RULES OR ANY OTHER SEXUAL HARASSMENT BY:

- **Writing a Grievance at the facility.**
- **Contacting Friends Outside by placing a direct call to (408) 295-6033, or sending an Inmate Request Form.**
- **Writing a confidential letter to the Commander of CCW:** **Elmwood Complex Commander**
  701 South Abel Street
  Milpitas, CA 95035
- **Writing a confidential letter to the Chief of the DOC:** **Chief, Department of Correction**
  180 West Hedding Street
  San Jose, CA 95110
- **Confidentially contacting the Internal Affairs Office of the DOC by placing a collect call to (408) 299-2600 or by writing to:**
  Internal Affairs
  180 West Hedding Street
  San Jose, CA 95110
- **Contacting the Human Relations Commission for Santa Clara County by placing a collect call to (408) 792-2300 or by writing to:**
  Richard Hobbs, Esq. Director
  Office of Human Relations
  70 West Hedding Street, West Wing
  San Jose, CA 95119
- **Filing a confidential complaint with the California Board of Correction by writing to:**
  California Board of Correction
  600 Bercut Drive
  Sacramento, CA 95814
- **Confidentially contacting your criminal defense attorney or the attorney of your choice.**

NO EMPLOYEE MAY RETALIATE AGAINST YOU IN ANY WAY FOR MAKING A COMPLAINT REGARDING ANY VIOLATION OF THESE RULES.

I, _____, Acknowledge receiving a copy of this form by my below signature.

_____	_____	_____
Signature or receiving person	Date	Signature of issuing employee

COUNTY OF SANTA CLARA

Department of Correction Policy and Procedure Manual	**Policy Number:** 9.09 **No. of Pages:** 5 **Date of Origin:** 08 Jun 2004 **Date of Revision:** 08 Sep 2008
Chapter: Security and Control	**Subject:** Processing Contraband, Evidence and Found Property
Supersedes: Policy #9.09 Found Property/Evidence new 060804	**Distribution:**
References: Penal Code 22 through 11117, numerous applicable sections	
Signature of Issuing Authority Edward C. Flores, Chief of Correction	**Current Policy Review** Date of Review: 08 Sep 2008 Revisions Made: ☐ **Yes** ☐ **No**

POLICY: It is the policy of the Department of Correction to properly document the disposition of evidence and found property.

PURPOSE: To provide guidelines for properly documenting and disposing of evidence or found property.

DEFINITIONS: Contraband: Any item possessed by inmates or found within the facility that is illegal by law or prohibited by those legally charged with the administration and operation of the facility or program.

Found Property Report: A Sheriff's Office Incident Report that is categorized as a "Found Property Report" for the purpose of documenting and requesting disposition of found property.

PROCEDURE:

I. Processing Contraband

A. If contraband is found that is illegal to possess, staff discovering the illegal contraband will immediately notify the sergeant.

1. The criminal investigation will be the responsibility of the on-duty Sheriff's sergeant.

a. If illegal contraband is found while the arresting agency officer is still present, the arresting officer will be asked to add charges to the booking sheet and affidavit.

2. The investigation will be conducted in accordance with Policy #9.29, Criminal Investigation.

3. If used as evidence, the contraband will be marked, tagged and submitted into evidence at the direction of the Sheriff's sergeant (Note: this may also include contraband that is not illegal to possess).

4. Temporary evidence lockers are available at the Main Jail Complex and Elmwood Complex. The chain of evidence shall be protected at all times.

5. If additional charges arise from the discovery of illegal contraband, and the inmate is pending release within 48 hours, the reporting officer will notify Administrative Booking staff to add the charges. In all other cases, the Sheriff's Sergeant or Sheriff's investigator will file the complaint as appropriate.

6. If ownership of the contraband cannot be determined, badge staff will complete a Found Property Report and submit the contraband for disposal to the Sheriff's Office/Evidence Room.

B. If contraband is found that is <u>not a weapon or illegal by law</u> and is of some value, the person discovering the contraband will be responsible for the proper disposition of the contraband. When the person discovering the contraband is not badge personnel he or she will advise the sergeant who will assume responsibility for disposition of the contraband.

1. If ownership is known, it will be placed with the inmate's stored property and a Property Receipt will be issued to the inmate. The item is then submitted to the Claims CSA for safekeeping.

   a. Every found item must be submitted with a copy of the Employee's Report indicating the Incident Report number, the date/time/location it was found and a description of the item.

   b. The item will remain in property storage for a period of 1 year. After one year the item will then be given to the Public Guardian per County Code A20-44 (b) and will be sold at auction.

   c. If applicable, the inmate may be infracted for possession of contraband.

2. If ownership is not known, an Employee's Report will be completed and the item will be submitted to the facility's Property Room for safekeeping.

3. If the contraband is money the following will apply:

   a. All monies found must be must be submitted to the Property Room/Claims CSA with a copy of the Employee's Report indicating the Incident Report number, and the date/time/location the monies were found.

b. If ownership is known, the money will be confiscated and placed on the inmate's account with a 300-day hold. The inmate will receive the money when released or the when the 300 days has elapsed. Additional 300-day holds may be placed.

c. If ownership is not known, the money will be confiscated and given to Financial Services and placed in the General Fund of the County per County Code A20-44 (a).

d. In either case listed above, if the money is contaminated, it will be placed in a plastic bag, identified and sent to the Financial Services Unit for safekeeping. If the money is not claimed within 4 months after release, the money will be sent to the federal government for destruction.

C. Contraband sent by mail that is not illegal by law will be retuned to the sender. Property room staff searching the mail will complete an Inmate Mail Restrictions and Contraband Notice form and forward a copy to the inmate.

D. Contraband submitted as evidence in a legal proceeding shall be disposed of by the clerk of the court, by court order in accordance with California Penal Code, Section 1417 through 1417.7.

E. Contraband shall not be left unsecured in any area of the facility. Contraband shall only be stored in an area or container where it is secured and not vulnerable or accessible to inmates.

F. Items of contraband will not be kept for personal use or collection. At the discretion of the Division Commander, contraband may be displayed in a secure location.

II. Processing Evidence

A. When contraband is discovered in connection with a crime, a search, or by any other means and it becomes evidence, the collection and disposition will be the responsibility of the on-duty Sheriff's Sergeant.

1. Items or property collected for evidence may include authorized, unauthorized, and items that are illegal to possess and such items that are used in the commission of a crime.

B. The on-duty Sheriff's Sergeant will coordinate the reporting of evidence on a Sheriff's Office Incident Report under the appropriate category (e.g. Crime Report or Informational Report).

2. Evidence is described and listed on the property page of the report with the corresponding property code "E" for evidence.

3. The on-duty Sheriff's Sergeant will direct that evidence is properly marked and tagged and will maintain the chain of custody unless that responsibility is relinquished to evidence technicians.

4. Temporary evidence lockers are available at the Main Jail Complex and the Elmwood Complex. It is the responsibility of the Sheriff's Sergeant to ensure the evidence is delivered to the Sheriff's Office Evidence Room or to ensure the evidence clerk is advised to pick up the evidence.

III. Processing Found Property

A. Officers will document and complete applicable forms when property is found in or around the jail facilities, when ownership is undetermined or unknown.

1. Found Property Report

2. Employee's Report

3. Any other applicable forms as directed by a Supervisor

B. The on-duty Sheriff's Sergeant will coordinate and direct staff in the processing and reporting of found property that is considered Hazardous, illegal, or having a monetary value. Forms to include, but not limited to:

1. Sheriff's Office Incident Report under the appropriate category (e.g. Found Property Report). Found property is listed on the property page of the report.

2. Employee's Report

3. Any other applicable forms as directed by a Supervisor

C. Staff, inmates or visitors who find property must report it to custody staff. Custody staff will report the found property to the on-duty Sheriff's Sergeant. The Sheriff's Sergeant will assign an officer to complete a Found Property Report and other forms as directed.

1. The officer completing the report will list each item of found property on the property page of the report and will assign one of the following applicable codes to each item listed.

a. D - Disposal
b. F - Found
c. K - Safekeeping
d. O – Under Observation

D. The Sheriff's Sergeant will deliver the found property and report to the Sheriff's Office Evidence Room for disposition or place the property in the designated temporary evidence lockers and request that the evidence clerk pick up the property.

IV. Policy Revision

A. All Department policies will be reviewed not less than once a year. The Professional Compliance and Audit Unit will establish an annual schedule identifying policies to be reviewed during a specific month.

COUNTY OF SANTA CLARA

Department of Correction Policy and Procedure Manual	Policy Number: 9.29 No. of Pages: 6 Date of Origin: 01 Apr 1992 Date of Revision: 10 Mar 2002
Chapter: Security and Control	**Subject:** Criminal Investigations
Supersedes: Policy 9.29, Criminal Investigations rev. 10 Mar 2002	**Distribution:**
References: Penal Code sections 830.1, 831, 831.5, 836.5 Agreement between the Office of the Sheriff and the County of Santa Clara, dated April 15, 1997	
Signature of Issuing Authority Edward C. Flores, Chief of Correction	**Current Policy Review** **Date of Review:** 24 Jun 2010 **Revisions Made:** ☐Yes ☒No

POLICY: It is the policy of the Department of Correction to ensure all crimes that occur in a facility or on the property of the Department are investigated and referred to the District Attorney's Office for consideration for prosecution.

PURPOSE: To establish a procedure for the investigation of crimes that occur in the Department of Correction's facility or property.

DEFINITIONS: Crime Report: A written document reporting a violation of law considered to be a crime.

PROCEDURE:

I. Criminal Investigations

A. By agreement, the Sheriff's Office is responsible for conducting criminal investigations in the jail.

B. It is the responsibility of correctional officers and Sheriff's personnel assigned to the Department of Correction to report and to investigate crimes. The investigation of crimes shall be conducted under the direction of, or by Sheriff's personnel.

C. A Sheriff's supervisor shall be promptly notified of every incident in which a crime has, or is suspected to have, occurred. The Sheriff's supervisor shall promptly notify the Watch Commander and keep him or her apprised of the incident.

1. If it has been determined that a crime has occurred, the Sheriff's supervisor in charge of the crime scene will direct and assign correctional officers and Sheriff's staff in specific tasks related to the investigation of the crime.

2. When the nature of the crime dictates, the Sheriff's supervisor shall contact the Sheriff's Investigations Unit and request a Sheriff's investigator.

3. The Sheriff's supervisor will ensure the crime scene is secured and that inmate suspects and witnesses are placed in separate holding cells.

4. The Sheriff's supervisor will coordinate a search of the crime scene and ensure that:

   a. Evidence in the crime scene is identified, preserved and collected.

   b. Photographs are taken of the evidence before it is moved or processed into evidence.

   c. Weapons, material or instruments, which may have been used to cause death, shall not be disturbed when such items pose no threat to security.

   d. Items that pose a threat to security are gathered by a Sheriff's supervisor and maintained in his or her possession until released to the proper authority or placed into evidence.

   e. An evidence technician collects evidence from crimes in which a Sheriff's investigator is assigned.

   f. Suspects and victims are photographed and/or video taped if injured.

   g. Clothing is taken from both suspect and victim and placed into evidence.

   h. Strip searches of involved inmates and searches of their cells are conducted to locate and preserve evidence.

5. The Sheriff's supervisor will post an officer, if necessary, to safeguard the crime scene.

6. The Sheriff's supervisor will ensure statements are taken from all involved persons in the alleged crime.

D. If a Sheriff's investigator is assigned, he or she will be in charge of the crime scene and the investigation. Sheriff's and Corrections staff will brief the investigator and assist in the investigation as needed.

II. Department of Correction Watch Commander Responsibilities in a Criminal Investigation

A. If the incident is deemed not to be a crime, the Watch Commander will take command of the scene and take the appropriate action as detailed in the Department's policy, Reporting of Incidents.

B. If it has been determined that a crime has occurred, the Watch Commander will confer with the Sheriff's supervisor and ensure the appropriate level of investigation is being conducted.

C. If the Watch Commander and the Sheriff's supervisor have conflicting opinions as to the level of investigation required, the Watch Commander will contact the Sheriff's Watch Commander to confer and attempt to reach a mutual agreement. If no agreement is reached, the Watch Commander will contact the Division Captain.

D. If an allegation of excessive or unnecessary use of force, assault under the color of authority or assault by any employee is alleged, or a complaint is received inferring a possible criminal violation by an employee, the Watch Commander will complete a *Sheriff's Office Referral Form*, attachment 1, and forward a copy by facsimile mail to the Department's Internal Affairs Unit and the Sheriff's Jail Administration.

III. Arrests

A. Pursuant to 831.5 of the Penal Code, a correctional officer is a public officer and has the authority to arrest a person without a warrant whenever the officer has reasonable cause to believe that the person to be arrested has committed a misdemeanor or felony in the presence of the officer. This authority is extended to the correctional officer only while he or she is on duty in the performance of official duties.

B. Sheriff's supervisors will review all incidents that may involve criminal conduct to determine if an arrest is appropriate.

1. When an arrest is appropriate, but the criminal act was not committed in the presence of the correctional officer, the Sheriff's supervisor shall make the arrest and attest to the facts supporting the arrest by signature on the probable cause affidavit.

2. When directed by a Sheriff's supervisor to investigate a crime or to complete an investigative report, a correctional officer will not sign the probable cause

affidavit unless the criminal act took place in the correctional officer's presence.

3. When an inmate is already in custody, restraint by Sheriff or Corrections personnel will not be deemed to be an arrest.

IV. Referrals to the District Attorney's Office

A. Sheriff's Investigations Unit personnel are responsible for contacting the District Attorney's Office for criminal complaints and shall review all crime reports to ensure that they meet the District Attorney's criteria for criminal complaint issuance.

B. The District Attorney's office is responsible for authorizing criminal prosecution and, when appropriate, will issue a criminal complaint.

V. Records, Reports and Evidence

A. The Sheriff's Investigations Unit shall complete a closing report on all prosecuted and completed cases. When no suspect is identified or no complaint is issued, the Sheriff's Investigations Unit shall document the reasons for non-prosecution in the closing report.

B. The Sheriff's Investigations Unit is responsible for the disposition of all evidence collected per County Ordinance and state law.

C. The Sheriff's Office Records Unit is the custodian of criminal records.

1. The original Crime Report shall be sent to the Sheriff's Records Unit, attention JCIT.

2. A copy of the Crime Report shall be sent to the Department of Correction Watch Commander immediately following the review and acceptance of the Crime Report.

D. A Crime Report does not alleviate the obligation to complete an incident report in addition to the Crime Report.

VI. Policy Revision

A. All Department policies will be reviewed by the Professional Compliance and Audit Unit.

Santa Clara County
Department of Correction

Attachment 1

SHERIFF'S OFFICE REFERRAL FORM

Log #: _____ Date: _____

I.A.U. Case #: _____ Type: _____

Date Complaint Received: _____ Reporting: _____ Method: _____

Complainant's Name: _____

Complainant's Address and Phone #:

_____

Is Complainant in custody: _____ If yes, Booking #, PFN# and housing:

_____
_____
_____
_____
_____

Allegation:

Involved Employee(s): _____

Name of Sheriff's Supervisor notified: _____

Notification to Sheriff's Supervisor made by: _____

Notification date and time: _____

Cc: **E-mailed / Faxed / Delivered to Sheriff's Jail Administration**
(408)271-9533 *Date:* *Time:*
Faxed to DOC Internal Affairs Unit
(408)287-8742 *by:* _____ *Date and time:* _____
Original Copy to Administrative Case File

P.C.A.U. forms, revised 02/09/10
Policy 9.29, Criminal Investigations

COUNTY OF SANTA CLARA

Department of Correction Policy and Procedure Manual	Policy Number: 9.37 No. of Pages: 4 Date of Origin: 19 Oct 1992 Date Revised: 30 Apr 2001
Chapter: Security and Control	Subject: Post Log Book
Supersedes: All Previous Orders	Distribution:
References: ACA 3-ALDF-3A-10 C.C.R., Title 15, Section 1027,	
Signature of Issuing Authority Chief of Correction	Current Policy Review Date of Review: 30 Apr 2001 Revisions Made: ☒Yes ☐No

POLICY: It is the policy of the Department of Correction to maintain a written record of routine operations, emergency situations, and unusual incidents that occur in inmate housing units. A Post Log Book with sequentially numbered and dated pages will be used to record such information for each housing unit.

PURPOSE: To provide guidelines for preparing and maintaining Post Log Books.

RESPONSIBILITY: It is the responsibility of all badge staff of the Department of Correction to adhere to this policy.

DEFINITIONS: Post Log Book: A log book that contains a written record of events and activities, including but not limited to, routine operations, emergency situations and unusual incidents that occur in inmate housing units, by date, time and location.

PROCEDURE:

I. Post Log Book

A. The Post Log Book will be kept at the officer's work station. All activity affecting post operations shall be recorded on the log. The Post Log Book shall include, but not be limited to, the following information:

1. *Officer relief.* The printed name and badge number, date, and time officer(s)/employee(s) report/leave a post.

2. *Keys and Radio.* The key set and radio number assigned to the officer.

3. *Floor inventory check.* An account of all equipment that is present and operational, and corrective action taken for equipment needing repair.

4. *Inmate counts.* A count at the beginning of the shift, a count during the shift and a final count at the end of the shift.

5. *Inmate movement.* The inmate's name, booking number and reason for movement such as transfer, new housing, re-housing, temporary sign out or release. Movement in/out of a housing unit, within the facility and to court may be maintained on a separate movement computer log or movement sheet log.

6. *Inmate meals.* The number of meals delivered, the time meals arrive on deck, and the time they are served.

7. *Inmate pill calls.* The time pill calls were conducted and the name of the nurse who conducted pill call.

8. *Security Checks or Searches.* The time security checks or searches are conducted; a brief statement as to the status of the security check or search; the officer(s) names and badge numbers; and the results. Notable incidents or situations occurring during security checks or searches shall be logged.

9. *Unusual occurrences or events.* The time and type of an occurrence such as a suicide attempt, an inmate under the influence, an inmate injury/ accident, a fight, unusual inmate behavior, an emergency and a lockdown, to include a brief statement justifying the lockdown.

10. *Clothing exchange.* The time it was conducted and the name of the custody support assistant who conducted it.

11. *Commissary delivery.* The time it is delivered, the time it is distributed to the inmates, and the name of the custody support assistant who distributes it.

12. *Special or Security Housing inmate movement.* Any and all movement of inmates housed in restricted areas such as Special Security Housing, Administrative Segregation, and Disciplinary Housing, including but not limited to, movement to the showers, sundeck, or medical appointments.

13. *Special medical or psychiatric problems or needs.* The time and type of problem; the time and name of the supervisor that was notified and the action taken to resolve the problem.

14. *Visitors.* Name and title of all visitors entering a housing unit or restricted area, and the reason for the visit.

15. *Other information as required.* Any other information as may be required by the Division Commander.

B. Employees responsible for recording information on a Post Log Book shall ensure that all entries in the Post Log Book are neat, legible and in black ink.

C. The Post Log Book shall be filled out without skipping sections, lines or pages.

D. Supervisory staff conducting inspections of the housing units must review, and concur with all entries in the Post Log Book for their shift. Supervisors must sign the log once per shift at a minimum, and are responsible for ensuring accuracy and completeness of the log.

E. All completed Post Log Books will be maintained by the Division Commander. The Post Log Books will be made available to the Professional Compliance and Audit Unit at their request.

II. Post Log Book Guidelines

A. Guidelines to properly fill out the Post Log Books shall be permanently affixed to the front inside cover of each Post Log Book. Each Division Commander is responsible for ensuring that all new Post Log Books have the guidelines included prior to distribution.

B. The last page of this policy is a copy of the guidelines.

III. Policy Revision

A. All Department policies will be reviewed not less than once a year. The Professional Compliance and Audit Unit will establish an annual schedule identifying policies to be reviewed during a specific month.

COUNTY OF SANTA CLARA
DEPARTMENT OF CORRECTION

DIVISION NAME:	
POST:	**Reference: Policies 9.37 & 1.15**

GUIDELINES FOR PROPERLY FILLING OUT THE POST LOG BOOKS

I. A Post Log Book will be maintained at each post. All activity affecting post operations shall be noted on the log. The Post Log Book shall contain, but not be limited to, the following information:

A. Printed name and badge number, date, and time of officer/employee reporting/leaving .
B. Floor inventory stamp.
C. Key set and radio numbers.
D. Date and time of all entries.
E. Inmate movement in/out of unit and reason for movement (include inmate name/booking number on all entries).
F. Special medical or psychiatric problems or needs.
G. Unusual inmate behavior or other unusual occurrence within unit.
H. All housings/releases to/from the unit.
I. All pill calls and the name of nurse conducting pill call.
J. All head count.
K. Name and reason of visit for all visitors into modules.
L. Security checks, Welfare checks and Security searches.
M. Clothing exchange, commissary delivery.
N. Inmate out time and showers in restricted housing units.
O. Inventory and maintenance checks.
P. Any other information as required by the Division Commander.

II. Do not make any unnecessary marks. Entries shall be neat and legible. Use black ink pen.

III. **Do not tear any of the pages out of the Post Log Book**. The pages in the Post Log Books are dated and numbered.

IV. Do not skip any lines or pages in the Post Log Book. Each page is to be completely filled out before beginning a new page.

V. Contact the Shift Sergeant to obtain a new Post Log Book when the entire Post Log Book is full.

VI. The Shift Sergeant will forward the completed Post Log Book to the Division Commander to review. The Division Commander will forward the original log book to the PCAU for storage.

THIS POST LOG BOOK BEGINS WITH PAGE -	**1,**	**DATED:**
THIS POST LOG BOOK ENDS WITH PAGE -	**_____,**	**DATED:**

COUNTY OF SANTA CLARA

Department of Correction Policy and Procedure Manual	Policy Number: 9.59 No. of Pages: 2 Date of Origin: 08 Jun 1995 Date of Revision: 26 Nov 2008
Chapter: Security and Control	**Subject:** Court Dress-Out Clothing
Supersedes: Old policy 9.19 rev 06/08/95	**Distribution:**
References: ACA-3-ALDF-3A-15, 3A-16, 3A-17	
Signature of Issuing Authority Edward C. Flores, Chief of Correction	**Current Policy Review** **Date of Review:** 26 Nov 2008 **Revisions Made:** ☒Yes ☐No

POLICY: It is the policy of the Department of Correction to ensure accountability, security, and proper storage of civilian clothing received for those inmates ordered by the court to appear for trial in civilian attire.

PURPOSE: To provide guidelines for the receipt, storage, exchange and disposition of clothing received for inmates ordered to appear for trial in civilian attire.

DEFINITIONS: None.

PROCEDURE:

I. Court Dress-Out Inmates

A. Inmates ordered by the court to appear for trial in civilian attire shall be a "dress-out." Custody staff shall be made aware of the court dress-outs by way of a Court Movement Sheet, a Court Order or notification from the Administrative Booking Unit.

B. All inmates, regardless of their classification, will be waistchained while in civilian clothing.

II. Acceptance of Civilian Clothing

A. Civilian clothing will be accepted for inmates at the Main Jail Information Desk, and Elmwood West-gate Information Desk for women inmates anytime, seven (7) days a week, except during an emergency or facility lockdown. No restriction shall be placed on who may deliver clothing.

B. Civilian clothing will be delivered to the facility's Information Desk and searched at the time of delivery. The clothing will be placed in a garment bag and clearly marked with the defendant's name, booking number and attorney of record by the receiving officer.

C. Persons dropping off clothing, including exchanges, at the Information Desk will be given a receipt.

D. The Main Jail Court Movement officers will collect the civilian clothing from the Information Desk and place in the appropriate storage area.

E. The Elmwood Processing Officer will collect the civilian clothing from the Information Desk and place in the appropriate storage area.

III. Acceptable Civilian Attire

A. Only outer garments will be accepted. Outer garments are defined as trousers, dress shirt, jacket, sport coat, blouse, dress, skirt, hose, and shoes.

B. Unacceptable Civilian Attire

1. Unacceptable items include belts, suspenders, neckties, shorts, shoestrings and other similar items.

C. Absent a court order, no more than two (2) sets of clothing will be held for each inmate. Clothing may be traded on a one-for-one basis in the event of weight gain/loss, clothing is taken as evidence, becomes soiled, lost, damaged or other reasons approved by the Division Commander.

1. When clothing is exchanged or returned to the public, a Property Release Form must be completed listing the items returned. The Property Release Form should be forwarded to the Property Room upon completion.

IV. Storage of Dress-Out Clothing

A. Clothing for dress-outs will be stored in a secured area until the inmate no longer requires to be dressed out for court and his/her clothing can be picked up by the public.

V. Policy Revision

A. All Department policies will be reviewed not less than once a year. The Professional Compliance and Audit Unit will establish an annual schedule identifying policies to be reviewed during a specific month.

COUNTY OF SANTA CLARA

Department of Correction Policy and Procedure Manual	**Policy Number:** 10.19 **No. of Pages:** 9 **Date of Origin:** 30 Mar 1993 **Date of Revision:** 28 May 2003
Chapter: Safety and Emergency Policies	**Subject:** Hazardous Materials
Supersedes: Policy 8.07, Storing Hazardous Materials rev. 06/20/95	**Distribution:**
References: ACA 3-ALDF-3B-05; California Code of Regulations, Title 8, Sections 3380, 3381, 3382, 3383, 3384, 3385, 5161, 5194; Health and Safety Code, Sections 25113, 25114, 25115, 25116, 25117; Santa Clara County Hazard Communication Program	
Signature of Issuing Authority James W. Babcock, Chief of Correction	**Current Policy Review** **Date of Review:** 28 May 2003 **Revisions Made:** ☒Yes ☐No

POLICY: It is the policy of the Department of Correction to ensure the safe operation of facilities by providing for the safe control, use and disposal of hazardous materials in accordance with all applicable local, state and federal laws.

PURPOSE: To provide guidelines and information for the identification, control, use and disposal of hazardous materials.

DEFINITIONS: MAC Room: The County's Monitoring Automation Center

I. Hazardous Materials

A. A hazardous material is a material that can harm people or the environment. A material is considered hazardous if it has any of the following characteristics:

1. Corrosive – it burns the skin or eyes on contact.
2. Explosive – it can explode under certain conditions, such as heat or pressure.
3. Flammable – it catches fire easily.
4. Reactive – it burns, explodes, or releases dangerous vapors when mixed with other substances.
5. Toxic – it can cause illness or death.
6. Oxidizing – it promotes combustion through the release of oxygen.

Note: Many hazardous materials combine two or more of the above characteristics.

B. Staff shall be alert to the potential of hazardous materials in their work areas and follow the appropriate work practices that have been established to protect their health and safety.

C. The Department offers the following sources of information to assist staff with use, control and storage of hazardous material:

1. The information provided by the manufacturer of the material, such as the warning label on the product container or the product's Material Safety Data Sheet.

2. The Department's Hazard Communication Program.

3. The facility's Hazardous Materials Business Plan, if required.

4. The Occupational Safety and Environmental Compliance (OSEC) division of the County Employee Services Agency at 441-4280.

5. The Director's List of Hazardous Substances, which is a listing of known hazardous materials located in the California Administrative Code, Title 8, Section 339.

6. OSHA or CAL/OSHA

II. Hazard Communication Program

A. In accordance with OSHA's Hazard Communication Standard, the Department will keep its employees informed about the health and physical hazards associated with the hazardous materials found in their workplace through the development, implementation and maintenance of a written Hazard Communication Program (HCP).

B. The Hazard Communication Program is a written plan that describes the activities and sources of information that the Department implements, offers and maintains to ensure compliance with OSHA's Hazard Communication Standard requirements. The HCP will be concise, understandable, and accurate and must contain information on the following:

1. Labeling, Material Safety Data Sheets, and employee training.
2. A list of hazardous materials within the workplace.
3. Hazards of non-routine tasks.
4. Hazards of chemicals in unlabeled pipes.
5. The protection of contract employees.
6. Pesticide application records.
7. Informing employees of their right to access information under the Standard.

C. The facility Safety Officer will ensure that the Department's HCP is available for staff review at the facility Safety Center.

III. Hazardous Materials Business Plan

A. A Hazardous Materials Business Plan (HMBP) is a document that contains detailed information on the storage of hazardous materials at a given facility.

1. The intent of the HMBP is to satisfy federal and state Community Right-To-Know laws and provide detailed information of hazardous materials located at a facility for use by emergency responders.

2. The HMBP assists facility staff in complying with state requirements for hazardous materials and to provide the local fire department with adequate information about the type, quantity of and management practices regarding hazardous materials that are stored at a facility.

B. The owner or operator of a facility must complete a HMBP if the facility meets the storage requirements of hazardous materials set forth in Chapter 6.95 of the California Health and Safety Code.

1. OSEC will assist the Department in determining whether a HMBP is required for any of its facilities and in the development, implementation and maintenance of any required HMBP's.

2. If a HMBP is required of a facility, the facility Safety Officer will ensure that the HMBP is available for staff review at the facility Safety Center.

3. OSEC will review and update the Department's need for any HMBP's or any HMBP's already in place annually or as needed.

IV. Control and Storage of Hazardous Materials

A. Hazardous materials will be stored in secure areas in accordance with all applicable laws and regulations and as designated by the Facility Commander.

B. Hazardous materials shall be stored in containers that are chemically inert to and appropriate for the type and quantity of the hazardous material.

1. Hazardous materials may be stored in the manufacturers original container or a secondary container.

2. Whether the material is stored in an original container or a secondary container, the container must have the appropriate labeling. Appropriate labeling should include the following:

a. The identity of the hazardous material
b. The hazard warning statements
c. The name and address of the product manufacturer or importer (only on original containers)

3. If a secondary container that does not have the appropriate labeling is being used to store a hazardous material, staff will label the container with the appropriate information (e.g. clear plastic spray bottles used to store cleaning products should be labeled).

4. The manufacturer's label must be kept intact on all original and secondary containers provided by the manufacturer.

C. Containers of hazardous materials shall not be stored in locations or in a manner that results in damage to the container. Containers shall not be stored where they are exposed to heat sufficient to rupture the containers or to cause leakage of the material.

D. A list of hazardous materials that are stored or used at a facility shall be maintained by the facility Operations Unit. The list shall be updated on a continual basis by adding any new hazardous materials and deleting those that are no longer used or stored at a facility.

1. The list will include the types of hazardous materials used and stored within a facility, the quantity of the materials and their location.

2. The list will be reviewed and revised as needed by Operations Unit staff at least annually.

3. A copy of the most current updated list shall be forwarded to the facility Safety Officer for placement in the facility Safety Center.

E. Staff receiving a hazardous material shall forward the following information to the facility Operations Unit to add to the hazardous material inventory list:

1. The name of the product containing the hazardous material.

2. The quantity of the material.

3. The location of where the material is to be used and stored.

F. In accordance with OSHA requirements, the Department shall maintain Material Safety Data Sheets (MSDS) on hazardous materials stored or used within Department facilities. Material Safety Data Sheets provide information on substances contained in a particular product that are considered to be hazardous.

1. Federal law requires that manufacturers develop a MSDS for each product that contains a hazardous material and to include the MSDS with the product when they ship it. The MSDS will include manufacturer safety information and recommendations on the handling, use and storage of the particular product.

2. Staff receiving any product purchased for use or storage that is or contains a hazardous material will ensure that a MSDS accompanies the product.

3. If a hazardous material is not accompanied by an MSDS when received at a facility, the receiving staff member can obtain the MSDS through General Services Agency (GSA) Purchasing or from the manufacturer of the product.

4. The MSDS will be forwarded to the facility Safety Officer. The facility Safety Officer will file and maintain the MSDS's in the facility Safety Center, where staff may access the information.

G. Staff should remain alert for potential hazardous materials at their work sites and notify their supervisor of any suspected hazards.

1. Staff who are working with or around hazardous materials shall follow the appropriate safe work practices (e.g. the use of protective equipment and clothing).

2. Staff supervising inmates who are working with or around hazardous materials will ensure that inmates follow the appropriate safe work practices (e.g. the use of protective equipment and clothing).

3. Staff may refer to Material Safety Data Sheets, the Hazardous Materials Business Plan, or the Hazard Communication Program located at the facility's Safety Center for questions or detailed information on a specific product and its hazardous contents.

H. Hazardous materials shall be secured at all times. Inmates will not have access to these materials without authorized supervision. Hazardous materials will be accounted for before, during and after their use.

V. Hazardous Material Exposure

A. In the event of an exposure, the involved employee will:

1. Obtain or perform immediate first aid. Do not wait; have someone else inform the Sergeant or Lieutenant.

2. Remove contaminated clothing using Universal Precautions and place them in a red biohazard bag for cleaning, as necessary.

3. Obtain needed post exposure medical treatment and follow-up within one hour of exposure or sooner from US Healthworks, Valley Medical Center or private health care provider for post exposure medical evaluation and treatment.

B. In the event of an exposure, the on duty supervisor will:

1. Ensure that the exposed employee receives immediate first aid and medical treatment, as necessary.

2. Have the exposed employee receive post exposure follow up (after the initial first aid) within one hour of the exposure or sooner from US Healthworks or Valley Medical Center. If the exposed employee has a "Personal Physician Designation Form" on file, the employee may elect to see their private health care provider for post exposure medical evaluation and treatment.

3. Complete a Supervisor's First Report of Injury and a Worker's Compensation form.

4. Notify the Watch Commander and facility Safety Officer of the incident. The Watch Commander will evaluate the situation and make appropriate notifications to the Division Commander, as necessary.

C. In the event of an exposure, the facility Safety Officer will:

1. Ensure that the health care professional evaluating an employee after the exposure incident receives the following information:

   a. A description of the employee's job duties relevant to the incident.
   b. Route(s) of exposure.
   c. Circumstances of exposure.

2. Gather the following information related to the circumstances of the exposure incident:

   a. Engineering controls in use
   b. Work practices followed
   c. A description of any devices being used at the time of exposure
   d. Protective equipment or clothing that was used at the time of the exposure
   e. Location of the incident
   f. Job duties being performed when the incident occurred

3. Review the circumstances of the exposure incident and determine the need for any changes to be made to Department safety practices.

4. Notify the Department's Safety Coordinator and OSEC representative of the exposure.

D. In the event of an exposure to an inmate, the incident shall be treated as a medical emergency and therefore acted upon in accordance with Department policy 12.21, Medical Emergencies.

E. For further information on exposure incidents, refer to Department policy 10.37, Exposure Control, or the Department's Exposure Control Plan.

VI. Hazardous Material Spills and Clean-Ups

A. In the event of a spill or leak, staff shall:

1. Render first-aid treatment to any injured person.

2. Secure the affected area so that no person walks through the area or touches the area in and around the hazardous material.

4. Notify Central Control and the supervisor. The supervisor will notify the Watch Commander. The Watch Commander will evaluate the situation and make appropriate notifications to the Division Commander, as necessary.

5. Evacuate the affected area, if needed, in accordance with Department policy 10.09, Emergency Evacuation.

B. Hazardous material spills will be cleaned and disposed of by the Department's approved hazardous materials clean up/disposal contractor, as determined by the Watch Commander/designee.

1. With the approval of the Watch Commander/Supervisor, staff shall notify the GSA MAC Room at 299-3682 to report a hazardous material spill. The notifying staff member will provide the GSA MAC Room with as much information about the spill as possible including:

a. The affected area(s) of the spill
b. Type of spill
c. Probable cause of the spill
d. Size of the spill (major or minor - a major spill shall be defined, as more than two quarts of fluid or a spill that will more than likely take longer than thirty minutes to clean up)
e. Contained or spreading

2. GSA MAC Room personnel will notify the appropriate clean up contractor and OSEC.

3. Upon arrival of the clean up contractor, the supervisor/designee will provide the clean up crew with specific instructions as to what area(s) need to be cleaned, what areas are not to be disturbed (if area is a crime scene), and any other circumstantial information.

4. Upon completion of the cleaning services, the supervisor/designee will inspect the area to ensure that a thorough cleaning was performed and the hazardous materials were disposed of properly.

   a. The supervisor/designee will sign and retain a copy of the work order/invoice indicating that the area has been cleaned and is ready for use by staff, visitors or inmates.

   b. The supervisor/designee will forward a copy of the completed work order to the Facility Commander and the facility's Operations Unit.

   c. The facility Operations Unit staff will document the spill and clean up on their Hazardous Materials Spill Log.

VII. Hazardous Material Incident Reporting

A. Reporting requirements for hazardous materials incidents shall be followed in accordance with Department Policy #9.27, Reporting of Incidents.

B. In addition, any time that the clean up contractor is called out to a Department facility, an Employees Report must be generated documenting the circumstances of the call out.

C. In the event of a hazardous material spill or exposure, the facility Safety Officer shall contact OSEC for assistance with any additional reporting requirements that may be required by outside agencies, such as OSHA, CAL/OSHA, the County of Santa Clara's Hazardous Materials Compliance Division, local fire department's hazardous materials program, or the California Environmental Protection Agency's Department of Toxic Substances Control.

VIII. Training

A. As part of the Hazard Communication Program, staff will receive training in hazardous materials. Both general informational training and specific hazards training will be provided to all staff who may be exposed to hazardous materials.

   1. The training will be coordinated through the Department's Central Training Unit.

   2. Assistance with the requirements, content and implementation of hazardous materials training can be obtained from facility Safety Officers, the Department Safety Coordinator, OSEC or approved outside contractors.

B. Both staff and inmates working with or around hazardous materials shall receive appropriate training prior to using or handling the hazardous materials.

C. Records of hazardous materials training will be maintained by the Central Training Unit in accordance with Department policy 1.61, Records Retention, Maintenance and Destruction.

D. Copies of training records for hazardous materials training shall be forwarded to OSEC for input in their County wide hazardous material training database.

IX. Service and Information Contacts

A. The following is a list of contact numbers for services and information related to hazardous materials.

1.	GSA MAC Room	299-3682
2.	OSEC	441-4284
3.	Phillip Services (for hazardous material spills)	800-947-7701
4.	CA Poison Control	800-876-4766
5.	CAL/OSHA	800-963-9424

X. Policy Revision

A. All Department policies will be reviewed not less than once a year. The Professional Compliance and Audit Unit will establish an annual schedule identifying policies to be reviewed during a specific month.

COUNTY OF SANTA CLARA

Department of Correction Policy and Procedure Manual	**Policy Number:** 10.29 **No. of Pages:** 7 **Date of Origin:** 01 Mar 1992 **Date of Revision:** 09 May 2002
Chapter: Safety and Emergency Procedures	**Subject:** Occupational Injury and Illness Prevention
Supersedes: All Previous Orders	**Distribution:**
References: CCR Title 8, Chapter 4 California Labor Codes, 142.3, 6401.7 DOC Occupational Injury and Illness Prevention Program-Updated September 2001 Santa Clara County Occupational Injury and Illness Prevention Program	
Signature of Issuing Authority Dennis P. Handis, Chief of Correction	**Current Policy Review** **Date of Review:** 09 May 2002 **Revisions Made:** ☒ Yes ☐ No

POLICY: It is the policy of the Department of Correction to maintain an illness and injury prevention plan that meets or exceeds federal standards for occupational injury and illness prevention. The Department of Correction shall adopt and incorporate the Occupational Injury and Illness Prevention Program for the County of Santa Clara

PURPOSE: To provide guidelines for safety awareness and ensure that employees comply with safe and health work practices.

DEFINITIONS:

CAL/OSHA: California Occupational Safety and Health Act

Contract Service: A person or organization that agrees to furnish materials or to perform a service for the department at a specified price. Contract services operating in corrections facilities are subject to all applicable rules and regulations for the facility.

ESA: Employee Services Agency

GSA: General Services Agency

Safety Center: An area set aside at each facility that contains written safety materials accessible to all Department, contract employees and volunteers.

Safety Coordinator: An employee, appointed by the Chief, who is responsible for the implementation of departmental workplace safety programs.

PROCEDURE:

I. Safety Goals and Objectives

A. Safety is everyone's responsibility.

B. Employees, contract employees, and volunteers shall give safety concerns the highest priority.

C. It is the goal of the Department to provide healthy, safe and secure facilities.

D. The Department supports and encourages employees to identify and resolve safety problems.

II. Safety Goal Philosophy

A. The philosophy that guides the Department's safety goals originates from the County's direction with respect to the role, responsibility, and commitment that is expected from each person in the organization. Division Commanders/Unit Managers shall lead by example, demonstrating the strongest commitment to the protection and safety of their employees or any person on their site.

B. The safety and well being of employees, contract employees, volunteers, visitors and inmates is essential to the mission of the Department. The Department shall provide an environment where public services can be conducted in a safe and healthful manner. Employees shall be provided the appropriate equipment and training to ensure the safe performance of their jobs.

C Employees must recognize the need to care for their personal safety and the safety of their co-workers, volunteers, visitors and inmates. Employees must be diligent in following safety procedures and practices as listed below:

1. Wear personal protective equipment, when appropriate.

2. Help co-workers, when necessary, to safely accomplish certain tasks.

3. Keep a watchful eye for hazardous or unsafe conditions.

D. Employees are encouraged to both identify and seek solutions to safety problems in their workplace. Employees are expected to bring safety issues forward and shall not be subject to retaliation for coming forward with a safety issue.

E. When safety concerns are identified, resolution of those concerns shall be a priority at all levels of the Department's chain of command that is empowered to solve the problem. The employee's action shall be guided by the intent of the Department's safety goals.

III. Safety Committee

A. The Chief of Correction shall appoint, subject to approval by the County Safety Director, a Safety Coordinator to represent the Department on the County Wide Safety Committee. The Department's Safety Coordinator shall be responsible for the implementation of departmental workplace safety programs. The Safety Coordinator will work closely with facility safety officers, managers, first-line supervisors and employees to educate and resolve safety problems.

B. The Department shall establish a Safety Committee. The Safety Committee shall be directed by the Department's Safety Coordinator and will include a representative from each division/unit.

1. Each Division Commander/Unit Manager shall appoint an individual to represent the Division/Unit on the Department's Safety Committee.

2. The Safety Committee shall review, discuss and recommend action for safety issues.

3. This Safety Committee shall be proactive when eliminating safety hazards and reactive when responding to safety concerns.

C. Each Division Commander/Unit Manager shall ensure Safety Officers are provided with adequate training, have the administrative support necessary to carry out the functions assigned and have the time in their work schedules to address safety needs.

IV. Ensure Safe Work Practices

A. The Department's Personnel Unit in conjunction with the County Employee Services Agency shall issue Safety Guide Booklets to all new employees. New employees shall have the opportunity to discuss the County's safety goals at new employee orientation.

B. Supervisors shall ensure that new employees receive additional safety training during the employee's Jail Training Program.

C. The County's Employee Services Agency shall solicit from the Safety Committee and Division Commanders/Unit Managers their recommendations for safety awards to employees who have demonstrated initiative and personal commitment resulting in significant improvements to workplace safety.

D. State and federal law provides that Hepatitis B vaccinations be available at no cost to employees who are "at-risk" for contracting Hepatitis B as a result of exposures on the job. The Department offers its employees the opportunity to receive the vaccination during work hours when prior arrangements have been made.

E. The Department requires mandatory annual TB testing of all its employees. The Department's Personnel Unit in conjunction with Employee Health Services shall coordinate the annual TB testing of all DOC employees.

V. Correct Unsafe Work Practices

A. Supervisors shall correct unsafe or unhealthy work practices as soon as possible through retraining. Supervisors should contact a safety officer, the Safety Committee, or the Central Training Unit for advice on retraining methods.

1. All training and retraining shall be documented by supervisors for each employee and retained at the worksite for three years.

2. Copies of all documentation of safety training shall be submitted to the Department of Correction Central Training Unit.

B. Performance evaluations and progressive discipline are tools the Department may use to measure the effectiveness of safety activities. Unsafe work practices may be remedied through retraining and/or progressive discipline.

VI. Correct Unsafe Conditions

A. It is the responsibility of the Department's supervisors to ensure employees use personal protective equipment or clothing when necessary and to remove unsafe tools or equipment from service.

B. When an unsafe condition exists:

1. Employees shall immediately report safety hazards, injuries, accidents and averted accidents (near misses) to their supervisor.

2. Supervisors shall take corrective action to eliminate or mitigate the problem.

a. Supervisors shall ensure a service call or work order is sent to the Operations Unit. The Operations manager shall ensure the work orders are forwarded to GSA when applicable.

b. The Watch Commander or a higher authority are the only persons who can give approval to emergency work orders requiring GSA to respond during off-duty hours and holidays.

3. Supervisors shall report the unsafe condition to the Watch Commander and complete an employee's report. A copy of the employee report shall be sent to the Safety Officer and Safety Committee.

4 Barricades shall be placed around dangerous areas until conditions are made safe. The area shall be evacuated if necessary. Division Commanders/Unit Managers, or their designees, have the authority to evacuate buildings.

VII. Investigation of Occupational Injuries/ Illnesses

A. All work related accidents shall be immediately investigated by the employee's immediate supervisor.

B. The Supervisor's First Report of Industrial Injury/Illness form shall be completed by the employee's supervisor. This form has an investigative section to assist in identification of problem areas and corrective actions that may be necessary.

C. Investigative Resources:

1. GSA Building Operations investigates hazards related to buildings and physical plant.

2. Environmental Health Division conducts investigations involving hazardous material and hazardous waste and provides industrial hygiene monitoring.

3. Employee Health and Occupational Medicine and/or U.S. HealthWorks may be requested to investigate ergonomic-related illnesses.

4. The Agriculture Commissioner regulates the use of pesticides and investigates injuries due to pesticide use.

5. Outside consultants may be requested to investigate areas in which the County does not have internal resources.

6. The Occupational Safety and Environmental Compliance division can be contacted to provide assistance in accident investigations and periodic audits. The OSEC representative will conduct assessments and research regarding unsafe work conditions. The representative will make suggestions and recommendations to prevent work injuries and accidents.

7. The ESA risk management division can be contacted to provide information on prior injuries claims filed. The ESA representative meets with the Chief

quarterly and submits auto, property, and worker's compensation claims statistics.

VIII. Safety Inspections and Identification of Workplace Hazards

A. Periodic facility safety inspections shall be conducted to identify and correct unsafe conditions and work practices, in accordance with the Santa Clara County Occupational Injury and Illness Prevention Program. CAL-OSHA has placed the Department of Correction on the CAL-OSHA list of 100 High Hazard Industries and, as a result, supervisors are required to conduct weekly inspections of their facilities.

B. Retention of inspection records will be in accordance with the Santa Clara County Occupational Injury and Illness Prevention Program.

C. Statute 1127 has a regulation that allows CAL-OSHA to cite all responsible employers for workplace hazards, which they create or fail to fix.

IX. Safety Communication

A. A network of communication systems shall be established regarding the County safety goals within the Department. Communication shall be encouraged between supervisors and employees at all levels.

B. Supervisors shall maintain on-going communication with employees regarding safe work practices and develop a method of testing their ability to understand such practices.

C. Employees shall communicate with each other verbally, in writing, and by example regarding safety and health issues.

D. Division/Unit Safety Officers shall be responsible for establishing a safety center at every work site. Safety centers shall contain safety related material that is available to all employees.

E. The County publishes a "Safety Alert" in the County Comline (employee newsletter) as an additional form of communication, and it will be made available to employees, contract employees, volunteers, visitors, and inmates.

F. Division/Unit Safety Officers shall ensure that CAL/OSHA posters are posted near work stations to provide additional safety information.

X. Safety Centers

A. Safety Centers shall be established in accordance with the Santa Clara County Occupational Injury and Illness Prevention Program. Each Division Commander shall ensure the facility has a safety center.

B. The Safety Centers shall include, but not be limited to, the following written materials:

1. Santa Clara County Occupational Injury and Illness Prevention Program.

2. CAL/OSHA log of all recordable occupational injuries and illnesses posted on bulletin boards in accordance with CCR Title 8 regulations.

3. Safety Guide Booklets.

4. "The Work Injury" booklet.

5. Safety educational material.

XI. Safety Training

A. Every employee shall receive safety training from the County, Department, and Division Safety Policies and Procedures. Training shall be provided regularly by first-line supervisors to support safety training coordinated and provided by the Department's Central Training Unit.

B. CAL/OSHA will conduct periodic discussions with employees about safety training during their safety inspections. Employees are expected to cooperate fully with CAL/OSHA and answer the questions to the best of their ability.

C. Supervisors and managers shall provide additional training for employees who do not follow safe work practices and shall document all training.

D. The Department Central Training Unit, in conjunction with County Personnel, shall provide required training in accordance with SB198 and the Santa Clara County Occupational Injury and Illness Prevention Program and maintain records of the safety training.

E. The County offers a variety of training in Occupational Health and Safety related areas that is available to all County employees.

F. The County provides an Environmental Health and Safety Specialist to the Department. The Environmental Health and Safety Specialist will be utilized as a consultant and educator regarding the prevention of injuries.

XII. Documentation

A. Documentation and records shall be retained for three years at the work site for the following:

1. Safety Training
2. Safety Inspections
3. Hazard Corrections

B. The Department Safety Committee shall have access to records subject to review as needed.

C. The Department of Correction Central Training Unit shall maintain documentation and records for safety training coordinated through this unit. Copies of all facility training documentation must be submitted to the Training Unit.

D. The reporting of on-duty injuries will be referred to the 'reporting of personal injury or death of employee' policy.

XIII. Policy Revision

A. All Department policies shall be reviewed not less than once a year. The Professional Compliance and Audit Unit will establish an annual schedule identifying policies to be reviewed during a specific month.

County of Santa Clara
Department of Correction
Professional Compliance and
Audit Unit (PCAU)
(408) 957-5322

By Direction of the Chief

NOTICE TO ALL STAFF

5-19-08

Policy 10.37 amendment effective 05/19/2008

Policy Amendment

10.37 Exposure Control Plan for Bloodborne Pathogens

Department is amending Policy 10.37 Exposure Control Plan for Bloodborne Pathogens to inform staff the Santa Clara County Health Department recently moved office locations and contact phone numbers. The below listed Fax number is to be used when faxing "Request for HIV Testing" forms to the County Health Department. The number listed in the Blood borne Pathogens Policy is no longer a working number.

The following modifications to the policy are shown as strikethroughs for deletion and underlined in bold font for an addition

VII. Exposure Incident Guidelines / Post Exposure Follow-Up Section:., B.4,c.,2)

2) The Watch Commander will fax the completed form, along with any applicable reports, to the County Health Officer at ~~408-423-0708~~ **Fax # (408) 792-5041/Office # (408) 792-5040.** The form must be faxed to the County Health Officer within forty-eight hours of the incident.

Division Commanders/Unit Managers must ensure that this notice is ***read at all briefings*** and/or a copy given to each staff member. A copy of this notice must also be attached to the beginning of Policy 10.37 in the Policy manuals located in their respective Divisions or Units. Any questions regarding this policy amendment should be directed to PCAU at 957-5322.

County of Santa Clara
Department of Correction
Professional Compliance and
Audit Unit (PCAU)
(408) 957-5322

By Direction of the Chief

NOTICE TO ALL STAFF

Policy 10.37 amendment effective 10/29/07

Policy Amendment

10.37 Exposure Control Plan for Bloodborne Pathogens

The Department is amending Policy 10.37 Exposure Control Plan for Bloodborne Pathogens to inform staff, that the Department will no longer use yellow bags for contaminated laundry. Blue plastic laundry bags will now be used for contaminated laundry.

The following modifications to the policy are shown as strikethroughs for deletion and underlined in bold font for an addition.

Sections: V., A.,3.,b.,1),X.,G.,2.,b.

V. Engineering and Work Practice Controls

3. Color-coded contamination bags are plastic bags utilized for securing and identifying contaminated items that will be laundered or disposed of.

b. ~~*Yellow*~~ ***Blue*** *bags* - used for storing contaminated clothing items or equipment that are to be decontaminated or laundered.

1) Refer to policy 16.03, Inmate Clothing, Bedding and Linens for guidelines on the use of ~~yellow~~ **blue** bags and the process for decontaminating and laundering inmate clothing, bedding and linens.

X. Cleanup of Contaminated Surfaces, Equipment or Clothing

G. In the event that an employee's personal work clothing (e.g. uniform or civilian attire) has become contaminated with blood or other potentially infectious materials, the employee should safely remove the clothing as soon as possible and secure the contaminated items in a ~~plastic~~ **blue plastic bag** ~~yellow biohazard storage bag~~ until such time as the items can be decontaminated and laundered.

2. To initiate this request, the employee must submit an Employees Report (ER) to their supervisor describing the circumstances of the contamination to the clothing.

b. The employee will bring the contaminated clothing, which will be secured in a plastic ~~yellow~~ **blue** contaminated laundry bag, along with the ER to the Facility Safety Officer.

Division Commanders/Unit Managers must ensure that this notice is ***read at all briefings*** and/or a copy given to each staff member. A copy of this notice must also be attached to the beginning of Policy 10.37 in the Policy manuals located in their respective Divisions or Units. Any questions regarding this policy amendment should be directed to PCAU at 957-5322.

COUNTY OF SANTA CLARA

Department of Correction Policy and Procedure Manual	**Policy Number:** 10.37 **No. of Pages:** 24 **Date of Origin:** 29 Jan 2003 **Date of Revision:** 22 Sep 2004
Chapter: Safety and Emergency Policies	**Subject:** Exposure Control Plan for Bloodborne Pathogens
Supersedes: Policy 10.37, Exposure Control Policy, rev. 06/05/03.	**Distribution:**
References: ACA 3-ALDF-4E-35; Title 15, Sections 1205, 1206, 1206.5, 1207, 1214; California Labor Codes: 142.3, 6401.7; California Code of Regulations, Title 8, Sections 3204 and 5193; C.F.R., Title 29, Section 1910; Health & Safety Code Sections 121050-121070, 199.95, 199.97, 199.98, 199.99; Penal Code Sections 4018.1, 4032, 7510(a)(b)(c), 7512(a)(b)(c), 7515, 7516(a)(b), 7516.5, 7517, 7521(c), 7531, 7554	
Signature of Issuing Authority Edward C. Flores, Acting Chief of Correction	**Current Policy Review** **Date of Review:** 22 Sep 2004 **Revisions Made:** ☒Yes ☐No

POLICY: It is the policy of the Department of Correction to recognize the need for exposure control to bloodborne pathogens in accordance with CAL/OSHA regulations and to develop and implement guidelines to eliminate or minimize staff risk to occupational exposure.

PURPOSE: To provide guidelines for eliminating or minimizing the risk of occupational exposure to bloodborne pathogens and for complying with CAL/OSHA regulations.

DEFINITIONS:

Bloodborne Pathogens: Pathogenic microorganisms present in human blood that can cause disease in humans. These pathogens include, but are not limited to, Hepatitis B Virus (HBV), Hepatitis C Virus (HCV) and Human Immunodeficiency Virus (HIV).

CAL/OSHA: The California Occupational Safety and Health Administration. For the purposes of this policy CAL/OSHA will be referred to as OSHA.

Communicable Disease: Any disease that can be transmitted from one person to another via air, body fluids, or direct contact.

Contaminated: The presence or reasonable anticipated presence of blood or other potentially infectious materials on an item or surface.

Contaminated Sharps: Contaminated items that can penetrate the skin or any other part of the body resulting in an exposure incident. (e.g. needles, broken glass, shanks, razors)

Crane Center: An agency contracted by the Public Health Department that provides exposure victims HIV testing results from the source individual and provides counseling and educating services relating to the HIV testing results. In addition, the center conducts HIV testing of the source individual and notifies the source individual of the results of the test if the source individual is no longer in custody. The Crane Center can be contacted at 408-885-7000.

Decontamination: The use of physical or chemical means to remove, inactivate or destroy bloodborne pathogens on a surface or item to the point where they are no longer capable of transmitting infectious particles. Once the surface or item has been decontaminated, it is safe for handling, use or disposal.

Disposable Spill Kit: A kit containing disposable items that are utilized in the cleaning of contaminated surfaces or materials.

Exposure Incident to Bloodborne Pathogens: Any specific eye, mouth, other mucous membrane, non-intact skin (open cuts or breaks in the skin), or parenteral contact with blood or other potentially infectious materials resulting from the performance of an employee's duties.

Exposure Packet: A packet of required documents and forms that exposed employees receive from their supervisor including:

- A Report of Request and Decision for HIV Testing form
- A Report of Request for Appeal for HIV Testing
- A copy of OSHA Title 8 Regulation 5193
- Listing of employee job duties or essential functions
- A "route of exposure" form, which documents and describes the route of exposure and circumstances under which the exposure occurred.

HBV (Hepatitis B Virus): An acute viral illness transmitted by blood and body fluids, causing inflammation of the liver. HBV is more easily transmitted than HIV and may be serious and/or chronic.

HIV (Human Immunodeficiency Virus): The causative agent of the Acquired Immunodeficiency Syndrome (AIDS). HIV can be carried for up to twelve (12) years before AIDS actually develops.

Isolation Kit: A kit containing disposable personal protective equipment.

Law Enforcement Employees: Correctional officers, peace officers, and other staff of a correctional institution (P.C. 7502c).

Other Potential Infectious Materials: are the following human body fluids; semen, vaginal secretions, cerebrospinal fluid, synovial fluids, pleural fluid, pericardial fluid, peritoneal fluid and amniotic fluid. In addition, other potentially infectious materials include human body fluids that are visibly contaminated with blood such as vomit and saliva.

Parenteral Contact: Piercing mucous membranes or the skin barrier through such ways as the use of hypodermic needles, human bites, cuts and abrasions.

Safety Centers: As required by SB198 and the Santa Clara County Occupational Injury and Illness Prevention Program, a site where OSHA information, logs, Material Safety Data Sheets and other safety related material is available to all employees.

Standard (Universal) Precautions: An approach to infection control. According to the concept of Standard Precautions, all human blood, body fluids, secretions and excretions shall be considered potentially infectious for a communicable disease.

PROCEDURE:

I. Plan Overview

A. This policy serves as a guideline for managing occupational exposure to bloodborne pathogens. The policy addresses the following subject matter:

1. OSHA standards, including exposure determinations and developing and implementing an Exposure Control Plan (ECP) for bloodborne pathogens.

2. Exposure prevention methods and guidelines for minimizing or eliminating exposure to bloodborne pathogens, including Hepatitis B vaccinations, engineering and work practice controls and training.

3. Exposure and post exposure guidelines to bloodborne pathogen exposures, including immediate first-aid measures, post exposure responsibilities, Department reporting requirements, infectivity determination testing of source individual, reporting requirements to the County Health Officer, completion of Sharps Injury Logs and clean up of contaminated surfaces and equipment.

4. Recordkeeping and maintenance of required records specific to exposure related incidents involving bloodborne pathogens.

5. Audit controls for maintaining compliance with OSHA regulations 3204 and 5193.

B. This policy is specific to that information relating to exposure control to bloodborne pathogens and those diseases caused by bloodborne pathogens (e.g. Hepatitis B and HIV). For guidelines and information relating to exposure control to communicable diseases caused by respiratory pathogens (e.g. meningitis and tuberculosis), refer to Department policy 10.41, Exposure Control Plan for Respiratory Pathogens.

II. Exposure Control Plan

A. In accordance with OSHA requirements, the Department will develop and provide a staff accessible written Exposure Control Plan (ECP) for bloodborne pathogens to ensure compliance with the standards and regulations contained within California Code of Regulations, Title 8, Section 5193, Bloodborne Pathogens.

1. **This policy will serve as the Department's bloodborne pathogens ECP.**

2. **In accordance with OSHA guidelines, a copy of Title 8, regulations 3204 and 5193 will be attached at the end of this policy.**

Note: ***Only the copies of this policy located at the Facility Safety Centers will contain the 3204 and 5193 regulations as an attachment.***

B. The Department's OSEC representative will assist the Department in the development and maintenance of the bloodborne pathogens ECP.

1. The Department's OSCE representative will review and update the ECP at least annually or as necessary to modify existing language in the plan or to incorporate new laws or regulations into the plan.

2. The OSEC representative will collaborate with the Department Safety Officer and PCAU in the review and update processes.

3. The Department Safety Officer and the OSEC representative will utilize the Department's monthly safety committee meetings to solicit input and recommendations from division/unit safety representatives for improvements to the Department's bloodborne pathogens ECP.

C. Facility Safety Officers will ensure that a current copy of the bloodborne pathogens ECP (policy 10.37) along with attached copies of OSHA regulations 3204 and 5193 are available and accessible to staff in the Facility Safety Centers.

III. Exposure Determinations

A. OSHA has tasked employers with conducting an exposure determination, which is the process of identifying those job classifications and individual employees within the organization that are considered to be at increased risk for occupational exposure to bloodborne pathogens. The Department has identified the following job classifications and individual employees:

1. Badge staff
2. Designated Support Services staff, including Food Services staff, Operations and Industries staff, Laundry Services staff, Classification Clerks and Custody Support Assistants
3. Programs staff

B. Those employees identified from the exposure determination are subject to exposure to bloodborne pathogens and other potentially infectious materials in the performance of such work duties and responsibilities including, but not limited to:

1. Physical contact with inmates
2. Rendering first aid or CPR to an inmate or other individual
3. Handling certain types of physical evidence during criminal investigations that may include human blood or blood soaked items, sharps instruments and other contaminated materials or body fluids
4. Handling of infectious clothing or laundry
5. Handling of infectious wastes
6. Food preparation
7. Containment and clean up of body fluid spills
8. Disposal of waste specimens and contaminated material

C. The Department's OSEC representative will periodically review and evaluate the most current listing of job classifications and individual employees that the Department has determined to be at increased risk for occupational exposure to bloodborne pathogens **(section III, A, 1-3)** to ensure that all job classifications and individual employees have been appropriately identified through the exposure determination.

IV. Hepatitis B Vaccination

A. The hepatitis B vaccination will be available at no cost to employees who the Department has determined to be at risk for occupational exposure to bloodborne pathogens. **(Refer to section III, A, 1-3 of this policy for a listing of job classifications and individual employees)**

B. The Personnel Unit will provide information to employees on hepatitis B vaccination series that will address the safety, benefits, efficiency, methods of administration, availability of the vaccination and completion of the required Hepatitis B Vaccination Form (attachment 1).

1. This information will be provided to employees within ten days of initial assignment or as requested.

2. The hepatitis B vaccination will be encouraged, unless:

   a. An employee has previously received the vaccination.

   b. Antibody testing reveals that an employee is immune.

   c. A medical evaluation shows that employee vaccination is contraindicated for medical reasons.

C. The Personnel Unit will ensure that employees receive the Hepatitis B Vaccination Form and provide instruction for completion of the form.

1. Employees choosing to decline the vaccination or employees who have already completed the vaccination series will be instructed to complete and sign the Statement of Declination to Receive Hepatitis B Vaccination portion of the Hepatitis B Vaccination Form.

   a. Employees who decline the vaccination may request and obtain the vaccination at a later date.

   b. In these instances, employees will be required to complete another Hepatitis B Vaccination Form indicating that they now intend to obtain the vaccination.

2. Employees choosing to have the vaccination will be instructed to complete and sign the Statement of Intent to Obtain Hepatitis B Vaccine portion of the Hepatitis B Vaccination Form.

   a. Employees will obtain the vaccination series at the following applicable healthcare provider:

      1) Kaiser Health Plan members will obtain the series at the Kaiser location of their choosing.

      2) Valley Health Plan members will obtain the series from their Primary Care Provider at Santa Clara Valley Medical Center or at one of the Santa Clara Valley Health Centers located throughout the County.

      3) Health Net members and extra-help employees will obtain the series at Employee Health located at 2400 Moorpark Avenue.

b. Upon completion of the vaccination series, employees will receive a vaccination card from the heath care provider, which documents that the series was completed. Employees will forward the vaccination card to the Personnel Unit. (Employees are responsible for making a copy for their records)

c. Employees that begin the vaccination series but do not complete it and will not be completing the series will receive a vaccination card from the health care provider, which documents that the series has not been completed. Employees will forward the incomplete vaccination card to the Personnel Unit. Employees will also be required to complete another Hepatitis B Vaccination Form indicating that they now intend to decline the vaccination.

3. Completed Hepatitis B Vaccination Forms will be forwarded to the Personnel Unit.

D. The Hepatitis B vaccination series will be offered to those unvaccinated staff who have rendered first aid assistance in any situation involving the presence of blood or other potentially infectious materials, regardless of whether an actual exposure incident, as defined in section VII, A of this policy, has occurred. In these instances, the on-duty supervisor will:

1. Inform those individuals involved, as soon as possible but no later than twenty-four hours from the time of the incident, of their ability to obtain the Hepatitis B vaccination series at no cost.

2. Facilitate any staff requests to obtain the vaccination series.

V. Engineering and Work Practice Controls

A. Engineering controls are those devices or items utilized to minimize body fluid contact or to isolate or remove the bloodborne pathogens hazard from the workplace. The Department provides the following engineering controls for employees to utilize:

1. Personal protective equipment (PPE) is specialized equipment or clothing utilized by employees for protection against a known or anticipated hazard.

a. The Department provides various items of PPE for employees to utilize in the course of their job duties and responsibilities, including:

1) Disposable gloves
2) Disposable isolation kits, which include fluid resistant face masks and eyeshields, gown covers, hair caps, latex gloves, shoe covers and disposal bags.
3) CPR masks

b. Department provided PPE may be obtained through the Facility Safety Officer.

2. Sharps containers are devices utilized for safely securing and storing contaminated sharps (e.g. needles, razors). The containers are puncture resistant, leak proof and color-coded and labeled to identify the items contained within as biohazard waste.

   a. Sharps containers are located in various areas throughout Department facilities.

   b. Sharps containers will be secured when not in use to ensure that discarded sharps are not tampered with.

   c. Sharps containers will be maintained and replaced by Custody Support Assistants on a regular basis or as necessary to prevent overfilling.

   d. Sharps containers that are full will be temporarily stored in the following locations within each complex.

      1) *For the Main Jail Complex* - In the basement Service Hallway, which is located in the tunnel between Main Jail North and Main Jail South.

      2) *For the Elmwood Complex* - In the biohazard waste storage bins located in the old W1 Juvy Yard at the Elmwood Complex Women's Facility.

   e. The Department's contracted biohazard waste disposal company will collect the filled sharps containers and transport them to an appropriate biohazard waste disposal facility.

3. Color-coded contamination bags are plastic bags utilized for securing and identifying contaminated items that will be laundered or disposed of.

   a. *Red bags* - used for securing contaminated items that are to be disposed of as biohazard waste. Red-bagged items will be stored in a biohazard waste storage container.

   b. *Yellow bags* - used for storing contaminated clothing items or equipment that are to be decontaminated or laundered.

      1) Refer to policy 16.03, Inmate Clothing, Bedding and Linens for guidelines on the use of yellow bags and the process for decontaminating and laundering inmate clothing, bedding and linens.

2) Refer to section X, G of this policy for guidelines on cleaning and decontaminating personal work clothing.

4. Covered biohazard disposal containers are containers utilized to temporarily store contaminated items that are to be disposed of. The Department's contracted biohazard waste disposal company transports the contaminated waste from these containers to a biohazard waste facility for permanent disposal on a weekly basis. Biohazard disposal containers are located in the following areas at each complex:

   a. *For the Main Jail Complex* - In the biohazard storage closet across from the officer's station in the Main Jail Infirmary.

   b. *For the Elmwood Complex* - In the biohazard waste storage bins located in the old W1 Juvy Yard at the Women's Facility.

5. Biohazard warning labels are utilized as mean of communication for alerting employees to a specific hazard.

   a. Biohazard warning labels will be placed on sharps disposal containers, on any containers used to store, or transport blood or other infectious materials.

   b. Biohazard warning labels will be fluorescent orange or orange-red in color, feature the biohazard symbol with the word biohazard written as one word.

   c. Employees will immediately notify their supervisor if they discover that biohazard spills, materials or storage containers are not properly labeled.

B. Work practice controls are prescribed guidelines provided to employees to assist in reducing the likelihood of an exposure to bloodborne pathogens. Employees should adhere to the following work practice controls:

1. Observe the practice of Standard Precautions (defined in definitions section of policy)

2. Utilize PPE when exposure to blood or other potentially infectious materials exists or is anticipated.

   a. Employees will determine the appropriate PPE to use based on their training and the circumstances of the situation.

   b. Disposable PPE will be discarded after use. Disposable PPE that has been penetrated by blood or other potentially infectious materials will be removed as soon as possible, secured in a red contamination

bag and disposed of in one of the Department's designated biohazard disposal containers.

3. Observe the following guidelines pertaining to the use of disposable gloves:

   a. Replace or dispose of gloves as soon as practical after each use to avoid contaminating other items, materials or persons. Gloves that become torn, punctured, or otherwise lose their ability to function safely as an exposure barrier should be replaced or disposed of as soon as practical.

   b. Remove disposable gloves by turning them inside out, avoiding skin contact with outside surfaces of the gloves.

   c. Do not touch eyes, nose, mouth or broken skin with gloves that have come in contact with contaminated or possibly contaminated items, materials or persons.

   d. Do not write, answer phones, turn off lights or faucets, or touch anything that will potentially contaminate and threaten your safety or the safety of others with gloves that have come in contact with contaminated or possibly contaminated items, materials or persons.

3. Do not eat, drink, smoke, apply make-up or lip balm, handle contact lenses, or put fingers, pencils or any objects in mouth while working in areas with potential exposure to contaminated materials.

4. Cover all open sores or cuts on fingers or hands with clean bandages.

5. Use caution when conducting searches of inmates and inmate property. Staff should assume that every inmate and inmate's property to be searched may possess a sharp item of some sort (e.g. needle, razor blade, shank).

   a. Make a visual inspection of the inmate or inmate property and ask the inmate if he or she is in possession of any sharp item.

   b. Ask the inmate to remove all items from his or her pockets and turn pockets inside out if there is no evidence of a weapon, needle or other sharp item.

   c. Conduct a light pat search of areas where sharp items or weapons may be located.

   d. Do not insert hands into an area before visually examining the area when performing searches of inmate living areas or property.

6. Handle contaminated sharps with extreme caution. A cut or puncture from contaminated sharps can introduce bloodborne pathogens into the blood stream.

   a. Contaminated sharps should never be handled by tips or sharp edges.

   b. Contaminated sharps should never be broken, bent or otherwise tampered with.

   c. Contaminated sharps should always be secured in a sharps container or other appropriate storage device as soon as possible, if not immediately, after use, discovery or collection.

VI. Bloodborne Pathogens Training

A. Employees determined by the Department to be at risk for occupational exposure to bloodborne pathogens will receive training on bloodborne pathogens at the time of initial assignment and at least annually thereafter. Training at the time of initial assignment will include advising employees of the availability of the ECP.

B. Badge staff will receive training on the process of safely cleaning and decontaminating smaller type body fluid spills and on the use of Department provided spill kits. Badge staff will utilize this training in supervising Inmate Workers that may clean and decontaminate smaller type body fluid spills.

C. The Central Training Unit will develop and implement bloodborne pathogens training in accordance with OSHA standard 5193.

VII. Exposure Incident Guidelines / Post Exposure Follow-Up

A. An employee exposure to bloodborne pathogens has or may have occurred when an employee believes that he or she has come into contact with the blood or other potentially infectious materials of another individual via his or her eye, mouth, other mucous membranes, non-intact skin (open cuts or breaks in the skin), or through parenteral contact.

B. In the event that an exposure incident has occurred, the following actions will be implemented.

   1. The exposed employee will:

      a. Perform or seek immediate first aid. Do not wait; have someone else inform the Sergeant or Watch Commander of the incident. The following are recommended immediate first aid remedies for various areas and types of exposure:

1) *Needle stick or puncture wound* – Gently express blood from the wound and scrub the area vigorously with soap and water for at least 5 minutes.

2) *Eye exposure* – Irrigate immediately with cool water or normal saline solution for at least 60 seconds.

3) *Mucous membrane exposure* – Rinse the area with oxygenating agent such as hydrogen peroxide half strength for at least thirty seconds and repeat several times.

4) *Human bite* – Cleanse the wound with an iodophor, such as Betadine and sterile water.

b. Report the exposure to the on duty supervisor as soon as possible, if other staff members have not done so already.

c. Remove any contaminated clothing using Standard Precautions and place them in the appropriate biohazard bag for cleaning or disposal.

d. Obtain medical evaluation and treatment within one hour of exposure or sooner from applicable health care provider.

e. Provide evaluating healthcare professional with your Hepatitis B vaccination status (completed, partially completed or not received) and source individual's communicable disease status, if known at the time or as soon as obtained from the Watch Commander.

Note: The source individual's communicable disease status will be obtained from the Classification Commander/designee by the on-duty Watch Commander. This information will be utilized to assist the evaluating healthcare professional in providing post exposure treatment and follow up for the employee.

f. Keep the Department's HIP Coordinator informed and updated with information and documentation concerning medical evaluations, follow up treatments and infectivity testing results of the source individual relating to the exposure.

2. The on-duty supervisor will ensure that the exposed employee receives immediate first aid, as necessary. In addition, the on-duty supervisor will:

a. Notify the Watch Commander.

b. Complete a Supervisor's First Report of Injury and a Worker's Compensation form.

1) For any needle stick/puncture, indicate the type of needle or syringe involved in the exposure.

2) *To protect the confidentiality of the employee and source individual, the Supervisor's First Report of Injury shall not include information concerning HIV status of the source individual or employee.*

c. Complete the route of exposure form located in the "exposure packet".

1) A copy of the completed Supervisor's First Report of Injury may replace the route of exposure form if the report already includes the information requested in the form.

2) In these instances, the route of exposure form does not have to be completed.

d. Provide the exposed employee with an "exposure packet" and instruct the employee to give the following documents within the packet to the healthcare professional providing their post exposure medical evaluation:

1) The copy of OSHA regulation 5193
2) The listing of the employee job duties or essential functions
3) The completed "route of exposure form" or a copy of the Supervisor's First Report of Injury, if applicable

e. Send the exposed employee to the appropriate healthcare provider to obtain a medical evaluation (after the initial first aid) within one hour of the exposure or sooner. The primary contracted employee healthcare provider for the Department is U.S. Healthworks. If U.S. Healthworks is not open at the time, the employee will be sent to one of the following health care facilities (nearest in proximity):

1) Valley Medical Center (VMC)
2) Stanford Medical Center
3) O'Connor Hospital
4) St. Louise Hospital

<u>Note:</u> If the exposed employee has a "Personal Physician Designation Form" on file, the employee may elect to see their private health care provider for medical evaluation and post exposure follow up.

f. Notify the Department Health and Injury Prevention (HIP) Coordinator via e-mail of the incident and provide the following information:

1) Name of involved employee
2) Employee's assigned division/unit
3) Brief description of the incident, including date and time
4) Name of healthcare provider that was used for initial medical evaluation (e.g. U.S. Healthworks, VMC)

4. The on-duty Watch Commander will:

a. Check with the Classification Commander/designee to see if the inmate identified as being the source individual has a documented communicable disease on record, and if so, what type of communicable disease the inmate has (e.g. HIV, Hepatitis).

1) The Watch Commander will forward their findings to the exposed employee as soon as possible.

2) This medical information is considered confidential and will only be obtained by and disseminated to authorized persons in accordance with and pursuant to California Health and Safety Code, Section 121070.

b. Notify both the Department and Facility Safety Officer of the exposure incident via e-mail.

c. Complete the Report of Request and Decision for HIV Testing form, which is located in the employee's "exposure control packet", on behalf of the exposed employee.

1) This form will be utilized to meet reporting requirements to the County Health Officer that are required for law enforcement employees who have been exposed to bloodborne pathogens while on duty. (P.C. 7510)

2) The Watch Commander will fax the completed form, along with any applicable reports, to the County Health Officer at 408-423-0708. The form must be faxed to the County Health Officer within forty-eight hours of the incident.

3) Completion of this process will satisfy the exposure reporting requirements to the County Health Officer for both badge and non-badge employees.

4) In addition, completion of this process, on behalf of a non-badge employee, automatically initiates a request for infectivity testing of the identified source individual by the non-badge employee. Badge employees will request infectivity testing through court order. **(See section VIII)**

5) Badge staff will initiate requests for infectivity testing of source individuals through court order. **(See section VIII)**

5. The County Health Officer will provide the exposed employee with exposure related counseling and education services, based on the information contained in the Report of Request and Decision for HIV Testing form and in any associated reports that have been forwarded.

6. The Department Safety Officer/designee will notify the Department's OSEC representative of the exposure incident.

   a. The OSEC representative will review the circumstances of the exposure incident to determine the need for any changes to be made in the Department's Exposure Control Plan.

   b. If the OSEC representative has determined that changes, modifications or additions need to be made to the current ECP, he or she will forward those recommendations to the Department Safety Officer and PCAU.

7. The Department HIP Coordinator will obtain the evaluating healthcare professional's written opinion on the exposed employee pertaining to the post exposure medical evaluation and provide the exposed employee with a copy.

   a. The written opinion will be limited to the following information:

      1) Verification that the employee has been informed of the results of the evaluation.

      2) Verification that the employee has been informed of any medical conditions resulting from the exposure to blood or other potentially infectious materials which may require further evaluation or treatment.

   b. All other findings or diagnoses will remain confidential and not be included on the written opinion to the employer.

c. The written opinion must be obtained from the evaluating healthcare professional within fifteen days of the employee's medical evaluation.

VIII. Requests for HIV and Hepatitis Infection Determination Testing of an Inmate/Arrestee

A. An employee (badge or non-badge) can request, and may be granted, confidential infection determination testing of an inmate or arrestee for HIV and Hepatitis if the employee has reason to believe that he or she has come into contact with the body fluids of that inmate or arrestee.

1. Infectivity determination testing requests of inmates will be requested through the following methods:

a. For non-badge employees, requests will be pursued through the County Health Officer.

b. For badge employees, requests will be pursued through court order.

2. Established methods for requesting testing will be adhered to regardless of whether the inmate volunteers for testing or not.

B. Requests for testing of inmates by non-badge employees will be automatically initiated when the Report of Request and Decision for HIV Testing form is completed and forwarded to the County Health Officer. **(See section VII, B, 4, c)**

1. Upon receiving the completed form, the County Health Officer will review the request for testing and make a determination as to whether testing will be ordered or denied.

2. The County Health Officer will notify the non-badge employee directly of his or her decision to order testing of the inmate or not within five calendar days of receipt of the report.

3. If the request is granted, the County Health Officer will forward an order to the Adult Custody Health Services (ACHS) Quality Improvement (QI) Manager for the inmate's blood to be drawn for HIV and Hepatitis B infectivity testing.

a. Medical staff will provide the inmate with HIV pre-counseling prior to the blood draw.

b. Medical staff will obtain the blood specimens and send them to the County Public Health Lab for testing.

c. The County Public Health Lab will send the test results to the County Health Officer and the QI Manager.

1) The County Health Officer will inform the involved non-badge employee of the test results and provide HIV counseling and education services to the employee. In addition, the County Health Officer will inform the employee of associated confidentiality laws and regulations concerning disclosure of the identity and infectious status of the source individual.

2) The QI Manager/designee will inform the involved inmate of his or her test results and provide HIV counseling and education services to the inmate.

3. If the request is denied, the non-badge employee may appeal the decision within three days of receiving the decision.

   a. The employee will complete a Report of Request for Appeal for HIV Testing form (located in the "exposure control packet") and forward to the County Health Office.

   b. The County Health Office will direct the appeal to a three-member panel established specifically to hear the appeal.

   c. The three-member panel will decide on the appeal and notify the involved employee directly of their decision.

   d. If the three-member panel grants the request for infectivity testing of the inmate, the guidelines outlined in section **VIII, B, 3, a-d** will be followed.

C. Badge employees that have reason to believe that they have come into contact with the body fluids of an inmate or arrestee and want to request that the inmate be administered infection determination testing for HIV and Hepatitis will initiate the request through court order under the provisions set forth in Section 121060 of the California Health and Safety Code (H&S). This process will be conducted in the following manner:

1. The Watch Commander will, based on the known facts surrounding the exposure, initiate a written request (memorandum) for court ordered infectivity testing of the inmate on the exposed officer's behalf and forward the request along with applicable reports of the incident to the Internal Affairs Unit.

2. The Internal Affairs Unit will process the court order request through County Counsel. The request should include specific language addressing that infectivity testing of the inmate is being requested for exposure to HIV and other AIDS related conditions (e.g. Hepatitis B and C).

3. If testing of the inmate/arrestee is granted and ordered by the court, medical will be responsible for drawing the blood specimens from the inmate as directed in the order.

   a. Medical staff will provide the inmate with HIV pre-counseling prior to the blood draw.

   b. Medical staff will obtain the blood specimens and send them to the County Public Health Lab for testing.

   c. The County Public Health Lab will send the test results to the QI Manager.

   d. The QI Manager will send the test results to the Crane Center and to the Superior Court Post Convictions Division, if applicable. In addition, the QI Manager/designee will inform the involved inmate of his or her test results and provide HIV counseling and education services to the inmate.

   e. The Crane Center will inform the exposed officer of the inmate's test results and provide the officer with post exposure HIV counseling and education services. In addition, the Crane Center will inform the officer of associated confidentiality laws and regulations concerning disclosure of the identity and infectious status of the source individual.

D. If an inmate who has been ordered by the County Health Officer or the court to submit a blood specimen refuses to submit to the blood draw, the following guidelines will apply in addition to those previously outlined in **section VIII**.

1. The on-duty Sergeant will be notified and verbal attempts to persuade the inmate to comply with the order will be made.

2. If the inmate continues to refuse, the Sergeant will notify the Watch Commander who will arrange to have a contracted phlebotomist respond to draw the blood.

   Note: Medical staff will not perform blood draws on inmates who have been ordered by the County Health Officer or the courts to provide blood specimens, but refuse to submit to the blood draw.

3. Upon arrival to the facility, the contracted phlebotomist will be directed to the facility's medical unit where medical staff will give the phlebotomist the proper lab slips for the blood specimens to be drawn.

4. After obtaining the blood specimens from the inmate, the phlebotomist will give them to the facility's medical unit staff for transport to the County Public Health Lab.

E. If the inmate is no longer in custody at the time that the medical goes to obtain a blood specimen or at the time of informing of the test results, whether ordered through the County Health Officer or the court, the following guidelines will apply in addition to those previously outlined in **section VIII**.

1. Medical staff will record the following statement on the testing order (e.g. court order or County Health Officer order) and court compliance form, if applicable, "Patient Released from Custody" and then date and initial the recorded entry.

   a. Medical staff will fax the testing order and court compliance form, if applicable, to the Administrative Booking Unit.

   b. Medical staff will submit copies of the testing order and court compliance form, if applicable to the Nurse Manager and the QI Manager.

      1) If the order for testing was a court order, the Nurse Manager will notify the Judge and the Office of the District Attorney in writing regarding the inmate's release from custody prior to the blood specimen being obtained. A copy of the court order will be enclosed with the written notification.

      2) If the order for testing was an order from the County Health Officer, the Nurse Manager will notify the County Health Officer in writing regarding the inmate's release from custody prior to the blood specimen being obtained. A copy of the Health Officer's order will be enclosed with the written notification.

2. Upon notification from the Nurse Manager that the inmate is no longer in custody, the courts or the County Health Officer, depending on who wrote the order, will notify the Crane Center of the situation.

3. The Crane Center will be responsible for the following:

   a. Obtaining a blood specimen from the former inmate and performing the ordered infectivity testing.

   b. Informing the former inmate of his or her test results. The exposed employee will be informed of the test results in the manner as previously outlined in **section VIII**.

c. Providing the former inmate with HIV counseling and education services. The exposed employee will be provided HIV counseling and education services in the same manner as previously outlined in section **VIII**.

IX. Sharps Injury Logs

A. As required by OSHA, Facility Safety Officers will complete a Sharps Injury Log for each exposure incident within their assigned facility/complex involving a sharp item.

B. Sharps Injury Logs will be completed within fourteen days of the incident. Information documented on the log shall include the following information:

1. Date and time of the exposure incident.

2. Type and brand of sharp involved in the exposure incident.

3. A description of the exposure incident, including the following available and applicable information:

a. Job classification of the exposed employee
b. Work area where exposure incident occurred.
c. Task employee was performing at the time of exposure.
d. How the incident occurred.
e. The body part involved in the incident.
f. If the sharp had engineered sharps injury protection, whether the protective mechanism was activated, and whether the injury occurred before the protective mechanism was activated, during activation of the mechanism, or after activation of the mechanism, if applicable.
g. If the involved sharp had no engineered sharps injury protection, the injured employee's opinion as to whether and how such a mechanism could have prevented the injury.
h. The employee's opinion about whether any other engineering, administrative or work practice could have prevented the injury.

C. Facility Safety Officer's will forward a copy of each completed Sharps Injury Log to the Department's HIP Coordinator and to the Department's OSEC representative.

X. Cleanup of Contaminated Surfaces, Equipment or Clothing

A. Whenever an area of a Department facility becomes contaminated with blood, feces or other body fluids, staff must notify the on duty supervisor of the situation.

1. The area of the spill shall be secured until it is cleaned and decontaminated.

2. If the spill is migrating to other areas, absorbent pads or Chlorasorb may be placed around or on the spill in an attempt to stop the migration of the spill until appropriate clean up can be performed.

B. Depending on the circumstances of the particular spill, such as size, amount or location, biohazard spills will be cleaned and decontaminated by either Inmate Workers or the Department's approved independent cleanup contractor. Contractor clean ups must be approved by the on-duty Watch Commander.

C. The on-duty Watch Commander will make the determination as to whether the spill will be cleaned and decontaminated by Inmate Workers or by the contractor.

1. Some biohazard spills will be cleaned and decontaminated by the Department's approved independent cleanup contractor.

a. The on-duty supervisor/designee will provide the contractor with specific instructions as to what area(s) or cell(s) is to be disinfected, what areas are not to be disturbed (if area is a crime scene), and any other circumstantial information.

b. Upon completion of the cleaning and decontamination services, the on duty supervisor/designee will inspect the area to ensure that thorough cleaning and decontamination were performed. The start time and the end time will be noted on the work order.

c. In all circumstances, an Employees Report must be generated whenever the cleanup contractor is called out to a Department of Correction facility.

2. Small biohazard spills may be cleaned and decontaminated by either Inmate Workers or the Department's independent cleanup contractor. If the on-duty Watch Commander determines that the biohazard spill is minor in nature and does not require the services of the contractor, the spill may be cleaned and decontaminated by Inmate Workers on a voluntary basis under continuous badge staff supervision in the following manner:

a. The supervising staff member will ensure that the Inmate Worker uses Standard Precautions.

b. The supervising staff member will provide the Inmate Worker with the appropriate personal protective equipment (e.g. disposable gloves, disposable isolation kits) and cleaning items (e.g. disposable spill kits, disinfecting and decontaminating agents) before any cleaning and decontamination activities occur.

c. The supervising staff member will ensure that all items and materials that were contaminated from the spill or used in the cleaning and decontamination process are securely bagged and disposed of appropriately.

D. Cleaning and decontamination of biohazard spills may be postponed if the area is deemed to be a crime scene.

E. Spill kits and biohazard cleaning agents may be obtained through the Facility Safety Officer.

F. In the event that a Department of Correction transportation vehicle becomes contaminated with body fluids or potentially hazardous substances, the contamination shall be reported to the on duty Sheriff's supervisor.

1. The on-duty Sheriff's supervisor will determine the appropriate method of clean up and disinfection. The vehicle will be taken "off line" until decontamination and clean up has been completed.

2. If the clean up requires the services of the outside contractor, the Sheriff's supervisor will notify the on-duty Watch Commander.

G. In the event that an employee's personal work clothing (e.g. uniform or civilian attire) has become contaminated with blood or other potentially infectious materials, the employee should safely remove the clothing as soon as possible and secure the contaminated items in a plastic yellow biohazard storage bag until such time as the items can be decontaminated and laundered.

1. Employees, whose personal work clothing has been contaminated with blood or other potentially infectious materials, may request to have the Department's contracted laundry service clean and decontaminate the clothing at no expense to the employee.

2. To initiate this request, the employee must submit an Employees Report (ER) to their supervisor describing the circumstances of the contamination to the clothing.

a. The supervisor will review the Employees Report and approve the request based on the information contained in the ER.

b. The employee will bring the contaminated clothing, which will be secured in a plastic yellow contaminated laundry bag, along with the ER to the Facility Safety Officer.

c. The Facility Safety Officer will initiate an invoice and send the clothing to the Department's contracted laundry service for cleaning and decontamination.

d. The Facility Safety Officer will forward the invoice and the ER to the Financial Services Unit.

3. Employees who do not want to utilize the Department's contracted laundry service may make their own arrangements to have the clothing cleaned and decontaminated at a laundry service of their choosing and at their own expense.

XI. Required Records and Records Maintenance

A. The Personnel Unit will establish and maintain records for all employees the Department has determined to be at risk for occupational exposure in accordance with OSHA regulations 3204 and 5193.

1. Employee records pertaining to occupational exposure to bloodborne pathogens will include the following applicable information:

a. Employee name and social security number

b. Hepatitis B Vaccination Forms, associated vaccination cards and any information relating to the employee's ability to receive the vaccination

c. Medical evaluation and follow up documentation relating to exposure incidents to bloodborne pathogens.

d. Healthcare professional's written opinions (see section VII, B, 7)

2. The Personnel Unit will ensure that these records are:

a. Kept confidential

b. Not disclosed or reported without the employee's express written consent to any person within or outside of the Department except as required by law.

c. Maintained for at least the duration of employment plus thirty years.

B. The HIP Coordinator will establish and maintain a confidential database for the purposes of tracking and ensuring that employees determined to be at risk for occupational exposure to bloodborne pathogens have a completed Hepatitis B Vaccination Form on file with the Personnel Unit. Information in the database will include, but not be limited to:

1. Names of all employees that the Department has determined to be at risk for exposure to bloodborne pathogens.

2. Confirmation that each of those employees has a completed Hepatitis B Vaccination Form and whether or not the employee has declined the vaccine or intends to complete the vaccination.

3. Confirmation of completion of the vaccination series, as applicable.

C. The HIP Coordinator will establish and maintain a confidential database for employee exposures to communicable diseases. Information contained in the database will include, but not be limited to:

1. Names of employees who had an exposure
2. Type of disease exposed to
3. Date of employee exposure, including year
4. Date of employee's initial medical evaluation
5. Dates of follow up treatments or medical evaluations
6. Current employee exposure status (e.g. no exposure, confirmed infectivity)

D. The HIP Coordinator will record all work-related needlestick injuries and cuts from sharp objects that are contaminated with another person's blood or other potentially infectious materials in accordance with OSHA regulation 14300.8, Recording Criteria for Needlestick and Sharps Injuries. This information will be recorded as an injury on OSHA's 300 Form.

E. The Central Training Unit will establish and maintain training records of all bloodborne pathogens training.

1. Training records pertaining to bloodborne pathogens training will include the following information:

   a. Dates of training sessions
   b. Contents or summary of the training session
   c. Names and qualifications of persons conducting training
   d. Names and job titles/classifications of persons attending training sessions

2. These training records will be maintained in accordance with Department policy 1.61, Records Retention, Maintenance and Destruction.

F. Completed Sharps Injury Logs will be filed and maintained by Facility Safety Officers in a secure location for a period of five years from the date of each exposure incident. Sharps Injury Logs shall be provided upon request for examination or reproduction to authorized employees and employee representatives, OSHA representatives, County Public Health Office representatives, or National Institute for Occupational Safety and Health representatives.

XII. Auditing Controls

A. The Department's OSEC representative will perform an annual audit of the following elements of the ECP including, but not limited to:

1. The Personnel Unit's ongoing maintenance of employee records pertaining to exposure control to bloodborne pathogens and ensuring that all employees that the Department has determined to be at risk for occupational exposure to bloodborne pathogens have a completed Hepatitis B Vaccination Form on file.

2. The Central Training Unit's development and implementation of bloodborne pathogens training in accordance with OSHA 5193 and the ongoing maintenance of bloodborne pathogens training records.

3. The Facility Safety Officer's ongoing maintenance and retention of Sharps Injury Logs.

B. The Department's OSEC representative will report the results of his or her audit to the Department Safety Officer.

C. The Department Safety Officer will follow up on and resolve any discrepancies or compliance concerns reported by the Department's OSEC representative.

XIII. Policy Revision

A. All Department policies will be reviewed not less than once a year. The Professional Compliance and Audit Unit will establish an annual schedule identifying policies to be reviewed during a specific month.

HEPATITIS B VACCINATION FORM

INSTRUCTIONS: Please indicate whether or not you intend to obtain the vaccination by checking one of the appropriate boxes below and filling out the signature box at the bottom of this form.

Statement of Declination to Receive Hepatitis B Vaccination

I understand that due to my occupational exposure to blood or other potentially infectious materials, I may be at risk of acquiring Hepatitis B virus (HBV) infection. I have been given the opportunity to be vaccinated with Hepatitis B vaccine at no charge to me.

☐ **I have already received my Hepatitis B vaccination at_____on_____**

☐ **I decline Hepatitis B vaccination at this time. I understand that by declining this vaccine, I continue to be at risk of acquiring Hepatitis B, a serious disease. If in the future, I continue to have occupational exposure to blood or other potentially infectious materials and want to be vaccinated with Hepatitis B vaccine, I can receive the vaccination series at no charge to me.**

Employee Name: _____ Date Signed: _____
(Please print legibly or type)
Signature: _____
Department/Unit: _____
Telephone: _____ FAX: _____

Statement of Intent to obtain Hepatitis B Vaccine

I will contact the appropriate medical facility and obtain information regarding the risks/benefits about Hepatitis B. I understand that although the vaccine has been shown to be very effective, complete protection cannot be guaranteed. I understand that the vaccine is given as a series of three injections and that I should receive all three.

☐ **I would like to receive the Hepatitis B Vaccine and I will contact the applicable health plan provider as listed below:**

☐ **Kaiser Health Plan members** will go to the Kaiser location that is convenient for them.
☐ **Valley Health Plan members** may use their Primary Care Providers located at Santa Clara Valley Medical Center OR one of the Santa Clara Valley Health Centers located throughout the County.
☐ **Health Net members** and Extra-Help employees will go to Employee Health located at 2400 Moorpark Avenue.

Employee Name: _____ Date Signed: _____
(Please print legibly or type)
Signature: _____
Department/Unit: _____
Telephone: _____ FAX: _____

TREATMENT AUTHORIZATION

Authorized by (Supervisor):

Print Name: _____
Title: _____
Signature: _____

Please return: Original – DOC HIP Coordinator Copy - Employee

COUNTY OF SANTA CLARA

Department of Correction Policy and Procedure Manual	**Policy Number:** 10.41 **No. of Pages:** 16 **Date of Origin:** 01 Jul 1992 **Date of Revision:** 28 Jan 2005
Chapter: Safety and Emergency Policies	**Subject:** Exposure Control Plan for Respiratory Diseases
Supersedes: Policy 12.07, Communicable Disease and Infection Control rev. 06/05/03	**Distribution:**
References: ACA 3-ALDF-4E-19, 4E-35; California Code of Regulations, Title 15, Sections 1051, 1200, 1205, 1206.5, 1206.5, 1207, 1212, 1214, 1264; Health & Safety Code Section 121361; CAL/OSHA Record Keeping Requirement 14300.11; Code of Federal Regulations (CFR), Title 45, Section 164.512; California Division of Occupational Safety and Health (DOSH) Tuberculosis Control Guidelines	
Signature of Issuing Authority Edward C. Flores, Chief of Correction	**Current Policy Review** **Date of Review:** 28 Jan 2005 **Revisions Made:** ☒Yes ☐No

POLICY: It is the policy of the Department of Correction to provide a process to recognize respiratory based communicable diseases and to develop and implement guidelines to prevent and control staff or inmate exposures to those diseases.

PURPOSE: To provide guidelines for managing and controlling exposures to respiratory based communicable diseases in the work environment.

DEFINITIONS:

Exposure Notice: A formal written notice prepared by the Adult Custody Health Services QI Manager, which informs the affected custody Division Administrators of a confirmed case of a respiratory disease.

Tuberculin Skin Test (TST): A skin test used for determining prior or possible current TB infection. The test involves injecting a solution of a purified protein derivative (PPD) under the skin of the forearm to detect for TB bacteria. If TB bacteria are detected, a skin reaction will occur around the injection site.

PROCEDURE:

I. Plan Overview

A. This policy serves as a guideline for minimizing or eliminating occupational exposure to infectious respiratory diseases. The policy will address the following subject matter:

1. General identifications of common respiratory diseases and processes for managing exposure to those diseases.

2. Discovery or identification of suspected/confirmed cases of disease infectivity, which includes guidelines for providing medical segregation for infected inmates, staff use of airborne or droplet precautions, determining out of cell activity and movement for infected inmates and providing staff with applicable exposure information and education.

3. Conducting contact investigations for cases of confirmed respiratory diseases to determine what persons may have had possible exposure to the disease and post exposure actions and guidelines.

4. Additional guidelines for managing occupational exposure control to Tuberculosis.

5. Respiratory Isolation Cells and N-95 Respirators

6. Confidentiality requirements for medical information

7. Recordkeeping requirements relating to exposure related incidents involving respiratory pathogens.

II. Processes for Managing Occupational Exposure to Respiratory Diseases

A. Occupational exposure to respiratory diseases will be managed through a combined effort of the following processes:

1. Discovering, or identifying through surveillance actions, those individuals who are suspected of being exposed to a respiratory disease.

2. Providing medical segregation for those individuals, as necessary.

3. Utilizing appropriate precautionary equipment (airborne or droplet precautions)

4. Conducting appropriate medical testing on those individuals to confirm the presence of the disease.

5. Initiating contact investigations, based on the result of the medical tests, to identify any individuals who may have had exposure to the confirmed disease.

6. Providing persons who had possible exposure with appropriate medical treatment and follow up.

7. Providing employee training on communicable diseases. Department employees will receive training on communicable diseases (e.g. Tuberculosis) at the time of initial assignment and as needed thereafter. This training will include information about exposure hazards and prevention methods.

B. Supervisors will address any staff concerns that arise as a result of possible occupational exposure by:

1. Providing as much information as possible regarding any preventative measures to take.

2. Encouraging staff to ask questions and seek exposure information from medical staff or the Adult Custody Health Services Quality Improvement (QI) Manager.

3. Facilitating any staff requests to seek medical advice and information from their personal healthcare providers pending laboratory confirmation of any suspected respiratory disease.

Note: Exposure to those staff who have been identified, as having exposure to a confirmed case of a respiratory disease, will be handled as a work related exposures. Refer to sections IV and V of this policy for information on exposure to confirmed cases of respiratory diseases.

C. This policy is specific to information relating to exposure control to respiratory diseases. For guidelines and information relating to exposure control to bloodborne pathogens, refer to Department policy 10.37, Exposure Control Plan for Bloodborne Pathogens.

III. Common Respiratory Diseases, Modes of Transmission and Precautionary Measures

A. Respiratory diseases are caused by infectious bacterial or viral pathogens that reside in the mucous membranes (nose and mouth) and the respiratory system/tracts of infected persons. Common respiratory diseases include, but are not limited to:

1. *Chickenpox (varicella)*
2. *German measles (rubella)*
3. *Measles (rubeola)*
4. *Meningitis*
5. *Mumps*
6. *Tuberculosis (TB)*
7. *Whooping cough (pertusis)*

B. Respiratory diseases are transmitted from infected persons to others through exposure to infectious respiratory mucous droplets, which contain those pathogens that cause the particular disease. Infected persons discharge mucous droplets when they cough, sneeze or exhale, depending on the specific disease. Other persons can become infected with the disease when directly or indirectly exposed to these droplets.

C. Droplets are discharged from infected persons in the form of aerosolized droplets or large droplets, depending on the specific respiratory disease.

1. Aerosolized droplets are those microscopic droplets that, when discharged, can remain suspended in the air and be widely dispersed by air currents within a room or over a long distance.

a. Respiratory diseases that are transmitted by aerosolized droplets include, but are not limited to:

1) *Chickenpox*
2) *Measles*
3) *Tuberculosis*

b. Aerosolized droplets are discharged from infected persons when they cough, sneeze or exhale. Without appropriate precautions, other persons can become exposed to these droplets by inhaling contaminated air containing the droplets.

c. Airborne precautions are utilized in preventing or minimizing exposure to aerosolized droplets and in preventing or minimizing the spread of aerosolized droplets by infected persons.

d. Airborne precautions (initiated for both suspected or confirmed cases of *chickenpox*, *measles* and *tuberculosis*) include respiratory isolation for infected persons and the use of Standard Precautions for persons working around or having close contact with infected persons. Standard Precautions include the use of the following personal protective equipment:

1) Protective gloves if contact with contaminated items or articles is reasonably anticipated
2) Protective gown if contact with fluids is reasonably anticipated
3) Surgical mask or an N-95 respirator if close contact with infected persons is reasonably anticipated.

- Surgical masks for cases of *chickenpox* or *measles*
- N-95 respirator for cases of *tuberculosis*

Note: Hands should always be washed after having contact with an infected person, after removing protective gloves or gown or after having contact with potentially contaminated items or articles.

2. Large droplets are those heavier droplets that, when discharged, do not remain suspended in the air and fall to the ground within a distance of approximately three feet.

   a. Respiratory diseases that are transmitted by large droplets include, but are not limited to:

      1) *German measles*
      2) *Meningitis*
      3) *Mumps*
      4) *Whooping cough*

   b. Large droplets are discharged from infected persons when they cough or sneeze. Without appropriate precautions, other persons can become exposed to the droplets through direct mucous membrane (mouth or nose) contact with the discharged droplets or through indirect mucous membrane contact with contaminated items or articles that the droplets have fallen on (e.g. touching a contaminated item with the hand/fingers and then touching the nose or mouth areas).

   c. Droplet precautions are utilized in preventing or minimizing exposure to large droplets and in preventing or minimizing the spread of large droplets by infected persons.

   d. Droplet precautions (initiated for both suspected or confirmed cases of *German measles*, *meningitis*, *mumps* and *whooping cough*) include isolation (non-respiratory) for infected persons and the use of Standard Precautions for persons working around or having close contact with infected persons. Standard Precautions include the use of the following personal protective equipment:

      1) Protective gloves if contact with contaminated items or articles is reasonably anticipated
      2) Protective gown if contact with fluids is reasonably anticipated
      3) Surgical mask or, if not available, an N-95 respirator

      Note: Hands should always be washed after having contact with an infected person, after removing protective gloves or gown or after having contact with potentially contaminated items or articles.

IV. Managing Exposure to Suspected/Confirmed Cases of Respiratory Diseases

A. When an inmate is suspected of being infected with a respiratory disease, medical staff will initiate and complete appropriate medical testing to confirm the presence of the disease and place the inmate on the appropriate precautions for the suspected disease (e.g. airborne or droplet precautions).

1. Medical staff will facilitate appropriate housing for the inmate through the Classification Unit in accordance with assigned precautions.

a. For droplet precautions, the inmate will be medically segregated and housed in a single cell.

b. For airborne precautions, the inmate will be medically segregated and housed in one of the respiratory isolation cells located in the Main Jail Infirmary.

2. Medical staff will post a sign on the inmate's cell door alerting staff that the inmate has a suspected/confirmed respiratory disease and the type of precautions that medical has placed on the inmate (e.g. either droplet or airborne precautions). This will alert staff as to what precautions and personal protective equipment to utilize. *Refer to section II, C of this policy for description of airborne and droplet precautions and guidelines for their use.*

3. Staff who are working around the inmate or having close contact with the inmate will utilize appropriate precautions and personal protective equipment in accordance with the precautions that have been placed on the inmate (e.g. airborne or droplet).

4. Inmates who have been medically segregated due to a suspected/confirmed case of a respiratory disease may have their out of cell activities and movements limited or restricted by custody staff on the advice of medical staff.

a. Depending on the type of disease and present circumstances, out of cell activity and movement may be restricted or in some cases, not allowed at all until such time as medical tests determine that infection does not exist.

b. Custody staff will rely on the recommendations and guidelines provided by the Department's medical staff. The Department's medical staff will base their recommendations on an assessment of a combination of factors, including:

1) The type of suspected/confirmed disease

2) The type of out of cell activity or movement being considered (e.g. Out alone program time, which may include accessing showers, telephones or the exercise yard, interviews or transport to court, another Department facility, a medical facility or another correctional facility)

3) The overall danger of exposure to others

c. Officers who are in disagreement with the Department's medical staff recommendations should notify the on-duty Sergeant for further assessment of the situation and direction.

d. Medical staff will provide inmates with appropriate protective equipment for out of cell activities or movements to prevent or minimize exposure to others.

V. Initiation of **Contact Investigations** Due to Confirmed Cases of Respiratory Diseases

A. When medical staff suspect that an inmate may be infected with a respiratory disease, medical staff will ensure that appropriate medical tests of the inmate are initiated immediately to rule out or confirm the communicable disease.

B. When the results of the medical tests confirm the presence of the communicable disease, a contact investigation will be implemented immediately.

1. The ACHS QI Manager will initiate a contact investigation based on the type of disease, which will determine the following information:

a. A chronological history of the infected inmate's movements that are applicable to the dates and times that the inmate could have exposed staff and other inmates.

b. Dates and times when exposure to staff and other inmates may have occurred.

c. Locations where staff or other inmates may have been exposed.

2. The QI Manager will prepare an exposure notice, based on the information obtained from his or her contact investigation.

a. The exposure notice will detail the dates, times and corresponding locations where staff may have been exposed.

b. In addition, the exposure notice will provide information on the particular disease in question and recommended timelines to seek medical follow up.

3. The QI Manager will forward copies of the exposure notice within twenty-four hours or as soon as practical to the following individuals:

   a. Affected Division Commanders
   b. Affected Assistant Division Commanders
   c. Department Safety Officer
   d. Classification Commander
   e. Department HIP Coordinator
   f. Administrative Booking Manager, as applicable
   g. Sheriff's Office Transportation Division Commander, as applicable

4. The Division Commanders or their designees will compile a list of those employees, based on the information provided in the QI Manager's exposure notice, who may have been exposed and initiate appropriate notifications to those employees.

   a. Division Commanders or their designees will forward a copy of the exposure notice to each staff member on the list, as soon as practical.

   b. Division Commanders or their designees will forward the names of those staff members to the Department HIP Coordinator, who will ensure that appropriate notification is made to the County's Worker's Compensation Department.

   c. Division Commanders will ensure that supervisors complete a Employer's Report of Occupational Injury or Illness (formerly known as the Supervisors First Report of Injury) for those employees who may have been exposed. (Refer to Department policy 3.37 for further guidelines on work related injuries and illnesses)

   d. Employees will obtain appropriate testing or other medical treatment at U.S. Healthworks in accordance with the recommendations of the evaluating physician or other licensed healthcare professional.

      1) Employees that have a completed "Personal Physician Designation Form" on file with the Personnel Unit may elect to see their private healthcare provider instead of U.S. Healthworks.

      2) In these instances, employees will obtain appropriate testing or other medical treatment in accordance with their private healthcare provider's recommendations.

e. Employees will keep the HIP Coordinator informed and updated with the progress of their initial exposure evaluation and any related follow up treatment and appointments, as required by the treating physician. This information may include, but is not limited to:

1) Name of healthcare facility and healthcare professional providing treatment.
2) Treatment provided (e.g. medical testing, chest x-rays)
3) Scheduled follow up appointments
4) Results of infectivity testing or chest x-rays
5) Diagnosis
6) Return to work status

f. The HIP Coordinator will maintain a system to track this information for each employee who has been identified as having had possible exposure to ensure that the medical evaluation process and any required follow up care and treatment is completed. If the HIP Coordinator does not receive information and documentation in a timely manner, he or she must initiate contact with the employees in question to verify their status and obtain the required documentation and information.

5. The QI Manager will determine which inmates may have been exposed and provide notification to those inmates.

a. Medical staff will provide appropriate medical follow up and treatment for inmates, as necessary.

b. Medical staff will make appropriate housing arrangements for any exposed inmates who may require medical segregation.

1) When necessary, the QI Manager, by order from and at the direction of the ACHS Medical Director, may quarantine an entire housing unit due to a confirmed outbreak of certain communicable diseases.

2) In these instances, the QI Manager will determine the quarantine period and notify the appropriate individuals and affected divisions/units of the established time and any necessary restrictions on the activities of the affected inmates.

3) Classification staff will update the SPRB codes of any inmates under quarantine order by placing a "7" in the eighth field of the inmates SPRB code. This will alert staff that these inmates are under quarantine order.

c. The QI Manager will provide any required disease reporting notifications to custody in accordance with Department policy 12.07, Inmate Disease Notifications.

d. The Classification Unit will update the SPRB codes of any affected inmates based on the information provided by the QI Manager's disease notifications.

VI. Additional Guidelines for Managing Occupational Exposure to Tuberculosis (TB)

A. Tuberculosis is caused by a bacteria called Mycobacterium tuberculosis. These bacteria can attack any part of the body but usually attack the lungs or throat.

B. TB is spread through the air from one person to another. The bacteria are put into the air when a person with TB disease of the lungs or throat coughs or sneezes. Infection can be in the form of either latent TB infection or TB disease.

1. Latent TB infection exists when a person becomes infected with TB bacteria, but the bacteria remain inactive. Even though the bacteria remain inactive, they remain alive in the body and can become active later if not treated or if prescribed medical treatments are not completed.

a. People with latent TB infection have no symptoms, do not feel sick, cannot spread TB to others and usually have a positive tuberculin skin test (TST).

b. Many people who have latent TB infection never develop TB disease. Preventive therapy medications are utilized to treat latent TB infection.

2. TB disease exists when TB bacteria in the body are or become active bacteria. Persons with TB disease will usually develop symptoms, may spread the infection to others, usually have a positive TST and may have abnormal chest x-rays or positive sputum smear or culture.

a. Symptoms of TB disease include a bad cough that lasts longer than two weeks, pain in the chest, coughing up blood or sputum, weakness or fatigue, loss of weight or appetite, fever and chills or night sweats.

b. Antibiotic treatments are utilized to treat TB disease.

C. Effective TB exposure control for employees working in a custody environment requires a multi-step process involving both general public and occupational health principles.

1. Assessing the degree or risk of TB transmission in the work environment.

a. The Centers for Disease Control (CDC) has determined that correctional facilities are an increased risk environment for occupational tuberculosis exposure. CDC requires annual TST for persons living or working in increased risk environments.

b. All employees working within any Department of Correction facility and all inmates housed within any Department of Correction facility are subject to increased risk of exposure to tuberculosis.

2. Screening for the presence of TB infection

a. The Personnel Unit will ensure that new employees have received a TST skin test, or have provided proof from their physician that they have been tested within the last year, or cannot receive the TST skin test due to medical reasons, prior to the applicants hire date.

b. As a condition of employment, all current Department employees will be required to submit to an annual TST.

1) Employees failing to meet this requirement are subject to disciplinary action or may be restricted from entering Department facilities until the standard requirements are fulfilled.

2) Employees who already have a documented history of a positive TST do not need to complete a current TST, as your TST result will always be positive. Employees will need to be evaluated by a physician for any symptoms of active TB disease, which may include chest x-rays and sputum smears or cultures, if indicated. Employees with latent TB infection will need to be evaluated by a physician, which may include a chest x-ray and preventative medications.

c. The Personnel Unit will coordinate mandatory TB testing of all Department employees on an annual basis.

1) The Personnel Unit will establish a time period for employees to obtain their TST on duty.

2) Employees failing to complete their TST at those times established by the Personnel Unit will have to complete the TST off-duty at their private healthcare providers or at one of the Department's contracted healthcare providers.

d. The HIP Coordinator will establish and maintain a confidential database for the purposes of tracking information relating to annual employee TSTs. The database will contain the following information including, but not limited to:

1. Names of all Department employees
2. Date of each employees last TST
3. Result of each employee's last TST (negative or positive)
4. Whether or not appropriate follow up evaluations or medical treatments have been completed, as applicable.

3. Evaluating TST results (e.g. negative infection, latent infection or TB disease)

a. Follow up assessments will be performed for those employees having a positive TST for the first time.

b. Those employees will be referred to U.S. Healthworks or other Department contracted healthcare provider for further evaluation. The evaluation process may include the following medical procedures:

1) TB symptoms review
2) Chest x-rays
3) Sputum smear/culture examinations, if indicated
4) Provision of appropriate antimicrobial medications

c. The HIP Coordinator will monitor employee medical status and progress.

VII. Guidelines for Tuberculosis (TB) Screening and Surveillance of Inmates

A. The County Health Officer will be notified whenever an inmate has a suspected or confirmed case of Tuberculosis.

1. The QI Manager will notify the County Health Officer when an inmate has a suspected/confirmed case of Tuberculosis.

2. The County Health Officer will forward a Communicable Disease Notification form to the Administrative Booking Unit to be placed in the inmate's booking jacket. The form is utilized by the County Health Officer as a means of ensuring that he or she is notified by the Department (via medical staff or the QI Manager) when the inmate is going to be released or transferred to another jurisdiction.

B. Inmates will be screened for possible TB infection during the booking process. This screening process will include observing for signs or symptoms of TB infection, a medical questionnaire, and statements made by inmates suggesting their possible or confirmed infection to TB.

1. All inmates who have a history of a negative TST or who have never received a TST will be administered a TST by medical staff prior to being housed in a Department facility.

2. All inmates who have a documented positive TST history will be administered a chest x-ray and provided a follow up medical evaluation with a physician to determine TB status.

3. Inmates who refuse to submit to a required TST or required chest x-ray or medical evaluation, if applicable, may be medically segregated until such applicable requirements are completed.

a. Medical segregation may include restrictions on out of cell activity and movement.

b. Restrictions may range from limited out of cell activity and movement to no out of cell activity and movement, depending on the circumstances of the situation.

c. Custody staff will refer to medical staff recommendations when determining out of cell activity and movement for medically segregated inmates.

C. Inmates who have been in custody for a year will be administered an annual TST, if TST history is negative or a chest x-ray, if TST history is positive.

D. Inmates with suspected or confirmed active TB disease will be housed in one of the atmospheric respiratory isolation cells in the Main Jail Infirmary. These cells contain a negative airflow system, which prevents the spread of TB bacteria to other areas.

1. Appropriate airborne precautions will be utilized when suspected or confirmed cases of TB exist.

2. N-95 respirators will be utilized to prevent possible TB exposure. N-95 respirators prevent inhalation of aerosolized TB bacteria.

E. Inmates with suspected or confirmed TB disease that are scheduled for transfer to another jurisdiction (e.g. another county jail, state prison, state hospital), shall be referred to medical staff before actual release from the facility.

1. The QI Manager/designee will notify the receiving facility's Medical Department representative in advance of any inmate being transferred to their jurisdiction with suspected or confirmed TB disease.

2. The QI Manager/designee will notify the Santa Clara County TB Control Department whenever an inmate with suspected or confirmed TB disease is to be transferred to another jurisdiction.

3. Medical staff will ensure that copies of medical records of any inmates being transferred to another jurisdiction accompany them to their new location.

F. Inmates with suspected/confirmed TB disease that are scheduled for release from custody, shall be cleared by medical staff before actual release from the facility.

1. Medical shall arrange for the transportation of inmates, with active or suspected tuberculosis, to a designated health care facility in accordance with medical procedures and applicable laws.

2. Medical will ensure that the medical transportation for the infected inmate does not delay the inmate's release beyond the scheduled release date.

3. If medical staff has not made appropriate transportation arrangements by 8:00 p.m. on the inmate's scheduled date of release, the release officer will notify the on-duty supervisor of the situation.

4. The QI Manager/designee will notify the Santa Clara County TB Control Department whenever an inmate with suspected or confirmed TB disease is to be released from custody.

VIII. Respiratory Isolation Cells and N-95 Respirators

A. The Department operates and maintains two atmospheric isolation cells located in the Main Jail Infirmary.

1. Badge staff assigned to the Main Jail receive training, as part of their overall facility-training program, on the operational guidelines of the respiratory isolation cells and precautionary measures for working around inmates who are housed in those cells. Infirmary Post Orders provide additional information.

2. The respiratory isolation cells will be maintained and inspected in accordance with both state and federal regulations. Inspection records will be maintained by the Main Jail Operations Unit.

B. Department wide use of the N-95 respirators is maintained in accordance with the Department's Respiratory Protection Plan and OSHA General Safety Orders 5144 and 5147.

1. The Respiratory Protection Plan outlines elements that are required for the initial implementation and ongoing use of the N-95 respirators. Required elements outlined in the plan include:

    a. Respirator selection
    b. Medical evaluations for respirator users
    c. Fit testing procedures
    d. Initial and annual training
    e. Instruction on the use of the respirator
    f. Annual fit testing requirements
    g. Annual plan evaluation

2. Facility Safety Officers will ensure that a copy of the Department's most recent Respiratory Protection Plan, along with attached copies of OSHA General Safety Orders 5144 and 5147, are available and accessible to staff in facility Safety Centers.

IX. Confidentiality of Medical Information

A. Medical information, including information on conditions or status, will not be disclosed, except as provided by law. Willful or negligent disclosure of medical information to unauthorized persons may result in civil or criminal penalties or disciplinary action.

X. Required Records and Records Maintenance

A. The HIP Coordinator will record cases of occupational exposures to confirmed cases of TB or conversions from a negative TST history to a positive TST or other confirmed communicable diseases on the CAL/OSHA Form 300 as work related illnesses.

B. The HIP Coordinator will establish and maintain a confidential database for occupational exposures to communicable diseases. Information contained in the database will include, but not be limited to:

    1. Names of employees who had an exposure
    2. Type of disease exposed to
    3. Date of employee exposure, including year
    4. Date of employee's initial medical evaluation
    5. Dates of follow up treatments or medical evaluations
    6. Current employee exposure status (e.g. negative or positive exposure)

C. The Central Training Unit will establish and maintain training records of all communicable disease training provided to staff.

1. Training records pertaining to communicable disease training will include the following information:

    a. Dates of training sessions
    b. Contents or summary of the training session
    c. Names and qualifications of persons conducting training
    d. Names and job titles/classifications of persons attending training sessions

2. These training records will be maintained in accordance with Department policy 1.61, Records Retention, Maintenance and Destruction.

XI. Policy Revision

A. All Department policies will be reviewed not less than once a year. The Professional Compliance and Audit Unit will establish an annual schedule identifying policies to be reviewed during a specific month.

COUNTY OF SANTA CLARA

Department of Correction Policy and Procedure Manual	**Policy Number:** 10.45 **No. of Pages:** 2 **Date of Origin:** 22 Aug 08 **Date of Revision:** New Policy
Chapter: Safety and Emergency Procedures	**Subject:** First Aid Kits
Supersedes: Elmwood Procedure 1303	**Distribution:**
References: ACA 3-ALDF-4E-25	
Signature of Issuing Authority Edward C. Flores, Chief of Correction	**Current Policy Review** **Date of Review:** New Policy **Revisions Made:** ☐Yes ☐No

POLICY: It is the policy of the Department of Correction to have first aid kits available for minor medical incidents.

PURPOSE: To provide guidelines for the location of medical supplies for staff and inmates in the event of a minor medical incident.

DEFINITIONS: None

PROCEDURE:

I. Safety Officer Responsibilities

A. The Safety Officer shall centrally locate first aid kits for facility housing units areas and Intake/Processing.

B. The Safety Officer is responsible for replacing missing, damaged, or used items in the first aid kits as soon as possible upon notification.

C. Every quarter the Safety Officer will conduct a full inventory of each First Aid Kit and complete documentation of the inventory check.

II. Officer Responsibilities

A. The floor/control station officer shall verify that the first aid kit is present at the beginning of every shift and log this in the Post Log Book.

B. The floor/control station officer shall check the kit against the checklist to ensure that all items are in the kit.

C. The floor/control station officer shall contact the Safety Officer whenever items are missing, damaged or used. The Safety Officer will replace the items as soon as possible.

III. Team Sergeant Responsibilities

A. The Team Sergeant shall perform weekly checks to ensure that all first aid kits are available and properly equipped.

IV. Policy Revision

A. All Department policies will be reviewed not less than once a year. The Professional Compliance and Audit Unit will establish an annual schedule identifying policies to be reviewed during a specific month.

COUNTY OF SANTA CLARA

Department of Correction Policy and Procedure Manual	**Policy Number:** 11.01 **No. of Pages:** 17 **Date of Origin:** 01 Mar 1992 **Date of Revision:** 27 Feb 2009
Chapter: Intake and Release	**Subject:** Arrestee Admission for Booking
Supersedes: Policy 11.01, Inmate Admission for Booking, rev. 09/29/05	**Distribution:**
References: ACA 3-ALDF-4A-01, 4A-02, 4A-03, 4A-04; California Code of Regulations, Title 15, Section 1069, 1029(a)(5); Penal Codes 4002, 4003, 4005, 4015, 4016, 4030 851.5; Kennedy vs. Los Angeles Police Department, 887 F. 2nd (9th Cir. 1989) Department Policies 09.05, 9.47, 11.05	
Signature of Issuing Authority Edward C. Flores, Chief of Correction	**Current Policy Review** **Date of Review:** 27 Feb 2009 **Revisions Made:** ☒Yes ☐No

POLICY: It is the policy of the Department of Correction to admit and process arrestees and ensure that their commitment is legal.

PURPOSE: To describe the procedures for processing new arrestees.

DEFINITIONS:

AFIS Booking: Arrestee fingerprinted at the Live Scan, resulting in positive identification, photographs, booking number (CEN), and Personal Filing Number (PFN)

CJIC: Criminal Justice Information Control

CLETS: California Law Enforcement Telecommunications System

Live Scan: A device that captures demographic data and fingerprint impressions and compares those to fingerprints found in the San Jose Police Department Central Identification Database (CIU).

NCIC: National Crime Information Center

Pat Search: A search conducted by patting down the clothed body (including the upper torso and inner leg areas) to detect contraband in an unobtrusive manner. The search may include the examination of pockets and shoes, the removal and search of heavy outer clothing (e.g. coats, jackets, or multi-layered clothing)

Personal File Number (PFN): An assigned identification number unique to each person arrested in Santa Clara County.

Sobering Cell: An area for housing inmates who are a threat to their own safety or the safety of others due to their state of intoxication.

Strip Search: A search which requires a person to remove or arrange some or all of his or her clothing so as to permit a visual inspection of the underclothing, breasts, buttocks, or genitalia of such person (visual inspection of body cavities).

'WRAP ™': A device that allows police officers to restrain and immobilize violent suspects.

PROCEDURE:

I. Booking/Intake Guidelines

A. Booking Facility

1. The Booking/Intake area is located in the basement area of the Main Jail Facility.

2. The Booking/Intake area will be staffed twenty-four hours a day and have the following items and amenities available:

a. A sally port entrance that ensures the security of the area by controlling movement.

b. Seating areas, holding cells, sobering cells, and safety cells to keep arrestees separated from the general population or from one another. (Refer to Department policies 11.05, Use of Intake Holding Cells and Intake Lobby Chairs, Holding Cells and Intake Lobby Chairs, and 9.47, Use of Safety Cell, as applicable.)

c. Drinking water reasonably available in the area.

d. Shower, wash and toilet facilities.

e. Secure storage for inmate property retained for the security of the facilities.

f. Telephones for legal or other calls.

g. Interview rooms or areas for use by pretrial services staff, classification staff, and medical/mental health staff.

h. Computer terminals for staff to enter booking information and to check each arrestee for 'wants and warrants.'

i. Computerized fingerprinting stations and manual fingerprinting supplies.

j. Photo imaging and identification equipment.

B. Staff Training

1. Staff assigned to work in the Booking/Intake area will receive additional training as necessary to gain the skills required in this area. This training will include, but not be limited to, the familiarization of:

a. The automated data systems such as CJIC, CLETS and NCIC

b. The Automated Fingerprint Identification System (AFIS)

c. The photo imaging system

d. Basic administrative booking procedures

C. Modifications to Admission Process

1. The admission process as outlined in this policy may be modified, as needed, due to such factors including, but not limited to:

a. The arrestee's condition or behavior at the time of booking (e.g. intoxicated, under the influence of a controlled substance, sick, combative, or other circumstances such as the profile status of the arrestee (high profile status).

b. Current staffing levels at the facility where booking is occurring.

c. Mass arrests.

d. Emergencies occurring in or affecting the Booking/Intake area or the surrounding facility.

D. Arrestee Observation

1. When processing an arrestee, staff will be aware of the arrestee's anxiety level, degree of cooperation/resistance, visible signs of injury or mental illness, level of intoxication, or degree of drug influence.

2. Staff will refer to the following department policies as applicable:

   a. 9.01, Use of Force
   b. 9.27, Reporting of Incidents
   c. 9.47, Use of Safety Cell
   d. 9.49, Use of Restraint Chair
   e. 9.51, Use of Spit Guard and Spit Net
   f. 9.55, Video Documentation

   Note: Head/face coverings other than authorized devices will not be used as a means for preventing spitting.

E. Video Documentation

1. Video documentation will be performed and reported in accordance with Department Policy #9.55, Video Documentation.

2. If an arrestee's behavior is erratic, bizarre or likely to lead to use of force, Booking/Intake staff will notify the shift supervisor and may begin a video recording to document the behavior.

F. Mental Health Referrals

1. Arrestee mental health referrals will be made in accordance with the Department's medical screening policy.

2. In addition, Booking/Intake staff will be responsible for initiating a mental health referral for any arrestee who displays behavior consistent with psychological problems, is known to have a history of psychological problems or is charged with one of the crimes designated by the Division Commander as requiring a referral. This includes all sex crimes, all crimes against children, spousal abuse (273PC), 243(e)PC, 422PC, and manslaughter or murder (187 PC).

G. Segregation of Arrestees

1. Some arrestees may require segregation from other arrestees due to such factors as suspected/confirmed communicable disease infectivity, juvenile status, judicial status, protected status, high media profile, or other circumstances applicable to the safety and security of the arrestee, staff, or facility; however, arrestees will not be segregated by race.

2. Staff will refer to the following department policies, as applicable:

   a. 10.37, Exposure Control Plan for Bloodborne Pathogens
   b. 10.41, Exposure Control Plan for Respiratory Diseases
   c. 11.03, Medical Screening at Intake
   d. 11.05, Use of Intake Holding Cells and Intake Lobby Chairs
   e. 12.15, Inmates Infected with Lice or Scabies
   f. 13.03, Administrative Segregation
   g. 13.13, Juvenile Inmates

II. Admission Procedures

A. The number of outside law enforcement agency officers with arrestees should not exceed twice the number of Booking/Intake officers; however, at the booking sergeant's discretion, this number may be increased or decreased.

1. Law enforcement officers must secure all weapons (e.g. firearms, knives, chemical agents, impact instruments) in a gun locker or their vehicle prior to entering the Booking/Intake area.

   a. Law enforcement officers who utilize a gun locker will retain possession of the gun locker key until they leave the facility.

   b. Law enforcement officers in civilian clothing must provide proper identification to Booking/Intake Control staff prior to entrance into the Booking/Intake area.

   c. No civilian passengers or "ride-a-longs" are allowed in the Booking/Intake area.

2. Law enforcement officers en route to the jail with a arrestee restrained in a 'WRAP ™' device or a combative subject will request County Communications staff to notify the Main Jail Central Control Room (CCR) staff of their estimated arrival, any pertinent information regarding the arrestee, and request for assistance at the official vehicle sally port.

   a. Upon a request for assistance, the Main Jail CCR staff will immediately notify the Booking/Intake supervisor and the Booking/Intake officers.

   b. The Booking/Intake officers will ensure the video camera is available.

c. The 'WRAP ™' will be removed inside the sally port or on the ramp as appropriate to the circumstances.

Note: Arrestees must remain handcuffed or restrained until admitted to the inner sally port. The inner sally port is equipped with a holding cell for arrestees and a counter for the officer to complete paperwork.

3. Persons arrested by a **local** law enforcement agency that require emergency medical or hospital services prior to booking shall be transported by the arresting agency to the appropriate health care facility. **Note:** For additional information refer to Department Policy #12.19, Hospitalized Inmates.

a. The arresting officer shall be responsible for the custody and control of the arrestee prior to the arrestee's booking.

b. The Department of Correction will not provide a hospital guard for an arrestee being treated in an emergency room until the arrestee is admitted to the hospital and the booking paperwork is received and accepted at the Main Jail. The Paper Booking of an arrestee shall be completed as follows:

1) The Booking officer will verify the paperwork and enter the information into CJIC and formally book the arrestee.

2) The Booking officer will indicate on the paperwork that the inmate is currently housed at the hospital (facility name, housing location "4300H"), initiate a "Temporary Sign-Out Form," print the booking sheet and forward the entire booking packet and TSO Form to Administrative Booking.

3) Once the Paper Booking process is completed, the Main Jail Sergeant shall send an Officer to relieve the arresting officer and guard the Paper Booked inmate.

4) The Booking officer who processes the Paper Booking shall notify Booking/Intake medical staff.

5) Medical staff shall document on the CMI form that the inmate has been admitted in the hospital.

6) The Nurse Manager or designee will apprise the VMC bed control nurse when any inmate is admitted to a hospital other than VMC to review for possible transfer to VMC.

c. Persons arrested by a law enforcement agency **outside** of Santa Clara County may require emergency medical care within this county. The arresting agency is responsible for transporting their arrestee to the appropriate health care facility and guarding the arrestee while he/she is in any Santa Clara County healthcare facility. Refer to Department Policy #12.19, Hospitalized Inmates.

B. Arrestees will be subject to a pat down search, a metal detector search, and a thorough clothing search. If it is determined that a strip search is necessary, the Booking/Intake Booking Sergeant will be notified and if approved the search will be done in accordance with Department Policy #9.05, Security Searches.

1. The arresting officer will pat search the arrestee and collect his or her personal property in a plastic property bag.

   a. If the arrestee is cooperative, the officer may remove the handcuffs and direct the arrestee through the metal detector to ensure no weapons or contraband are introduced into the facility.

   b. If the arrestee is uncooperative, combative or in a 'WRAP ™', Booking/Intake officers may assist the arresting officer and apply restraints such as waist chains and shackles and assist with a thorough pat search.

2. If the arresting officer is of the opposite sex as the arrestee, he/she may request assistance from a Booking/Intake officer of the same sex as the arrestee to conduct a pat search.

3. If the arresting officer has reason to suspect the arrestee is concealing an illegal substance or weapons, he/she may request a strip search of the arrestee in accordance with Penal Code 4030. The arresting officer must complete the Strip Search Authorization form (*Attachment)* and the booking sergeant must review and authorize the strip search in accordance with Department Policy #9.05, Security Searches

   a. Any contraband discovered will be processed in accordance with Department Policy #9.09, Processing Contraband, Evidence and Found Property.

4. If the arrestee is not able to clear the metal detector, the arresting officer will advise Booking/Intake staff. This type of situation will be handled on a case-by-case basis at the discretion of Booking/Intake staff and the booking sergeant.

5. If the arrestee requires a blood draw, the arresting officer may have his/her lab technician complete this requirement in the official vehicle sally port area or in the exterior ramp or in the inner sally port area.

   a. The blood draw must be completed before entering the facility.

   b. Booking/Intake staff will not assist the arresting officer in a forced blood draw unless exigent circumstances exist.

III. Medical Screening Procedures

A. After clearing the inner sally port, the arresting officer must escort the arrestee to the nurse's station located at the booking counter for a medical screening.

B. The arresting officer must complete an Agency Advisory form (*Attachment)* on all arrestees for review by medical staff.

C. Medical staff will screen each arrestee for admittance to the jail and necessary medical follow-up in accordance with Department Policy 11.03, Medical Screening at Intake.

   1. If medical staff medically clears the arrestee, the Booking/Intake process will continue.

   2. If medical staff does not medically clear the arrestee, the admission process is postponed until the arresting officer transports the arrestee to the hospital to obtain a physician's medical clearance.

   3. If the arrestee is combative, uncooperative, or unable to effectively answer questions due to the influence of drugs or alcohol, an initial assessment will be conducted by medical staff for acceptance into custody and followed up at a later time for a complete medical screening.

D. It is the responsibility of Booking/Intake staff and medical staff to assess inmates for evidence of a disability or any special management need. If the arrestee is hearing impaired, the booking sergeant will be notified and he/she will assign an officer to track the inmate through the booking/classification process in accordance with Department Policy #13.11, Custody ADA Plan.

IV. Identification Procedures

A. Once the arrestee is medically cleared, the arresting officer will escort the arrestee to the identification area.

1. Booking/Intake Identification (ID) staff will capture fingerprint impressions of the arrestee using the AFIS machine and a photo of the arrestee using the photo imaging system.

2. ID staff will retrieve the AFIS generated booking number from the AFIS system and write it on the arrestee's Pre-Booking Sheet.

    a. If the arrestee has fingerprints on file in this County, ID staff will receive a message from AFIS indicating a positive identification of the arrestee and the arrestee's Personal File Number (PFN).

    b. If the arrestee does not have fingerprints on file in this County, ID staff will receive a message from AFIS indicating that no match was made and a new PFN will be issued for the arrestee.

3. ID staff will track the identification process for each arrestee on the ID Status Board. The following information will be documented and updated accordingly on the ID Status Board:

    a. Arrestee's name and booking number
    b. Location (e.g. holding cell or lobby chair)
    c. Booking acceptance time
    d. Five (5) hour processing/release time
    e. Charges and bail amount
    f. Special management requirements, such as:

        1) Mental Health clearance required: the mental health "PSI" symbol is written next to the arrestee's name to indicate pending clearance before housing.

        2) Medical follow-up required: an "M" is written next to the arrestee's name to indicate pending follow-up before housing.

        3) Protective Custody required: the letters "PC" are written next to the arrestee's name to indicate separation from other inmates.

4. ID staff will be alert for arrestees who display signs of mental illness or suicidal ideation and will refer them to Medical/Mental Health staff for evaluation while maintaining direct observation.

B. The identification process may be delayed up to four hours, for the safety of the staff and the arrestee, if the arrestee is combative, uncooperative, or unable to effectively answer questions due to the influence of alcohol or drugs. The process

will not be delayed longer than four hours without the approval of the booking sergeant.

C. If a Juvenile is arrested on any **felony violation** and requires housing in the Main Jail facility he/she shall be fingerprinted using the LiveScan system.

1. A Juvenile arrested on a **misdemeanor** offense shall not be fingerprinted without a **compelling reason** unless the offense is one of the following:

   a. 243.4 (a) PC
   b. 243.4 (b) PC
   c. 243.4 (c) PC
   d. 243.4 (d) PC
   e. 243.4 (e) PC
   f. 243.4 (e) (1) PC
   g. 314.1 PC
   h. 314.2 PC
   i. 417 PC

2. Juvenile information may not be entered into the CJIC database without positive identification by fingerprints verified through AFIS.

3. All Juveniles who are arrested and fingerprinted must have their associated PFN and CEN number recorded on a Juvenile Contact Report (JCR) which is forwarded to the Juvenile Probation Department.

V. Receiving/Booking Procedures

A. When the identification process is complete, the arresting officer will escort the arrestee to a Receiving officer at the booking counter to begin the receiving/booking process.

1. If the arrestee is combative, he/she will be isolated and the arresting officer may begin this process without the arrestee.

2. If at any point during the identification process it is discovered that the arrestee is a Juvenile, the arresting agency will be contacted for transportation to the Juvenile Detention Division (Juvenile Hall).

B. The arresting officer must provide the Receiving officer with a Pre-Booking Sheet along with one or more of the following documents; a court order, an arrest warrant; a parole or probation revocation warrant; a judgment and commitment order or equivalent document authorizing the arrestee's commitment; or an on-view charge.

Note: The Department will not accept PC 849(b) requests for persons booked for PC 647(f). Any person arrested for this charge will be issued a citation in accordance with those guidelines set forth in Department Policy 11.15, Misdemeanor Citation Releases.

1. An Affidavit Re: Probable Cause and Bail Setting form (*Attachment)* must be completed for all on-view misdemeanor and felony arrests. The Receiving officer will ensure the following information is provided on the form:

   a. A written narrative by the arresting officer documenting the offense.
   b. Charges are the same as those written on the pre-booking form.
   c. A bail amount in accordance with the current Bail Schedule.
   d. Arresting officer's badge number and signature.

2. A Penal Code 821 Magistrate Waiver form (*Attachment)* must be completed when booking a person arrested in another county for a felony warrant from this County.

C. The Receiving officer must review all paperwork for completeness and accuracy. The Receiving officer will:

1. Ensure the Pre-Booking Sheet (*Attachment*) includes the following available information:

   a. Booking number and PFN
   b. Name and aliases
   c. Current or last known address
   d. Name, title and signature of arresting/transporting officer
   e. Charges, bail amount, court codes or warrant information
   f. Sex, age, and race
   g. Date and place of birth
   h. Current or previous employment information
   i. Emergency contact (name, relation, address and phone number)
   j. Driver's license and social security numbers
   k. Other identifying information such as birthmarks or tattoos

2. Write the bail amount on the Pre-Booking Sheet and the Affidavit Re: Probable Cause and Bail Setting form or stamp them with "Magistrate to Review" if a magistrate review is required.

   Note: Certain charges will require the Receiving officer to process a criminal or D.M.V. history check to determine the bail amount.

3. Sign applicable detainer forms or receipts.

4. Determine if the arrestee is eligible for release via citation.

   a. If the arrestee is eligible, the Receiving officer will write 'CITE' at the top of the arrestee's Pre-Booking Sheet to indicate that the arrestee will be released after completing the booking process.

   b. If the arrestee is not eligible, the Receiving officer will complete the pre-printed Employee's Report on Citation Release Denial form *(Attachment)* and attach it to the Pre-Booking Sheet.

      Note: For more information related to inmate citation release see Department Policy 11.15, Misdemeanor Citation Releases.

5. All money received at the Booking/Intake counters from an arrestee will be processed in the following manner:

   a. The Receiving officer will inventory and document the arrestee's money on the Pre-Booking Sheet as well as the on the orange money envelope.

      1) The Receiving officer will write the arrestee's name, booking number, and the amount of the money, indicating individual denominations, on the envelope.

   b. The Receiving officer will initial the envelope and include assigned badge number. If the total amount of money is $400.00 or more, a second Receiving officer will verify the amount and initial the money envelope.

   c. The Receiving officer will drop the orange money envelope through the slot opening of the appropriate "Keeper" or "Citable" money safe at the end of the Intake counters.

      1) The Receiving officer will process the pre-booking packet through the normal CJIC process.

   d. No money envelopes will be taken into the booking area. All arrestee money envelopes will be dropped into the appropriate safes at the end of the Intake counter area immediately following the receiving process.

   f. The Intake Sergeant, Release Officer and Intake/Booking Training Officer have corresponding keys to open the designated drop safes.

g. The "Keeper" safes are accessed on a daily basis (Monday through Friday) by DOC Fiscal personnel. The "Citable" safe will be accessed as needed for the release of citable arrestees from the Booking/Intake area by the Release Officer and Booking/Intake Training Officer.

h. Any monies that are contaminated will be secured in a plastic bag and identified as contaminated. Contaminated monies will not be incorporated into inmate money accounts. Contaminated monies will be maintained in a secure storage within the Department's Financial Services Unit. Monies not claimed within four months after release will be forwarded to the Federal Government for destruction.

6. Inventory and document the arrestee's property on the Pre-Booking Sheet and:

   a. Place the arrestee's property and the green copy of the pre-booking packet in a clear plastic bag ensuring the arrestee's name and booking number are visible and secure the bag with a heat seal.

      1) A brown paper bag may be used for larger amounts of property.

      2) If the paper bag is used, the Receiving officer will write the arrestee's name and booking number on the bag and attach the green copy of the Pre-Booking Sheet inside a heat sealed plastic bag to the outside of the paper bag.

7. Ensure that the arrestee signs the Notice of Telephone Monitoring Policy form (*Attachment)* or document the arrestee's refusal to sign.

8. Ensure that the arrestee signs the Civil Commitments form (*Attachment)* when applicable or document the refusal to sign.

9. Ensure the arrestee signs the bottom of the Pre-Booking Sheet, or document the arrestee's refusal to sign and give the arrestee a copy. This copy informs the arrestee of their bail and charges and will serve as a receipt for the property and money.

10. Remove the two copies of the Affidavit designated for the booking packet and provide the arresting officer with the remaining copies and a copy of the Pre-Booking Sheet indicating that the admission process is complete.

11. The arresting officer will provide the remaining two copies of the Affidavit to Pre-trial Services staff.

D. After the receiving process is complete, the Booking officer will:

1. Enter the booking information into the CJIC system. At the end of the booking process, if a "keeper" money envelope was generated, the Booking officer will enter the dollar amount received during the Booking/Intake process into the Keefe Commissary system:

   a. The Keefe Commissary System will automatically print out a receipt for the money deposited. The Booking officer will drop the money receipt into the "Keeper" safe via the same drop slot as the "Keeper" money envelopes.

2. Complete both computerized and non-computerized warrant checks through the Sheriff's Office Records Unit on all arrestees who will be cited and released.

3. Print the booking packet, and citation if applicable.

4. Forward the completed booking packet to the ID officers for distribution.

5. Forward a copy of the Pre-Booking Sheet with the second money receipt to the Property Room CSA for arrestees who will be housed.

E. Staff may refer to the following Department policies for certain types of bookings that require additional guidelines:

1. 10.15, Mass Arrests
2. 11.07, Detainers and Holds
3. 11.09, Foreign Nationals
4. 11.11, Fugitive from Justice
5. 11.13, Off-line Booking
6. 11.15, Misdemeanor Citation Policy
7. 11.17, Pre-trial Services/Probable Cause Affidavits
8. 11.19, Pre-Bookings/Commit Desk
9. 11.25, Inmate Admission for Commits, Self-Surrenders
10. 12.19, Hospitalized Inmates

VI. Access to Telephones During the Receiving/Booking Processes

A. Pursuant to Penal Code 851.5, immediately upon being booked, and, except where physically impossible, no later than 3 hours after arrest, arrestees have the right to

make at least 3 free completed telephone calls within the local calling area, or outside the local calling area at their own expense.

1. Telephones will be accessible to arrestees in the Booking/Intake area.

2. Telephones are located in all multiple occupancy cells (except sobering cells), and in the Booking/Intake lobby area.

    a. Arrestees in the multiple occupancy cells may use the telephones at will.

    b. Arrestees in the sobering cells will be given access to a telephone as soon as they are sober.

    c. Arrestees in the Booking/Intake lobby or other cells without telephone access will be given phone access as soon as possible upon request.

    d. Arrestees who are placed directly into a Safety Cell, Restraint Chair or Isolation Cell, due to combative or dangerous behavior or suspicion of a communicable disease, will be afforded the opportunity to use the telephone as soon as it is safe to do so.

3. Information will be posted in a conspicuous place, which indicates to arrestees that they have the right to make free telephone calls within the **local** dialing area, or outside the local area at their own expense, to the any of the following:

    a. An attorney of their choice or the public defender whose telephone number will be posted.

    b. A bail bondsman.

    c. A relative or other person.

VII. Processing Procedures (Upon Completion of Booking Process)

A. Upon receipt of the completed booking packet, ID staff will:

1. Prepare custody files as required:

    a. Administrative Booking Record – All arrestees require a Booking Record. The first page of the booking record is affixed to the outside of a manila envelope to create the Booking Record (aka "booking

jacket") and all related paperwork will be placed inside (e.g. arrest warrants, affidavits).

b. Classification Record–All arrestees not eligible for citation and release require a classification record. The arrestee's name, booking number and PFN will be written on the upper right hand corner of a manila envelope with their photo affixed below the name. All related paperwork will be placed inside (e.g. printed booking record, classification questionnaire).

2. Obtain arrestee's signature as required to complete paperwork and secure an identification armband on the arrestee.

3. Distribute paperwork and property to appropriate areas.

a. Separate pre-booking ID sheets and hold for Sheriff's Office Records staff to pick up.

b. Send Administrative Booking Records included those released on citation to Main Jail South Control for Administrative Booking staff to pick up.

c. Send Classification Records to the Classification Unit or hold for Classification staff to pick up.

d. Send property bags and money envelopes to the Property Room.

4. Supervise arrestees while medical staff completes the tuberculosis screening procedure for arrestees who are to be housed.

5. Escort arrestees due for release to the Release Station.

6. Escort arrestees due for the classification process to the classification holding cells.

7. Escort classified inmates with a housing assignment to the appropriate housing area.

8. Prepare a transfer packet for classified inmates who have been issued housing assignments at the Elmwood Men's or Women's Facilities.

B. ID staff will be responsible for notifying the booking sergeant when the release, transfer or housing of an arrestee will be or has been delayed beyond 8 hours.

VIII. Classification and Housing

A. The Classification Unit is responsible for ensuring that arrestees who will remain in custody are assigned to a housing unit as soon as possible.

B. Classification staff will ensure an orientation video is played on the televisions in the Classification holding cells on a continual basis, in accordance with Department Policy 11.21, Inmate Processing and Orientation.

C. The Booking/Intake movement officer will ensure the inmates are dressed in clean, sanitary jail clothing and issued a personal hygiene kit and a rulebook prior to initial housing.

IX. Policy Review

A. All Department policies will be reviewed by the Professional Compliance and Audit Unit.

NOTICE OF TELEPHONE MONITORING POLICY

Arrestee's Name: _____

Arrestee's Booking Number: _____

For security reasons, it is the policy of the Santa Clara County Department of Correction to monitor and/or record on a random basis all of the inmate telephone lines within the jails. Attorney/client, Licensed Physician and Religious Advisor telephone calls are considered confidential communications and will not be knowingly monitored or recorded without a warrant. The telephone numbers of Licensed Attorneys with offices in Santa Clara, Santa Cruz, Monterey and San Mateo Counties will be blocked from monitoring. In order to place a confidential call to a Licensed Physician or Religious Advisor you must submit an Inmate Request Form 48 hours in advance of the call.

I fully understand that if I choose to use the inmate telephones in any of the Santa Clara County Department of Correction jail facilities, I am doing so with the knowledge that the telephone call may be monitored and/or recorded.

LA POLIZA DE NOTICIA DE GRABACION

Por rasones de seguridad, es la poliza del Condado de Santa Clara Departmento de Correcion de grabar todas las liñas de teléfono de los encarcelados. Ademas, todas las liñas de teléfono de los encarcelados son sujeto de "vigilar en vivo" en hecho al azar basico. Llamadas con su Abogado, Consejero Religioso y Medico se consideradan confidencial. Estas llamadas no seran grabadas sin orden de la corte. Los numeros de teléphono de Abogados que tengan oficina's en los condados de Santa Clara, Santa Cruz, Monterey y San Mateo no seran grabadas o "vigiladas en vivo". Si quiere hablar con su Medico o Consejero Religioso por telephono tiene que someter una solicitud de encarcelado 48 hours antes del la llamada.

Yo comprendo completamente que si escojo usar cualquiera de las liñas de teléfono de los encarcelados en cualquiera de las facilidades del las carcel del condado de Santa Clara, lo hago con conociemiento que la llamada de telefono sera grabada y possiblemente sera vigilada en vivo.

Arrestee's Signature: _____
(Firma)

Witnessing Officer's Signature: _____ Badge Number: _____

Date: _____

SANTA CLARA COUNTY
DEPARTMENT OF CORRECTION
PENAL CODE 821 MAGISTRATE WAIVER

§ 821 Arrested Person to Be Taken to Magistrate

If the offense charged is a felony, and the arrest occurs in the county in which the warrant was issued, the officer making the arrest must take the defendant before the magistrate who issued the warrant or some other magistrate of the same county.

If the defendant is arrested in another county, the officer must, without unnecessary delay, inform the defendant in writing of his right to be taken before a magistrate in that county, note on the warrant that he has so informed the defendant, and, upon being required by the defendant, take him before a magistrate in that county, who must admit him to bail in the amount specified in the endorsement referred to in Sec 815a, and direct the defendant to appear before the court or magistrate by whom the warrant was issued on or before a day certain which shall in no case be more than 25 days after such admittance to bail.

If the bail be forthwith given, the magistrate shall take the same and endorse thereon a memorandum of the aforesaid order for the appearance of the defendant, or, if the defendant so requires, he may be released on bail set on the warrant by the issuing court, as provided in Sec 1269b of this code, without an appearance before a magistrate.

If the warrant on which the defendant is arrested in another county does not have bail set thereon, or if the defendant arrested in another county does not require the arresting officer to take him before a magistrate in the county for the purpose of being admitted to bail, or if such defendant, after being admitted to bail, does not forthwith give bail, the arresting officer shall immediately notify the law enforcement agency requesting the arrest in the county in which the warrant was issued that such defendant is in custody, and thereafter such law enforcement agency shall take custody of the defendant within five days, or five court days if the law enforcement agency requesting the arrest is more than 400 miles from the county in which the defendant is held in custody, in the county in which he was arrested and shall take such defendant before the magistrate who issued the warrant, or before some other magistrate of the same county.

I have read the above and understand that I have the right to be booked and taken before a magistrate in the county where the arrest occurred. I hereby waive my right to be booked and taken before a magistrate in the county of arrest and agree to be transported and booked on the warrant in the Santa Clara County Jail by the _____

(Agency Name)

_____ _____

(Print Arrestee's Name) **(Arrestee's Signature)**

_____

(Date)

_____ _____

(Officer's Name) **(Officer's Signature)**

_____ _____

(Date) **(Agency)**

SANTA CLARA COUNTY
DEPARTMENT OF CORRECTION
AGENCY ADVISORY FORM

ARRESTEES NAME: _____ BOOKING #: _____

DATE: _____ TIME: _____

This form must be completed by the arresting agency prior to the arrestee being received by the Santa Clara County Jail.

1. Do you have any information or observations which would indicate that the arrestee has/had any of the following symptoms/problems prior to or during the contact that resulted in his/her arrest?

		YES	NO
a.	Loss of Consciousness?	☐	☐
b.	Seizures?	☐	☐
c.	Respiratory Problem/Difficulty	☐	☐
d.	Heart Problem	☐	☐
e.	Hypertension (High Blood Pressure)	☐	☐
f.	Diabetes	☐	☐
g.	Alcohol or Drug Intoxication?	☐	☐
h.	Bizarre or Aggressive Behavior?	☐	☐
i.	Psychiatric/Mental Health History/Developmentally Disabled?	☐	☐
j.	Is the arrestee suicidal?	☐	☐
k.	Known or reported injury/illness?	☐	☐
l.	Any physical trauma or visible signs of injury?	☐	☐
m.	Involved in a traffic collision?	☐	☐
n.	Hearing impaired?	☐	☐
o.	Any physical disabilities?	☐	☐
p.	Any contagious diseases, e.g. Tuberculosis?	☐	☐

Other _____

2. Were any of the following used on the arrestee prior to or during the arrest?

a.	*	Chemical agents (O.C., Mace, etc.)	☐	☐
b.	*	T.A.R.P. (Total Appendage Restraint Procedure)	☐	☐
c.	*	Carotid Restraint	☐	☐
d.	*	Taser/Any electric control/stun device	☐	☐
e.		Baton	☐	☐
f.		Proned during handcuffing, approximate duration_____	☐	☐

* These conditions must be evaluated as indicated on the reverse side of this form.

3. Was there any physical resistance by the arrestee prior to or during the arrest? ☐ ☐
APPROXIMATE DURATION _____ (MINUTES)

4. Is the arrestee on any type of Mental Health Hold (5150, W&I, etc.)? ☐ ☐

_____ _____ _____
ARRESTING OFFICER BADGE # AGENCY

Reviewed by Receiving Officer: _____ Badge #: _____

Any affirmative answers will be referred to a nurse for clearance prior to acceptance.

Reviewed by Medical/Mental Health: _____

Rev 09/05

Original to Administrative Booking file Copy to Classification

SANTA CLARA COUNTY DEPARTMENT OF CORRECTION
STRIP SEARCH AUTHORIZATION FORM

☐ MAIN JAIL ☐ ELMWOOD

INFORMATION		
REQUESTING AGENCY:	DATE & TIME:	REPORT/INCIDENT NUMBER:
INMATE INFORMATION		
INMATE NAME:	CHARGES:	DATE OF BIRTH:
X-REFERENCE:	CUSTODY NUMBER:	HOUSING UNIT/CELL LOCATION:

REASON FOR SEARCH	
A strip search on this person must be conducted because: (Check at least one reason.)	
	Charges involve weapons, controlled substances or violence. (Only used pursuant to the intake process. Those individuals only charged with violating HS 11550 will not be strip-searched.
	Individualized Suspicion: There are specific and articulable facts to believe this person is concealing a weapon or contraband, and a strip search will result in the discovery of the weapon or contraband.
	An emergency exists which is documented below.

FACTS
Describe facts which support individualized suspicion or constitute an emergency:

REQUESTING OFFICER, AUTHORIZING SUPERVISOR, AND OFFICER CONDUCTING SEARCH			
REQUESTING OFFICER Printed Name & Badge Number			
REQUESTING OFFICER Signature & Badge Number			
AUTHORIZING SUPERVISOR Printed Name & Badge Number			
AUTHORIZING SUPERVISOR Signature & Badge Number			
OFFICER CONDUCTING SEARCH Printed Name & Badge Number		MALE:	
		FEMALE:	
OFFICER CONDUCTING SEARCH Signature & Badge Number		LOCATION OF SEARCH:	

DISPOSITION
List of weapons or contraband discovered and the location found on person:

Distribution Copies: Copy to Administration

PCAU/R:Share
Rev. 10/08 Policy 09.05 attachment

County of Santa Clara
Department of Correction

Hearing Impaired Tracking Form

Arrestee's Name_____ Cen # _____ Date _____
Medical Pre-Screen By _____ Time _____
Interpreter called by _____ Time _____
Provider Name _____ Interpreter arrival time _____
(*Response time within 1 hour*) Follow up call at _____ by _____

Type of accommodation required

Type of devise: ☐ TDD ☐ Audio Enhanced Receiver ☐ Interpreter Inmates Initials _____

Intake Sergeant _____ Notified at _____
Intake Officer assigned to monitor _____

Write the completion times for each of the following areas
Write N/A in the space if not applicable

Medical Screening	_____	OR Interview	_____
Finger Printed	_____	Hearing Impaired Video	_____
Photograph	_____	Inmate Orientation Video	_____
Receiving Process	_____	Housing Location	_____
Arrestee received written notices	_____	Housing Completed	_____
Mental Health	_____	Inmate Rule Book	_____
PPD	_____	Fax Completed Form to Programs	_____
Classification	_____	Copy of completed form to Classification	_____

Telephones made available: ☐ YES ☐ NO (*If the telephone was not available, please explain why in the comments section below.*

Additional Comments:

_____
_____
_____
_____

Upon completion i.e. inmate is housed or released, fax the completed form to Main Jail Administration, and DOC Program Division.

Faxed To: ☐ Main Jail Admin @ 971-3358 ☐ Program Division @ 957-5862

Officers Signature _____ **Date/Time** _____
Sergeant's Review _____ **Date/Time** _____

PFN _____ IF KNOWN

AGENCY _____

PRE BOOKING INFORMATION SHEET

Santa Clara County

CEN

LAST NAME	FIRST	MIDDLE	GEN	DATE OF BIRTH ☐ J / /	U.S. CITIZEN ☐ YES ☐ NO	PLACE OF BIRTH

DRIVER LICENSE STATE	NUMBER	IN POSS?	SOCIAL SECURITY NO.	IN POSS?	REPORT NUMBER	BOOKING TYPE	MISC. I.D. NO.
		☐		☐			

SEX	RACE	HAIR	EYES	HEIGHT	WEIGHT	SCARS/MARKS/TATTOOS

RESIDENCE NO.	STREET	SUFFIX	APT. NO.	CITY	STATE	ZIP CODE

TELEPHONE	LAST NAME	FIRST	MIDDLE	GEN	NICKNAME
( )	AKA:				

OCCUPATION	UNION	LOCAL	EMPLOYER NAME	HOW LONG

EMP. ADDRESS STREET	SUFFIX	APT. NO.	CITY	STATE	ZIP CODE

EMPLOYER'S TELEPHONE	EMERGENCY PERSON LAST NAME	FIRST	RELN.	EMER. TELEPHONE
( )				( )

EMERG. ADDRESS STREET	SUFFIX	APT. NO.	CITY	STATE	ZIP CODE

VEHICLE STATE	LICENSE NO.	COLOR	MAKE	YEAR	VEHICLE LOCATION	CITY	CITIZEN LAST NAME (ARRESTING)	FI	MI

ARREST DATE	ARREST TIME	AGENCY (CJIC)	OFFICER NAME	ID NO.	TRANS. AGENCY	ID NO.	(853.6PC)
/ /							

ARREST LOCATION STREET	APT. NO.	X-STREET	CITY	STATE	ZIP CODE	REQUESTS PUB. DEF
						☐ YES ☐ NO

821/822 PC	FELONY AFFIDAVIT	ARREST AGENCY 851.5	ESCAPE RISK, SUICIDAL CO DEF., ETC.
☐ YES ☐ NO	☐ YES ☐ NO	TIME _____ DATE _____ I.D. NO. _____	

CODE	CIRC	SECTION (DESCRIPTION IF ON-VIEW)	BAIL	F/M/I/C	COURT	WARRANT NO.

ARRESTING OFFICER: **BAIL TOTAL** ☐ PROPERTY HELD AS EVIDENCE ☐ STORED BY ARRESTING AGENCY

	WALLET				CASH $		JACKET COLOR
	CHECKBOOK						SWEATER COLOR
	BELT				BUCKLE		SHIRT/BLOUSE COLOR
	KEYS #				KNIFE		PANTS COLOR
	WATCH, COLOR	Y	W	O	BRAND		DRESS/SKIRT COLOR
	RING				STONE		SHOE COLOR
	CHAIN				STONE		HAT COLOR
					STONE		PURSE
					STONE		LIPSTICK
					STONE		MISC. ITEMS
	LIGHTER				COMB-BRUSH		
	CIGARETTES						

ALIEN STATUS CITIZEN OF:	REQUEST NOTIFICATION TO CONSULATE YES ___ NO ___	MANDATORY NOTIFICATION TO CONSULATE YES ___ NO ___	DATE ___/___/___ TIME _____ DEPUTY I.D. _____

X _____ PRISONER'S SIGNATURE FOR PROPERTY, NOTIFICATION OF RIGHTS UNDER P.C. SEC. 821/822, STATEMENT OF ALIEN STATUS, RECEIPT OF COPY OF PRE BOOKING INFORMATION

_____ RECEIVING OFFICER BADGE NO. & TIME

_____ TRANSPORTING OFFICER BADGE NO.

DISTRIBUTION: WHITE - Booking; GREEN - Property Record; WHITE ID - ID; PINK - OR/Court Copy; YELLOW - Arresting Agency; GOLDENROD - Arrestee Copy

3214 REV 8/89

435.19

CIVIL COMMITMENTS
Waiver of Rights of Liability
For Penal Code Sections 4001 and 4002

I, _____;
(Please print name and booking number)

have been committed to the custody of the Santa Clara County Jail on a civil commitment. I understand that under the provisions of the California Penal Code Sections 4001 and 4002, I have a right to be housed at the County Jail separate from persons committed on criminal process and detained for trial and/or persons convicted and under sentence. I hereby expressly waive such right and request that the Department of Correction consider housing me where I may be confined as the Classification Unit deems appropriate with persons committed on criminal process and detained for trial and/or persons convicted and under sentence. I also release the County of Santa Clara, the Department of Corrections, its officers, employees and agents from liability of any kind resulting from my execution of this waiver.

Name _____

Booking # _____ PFN _____

Date: _____

_____
Signature of inmate

COUNTY OF SANTA CLARA

Department of Correction Policy and Procedure Manual	Policy Number: 11.03 No. of Pages: 7 Date of Origin: 27 May 2003 Date of Revision: New
Chapter: Intake and Release	Subject: Medical Screening at Intake
Supersedes: None	Distribution:
References: ACA 3-ALDF-4E-19 California Code of Regulations, Title 15 section 1207	
Signature of Issuing Authority James W. Babcock, Chief of Correction	Current Policy Review Date of Review: Revisions Made: ☐ **Yes** ☐ **No**

POLICY: It is the policy of the Department of Correction to conduct a medical screening on all arrestees upon their arrival at the facility as part of the admission process.

PURPOSE: To establish the guidelines for conducting a medical screening and to assess the arrestee's health status at the time of incarceration.

DEFINITIONS: None

PROCEDURE:

I. Guidelines

A. The intake-booking nurse shall screen each inmate on arrival at the facility as part of the admission procedures.

1. Medical staff screen and accept or refuse inmates based on standards set by the health authority.

2. This screening may be delayed if the inmate is combative, uncooperative, or unable to effectively answer questions due to the influence of alcohol or drugs. In such cases, the intake-booking nurse will conduct a preliminary screening for acceptance and follow-up later with a complete medical screening.

B. The arresting/transporting officer must complete an Agency Advisory form, *attachment 1*, for review by the nurse. The nurse will distribute copies as needed.

C. The medical screening will include, but not be limited to, the following:

1. Inquiry into:

   a. Current illness and health problems, including sexually transmitted diseases and other infectious diseases.

   b. Mental health problems.

   c. Use of alcohol and other drugs, including type(s) of drugs used, mode of use, amounts used, frequency used, date or time of last use and history of any problems that may have occurred after ceasing use (i.e., convulsions).

   d. Past and present treatment or hospitalization for mental disturbance or suicide.

   e. Possibility of pregnancy.

   f. Other health problems designated by the responsible physician.

   g. Disabilities substantially impairing a major life function, including physical, mental, developmental, and learning disabilities.

   h. Problems of victimization or violence (Protective Custody)

2. Observation of:

   a. Behavior, including state of consciousness, mental status, appearance, conduct, tremor and sweating.

   b. Body deformities and ease of movement.

   c. Condition of skin, including trauma markings, bruises, lesions, jaundice, rashes, infestations, needle marks, and/or other indications of drug abuse.

3. Medical disposition of inmate:

   a. General population.

   b. General population with prompt referral to appropriate healthcare service.

   c. Referral to mental health services.

d. Referral to appropriate healthcare service for emergency treatment.

e. Referral to special housing such as the infirmary.

D. All findings will be recorded on a Confidential Medical Information (CMI) form, *attachment 2*, as approved by the health authority.

II. Medical screening process

A. Upon entrance to the facility, the arresting/transporting officer must escort the arrestee to the nurse's station, located at the booking counter, for a medical screening. The intake-booking nurse completes a medical interview and either clears the inmate to continue with the booking process or refuses acceptance until the inmate is medically cleared at the hospital.

1. The arresting/transporting officer must remain with the arrestee throughout this process.

2. To maintain the confidentiality of the medical screening, arresting/transporting officers with multiple arrestees must secure other arrestees in the sally port holding cell, or an area designated by intake/booking staff while the nurse conducts medical screenings one at a time.

3. Most arresting agencies have policies requiring their officers to provide arrestees with emergency medical treatment such as setting broken bones, stoppage of bleeding or suturing. By policy, the Department of Correction will not accept an arrestee who is:

a. Injured and needs emergency medical treatment

b. Injured, needs medical treatment, but refuses to be treated

4. If the intake-booking nurse observes behavior or receives an affirmative response on the CMI form for protective custody, the nurse will immediately bring it to the attention of booking/intake staff. The nurse will also write the letters "PC" at the top of the CMI form.

B. The nurse will tell the officer and sign the CMI when the inmate is medically cleared for the jail.

1. If the medical assessment provides evidence of mental illness, the nurse will refer the inmate to Mental Health staff by completing a Medical/Psych Referral form, *attachment 3*. The inmate will not be housed or released until cleared by Mental Health staff.

a. The nurse will check the "Referred to Mental Health" box at the bottom of the CMI and write the mental health "PSI" symbol at the top of the pre-booking sheet as a means of notifying booking/intake staff of the referral.

b. The ID officer will write the "PSI" symbol next to the inmate's name on the ID status board to indicate pending clearance by Mental Health services before housing or releasing the inmate.

c. The ID officer will ensure the inmate stays in the intake lobby until cleared and will notify the booking sergeant if Mental Health does not clear the inmate within 5 hours. At the direction of the booking sergeant, those inmates who become violent or disruptive may be removed from the lobby and placed in alternative area provided an Observation Log is posted and used to document fifteen minute checks.

2. If the medical assessment provided evidence of a Disability or special management need, the information will be entered on the Inmate Disability Evaluation form, *attachment 4*. It is the responsibility of custody staff and medical staff to immediately advise the booking sergeant when an inmate meets, or appears to meet, the criteria of a Disabled person for the purposes of ADA.

a. It is the responsibility of the intake-booking supervisor to initiate a *Hearing-Impaired Tracking Form,* when applicable, for an inmate identified to be deaf or hearing-impaired. An officer will be assigned to track the inmate through the booking/classification process in accordance with Department Policy 13.11, Custody ADA Plan.

b. Medical staff will ensure the inmate is able to effectively communicate his or her medical information. If necessary, medical staff will utilize a Qualified Interpreter. When a Qualified Interpreter does not arrive within an hour of being contacted, medical staff will advise the intake-booking supervisor to make the necessary arrangements to provide a Qualified Interpreter as soon as possible.

c. Medical staff will ensure the inmate is issued a "special needs" wristband. The wristbands are color-coded for identification purposes. Persons who are deaf or hearing-impaired are issued a green wristband.

3. If the nurse only conducts a preliminary medical screening due to the arrestee's condition, the nurse will ensure a complete medical screening is conducted as soon as possible.

   a. When this occurs, the nurse will place a large "M" at the top of the CMI and the pre-booking sheet, indicating that medical follow-up is required.

   b. Based on the circumstances, the inmate will be placed in the intake lobby under constant observation or in the sobering cell under ½ hour checks. Refer to Department Policy #11.05, Use of Intake Sobering Cells, Holding Cells and Intake Lobby Chairs.

   c. The ID officer will place a large "M" in front of the inmate's name on the ID status board indicating that a medical follow-up is required before housing or release.

   d. The nurse will assess the inmate every 2 hours and document the contact and observations on the back of the CMI. The follow-up assessments may be sooner as needed for medical reasons.

   e. Once the arrestee is able to respond to the medical questions and complete the medical interview, the nurse will advise the ID officer and the inmate may complete the booking process. The ID officer will update the ID status board.

C. The nurse will complete a Non-Acceptance into Custody form and inform the officer and Booking Sergeant when an inmate **is not** medically cleared for the jail.

   1. If the booking nurse determines that the arrestee has an illness or injury requiring immediate treatment at a hospital, the arresting officer will assume responsibility for transportation of the arrestee to the emergency room.

   2. An arrestee's condition that may require a medical clearance at the hospital includes, but is not limited to, the following:

      a. Subjected to a carotid restraint during arrest

      b. Ingested PCP

      c. Unable to walk or stand independently

      d. Reports traumatic head injury, with or without loss of consciousness

e. Requires sutures

f. Blood pressure with a diastolic greater than 120 and symptoms such as dizziness, headache, nausea, vomiting, chest pain, paresthesia, seizure or an altered state of consciousness.

g. Unstable vital signs, such as unexplained acute tachycardia that does not subside after a period of time.

h. A potentially life-threatening condition or circumstances beyond medical staff's ability to assess or monitor.

3. Upon the arresting/transporting officer's return with the arrestee from the hospital, he or she must provide the hospital paperwork to the intake-booking nurse.

4. If the inmate is not medically cleared at the hospital but instead is admitted, the arresting/transporting officer may contact the jail to initiate the paper booking of the arrestee in accordance with Department Policy #11.13, Off-line Booking, for hospitalized arrestee.

III. Medical Services at intake for newly admitted inmates

A. When the intake-booking nurse medically clears an arrestee for admission but recommends special handling, the nurse will write a letter code at the top of the CMI and pre-booking sheet indicating the need for further medical attention or priority housing. The nurse will identify the type of follow-up or special handling needed as detailed below:

1. Medical screening follow-up: When the complete medical screening interview was not completed, the nurse will place a large "M" at the top of the CMI and pre-booking sheet indicating the need for follow-up prior to housing.

2. Placement in the Lobby: When a condition exists that requires the inmate to be placed in a lobby chair for direct observation by medical and booking staff, the nurse will place a large "L" at the top of the CMI and pre-booking sheet indicating the need for lobby placement. The inmate will not be moved, released or housed without consulting medical staff.

a. If there are insufficient lobby chairs for this accommodation, the ID officer will advise medical staff and the booking sergeant.

b. The booking sergeant will consult with medical staff to discuss the best course of action.

3. Priority housing: When priority housing is requested, the nurse will place a large "A", "B", or "C" at the top of the CMI and pre-booking sheet indicating the type of priority. Booking/intake staff will make every effort to follow these guidelines. However, housing an arrestee can be affected by many factors and will not take priority to the safety and security of the facility, staff or inmates.

a. Category A will be regarded as top priority. If possible, these inmates should be housed within the first hour of getting booked.

b. Category B will be regarded as second priority. These inmates should be housed within 3-4 hours of getting booked.

c. Category C will be regarded as a medical follow-up priority and should not be housed until the follow-up is completed and the nurse clears the inmate for housing.

B. When the intake-booking nurse medically clears an arrestee for admission who requires essential medication, the nurse will initiate the following procedure:

1. Only drugs listed in the Santa Clara County Valley Medical Center formulary and prescribed by a lawfully authorized prescriber may be initiated.

2. If an arrestee indicates he or she is taking prescribed medication or if the arrestee has containers of prescribed medication on his person or property, the intake-booking nurse will verify the medication dosage and frequency.

3. If the patient's medication cannot be verified or is a problem case, the nurse will notify the Adult Custody physician or the ER physician at SCVMC and obtain orders.

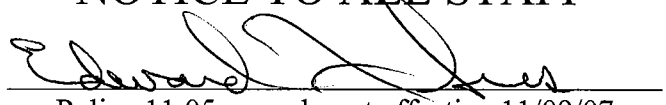
IV. Policy Revision

A. All Department policies will be reviewed not less than once a year. The Professional Compliance and Audit Unit will establish an annual schedule identifying policies to be reviewed during a specific month.

County of Santa Clara
Department of Correction
Professional Compliance and
Audit Unit (PCAU)
(408) 957-5322

By Direction of the Chief

NOTICE TO ALL STAFF



Policy 11.05 amendment effective 11/09/07

Policy Amendment

11.05 Use of Intake Sobering Cells, Holding Cells and Intake Lobby Chairs

The Department is amending Policy 11.05, Use of Intake Sobering Cells, Holding Cells and Intake Lobby Chairs, to comply with the Institute for Medical Quality Health Care Accreditation Standards for Adult Detention Facilities, Section 303. Whenever holding cells are utilized as a 'Sobering Cell' welfare checks are to be conducted every 15 minutes and documented on a 'Sobering Cell' Observation log (attached).

The following modifications to the policy are shown as strikethroughs for deletion and underlined in bold font for an addition.

Sections: II. A., 1.

II. Use of Intake Sobering Cells

A. If an inmate is sufficiently intoxicated and needs a sheltered environment, booking staff will place the inmate in a Sobering Cell. The booking officer shall postpone the booking process until the inmate has sobered sufficiently to continue with the booking process.

1. Booking staff shall record the inmate's name, booking number and the time the inmate was placed in **and removed from** the Sobering Cell on the Sobering Cell Observation Log **(Attachment)**.

Sections: II. B. 1., B. 2.

II. Use of Intake Sobering Cells

B. Intermittent direct visual observation of inmates held in the Sobering Cell shall be conducted by booking staff ~~no less than every half hour~~ **every 15 minutes**.

2. Each ~~half hour~~ **15-minute** check shall be documented, with the actual time recorded by the booking officer ~~doing~~ **conducting** the check, along with any pertinent observations of the inmate's behavior **on the Sobering Cell Observation Log. (Attachment)**

Division Commanders/Unit Managers must ensure that this notice is ***read at all briefings*** and/or a copy given to each staff member. A copy of this notice must also be attached to the beginning of Policy 11.05 in the Policy manuals located in their respective Divisions or Units. Any questions regarding this policy amendment should be directed to PCAU at 957-5322.

SOBERING CELL OBSERVATION LOG

SUPERVISOR_____ **DATE:** _____**TEAM: A B C D**

	Inmate Name	Booking Number	Time In	Time Out
1.				
2.				
3.				
4.				
5.				
6.				

	Inmate Name	Booking Number	Time In	Time Out
7.				
8.				
9.				
10.				
11.				
12.				

15-MINUTE CHECKS

Time	Comments	Initial Badge

Time	Comments	Initial Badge

COUNTY OF SANTA CLARA

Department of Correction Policy and Procedure Manual	**Policy Number:** 11.05 **No. of Pages:** 6 **Date of Origin:** 18 Jan 1993 **Date of Revision:** 02 Jul 2002
Chapter: Intake and Release	**Subject:** Use of Intake Sobering Cells, Holding Cells and Intake Lobby Chairs
Supersedes: All Previous Orders	**Distribution:**
References: ACA 3-ALDF-4A-03, Penal Code sections 647(f) and 4015 California Code of Regulations, Title 15 section 1056 and Title 24, section 470A.2.2	
Signature of Issuing Authority Dennis P. Handis, Chief of Correction	**Current Policy Review** **Date of Review:** 02 Jul 2002 **Revisions Made:** ☒Yes ☐No

POLICY: It is the policy of the Department of Correction to use the Intake Sobering Cells, Holding Cells and Intake Lobby Chairs to segregate arriving inmates during the booking process pending their housing or release.

PURPOSE: To establish minimum guidelines for the segregation of arriving inmates.

DEFINITIONS:

Holding Cell: A cell that allows for separation of inmates and observation of inmates as necessary.

Sobering Cell: A cell for arrestees who are sufficiently intoxicated from any substance to require a protected environment to prevent injury by falling or victimization by other inmates.

Intake Lobby Chair: A chair, connected in a row of two or more chairs, located in the middle of the intake area that provides a direct view of inmates by staff.

CTC Sobering Station: Center for Training and Careers Sobering Station is a 24-hour facility that serves as an alternative to jail for persons arrested for public inebriation and offers a safe holding environment where a person may reach sobriety.

PROCEDURE:

I. Inmate admission

A. Persons arrested and brought to the Main Jail for booking will be processed for admission in accordance with the Department's policy, "Inmate Admission."

B. The intake booking officer and nurse will assess each person being admitted for evidence that the person may be suicidal, infectious, prone to victimization or violence, a potential protective custody case, under the influence of alcohol or other substances, or present some other special management need. The assessment information will be entered on the Medical/Psych Clearance Form.

1. Persons charged only with public drunkenness are taken to the CTC Sobering Station by the arresting officer. However, a person is brought to the jail if he or she is not accepted at the Sobering Station, if the Sobering Station is filled to maximum capacity or if the person refuses to stay at the Sobering Station.

2. Persons who are a threat to their own safety or the safety of others due to their state of intoxication will be placed in a Sobering Cell.

   a. Some inmates may be intoxicated to some level, but are not a threat to their own safety or the safety of others due to their state of intoxication. These inmates may not need to be placed in a Sobering Cell.

   b. Other inmates will be intoxicated enough to meet the safety criteria of the Title 15 regulation 1056, and will need the "sheltered" environment of a Sobering Cell until they sober up sufficiently to be moved through the booking process and on to general housing.

   c. Other inmates that show signs, or there is evidence of, extreme intoxication or the ingestion of large quantities of alcohol, or are unable to walk without assistance, require immediate emergency medical treatment prior to acceptance to the jail.

      1). The arresting officer must take the person to the County hospital for a medical clearance.

      2). If an arresting officer leaves or refuses to take the person to the County hospital, the booking supervisor shall ensure that the person is taken to the hospital by Department of Correction staff.

4. Persons who display signs of mental illness or suicidal inclinations will be placed in an Intake Lobby Chair and referred to Mental Health for evaluation.

5. Persons who are or are suspected of being under the age of 18 shall be segregated from the adult population and shall be placed in a Holding Cell alone. Adult inmates shall not be allowed to communicate with these inmates.

6. Persons who have or are suspected of a having a communicable disease will be segregated from other persons and placed in a Holding Cell alone pending direction from medical staff.

7. Persons who need closer observation due to a medical condition or injury shall be placed in an Intake Lobby Chair for direct and constant observation. The nurse or intake-booking officer is responsible for making this determination.

C. Male and females are booked at the Main Jail Complex. Booking A-side is used for male inmates and booking B-side is used for female inmates. Each area is equipped with a Sobering Cell, Holding Cells and Intake Lobby Chairs that are used to segregate inmates. Male and female inmates shall not be placed in the same Holding Cell. If the sex of the person is not immediately determined, he or she will be placed in a Holding Cell alone and segregated from the rest of the population until the sex is determined.

II. Use of Intake Sobering Cells

A. If an inmate is sufficiently intoxicated and needs a sheltered environment, booking staff will place the inmate in a Sobering Cell. The booking officer shall postpone the booking process until the inmate has sobered sufficiently to continue with the booking process.

1. Booking staff shall record the inmate's name, booking number and the time the inmate was placed in the Sobering Cell on the Sobering Cell Observation Log.

2. Booking staff will remove inmates from the Sobering Cell as soon as it is possible to do so. If the inmate is to remain in the Sobering Cell more than six hours, booking staff shall contact medical staff to evaluate the inmate and determine if there may be other medical considerations that need to be addressed. This medical evaluation shall be documented on the Sobering Cell Observation Log.

B. Intermittent direct visual observation of inmates held in the Sobering Cell shall be conducted by booking staff no less than every half hour.

1. Each half hour observation should include:

a. Observation of the inmate's breathing to determine that breathing is regular. Breathing should not be erratic nor indicate that the person is having difficulty in breathing.

b. Observation of the inmate to ensure that there has been no vomiting while sleeping. Ensuring that intoxicated persons remain on their side rather than on their back will prevent aspiration of stomach contents.

c. An arousal attempt to ensure that the person will respond to verbal or pressure stimulation. If unable to obtain verbal response to stimulation,

booking staff must go in and attempt to arouse the person to access consciousness.

2. Each half hour check shall be documented, with the actual time recorded by the booking officer doing the check, along with any pertinent observations of the inmate's behavior.

III. Use of Intake Lobby Chairs

A. The Intake Lobby Chairs may be used for inmates who have a medical condition or injury, display signs of mental illness or suicidal inclinations or who may present a special management need that requires close observation.

B. When an inmate is admitted and is referred to Mental Health for an evaluation, he or she will be placed in an Intake Lobby Chair.

1. Booking staff shall remove potentially harmful objects from the person and maintain direct and constant supervision.

2. Booking staff may place a person who has been referred to Mental Health in a Holding Cell instead of an Intake Lobby Chair if the person needs further segregation (e.g. a juvenile, a person with a communicable disease, a person who needs protective custody or a person who will not cooperate). Booking staff shall post an Observation Log on the door of the Holding Cell to record checks at least twice every thirty minutes and shall notify mental health staff to expedite their evaluation.

C. When an inmate is admitted and requires closer observation for medical purposes, upon medical's request, the inmate will be placed in an Intake Lobby Chair.

IV. Use of Holding Cells

A. The Main Jail Complex booking area is divided into booking sides A and B.

1. A-side is used to process male inmates. There is one Sobering Cell, three large Holding Cells, six small Holding Cells and the intake lobby area can accommodate up to 40 or more fixed Intake Lobby Chairs.

2. B-side is used to process female inmates. There is one Sobering Cell, two large Holding Cells and the intake lobby area can accommodate up to 15 or more fixed Intake Lobby Chairs.

B. The Sobering Cell, Holding Cells and Intake Lobby Chairs on the A-side are used to segregate male inmates, based on the their initial risk assessment, pending the booking process.

1. The Sobering Cell is used for persons who are a threat to their own safety or the safety of others due to their state of intoxication and need a sheltered environment.

2. One large Holding Cell is used to segregate inmates who are pending release on a citation.

3. One large Holding Cell is used for inmates who have been charged with misdemeanor crimes and will most likely be transferred and housed at the Elmwood Complex.

4. One large Holding Cell is used for inmates who have been charged with a felony crime and will most likely be housed at the Main Jail Complex.

5. The small Holding Cells that can hold from 1 to 4 inmates are used for inmates who require complete separation from others (e.g. juveniles, persons requesting or requiring protective custody, persons prone to victimization or violence, persons suspected of being infectious or persons who present a special management need.)

6. The Intake Lobby Chairs are used for inmates who have a medical condition or injury that requires closer observation, or who may present a special management need.

C. The Sobering Cell, Holding Cells and Intake Lobby Chairs on the B-side are used to segregate female inmates based on the their initial risk assessment

1. The Sobering Cell is used for persons who are a threat to their own safety or the safety of others due to their state of intoxication and need a sheltered environment.

2. The large Holding Cells are used for inmates pending citation or housing after the completion of the booking process.

3. The Intake Lobby Chairs are used for inmates who have a medical condition or injury that requires closer observation, or who may present a special management need.

V. Observation of inmates by custody and medical staff

A. Booking officers are responsible for conducting intermittent direct visual observation of inmates in the intake area once every half hour unless more observation checks are required. At the beginning of each shift, the booking sergeant shall assign booking staff to log checks on the Intake Observation Log, the Sobering Cell Observation Log or any other applicable individual Observation Log posted for other reasons.

B. Medical staff will be responsible for the intermittent medical observation of those inmates who have been identified as a medical risk at the time of booking. Those inmates requiring long-term detoxification will be assessed by medical staff and given appropriate treatment or referred to an outside medical facility.

C. Newly booked inmates are placed in a Sobering Cell, Holding Cell or Intake Lobby Chair pending their booking and classification process. If it becomes necessary to keep an inmate longer than 12 hours due to his or her condition or behavior, medical staff shall conduct a medical evaluation and the booking supervisor shall be notified.

VI. Intake Observation Logs

A. Booking staff will record checks of the intake area on the Intake Observation Log with the actual time recorded by the person doing the check and any pertinent observations.

B. Inmates who have been placed in a Sobering Cell require individual observation. They shall be listed by name and booking number on the Sobering Cell Observation Log with specific observation notes, the time placed in the lobby and the time removed from the Sobering Cell.

VI. Policy Revision

A. All Department policies will be reviewed not less than once a year. The Professional Compliance and Audit Unit will establish an annual schedule identifying policies to be reviewed during a specific month.

Law, Regulations & Public Policy

Information for Americans Abroad

Consular Notification and Access

Citizenship and Nationality

Legal and Public Policy Information

Family Issues

Law Enforcement Issues

The following information provides the short-form name of the country, followed by telephone and fax numbers as currently available to the Department of State. **Consular notification should be made to the listed location nearest to the place of arrest or detention.** Washington, DC information is generally for embassies to the United States; numbers for other locations are for consular offices outside of Washington or, in the case of some countries without embassies or consular offices in the United States, for the country's mission to the United Nations in New York. Corrections to the listed numbers may be provided to the Department of State's Office of Public Affairs and Policy Coordination for Consular Affairs, telephone 202-647-4415; facsimile 202-736-7559

In a few instances an entity that is not recognized as a country is listed because aliens may be traveling in the United States on travel documents issued by that entity. In addition, some aliens may still be traveling in the United States on documents issued by the former Union of Soviet Socialist Republics (U.S.S.R.), the former Socialist Federal Republic of Yugoslavia, and the former Socialist Federal Republic of Czechoslovakia. The successor states or entities of these three former countries are as follows:

Former U.S.S.R:

Armenia
Azerbaijan
Belarus
Georgia
Kazakhstan
Kyrgyzstan
Moldova
Russia
Tajikistan
Turkmenistan
Ukraine
Uzbekistan

Former Yugoslavia:

Bosnia and Herzegovina
Croatia
Macedonia
Serbia and Montenegro (Passports may indicate "Federal Republic of Yugoslavia.")
Slovenia

Former Czechoslovakia:

Czech Republic
Slovakia

Phone and Fax Numbers for Foreign Embassies and Consulates in the U.S.

Consular notification should be made to the listed location nearest to the place of arrest or detention.

For more detailed information about consulates, see *Foreign Consular Offices in the United States* .

Select a letter for the country you are inquiring about.

A | B | C | D | E | F | G | H | I | J | K | L | M |
N | O | P | Q | R | S | T | U | V | W | X | Y | Z

Afghanistan
Washington, DC (202) 298-9125; fax (202) 298-9126
New York. NY (212) 972-2277; fax (212) 972-9046

Albania
Washington, DC (202) 223-4942; fax (202) 628-7342

Algeria
Washington, DC (202) 265-2800; fax (202) 265-1978/265-3898
New York, NY (212) 255-7381; fax (212) 255-7380

Andorra
New York, NY (212) 750-8064; fax (212) 750-6630

Houston, TX (713) 212-3040; fax (713) 212-3041

Antigua and Barbuda
Washington, DC (202) 362-5211; fax (202) 362-5225

Argentina
Washington, DC. (202) 238-6460; fax (202) 332-3171
Atlanta, GA (404) 880-0805; fax (404) 880-0806
Chicago, IL (312) 819-2620; fax (312) 819-2626
Houston, TX (713) 871-8935; fax (713) 871-0639
Los Angeles, CA (323) 954-9155; fax (323) 934-9076
Miami, FL (305) 373-1889; (305) 371-7108
New York, NY (212) 603-0400; fax (212) 541-7746

Armenia
Washington, DC (202) 319-1976; fax (202) 319-2982
Glendale, CA (818) 265-5900; fax (818) 265-3800

Australia
Washington, DC 1-888-239-3501/ (202) 797-3000; fax (202) 797-3331
Atlanta, GA (404) 760-3400; fax (404) 760-3401
Chicago, IL (312) 419-1480; fax (312) 419-1499
Honolulu, HI (808) 529-8100; fax (808) 529-8142
Los Angeles, CA (310) 229-2300;fax (310) 229-2381
New York, NY (212) 351-6500; fax (212) 351-6501
San Francisco, CA (415) 536-1970; fax (415) 536-1982

Austria
Washington, DC (202) 895-6700; fax (202) 895-6773
Chicago, IL (312) 222-1515; fax (312) 222-4113
Los Angeles, CA (310) 444-9310; fax (310) 477- 9897
New York, NY (212) 737-6400; fax (212) 772-8926

Azerbaijan
Washington, DC (202) 337-5912; fax (202) 337-5913

Bahamas
Washington, DC (202) 319-2660; fax (202) 319-2668
New York, NY (212) 421-6420; fax (212) 655-5926
Miami, FL (305) 373-6295; fax (305) 373-6312

Bahrain
Washington, DC (202)342-1111; fax (202) 362-2192
New York, NY (212) 223-6200; fax (212) 319-0687

Bangladesh
Washington, DC (202) 244-0183; fax (202) 244-5366
Los Angeles, CA (310) 441-9399; fax (310) 441-4458
New York, NY (212) 599-6767; fax (212) 682-9211

Barbados
Washington, DC (202) 939-9200; fax (202) 332-7467
Los Angeles, CA (213) 380-2198; fax (213) 384-2763
Miami, FL (305) 442-1994; fax (305) 567-2844
New York, NY (212) 551-4325 ; fax (212) 986-1030

Belarus
Washington, DC 202-986-1606; fax (202) 986-1805
New York, NY (212) 682-5392; fax (212) 682-5491

Belgium
Washington, DC (202) 333-6900; fax (202) 338-4960
Atlanta, GA (404) 659-2150; fax (404) 659-8474
Houston, TX (713)426-3933; fax (713)224-1120
Los Angeles, CA (323) 857-1244; fax (323) 936- 2564
New York, NY (212) 586-5110; fax (212) 582-9657

Belize
Washington, DC (202) 332-9636; fax (202) 332-6888
Los Angeles, CA (323) 634- 9900; fax (323) 634-9903

Benin
Washington, DC (202) 232-6656; fax (202) 265-1996

Bermuda (see United Kingdom)

Bhutan
New York, NY (212) 826-1919; fax (826-2998

Atlanta, GA (404) 522-0777; fax (404) 873-3555
Boston, MA (617) 742-1500; fax (617) 742-9130
Chicago, IL (312) 473-4138; fax (312) 650-8997
Cincinnati, OH (513) 271-5381; fax (513) 271-8189
Houston, TX (281) 463-0017; fax (281) 463-0018
Los Angeles, CA (213) 388-0957/0475; fax (213) 384-6272
Maple Grove, MN (763) 424-0265; fax (763) 416-4684
Miami, FL (305) 358-6303/04; fax (305) 374-6305
New Orleans, LA (504) 596-2720; fax (504) 596-2800
New York, NY (212) 687-0530; (212) 499-7401; fax (212) 687-0532
Oklahoma, OK (405) 239-5789/26; fax (405) 235-5852
Phoenix, AZ (602) 231-9000; fax (602) 275-8593
Puerto Rico, PR (787) 722-3504/3030; fax (787) 723-8457
San Francisco, CA (415) 495-5173; fax (415) 399-8958
Seattle, WA (206) 244-6696; fax (206) 243-3795
St. Louis, MO (314) 725-9466; fax (314) 725-9103

Bosnia and Herzegovina
Washington, DC (202) 337-1500; fax (202) 337-1502
Chicago, IL (312) 951-1245; fax (312) 951-1043

Botswana
Washington, DC (202) 244-4990; fax (202) 244-4164

Brazil
Washington, DC (202) 238-2839/2823/2831/2777;or(202)714-8017; fax (202)238-2818/2783
Beverly Hills, CA (323) 651-2664; (231) 453-1084; fax (323) 651-1274
Boston, MA (617) 542-4000; (617) 816-6315; fax; (617) 542-4318
Chicago, IL (312) 464-0244/213-0293; fax (312) 464-0299
Houston, TX (713) 961-3063/64/65; (713) 569-0157 or (281) 384-4966; fax (713) 961-3070
Miami, FL (305) 285-6200/02; fax (305) 285-6229; fax (305) 285-6259
New York, NY (917) 777-7777; (917) 417-8097; (917) 417-8662; fax (212) 827-0225
San Francisco, CA (415) 981-8170/6258; fax (415) 981-4931

Brunei
Washington, DC (202) 237-1838; fax (202) 885-0560
New York, NY (212)697-3465; fax (212) 697-9889

Bulgaria
Washington, DC (202) 387-7969; fax (202) 234-7973
Chicago, IL (312) 867-1904/1905; fax (312) 867-1906
Los Angeles, CA (310) 478-6700; fax (310) 478-6277
New York, NY (212) 935-4646; fax (212) 319-5955

Burkina Faso
Washington, DC (202) 332-5577; fax (202) 667-1882
New York, NY (212) 308-4720/4721; fax (212) 308-4690

Burma (also known as Myanmar)
Washington, DC (202)332-3344; Fax (202) 3332-4351
New York , NY (212) 744-1271; FAX (212) 744-1290

Burundi
Washington, DC (202) 332-3344/4350/4352; fax (202) 332-4351

Cambodia
Washington, DC (202) 726-7742; fax (202) 726-8381

Cameroon
Washington, DC (202) 265-8790; fax (202) 387-3826

Canada
Anchorage, AK (907) 264-6734; fax (907) 264-6713
Atlanta, GA (404) 532-2000; fax (404) 532-2050
Boston, MA (617) 262-3760; fax (617) 262-3415
Buffalo, NY (716) 858-9500; fax (716) 852-4340
Chicago, IL (312) 616-1860; fax (312) 616-1878
Dallas, TX (214) 922-9806; fax (214) 922-9815
Detroit, MI (313) 567-2340; fax (313) 567-2164
Houston, TX (713) 821-1440; fax (713) 821-1611
Los Angeles, CA (213) 346-2700; fax (213) 620-8827
Miami, FL (305) 579-1600; fax (305) 374-6774
Minneapolis, MN (612) 332-7486; fax (612) 332-4061
New York, NY (212) 596-1628; fax (212) 596-1790
Philadelphia, PA (267) 207-2721; F(267) 207-2722
Phoenix, AZ (602) 508-3572; fax (602) 508-3574
Raleigh, NC (919) 573-1808; fax (919) 573-1809

Cape Verde
Washington, DC (202) 965-6820; fax (202) 965-1207
Boston, MA (617) 353-0014; fax (617) 859-9798

Central African Republic
Washington, DC (202) 483-7800; fax: (202)332-9893

Chad
Washington, DC (202) 462-4009; fax (202) 265-1937

Chile
Washington, DC (202) 785-1746; fax (202) 887-5579
Chicago, IL (312) 654-8780; fax (312) 654-8948
Houston, TX (713) 621-5853; fax (713) 621-8672
Los Angeles, CA (310) 785-0047; fax (310) 785-0132
Miami, FL (305) 373-8623; fax (305) 379-6613
New York, NY (212) 355-0612; fax (212) 888-5288
Philadelphia, PA (215) 829-9520; fax (215) 829-0594
San Francisco, CA (415) 982-7662; fax (415) 982-2384
San Juan, PR (787) 725-6365; (787) 721-5650

China
Washington, DC (202) 328-2500/02; fax (202) 328-2582
Chicago, IL (312) 803-0095; fax (312) 803-0110
Houston, TX (713) 520-1462; fax (713) 521-3064
Los Angeles, CA (213) 807-8088; fax (213) 380-1961
New York, NY (212) 244-9392; fax (212) 564-9389
San Francisco, CA (415) 674-2917; fax (415) 563-0494

Colombia
Washington, DC (202) 387-8338; fax (202) 232-8643
Atlanta, GA (770) 668-0512; fax (770) 668-0763
Beverly, Hills, CA (323) 653-4299; fax (323) 653-2964
Boston, MA (617) 536-6222; fax (617) 536-9372
Chicago, IL (312) 923-1196; fax (312) 923-1197
Houston, TX (713) 527-8919; fax (713) 529-3395
Los Angeles, CA (213) 282-1137; fax (213) 383- 2785
Miami, FL (305) 448-5558; fax (305) 441-9537
New Orleans, LA (504) 525-5580; fax (504) 525-4903
New York, NY (212) 949-9898; fax (212) 972-1725
San Francisco, CA (415) 495-7195; fax (415) 777- 3731
San Juan, PR (809) 754-6885; fax (809) 754-1675

Comoros
New York, NY (212) 972-8010; fax (212) 983-4712

Congo, Republic of (Brazzaville)
Washington, D.C. (202) 726-5500; fax (202) 726-1860

Congo, Democratic Republic of (Kinshasa)
Washington, DC (202) 234-7690; fax (202) 234-2609

Costa Rica
Washington, DC (202) 328-6628; fax (202) 265-4795
Atlanta, GA (770) 951-7025; fax (770) 951-7073
Chicago, IL (312) 263-2772; fax (312) 263-5807
Houston, TX (713) 266-0484; fax (713) 266-1527
Los Angeles, CA (213) 380-7915; fax (213) 380-5639
Miami, FL (305) 871-7485/87; fax (305) 871-0860
New York, NY (212) 509-3066; fax (212) 509-3068
San Francisco, CA (510)790-0785; fax (510) 792-5249
San Juan, PR (787) 723-6227; fax (787) 723-6226

Cote D'Ivoire (Ivory Coast)
Washington, DC (202) 797-0300; fax (202) 462-9444

Croatia
Washington, DC (202) 588-5899; fax (202) 588-8936
Chicago, IL (312) 482-9902; fax (312) 482-9987
Los Angeles, CA (310) 477-1009; fax (310) 477-1866
New York, NY (212) 599-3066; fax (212) 599-3106

Cuba
Washington, DC (202) 797-8518; fax (202) 797-8521

Cyprus
Washington, DC (202) 462-5772; fax (202) 483-6710
New York, NY (212) 686-6016; *fax (212) 686-3660*

Los Angeles, CA (310) 479-0889; (310) 208-1559; fax(310) 479-3015
New York, NY (646) 422-3344; (917) 251-5649; fax (646) 422-3311

Denmark
Washington, DC (202) 234-4300; fax (202) 328-1470
Chicago, IL (312) 787-8780; fax (312) 787-8744
New York, NY (212) 223-4545; fax (212) 754-1904

Djibouti
Washington, DC (202) 331-0270; fax (202) 331-0302

Dominica, The Commonwealth of
Washington, DC (202) 364-6781; fax (202) 364-6791
New York, NY (212) 599-8478; fax (212) 661-0979

Dominican Republic
Washington, DC (202) 332-6280; fax (202) 265-8057
Boston, MA (617) 482-8121; fax (617) 482-8133
Chicago, IL (773-714-4924); fax 773-714-4926
Jacksonville, FL (904) 346-0909; fax (904) 346-0919
Miami, FL (305) 358-3220/21; fax (305) 358-2318
Mobile, AL (334) 433-8894
New Orleans, LA (504) 522-1843; fax (504) 522-1007
New York, NY (212) 768-2480; fax (212) 768-2677
Philadelphia, PA (215) 923-3006; fax (215) 923-3007
San Francisco, CA (415) 982-5144; fax (415) 982-0237
San Juan, PR (809) 725-9550; fax (809) 721-7820

Democratic Republic of Timor-Leste
Washington, DC (202) 966-3202 Fax (202) 966-3205
New York, NY (212) 759-3675; fax (212) 759-4196

Ecuador
Washington, DC (202) 234-7166/3497; fax (202) 667-3482
Beverly Hills, CA (323) 658-5146/1068; fax (323) 658-1198
Chicago, IL (312) 338-1002/03; fax (312) 338-1004
Houston, TX (713) 572-8731; fax (713) 572-8732
Jersey City (201) 985-1300/1700/2960; fax (201) 985-2959
Los Angeles, CA (323) 658-5146; fax (323)658-1198
Miami, FL (305) 373-8520/8536; fax (305) 654-8143
New Orleans, LA (504) 523-3229; fax (504) 522-9675
New York, NY (212) 808-0187/0214/0170; fax (212) 808-0188
Newark, NJ (973) 344-8837/8667; fax (973) 344-0008
New Haven, CT (203) 752-1947/0827; fax (203) 752-1389
Queens, NY (718) 651-8797/8798; fax (718) 651-2297
Philadelphia, PA (215) 925-9060; fax (215) 867-0894
San Francisco, CA (415) 982-1819/1821; fax (415) 982-1833

Egypt
Washington, DC (202) 966-6342; fax (202) 244-4319
Chicago, IL (312) 828-9162; fax (312) 828-9167
Houston, TX (713) 961-4915; fax (713) 961-3868
New York, NY (212) 759-7120; fax (212) 308-7643
San Francisco, CA (415) 346-3422; fax (415) 346-9480

El Salvador
Washington, DC (202) 337-4032/4033/9141/9144; fax (202) 337-2038
Boston, MA (617) 567-8484; fax (617) 567-8686
Brentwood, NY (631) 273- 1355/2256; fax (631) 273-2559
Chicago, IL (312) 332-1393/578-5390; fax (312) 332-4446
Coral Gables, FL (305) 774-0840; fax (305) 774-0850
Dallas, TX (214) 637-1018/0732; fax (214) 637-1106
Elizabeth, NJ (908) 820-0881/0884; fax (908) 820-0866
Houston, TX (713) 270-6239/6270; fax (713) 270-9683
Las Vegas, NV (702) 437-5337/5339; fax (702) 437-5336
Los Angeles, CA (213) 383-8580; fax (213) 383-8599
Miami, FL (305) 371-8850; fax (305) 371-7820
New York, NY (212) 889-3608; (212) 679-2835
Nogales, AZ (520) 287-9405/9425; fax (520) 287-9416
San Francisco, CA (415) 771-8524/8530/8531; fax (415) 771-8522
Santa Ana, CA (714) 972-8105/8124/8236; fax (714) 972-8376
Woodbridge, VA (703) 490-4300; fax (703) 490-4463
Woodstock, GA (770)591-4140; fax (770)591-4160

Equatorial Guinea
Washington, DC (202) 518-5700; fax (202) 518-5252

Eritrea
Washington, DC (202) 319-1991; fax (202) 319-1304

Ethiopia
Washington,D.C (202) 587-1683/1684/1685/1686; Fax (202) 587-0195

Fiji
Washington, DC (202) 337-8320; fax (202) 337-1996
New York, NY (212) 687-4130; fax (212) 687-3963

Finland
Washington, DC (202) 298-5800; fax (202) 298-6030
Los Angeles, CA (310) 203-9903; fax (310) 203-9186
New York, NY (212) 750-4400; fax (212) 750-4418

France
Washington, DC (202) 944-6000; fax (202) 944-6166
Atlanta, GA (404) 522-4226; fax (404) 495-1661
Boston, MA (617) 542-7376; fax (617) 542-8054
Chicago, IL (312) 787-5359; fax (312) 664-4196
Houston, TX (713) 572-2799; fax (713) 572-2911
Los Angeles CA, (310) 235-3200; fax (310) 479-4813
Miami, FL (305) 372-9799; fax (305) 372-9549
New Orleans, LA (504) 523-5772; fax (504) 523-5725
New York, NY (212) 606-3689; fax (212) 606-3620/606-3614
San Francisco, CA (415) 397-4330; fax (415) 433-8357

Gabon
Washington, DC (202) 797-1000; fax (202) 332-0668

Gambia, The
Washington, DC (202) 785-1399; fax (202) 785-1430

Georgia
Washington, DC (202) 387-9153; fax (202) 387-0864
New York, NY (212) 867-3617/3272; fax (212) 867-3654

Germany
Washington, DC (202) 298-4000; fax (202) 298-4249
Atlanta, GA (404) 659-4760-62; fax (404) 659-1280
Boston, MA (617) 369-4934; fax (617) 369-4940
Chicago, IL (312) 202-0480; fax (312) 202-0466
Houston, TX (713) 627-7770; fax (713) 627-0506
Los Angeles, CA (323) 930-2703; fax (323) 930-2805
Miami, FL (305) 358-0290/91; fax (305) 358-0307
New York, NY (212) 610-9700; fax (212) 610-9702
San Francisco, CA (415) 775-1061; fax (415) 775-0187

Ghana
New York, NY (212) 832-1300; fax (212) 751-6743
Washington, DC (202) 686-4520; fax (202) 686-4527

Greece
Washington, DC (202) 939-1300; fax (202) 939-1324
Atlanta, GA (404) 261-3391/3313; fax (404) 262- 2798
Boston, MA (617) 523-0100; fax (617) 523-0511
Chicago, IL (312) 335-3915; fax (312) 335-3958
Houston, TX (713) 840-7522; fax (713) 840-0614
Los Angeles, CA (310) 826-5555; fax (310) 826-8670
New Orleans, LA (813) 865-0200; fax (813) 865-0206
New York, NY (212) 988-5500; fax (212) 734-8492
San Francisco, CA (415) 775-2102; (415) 776-6815

Grenada
Washington, DC (202) 265-2561; fax (202) 265-2468
New York, NY (212) 599-0301; fax (212) 599-1540

Guatemala
Washington, DC (202) 745-4952; fax (202) 745-1908
Chicago, IL (312) 332-1587/3170; fax (312) 332-4256
Miami, FL (305) 679-9945; fax (305) 679-9983
Houston, TX (713) 953-9531; fax (713) 953-9383
Los Angeles, CA (213) 365-9251/52; fax (213) 365-9245
New York, NY (212) 686-3837; fax (212) 447-6947
San Francisco, CA (415) 788-5651; fax (415) 788-5653

Guinea
Washington, DC (202) 986-4300; fax (202) 986-4800
New York, NY (212) 687-8115

Guinea-Bissau

New York, NY (212) 527-3215; fax (212) 527-3229

Haiti
Washington, DC (202) 332-4090/92; fax (202) 745- 7215
Boston, MA (617) 266-3660; fax (617) 266-4060
Chicago, IL (312) 922-4004; fax (312) 922-7122
Miami, FL (305) 859-2003/2006; fax (305) 223-1641
New York, NY (212) 697-9767; fax (212) 949-7966
San Juan, PR (809) 764-1392; fax (809) 764-3109

Holy See
Washington, DC (202) 333-7121; fax (202) 337-4036

Honduras
Washington, DC (202) 682-7873/5947/5948/5949 or (202) 737-2972/2978; fax (202) 737-2907
Atlanta, GA (770) 645-8881/8879; fax (770) 645-8808
Chicago, IL (773) 342-8281/8289; fax (773) 342-8293
Houston, TX (713) 785-5932/5625; fax (713) 785-5931
Los Angeles, CA (213) 383-9244; fax (213) 383-9306
Miami, FL (305) 269-9399/45/22; fax (305) 269-9445
New Orleans, LA (504) 522-3118/3119; fax (504) 523-0544
New York, NY (212) 714-9450/51/52; fax (212)714-9453
San Francisco, CA (415) 392-0076; fax (415) 392-6726

Hong Kong (See **China)**

Hungary
Washington, DC (202) 362-6730; fax (202) 966-8135/686-6412
Chicago, IL (312) 670-4079; fax (312) 670-4276
Los Angeles, CA (310) 473-9344; fax (310) 479-6443
New York, NY (212) 752-0669; fax (212) 755-5986

Iceland*
Washington, DC (202) 265-6653; fax (202) 265-6656
New York, NY (212) 593-2700; fax (212) 593-6269

***Note:** Call the New York number for foreign nationals that are arrested/detained in New York, New Jersey, Connecticut, and Rhode Island; all others call the Washington, DC number.

India
Washington, DC (202) 939-7000; fax (202) 483-3972
Chicago, IL (312) 595-0405/1410; fax (312) 595-0416/17
Houston, TX (713) 626-2148/49; fax (713) 626-2450
New York, NY (212) 774-0600; fax (212) 988-6423
San Francisco, CA (415) 668-0682/83; fax (415) 668-2073/7968

Indonesia
Washington, DC (202) 775-5200; fax (202) 775-5365
Chicago, IL (312) 595-1777; fax (312) 595-9952
Houston, TX (713) 785-1691; fax (713) 708-9644
Los Angeles, CA (213) 383-5126; fax (213) 487-3971
New York, NY (212) 879-0600; fax (212) 570-6206
San Francisco, CA (415) 474-9571; fax (415) 441-4320

Iran
Washington, DC (202) 965-4990; fax (202)965-1073

Iraq
Washington,DC (202) 483-7500; fax (202) 462-8815

Ireland
Washington, DC (202) 462-3939; fax (202) 232-5993
Boston, MA (617) 267-9330; fax (617) 267-6375
Chicago, IL (312) 337-1868; (fax) (312) 337-1954
New York, NY (212) 319-2555; fax (212) 593-6269
San Francisco, CA (415) 392-4214; fax (415) 392-0885

Israel
Washington, D.C. (202) 364-5500; fax (202) 364-5607
Atlanta, GA (404) 487-6500; fax (404) 874-5364
Boston, MA (617) 542-0041; fax (617) 338-4995
Chicago, IL (312) 565-3300; fax (312) 565-3871
Houston, TX (713) 627-3780; fax (713) 627-0149
Los Angeles, CA (213) 852-5500; fax (213) 852-5555
Miami, FL (305) 925-9400; fax (305) 925-9451
New York, NY (212) 499-5301; fax (212) 499-5355
Philadelphia, PA (215) 546-5556; fax (215) 545-3986

Boston, MA (617) 722-9201/9202/9203; fax (617) 722-9407
Chicago, IL (312) 467-1550/1551/1552/1553 ext. 117 ; fax (312) 467-1335
Detroit, MI (313) 963-8560, fax (313) 963-8180
Houston, TX (713) 850-7520; fax (713) 850-9113
Los Angeles, CA (310) 820-0622; (310) 826-3832/6207; fax (310) 820-0727
Miami, FL (305) 374-6322; fax (305) 374-7945
New York, NY (212) 737-9100; fax (212) 249-4945
Newark, NJ (973) 643-1448; fax (973) 643-3043
Philadelphia, PA (215) 592-7329/0079; fax (215) 592-9808
San Francisco, CA(415) 931-4924; fax (415) 931-7205

Jamaica
Washington, DC (202) 452-0660; fax (202) 452-0036
Miami, FL (305)374-8431/32; fax (305) 577-4970
New York, NY (212) 935-9000; fax (212)935-7507

Japan
Washington, DC (202) 238-6700; fax (202) 328-2187
Agana, Guam (671) 646-1290; fax (671) 649-2620
Anchorage, AK (907) 562-8424; fax (907) 562-8434
Atlanta, GA (404) 240-4300; fax (404) 240-4311
Boston, MA (617) 973-9772; fax (617) 542-1329
Chicago, IL (312) 280-0400; fax (312) 280-9568
Denver, CO (303) 534-1151; fax (303) 534-3393
Detroit, MI (313) 567-0120; fax (313) 567-0274
Honolulu, HI (808) 543-3111; fax (808) 543-3170
Houston, TX (713) 652-2977; fax (713) 651-7822
Los Angeles, CA (213) 617-6700; fax (213) 617-6727
Miami, FL (305) 530-9090; fax (305) 530-0950
Nashville, TN (615) 340-4300; fax (615) 340-4311
Saipan, NMI (670) 323-7201; fax (670) 323-8764
Nashville, TN (615) 340-4300; fax (615) 340-4311
New York, NY (212) 371-8222; fax (212) 319-6357
Portland, OR (503) 221-1811; fax (503) 224-8936
Saipan (670) 323-7201; fax (670) 323-8764
San Francisco, CA (415) 777-3533; fax (415) 974-3660
Seattle, WA (206) 682-9107; fax (206) 624-9097

Jordan
Washington, DC (202) 966-2664; fax (202) 686-4491

Kazakhstan
Washington, DC (202) 232-5488; fax (202) 232-5845
New York, NY (212) 888-3024; fax (212) 888-3025

Kenya
Washington, DC (202) 387-6101;fax (202) 462-3829
Los Angeles, CA (310) 274-6635
New York, NY (212) 486-1300; fax (212) 688-0911

Kiribati
Honolulu, HI (808) 521-7703; fax (808) 542-5159 (honorary consul)

Korea, Democratic People's Republic Of (North Korea)
New York, NY (646) 674-6000; fax (212) 972-3154 (U.N. Mission)

Korea, Republic of (South Korea)
Washington, DC (202) 939-6657; fax (202) 342-1597
Agana, Guam (671) 647-6488; fax (671) 649-1336
Anchorage, Alaska (907) 561-5488; fax (907) 563-0313
Atlanta, GA (404) 522-1611; fax (404) 521-3169
Boston, MA (617) 641-2830; fax (617) 641-2831
Chicago, IL (312) 822-9485; fax (312) 822-9849
Honolulu, HI (808) 595-6109; fax (808) 595-3046
Houston, TX (713) 961-0186; fax (713) 961-3340
Los Angeles, CA (213) 385-9300; fax (213) 385-1849
New York, NY (646) 674-6001; fax (646 674-6023
San Francisco, CA (415) 921-2251; fax (415) 921-5946
Seattle, WA (206) 441-1011; fax (206) 441-7912

Kosovo
Washington, DC (202) 380 -3581; fax (202) 380 -36 28

Kuwait
Washington, DC (202) 966-0702; fax (202) 966-8468
Los Angeles, CA (310) 556-0300; fax (310) 556-0400

Kyrgyzstan

Latvia
Washington, DC (202)328-2840; fax (202) 328-2860

Lebanon
Washington, DC (202) 939-6300; fax (202) 939-6324
Detroit, MI (313) 758-0753; fax (313) 758-0756
Los Angeles, CA (213) 243-0990/0999; F (213) 612-5070
New York, NY (212) 744-7905; fax (212) 794-1510

Lesotho
Washington, DC (202) 797-5533; fax (202) 234-6815

Liberia
Washington, DC (202) 723-0437; fax (202) 723-0436
New York, NY (212) 687-1025

Libya
Washington, DC (202) 994-9601; fax (202) 944-9603
New York, NY (212) 752-5775; fax (212) 593-4787

Liechtenstein
Washington, DC (202) 331-0590; fax (202) 331-3221
New York, NY (212) 599-0220; fax (212) 599-0064

Lithuania
Washington, DC (202) 234-5860; fax (202) 328-0466
Chicago, IL (312) 397-0382; fax (312) 397-0385
New York, NY (212) 354-7849; fax (212) 397-0385

Luxembourg
Washington, DC (202) 265-4171; fax (202) 328-8270
New York, NY (212) 888-6664; fax (212) 888-6116
San Francisco, CA (415) 788-0816; fax (415) 788-0985

Macao (See China)

Macedonia
Washington, DC (202) 667-0501; fax (202)667-2131
New York, NY (212) 317-1727; fax (212) 317-1484

Madagascar
Washington, DC (202) 265-5525; fax (202) 265-3034
New York, NY (212) 986-9491

Malawi
Washington, DC (202) 721-0270/2; fax (202) 721-0288
New York, NY (212) 317-8738/8718; fax (212) 317-8729

Malaysia
Washington, DC (202) 572-9755; fax (202) 572-9786
Los Angeles, CA (213) 892-1238; fax (213) 892-9031
New York, NY (212) 682-0232; fax (212) 983-1987

Maldives
New York, NY (212) 599-6195; fax (212) 972-3970 (UN Mission)

Mali
Washington, DC (202) 332-2249; fax (202) 332-6603

Malta
Washington, DC (202) 462-3611/12; fax (202) 387-5470
New York, NY (212) 725-2345; fax (212) 779-7097

Marshall Islands
Washington, DC (212) 983-3040; fax (212) 983-3202
Honolulu, HI (808) 545-7767; fax (808) 545-7211

Mauritania
Washington, DC (202) 232-5700; fax (202) 319-2623

Mauritius
Washington, DC (202) 244-1491/92; fax (202) 966-0983

Mexico
Washington, DC (202) 736-1000; fax (202) 234-4498
Albuquerque, NM (505)247-2147/39/4177; fax (505) 842-9490
Atlanta, GA (404) 266-2233; fax (404)266-2309/2302
Anchorage, AK (907) 334-9573; fax (907) 334-9673

Calexico, CA (760) 357-4132/3862/4931; fax (760) 357-6284
Chicago, IL (312) 738-2023; fax (312) 491-9237
Dallas, TX (214) 252-9250/52/53; fax (214) 630-3511
Del Rio, TX (830) 734-9962; fax (830) 774-6497
Denver, CO (303) 331-1110/1112; fax (303) 3311872/0169
Detroit, MI (313) 964-5536 or (313) 965-2503/(313) 580-7426; fax (313) 964-4522
Douglas, AZ (520) 364-3107/3142 (520) 508-8425; fax (520) 364-1379
Eagle Pass, TX (830) 773-9255/56; fax (830) 773-9397
El Paso, TX (915) 533-3644; (915) 544-9299; fax (915) 532-7163
Fresno, CA (559) 233-4241/0318; fax (559) 233- 5638
Houston, TX (713) 271-6800/(713)778-6108; fax (713) 271-3201; (713) 772-1229
Indianapolis, IN (317) 951-0005; fax (317) 951-4176
Kansas City, MO (816) 556-0800/0801/0802/0803; fax (816) 556-0900
Laredo, TX (956) 723-0990/6360/6369; fax (956) 723-1741
Las Vegas, NV (702) 383-9192 ext.211/212; fax (702) 383-0683
Little Rock, AR (501) 372-6933; fax (501) 372-6109
Los Angeles, CA (213) 351-6800/6825/6810; fax (213) 351-2114
McAllen, TX (956) 686-0243/0244/0554/; (956) 630-1777; fax (956) 686-4901
Miami, FL (786) 268-4900; fax (786)268-4895
New Orleans, LA (504) 528-3722; fax (504) 528-3724
New York, NY (212) 217-6400; fax (212)217-6493
Nogales, AZ (520) 287-2521/3381/3386; fax (520) 287-3175
Omaha, NE (402) 595-1862/1863; fax (402)595-1845
Orlando, FL (407) 422-0514 ext. 314/315/316; fax (407) 422-9633
Oxnard, CA (805) 984-8738/2162/2673; fax (805) 984-8747
Philadelphia, PA (215) 922-4262/3834; fax (215) 923-7281
Phoenix, AZ (602) 242-7398/(602) 995-5255/(602) 242-3649; fax (602) 2957/(602) 995-7496
Portland, OR (503) 478-0436; (503) 490-6032; fax (503) 274-1540
Presidio, (432) 229-2788; fax (432) 229-2792
Raleigh NC (919) 754-0046/0524 ; fax (919) 754-1726/1729
Sacramento, CA (916) 441-3287/3065; fax (916) 441-3147
Saint Paul, MN (651) 771-5494 ext.14; fax (651) 772-4419
Salt Lake City, UT (801) 521-8502 fax (801) 521-0534
San Antonio, TX (210) 227-7080/8458; fax (210) 227-1817
San Bernardino, 909-889-9836/9837/9808 (909) 384-8114: fax (909) 889-8285
San Diego, CA (619) 231-8414/6634, fax (619) 231-4802
San Francisco, CA (415) 354-1700/1701; fax (415) 495-3971
San Jose, CA (408) 294-3414/3415 EXT.120, fax (408) 294-4506
San Juan, PR (787) 764-8923/0258; fax (787) 250-0042
Santa Ana, CA (714) 835-3069/3749/0403; fax (714) 835-3472/4930
Seattle, WA (206) 448-3526 ext. 101/102/103/113 (206) 448-8417
Tucson, AZ (520) 882-5596; (520) 623-0146; (520) 884-9104; fax (520) 882-8959
Yuma, AZ (928) 343-0066/9600/9699; fax (928) 343-0077

Micronesia, Federated States of
Washington, DC (202) 223-4383; fax 202-223-4391

Moldova
Washington, DC (202) 667-1130; fax (202) 667-1204

Monaco
New York, NY (212) 286-0500; fax (212) 286-1574

Mongolia
Washington, DC (202) 333-7117; fax (202) 298-9227

Morocco
Washington, DC (202) 462-7982; fax (202) 265-0161
New York, NY (212) 758-2625

Mozambique
Washington, DC (202) 293-7146; fax (202) 835-0245

Namibia
Washington, DC (202) 986-0540; fax (202) 986-0443

Nauru
Honolulu, HI (808) 532-7821
New York, NY (212) 937-0074; fax (212) 937-0079

Nepal
Washington, DC (202) 667-4550; fax (202) 667-5534
New York, NY (212) 370-4188; fax (212) 953-2038

Netherlands
Washington, DC (1-877) 388-2443; fax (202) 364-2410
Chicago, IL (1-877) 388-2443; fax (312) 856-9218
Los Angeles, CA (1-877) 388-2443; fax (310) 0989

Washington, D. C. (202) 328-4800; fax (202) 667-5227
Los Angeles, CA (310) 566-6555; fax (310) 566-6556
New York, NY (212) 832-4038; fax (212) 832-7602

Nicaragua
Washington, DC (202) 939-6570; fax (202) 939-6545
Houston, TX (713) 789-2762; fax (713) 789-3164
Los Angeles, CA (213) 252-1170; fax (213) 252-1177
Miami, FL (305) 220-6900; fax (305) 220-8794
New Orleans, LA (504) 523-1507; fax (504) 523-2359
New York, NY (212) 983-1981; fax (212) 983-2646

Niger
Washington, DC (202) 483-4224-27; fax (202) 483-3169
New York, NY (212) 421-3260; fax (212) 483-3169

Nigeria
Washington, DC(202) 986-8400; (202)822-1557; fax (202) 362-5684
Atlanta, GA Fax (770)394-4671
New York, NY Fax (212)687-9303

Norway
Washington, DC (202) 333-6000; fax (202) 337-0870
Houston, TX (713) 521-2900; fax (713) 521-9648
Minneapolis, MN (612) 332-3338; fax (612) 332-1386
New York, NY (212) 421-7333; fax (212) 754-0583
San Francisco, CA (415) 986-0766; fax (415) 986-3318

Oman
Washington, DC (202) 387-1980; fax (202) 745-4933

Pakistan
Washington, DC (202) 243-6500; fax (202)686-1534
Chicago,IL (312)-781-1831/1833 fax; (312)-781-1839
Houston, TX (281) 894-6605; fax (281) 890-1433
Los Angeles, CA (310) 441-5114; fax (310)474-4871
New York, NY (212) 879-5800; fax (212)517-6987

Palau
Washington, DC (202) 452-6814; fax (202) 452-6281

Panama
Washington, DC (202) 483-1407; fax (202) 387-6141
Houston, TX (713) 622-4451, fax (713) 622-4468
Miami, FL (305) 447-3700; fax (305)447-4142
New Orleans, LA (504) 525-3458; fax (504) 424-8960
New York, NY (212) 840-2450; fax (212) 840-2469
Philadelphia, PA (215) 574-2994; fax (215) 574-4225
San Diego, CA (619) 235-4441
San Juan, PR (787) 792-1050; fax (787) 793-0200
Tampa, FL (813) 242-0310; fax (813) 886- 3624

Papua New Guinea
Washington, DC (202) 745-3680; fax (202) 745-3679

Paraguay
Washington, DC (202) 483-6960-62; fax (202) 234-4508
Los Angeles, CA (310) 417-9500; fax (310) 417-9520
Miami, FL (305) 374-9090; fax (305) 374-5522
New Orleans, LA (504) 522-7424
New York, NY (212) 682-9441; fax (212) 682-9443

Peru
Washington, DC (202) 230-9992; fax (202) 462-1088
Atlanta, GA (678) 336-7010; fax (678) 990-1920
Boston, MA (617) 338-2190; Fax (617) 338-2742
Chicago, IL (312) 853-6173; fax (312) 704-6969
Denver, CO (303) 355-8555; fax (303) 355-8003
Dallas, TX (972) 234-0005; fax (972) 234-0028
Hartford, CT (860) 548-0305; fax (860) 548-0094
Houston, TX (713) 850-8846; fax (713) 355-9377
Los Angeles, CA (213) 252-8111; fax (213) 252-8130
Miami, FL (305) 371-4836; fax (305) 373-5388; (305) 381-6027
New York, NY (914) 447-1781; fax (646) 735-3866
Patterson, NJ (973) 800-4252; fax (973) 278-0254
San Francisco, CA (415) 362-5647; fax (415) 362-2836
San Juan, PR (787) 250-0391; fax (787) 250-0319

Philippines

New York, NY (212) 764-1330, fax (212) 382-1146
San Francisco, CA (415) 433-6666/6667/6668, fax (415) 421-2641
Tamuning, Guam (671)646-4620/4630, fax (671) 649-1868

Poland
Washington, DC (202) 232-4517; fax (202) 328-2152
Chicago, IL (312) 337-8166; fax (312) 337-7841
Los Angeles, CA (310) 442-8500; fax (310) 442-8515
New York, NY (646) 237-2100; fax (646) 237-2105

Portugal
Washington, DC (202) 232-7632; fax (202) 462-3726
Boston, MA (617) 536-8740
Houston, TX (713) 759-1188; fax (713) 513-5270
New Bedford, MA (508) 997-6151; fax (508) 992-1068
New York, NY (212) 221-3245; fax (212) 221-3462
Newark, NJ (973) 643-4200
San Francisco, CA (415) 346-3400; fax (415) 346-1410
Providence, RI (401) 272-2003; fax (401) 273-6247
San Juan, PR (787) 755-8556; fax (787) 755-8556

Qata
Washington, DC (202) 274-1600; fax (202) 237-0061
Houston, TX (713) 355-8221; fax (713) 355-8184
New York, NY (212) 486-9335, fax (212) 758-4952

Romania
Washington, DC (202)232-6634 / (202)332-4829; fax (202) 232-4748 or (202)387-6902
Chicago, IL (312) 573-1315/1991; fax (312) 573-9771
Los Angeles, CA (310) 444-0043; fax (310) 445-0043
New York, NY (212) 682-9121/9120; fax (212) 972-8463

Russia
Washington, DC (202) 939-8907; fax (202) 483-7579
Houston, TX (713) 337-3300; fax (713) 337-3305
New York, NY (212) 348-1515; fax (212) 831-9162
San Francisco, CA (415) 928-6878, fax (415) 929-0306
Seattle, WA (206) 728-1910; fax (206) 728-1871

Rwanda
Washington, DC (202) 232-2882; fax (202) 232-4544

Saint Kitts and Nevis
Washington, DC (202) 686-2636; fax (202) 686-5740

Saint Lucia
Saint Lucia: Washington, DC (202) 364-6792; fax (202) 364-6723
New York, NY (212) 697-9360

Saint Vincent and the Grenadines
Washington, DC (202) 364-6730; fax (202) 364-6736
New York, NY (212) 687-4490

Samoa
New York, NY (212) 599-6196; fax (212) 599-0797

San Marino
New York, NY (212) 465-1012 (UN Mission)

Sao Tome and Principe
New York, NY (212) 697-4211; fax (212) 687-8389 (UN Mission)

Saudi Arabia
Washington, DC (202) 342-3800; fax (202) 944-3113
Houston, TX (713) 785-5577; fax (713) 785-1163
Los Angeles, CA (310) 479-6000; fax (310) 479-2752
New York, NY (212) 752-2740; fax (212) 688-2719

Senegal
Washington, DC (202) 234-0540; fax (202) 332-6315
Houston, TX (713) 706-0300; fax (713) 706-3304
New York, NY (917) 493-8950/51/52; fax (917) 493-8953

Serbia
Washington, DC (202) 332-0333; fax (202) 332-5974
Chicago, IL (312) 670-6707; fax (312) 670 6787
Metairie, LA (504) 465-1000 ext. 1015; fax (504) 465-1023
Cleveland, OH (216) 344-2010; fax (216) 344-2015
New York, NY (212) 596-4241; fax (212) 596-4363

Sierra Leone
Washington, DC (202) 939-9261 fax (202) 483-1793

Singapore
Washington, DC (202) 537-3100; fax (202) 537-0876
New York, NY (212) 223-3331; fax (212) 826-5028 or (212) 838-9453
Miami, FL (305) 858-4225; fax (305) 858-2334
Chicago, IL (312) 853-7555; fax (312) 853-7036
San Francisco, CA (415) 543-4775; fax (415) 543-4788

Slovakia
Washington, DC (202) 237-1054; fax (202) 237-6438
Los Angeles, CA (310) 209-1253; fax (310) 209-1261
New York, NY (212) 286-8434; fax (212) 286-8439

Slovenia
Washington, DC (202) 386-6610 fax (202) 386-6633
Cleveland, OH (216) 589-9220; fax (216) 589-9210
New York, NY (212) 370-3006; fax (212) 370-3581

Solomon Islands
New York, NY (212) 599-6192; fax (212) 661-8925 (UN Mission)

Somalia
New York, NY (212) 688-9410 or 688-5046 (UN Mission); fax (212) 759-0651

South Africa
Washington, DC (202) 232-4400; fax (202)265-1607
Chicago, IL (312) 939-7929; fax (312) 939-2588
Los Angeles, CA (323)651-0902; fax (323) 651-5969
New York, NY (212) 213-4880; fax (212) 213-0102

Spain
Washington, DC (202) 728-2330; fax (202) 728-2302
Boston, MA (617) 536-2506; fax (617) 536-8512
Chicago, IL (312) 493-0197; fax (312) 782-1635
Houston, TX (713) 974-1689; fax (713) 974-6935
Los Angeles, CA (323) 938-0158; fax (323) 938-2502
Miami, FL (305) 446-5511; fax (305) 446-0585
New York, NY (212) 355-4080; fax (212) 644-3751
San Francisco, CA (415) 922-2995; fax (415) 931-9706
San Juan, PR (787) 758-6090; fax (787) 763-0190

Sri Lanka
Washington, DC (202) 483-4025; fax (202) 232-7181
New York, NY (212) 986-7040; fax (212) 986-1838
Los Angeles,CA (213)387-0210; fax (213) 387-0216

Sudan
Washington, DC (202) 232-1492; fax (202) 232-1493
New York, NY (212) 421-2680

Suriname
Washington, DC (202) 244-7488; fax (202) 244-5878
Miami, FL (305) 265-4655; fax (305) 265-4599

Swaziland
Washington, DC (202) 234-5002; fax (202) 234-8254

Sweden
Washington, DC (202) 467-2600; fax (202) 467-2699
Los Angeles, CA (310) 445-4008: fax (310) 473-2229
New York, NY (212) 583-2550; fax (212) 755-2732

Switzerland
Washington, DC (202) 745-7900; fax (202) 387-2564
Atlanta, GA (404) 870-2000; fax (404) 870-2011
Chicago, IL (312) 915-0061; fax (312) 915-0388
Los Angeles, CA (310) 575-1145; fax (310) 575-1982
New York, NY (212) 599-5700; fax (212) 599-4266
San Francisco, CA (415) 788-2272; fax (415) 788-1402

Syria
Washington, DC (202) 232-6313; fax (202) 234-9548

Taiwan — Taipei Economic and Cultural Representative Office (TECRO)
Washington, DC (202) 895-1800; fax (202) 363-0999
Agana, Guam (671) 472-5865; fax (671) 472-5869

Houston, TX (713) 626-7445; fax (713) 626-1202
Kansas City, MO (816) 531-1298; fax (816) 531-3066
Los Angeles, CA (213) 389-1215; fax (212) 383-3245
Miami, FL (305) 443-8917; fax (305) 444-4796
New York, NY (212) 317-7300; fax (212) 754-1549
San Francisco, CA (415) 362-7680; fax (415) 362-5382
Seattle, WA (206) 441-4586; fax (206) 441-4320

Tajikistan
Washington, DC (202) 223-6090; fax (202) 223-6091

Tanzania
Washington, DC (202) 939-6125; fax (202) 797-7408

Thailand
Washington, DC (202) 944-3600; fax (202) 944-3611
Chicago, IL (312) 664-3129; fax (312) 664-3230
Los Angeles, CA (323) 962-9574; fax (323) 962-2128
New York, NY (212) 745-1770; fax (212) 754-1907

Togo
Washington, DC (202) 234-4212; fax (202) 232-3190

Tonga
San Francisco, CA (415) 781-0365; fax (415) 781-3964
New York, NY (917) 369-1025; fax (917) 369-1024

Trinidad and Tobago
Washington, DC (202) 467-6490; fax (202) 785-3130
Miami, FL (305) 374-2199; fax (305) 374-3199
New York, NY (212) 682-7272; fax (212) 986-2146

Tunisia
Washington, DC (202) 862-1850; fax (202) 862-1858

Turkey
Washington, DC (202) 612-6700; fax (202) 612-6744
Chicago, IL (312) 263-0644/1295; fax (312) 263-1449
Houston, TX (713) 622-5849/0324/3205/3276; fax (713) 623-6639
Los Angeles, CA (323) 655-8832/8039/8056/8329; fax (323) 655-8681
New York, NY (212) 949-0159/60; fax (212) 983-1293

Turkmenistan
Washington, DC (202) 588-1500; fax (202) 280-1003

Tuvalu
(See Listing for United Kingdom)

Uganda
Washington, DC (202) 726-7100/02

Ukraine
Washington, DC (202) 333-0606; fax (202) 333-0817
Chicago, IL (312) 642-4388; fax (312) 642-4385
New York, NY (212) 371-5690; fax (212) 371-5547
San Francisco CA (415) 398-0240; fax (415) 398-5039

United Arab Emirates
Washington, DC (202) 243-2400; fax (202) 243-2432

United Kingdom
Washington, DC (202) 588-6500; Fax (202) 588-7850
Atlanta, GA (404) 954-7700; Fax (404) 954-7702
Boston, MA (617) 245-4500/4524; Fax (617) 621-0220
Chicago, IL (312) 970-3800; Fax (312) 970-3852
United Kingdom : Houston, TX (713) 659-6270; Fax (713) 659-7094
Los Angeles, CA (310) 481-0031; Fax (310) 481-2960
NewYork, NY (212)745-0310/0206; Fax (212) 754-3062
Orlando, FL (407) 254-3300; Fax(407) 254-3333
San Francisco, CA (415) 617-1300; Fax (415) 434-2018

Uruguay
Washington, DC (202) 331-4219/1313; fax (202) 331-8142
Chicago, IL (312) 642-3430; fax (312) 642-3470
Coral Gables, FL (305) 443-9764; fax (305) 443-7802
New York, NY (212) 753-8191/92; fax (212) 753-1603
Santa Monica, CA (310) 394-5777; fax (310) 394-5140

Uzbekistan

New York, NY (212) 593-0144; fax (212) 593-0219 (UN Mission)

Venezuela
Washington, DC (202) 342-2214; fax (202) 342-6820
Boston, MA (617) 266-9355
Chicago, IL (312) 236-9658
Houston, TX (713) 974-0027/0028; fax (713) 974-1413
Miami, FL (305) 577-4301; fax (305) 372-5167
New Orleans, LA (504) 522-3284
New York, NY (212) 826-1660
San Francisco, CA (415) 955-1982
San Juan, PR (787) 766-4250

Vietnam
Washington, DC (202) 861-0737; fax (202) 861-0917
San Francisco, CA (415) 922-1577; fax (415) 922-1848

Yemen
Washington, DC. (202) 965-4760; fax (202) 337-2017
New York, NY (212) 355-1730; fax (212) 750-9613
San Francisco, CA (415) 567-3036; fax (415) 567-3371
Saline, MI (313) 551-3126; F (313) 551-3129

Zambia
Washington, DC (202) 265-9717/19; fax (202) 332-0826
New York, NY (212)888-5770; fax (212)888-5213

Zimbabwe
Washington, DC (202) 332-7100; fax (202) 483-9326

Countries that require mandatory notification

Algeria	**Dominica**	**Malta**	**Singapore**
Antigua and Barbuda	**Fiji**	**Mauritius**	**Slovakia**
Armenia	**Gambia, The**	**Moldova**	**Tajikistan**
Azerbaijan	**Georgia**	**Mongolia**	**Tanzania**
Bahamas, The	**Ghana**	**Nigeria**	**Tonga**
Barbados	**Grenada**	**Philippines**	**Trinidad and Tobago**
Belarus	**Guyana**	**Poland** (non-permanent residents only)	**Tunisia**
Belize	**Hong Kong** [2]	**Romania**	**Turkmenistan**
Brunei	**Hungary**	**Russia**	**Tuvalu**
Bulgaria	**Jamaica**	**Saint Kitts and Nevis**	**Ukraine**
China [1]	**Kazakhstan**	**Saint Lucia**	**United Kingdom** [3]
Costa Rica	**Kiribati**	**Saint Vincent and the Grenadines**	**U.S.S.R.** [4]
Cyprus	**Kuwait**	**Seychelles**	**Uzbekistan**
Czech Republic	**Kyrgyzstan**	**Sierra Leone**	**Zambia**
	Malaysia		**Zimbabwe**

1. Notification is not mandatory in the case of persons who carry "Republic of China" passports issued by Taiwan. Such persons should be informed without delay that the nearest office of the Taipei Economic and Cultural Representative Office ("TECRO"), the unofficial entity representing Taiwan's interests in the United States, could be notified at their request.

2. Hong Kong reverted to Chinese sovereignty on July 1, 1997. It is required to notify Chinese officials of the arrest or detention of the bearers of Hong Kong passports in the same manner as it required for bearers of Chinese passports.

3. British dependencies also covered by this agreement are Anguilla, British Virgin Islands, Bermuda, Montserrat, and the Turks and Caicos Islands. These residents carry British passports.

4. Although the U.S.S.R no longer exists, some nationals of its successor states may still be traveling on its passports. Mandatory notification should be given to consular officers for all nationals of such states, including those traveling on old U.S.S.R. passports. The successor states are listed separately above.

COUNTY OF SANTA CLARA

Department of Correction Policy and Procedure Manual	**Policy Number:** 11.09 **No. of Pages:** 4 **Date of Origin:** 28 May 2003 **Date of Revision:** 12 Feb 2010
Chapter: Intake and Release	**Subject:** Foreign Nationals
Supersedes: Processing Foreign Nationals, revised 5/28/2003	**Distribution:**
References: Vienna Convention on Consular Relations (1996), Articles 36 & 37, Department Policy 11.01, Inmate Admission for Booking	
Signature of Issuing Authority Edward C. Flores, Chief of Correction	**Current Policy Review** **Date of Review:** 12 Feb 2010 **Revisions Made:** ☒Yes ☐No

POLICY: It is the policy of the Department of Correction to comply with the requirements of the Vienna Convention on Consular Relations as they relate to consular notification and access for Foreign Nationals who have been arrested or detained.

PURPOSE: To establish a procedure for consular notification.

DEFINITIONS: Consular Officer: A citizen of a foreign country employed by a foreign government and authorized to provide assistance on behalf of that government to that government's citizens in a foreign country.

Foreign National - Any person who is not a U.S. citizen.

PROCEDURE:

I. Consular Notifications

A. The Vienna Convention on Consular Relations (VCCR) establishes the obligations with respect to the treatment of Foreign Nationals in the United States. Providing assistance to foreign citizens who are arrested or detained is addressed in Article 36 of the VCCR. In addition to or in lieu of, the VCCR, the United States may also enter into treaties with specific countries to address the protocols of consular relations. Some of these bilateral consular agreements require that consular officials are notified of the arrest or detention of one of their citizens regardless of the Foreign National's request.

B. When Foreign Nationals are arrested or detained, they must be advised of their right to have their consular officials notified. In some cases, the nearest consular officials must be notified of the arrest or detention of a Foreign National regardless of the Foreign National's request.

C. The list of countries and their Consulate contact numbers are attached to this policy or can be obtained from the Department of State Publication 10518. If a country is not listed, or if there is any question regarding the notification, staff may contact the United States Department of State Legal Advisor for Consular Affairs, Monday through Friday, 0800-1700 hours, Eastern Standard Time, at 1-202-647-1512 or refer to the State's website at http://travel.state.gov/law/notify.html

D. Certain persons may, upon being arrested, claim "Diplomatic Immunity" from arrest. Staff may verify this claim by contacting the United States Office of Protocol, which maintains a list of every person currently in the country who has been afforded diplomatic immunity, at 1-202-895-3532, Monday through Friday, 0800 - 1630 hours, Eastern Standard Time or refer to the State's website at http://www.state.gov/m/ds/immunities/c9125.htm

E. If no representative can be contacted at the above listed numbers, information may also be obtained from the California Office of Emergency Services at 1-916-845-8700, Monday through Friday, 0800-1700 hours, or 1-916-845-8911, 24 hours per day, ask for the Duty Law Enforcement Staff Member. You may also contact the California Office of Emergency Services Website at www.oes.ca.gov for the most current contact information.

F. Consular notification requires a written record of notification and the actions completed. The completed section at the bottom of the Pre-Booking Sheet relating to consular notification and the completed facsimile form notifying a consular office, will serve as the records of compliance. When an inmate claims to be a Foreign National after the admission process, the Booking Sergeant will add the completed facsimile form to the inmate's booking record.

G. Consular Officials will be granted access to Foreign Nationals in accordance with the Department Policy #17.11, Inmate Attorney and Official Visits.

H. In the event that an identified Foreign National dies in custody, the Booking Sergeant will notify the appropriate Consulate.

I. It will be the responsibility of the probate court or other legal authority to notify the nearest consular authorities when a guardian or trustee is appointed for a Foreign National who is a minor or an adult lacking full mental competency.

II. Consular Notification Procedure Upon Admission

A. The arresting officer is responsible for completing a Pre-Booking Sheet on anyone who is arrested and booked; this includes individuals with unknown citizenship status. If the arrestee claims to be a U.S. citizen, consular notification requirements are not relevant.

B. When an arrestee indicates they are a Foreign National (not a U.S. citizen), the arresting officer will indicate the country of origin and check the box "Alien Status/Citizen Of:" on the Pre-Booking Information Sheet. The foreign national must be informed they have the right to communication access with their consulate and the notification process.

C. The Intake/Booking Officer must determine whether consular notification is at the option of the Foreign National or whether it is mandatory utilizing the attached list of countries or refer to the State's Web sight at http://www.travel.state.gov/law/consular/consular 737.html#notification.

1. If consular notification is the Foreign National's option, the Intake /Booking Officer will complete the Consular Notification Option form, *(Attachment).*

2. If consular notification is mandatory, the Intake/Booking Officer will complete the Consular Notification Mandatory form, *(Attachment).*

D. When consular notification is mandatory or requested by the Foreign National, the Intake/Booking Officer is responsible for immediately making the notification to the appropriate consular office.

1. The Intake/Booking Officer will complete the Fax Sheet for Notifying Consular Officers of Arrests/Detentions form, *(Attachment)*, and send it by facsimile mail to the nearest consular office.

2. If there is a problem with the facsimile machine or if the officer cannot connect within one hour, the officer will contact the consular office by telephone to complete the notification process.

3. The Intake/Booking Officer will check the appropriate boxes on the Pre-Booking Sheet for "Request Notification to Consulate," "Mandatory Notification to Consulate" and date and time of the notification.

E. If an inmate wants to exercise their rights as a Foreign National after the admission process, staff will notify the Booking Sergeant who will be responsible for ensuring that the appropriate notification is made.

1. The Booking Sergeant will determine the validity of the claim.

2. If the claim is valid and no previous consular notification has been made, the Booking Sergeant will be responsible for making the appropriate consular notification.

III. Policy Revision

A. All Department policies will be reviewed by the Professional Compliance and Audit Unit.

COUNTY OF SANTA CLARA

Department of Correction Policy and Procedure Manual	Policy Number: 11.11 No. of Pages: 2 Date of Origin: 28 May 2003 Date of Revision: new
Chapter: Intake and Release	**Subject:** Out-of-State Warrants / Fugitives from Justice
Supersedes: Main Jail Procedure #208, Fugitive From Justice, revised 10/26/01	**Distribution:**
References: Penal Code 825, 1550.3 and 1551	
Signature of Issuing Authority James W. Babcock, Chief of Correction	**Current Policy Review** **Date of Review:** **Revisions Made:** ☐Yes ☐No

POLICY: It is the policy of the Department of Correction to admit and process a fugitive from justice pursuant to Penal Code 1551.1 and 1550.3.

PURPOSE: To establish a procedure for processing a fugitive from justice.

PROCEDURE:

I. Receiving a fugitive from justice

A. All arrestees are admitted and processed in accordance with Department Policy #11.01, Inmate Admission for Booking. However, when receiving fugitives from justice, intake/booking staff will also refer to the following additional admission procedures.

B. To admit an arrestee as a fugitive from justice with on an on-view charge of 1551.1 PC, the following must apply:

1. The arresting officer must have an out-of-state warrant for the arrestee as the basis for placing the 1551.1 PC charge. An arresting officer **may not** book an arrestee on a 1551.1 PC charge without an out-of-state warrant.

2. The out-of-state warrant **must** indicate that the requesting State is willing to extradite. An out-of-state warrant that indicates "no extradition" or that list specific States listed for extradition where California is not included will not be accepted.

3. The arresting officer must complete the Pre-booking Sheet and an Affidavit of Probable Cause to place the 1551.1 PC charge.

C. No bail will be set for an arrestee booked on a 1551.1 PC charge. All paperwork will be stamped "Magistrate to Set."

D. If, after the arresting officer has left the facility, an intake/booking officer discovers an out-of-state warrant for an arrestee where the State is willing to extradite, the intake/booking officer will advise the Booking Sergeant immediately. The Booking Sergeant will ensure the 1551.1 PC charge is placed on the arrestee and will ensure that an Affidavit of Probable Cause is completed.

II. Enroute Fugitive from Justice

A. Pursuant to Penal Code 1550.3, a Peace Officer or person executing the out-of-state warrant may confine a fugitive in the jail of any county or city through which he or she may pass.

B. When a fugitive from justice is brought to the jail for temporary confinement, all that is required is a completed Pre-booking Sheet with the charge of 1550.3. An Affidavit of Probable Cause **is not** required. This will be considered a courtesy hold.

III. Notifying the Sheriff's Office Fugitive/Warrant Unit

A. The Sheriff's Office Fugitive/Warrant Unit coordinates all matters relating to fugitives from justice and must be notified when a person is booked on a 1551.1 PC charge as a fugitive from justice.

B. Administrative Booking staff will be responsible for making the appropriate notification to the Fugitive/Warrant Unit. The Fugitive/Warrant Unit may be contacted during normal business hours, Monday through Friday, 0800-1700 hours, at 808-4815.

1. Copies of the arrest paperwork, including the Pre-Booking Sheet, the Affidavit of Probable Cause and any other holding documentation will be forwarded to the Fugitive/Warrant Unit.

2. Upon notification to the Fugitive/Warrant Unit, Administrative Booking staff will document on the face of the booking jacket that contact was made, the date, the time and an identification number.

C. Administrative Booking staff will ensure the arrestee is scheduled for arraignment in Municipal Court within the time restrictions set forth in 825 PC.

IV. Policy Revision

A. All Department policies will be reviewed not less than once a year. The Professional Compliance and Audit Unit will establish an annual schedule identifying policies to be reviewed during a specific month.

COUNTY OF SANTA CLARA

Department of Correction Policy and Procedure Manual	Policy Number: 11.19 No. of Pages: 6 Date of Origin: 18 Dec 2003 Date of Revision: new
Chapter: Intake and Release	**Subject:** Pre-Bookings / Commit Desk
Supersedes: None	**Distribution:**
References:	
Signature of Issuing Authority James W. Babcock, Chief of Correction	**Current Policy Review** **Date of Review:** **Revisions Made:** ☐Yes ☐No

POLICY: It is the policy of the Department of Correction to provide Pre-Booking services for Stay Commitments.

PURPOSE: To establish guidelines for the Pre-Booking at the Commit Desk.

DEFINITIONS:

Booking: An official recording of an arrest for the purpose of maintaining a record of the proceedings, and includes taking fingerprints and photographs of the person arrested.

Pre-Booking: A Booking record generated for a person who will surrender into custody at a later date.

Commit Desk: A workstation located in the lobby of the Main Jail that is staffed and equipped to pre-book Stay Commitments.

Stay Commitment (Commit): A person who will surrender into custody at a later date to begin serving a court ordered county jail/prison sentence, or a state hospital commitment as stipulated on the sentencing court paper.

Valid Government Issued Identification: An acceptable form by which a person can be identified including:

1. A current California or Out of State Driver's License
2. A current California Department of Motor Vehicles Identification or the application receipt.
3. A valid U.S. or foreign passport if it is constructed as identification with a picture.
4. A current U.S. Military Identification Card
5. An Immigration and Naturalization Service Alien Identification (Green Card)

6. An Immigration and Naturalization Service Work Authorization Identification.
7. A valid Mexican Consulate Identification

PROCEDURE:

I. Stay Commitments (Commits)

A. At sentencing, the court may grant a defendant (not in custody) a stay of execution allowing the defendant to report back at a later date to begin serving a court ordered county jail/prison sentence, or a state hospital commitment.

1. The sentencing paperwork will indicate the sentencing type and conditions.

2. The defendant will receive a copy of the sentencing paperwork, and the court will forward a copy to the Department of Correction Administrative Booking Unit.

B. The following is a list of sentencing options stipulated by the court for serving a county jail sentence.

1. Straight time (STR)
   a. The person serves his or her sentence in custody.
   b. The person Pre-Books and then reports directly to the Elmwood Complex on his or her stay date to begin serving the sentence.

2. Weekend Work Program (WWP)
   a. The person serves his or her sentence by participating in the Weekend Work Program on weekends or weekdays.
   b. The person Pre-Books and then reports directly to the Program to begin serving the sentence.

3. Electronic Monitoring Program (EMP)
   a. The person serves his or her sentence by participating in the Electronic Monitoring Program administered by the Probation Department.
   b. After Pre-Booking, Probation staff screen candidates for eligibility. Only Probation may authorize participation in this program.

4. Work Furlough (WFP)
   a. The person serves his or her sentence by participating in the Work Furlough Program administered by the Probation Department.
   b. After Pre-Booking, Probation staff screen candidates for eligibility. Only Probation may authorize participation in this program.

II. Commit Desk

A. The Commit Desk at the Main Jail Lobby is the Department's designated location for Pre-Booking Commits. The Main Jail lobby is used as the waiting area for persons waiting to pre-book.

B. The Commit Desk is staffed daily from 0630 to 1700 hours with one Officer. A Custody Support Assistant works with the Offices from 0700 to 1530 hours.

1. The Commit Desk Officer is responsible for setting up the Commit Desk. This includes, but is not limited to:

a. Obtaining keys from Central Control
b. Performing a security check of the Commit Desk area.
c. Retrieving the file cart containing the Department's copies of sentencing court papers from Administrative Booking.
d. Checking that there are sufficient supplies to get through the shift.
e. Powering up equipment and logging-on to computers.

2. The Commit Desk Officer will also assist the Lobby Officer in monitoring the order and security of the lobby area.

3. The Custody Support Assistant is responsible for assisting the Officer with the Pre-Booking process.

C. The Commit Desk is equipped with:

1. A CJIC terminal and printer (MJ28).
2. A CLETS terminal (SKA).
3. A Printrak photo station.
4. A Livescan for the Automated Fingerprint Information System (AFIS #6)

D. Badge staff assigned to work the Commit Desk will receive additional training as necessary to work this area. This includes, but not be limited to, the following:

1. Automated data systems such as **CJIC**, *Criminal Justice Information Control*; **CLETS**, *California Law enforcement Telecommunication System,* and **NCIC** *National Crime Information Center*
2. Automated Fingerprint Identification System (AFIS)
3. Photo imaging
4. Basic administrative booking procedures

F. The Pre-Booking process may follow the procedures outlined in this policy or may be adjusted as needed for, but not limited to, the following mitigating factors:

1. The Department does not have the person's sentencing court paper.
2. The person reports to the Main Jail for Pre-Booking on his or her surrender date.
3. The person surrenders to the Elmwood Complex without Pre-Booking.
4. The Commit Desk is closed due to staffing constraints or equipment malfunctioning.
5. The facility is in a state of emergency (e.g. Power failure, hazardous condition, inmate disturbance or other emergencies).

G. A Commit may not Pre-book at the Commit Desk on his or her actual stay date (surrender date). If the Commit has not pre-booked before the stay date, he or she will be processed as a Self Surrender Booking at Main Jail Intake regardless of the location of surrender (e.g. Main Jail Complex, Elmwood Men's Facility or Correctional Center for Women). For such cases refer to Policy #11.25, Inmate Admission for Commits, Self Surrenders, Remands or Program Roll-ups or Program Re-arrests.

III. Pre-Booking for Commits

A. A Commit may pre-book at the Main Jail any time after sentencing and before his or her stay date by reporting to the Commit Desk during its hours of operation.

1. The Commit must present the Officer at the Commit Desk with a copy of the sentencing paperwork and Valid Government Issued Identification. The date to pre-book stated on the sentencing paperwork is only a recommended date.

2. The sentencing paperwork will indicate the type of Commit (e.g. Straight time, WWP, or may make a recommendation for EMP or WFP.

B. The Commit will check in with the Commit Desk Officer and present his or her copy of the court sentencing paperwork and Valid Government issued identification.

1. If the Commit does not have his or her copy of the sentencing paperwork, the Commit Desk Officer may use the Department's copy.

2. If the Commit Desk Officer does not have the Department's copy of the sentencing paperwork, the Officer may use the Commit's copy.

3. If both the Commit and the Commit Desk Officer do not have a copy of the sentencing paperwork, the Officer will direct the Commit to get a certified copy from the court and return at another time.

4. If the sentencing paperwork is not clear, the Officer may confirm information in the computer through CJIC.

5. If the Commit does not have Valid Government Issued Identification and is sentenced to Straight time, the Commit Desk Officer may complete the Pre-Booking by doing an identity check using the AFIS Livescan.

6. If the Commit does not have Valid Government Issued Identification and is sentenced to the Weekend Work Program, the Commit Desk Officer will advise the Commit that identification will be required to begin the program.

C. The Commit Desk Officer will have the Commit put his or her name on the Pre-Booking sign-in sheet and will complete the Pre-Booking for each Commit on a first come first serve basis.

1. The Officer will verify the sentencing paperwork before directing the Commit to sign in and wait.

2. The Officer will only allow sign-ups up to the number of Commits that can be reasonably processed during the shift.

D. To complete a Pre-Booking, the Commit Desk Officer will:

1. Examine the information on the sentencing paperwork closely and verify the identity of the person requesting to Pre-Book.

2. Complete the Pre-Booking Identification Sheet and attach the sentencing paperwork.

3. Enter the Booking information in CJIC and print the booking packet.

4. Update the housing code.

a. For the Weekend Work Program it will be 4300R and "WWP."
b. For Straight time (males) it will be 4300A and "STR".
c. For Straight time (females) it will be 4300B and "STR."
d. For Electronic Monitoring Program and the Work Furlough Program, it will still be 4300A or 4300B. Probation staff will update to 4300ADP and "EMP" or 4300ADP and "WRF."

5. Complete the identification process.

a. Take fingerprint impressions using the AFIS Livescan.
b. Take a photograph using the Printrak Photo Imaging System.

6. Give the Commit a Pre-Booking Completion Form and applicable map and rules for the Weekend Work Program.

   a. The WWP instructions explain the reporting requirements and give the Commit directions on how to get to the reporting location.
   b. The Pre-Booking Completion form serves as proof of Pre-Booking. It is helpful to initiate the screening process with Probation to qualify for a program and it is helpful to speed up the acceptance process when reporting to the jail to start a sentence.

E. At the end of the shift, the Commit Desk Officer will:

1. Return the file cart to Administrative Booking along with all assembled booking packets.

2. Take the completed ID sheets to Intake Control or the tray in intake-booking for pick-up by Sheriff's Records staff.

3. Ensure the equipment is shut down, the workstation is secure and the keys are returned to Central Control.

IV. Other functions at the Commit Desk

A. The Commit Desk may be used as an alternate booking site in exigent circumstances.

B. In certain cases a person, convicted and sentenced to straight time in another county, may request to serve the sentence on a program in Santa Clara County. In such cases, the person may Pre-book under the following conditions:

a. The person must have a letter from Adult Probation of Santa Clara County showing acceptance to a program.

b. The person must present an original or certified copy of the sentencing paperwork. The order must stipulate that the defendant may serve the sentence in Santa Clara County.

V. Policy Revision

A. All Department policies will be reviewed not less than once a year. The Professional Compliance and Audit Unit will establish an annual schedule identifying policies to be reviewed during a specific month.

COUNTY OF SANTA CLARA

Department of Correction Policy and Procedure Manual	**Policy Number:** 11.23 **No. of Pages:** 3 **Date of Origin:** 27 Aug 2008 **Date of Revision:** New Policy
Chapter: Intake and Release	**Subject:** Inmate Notification of New Charges and Rights
Supersedes: Main Jail Procedure 222 and Elmwood Procedure 1404	**Distribution:**
References: PC821, 822, 850, 858.7, 1381	
Signature of Issuing Authority Edward C. Flores, Chief of Correction	**Current Policy Review** **Date of Review:** New Policy **Revisions Made:** ☐Yes ☐No

POLICY: It is the policy of the Department of Correction to ensure all inmates are notified in writing of any new charges or holds placed against them. These charges may be in addition to the offenses charged at the time of initial booking.

PURPOSE: To provide guidelines for notification to inmates of new charges or holds placed while in custody, in compliance with Penal Code Sections 821, 822, 850 and 1381.

DEFINITIONS: Retainable Offense: A charge designated by the California Department of Justice to be recorded in a person's State criminal history.

PROCEDURE:

I. Administrative Booking Responsibilities

A. The Administrative Booking Unit will be notified whenever an agency intends to place a new charge or hold against an inmate.

1. Warrant abstracts may be received via teletype.

2. Original warrants may be delivered by the holding agency.

3. A Probably Cause Affidavit will be required for any on-view charge being placed

B. The Administrative Booking Unit will prepare a 'Notification of Charges' form.

1. The charge will be noted on the face of the Booking Jacket.

2. A copy of the warrant, warrant abstract or pink copy of the Probable Cause Affidavit will be attached to the Notification of Charges form.

3. The canary copy of the Notification of Charges form and the original warrant, warrant abstract or Probable Cause Affidavit will be filed inside the booking jacket.

4. The 'Notification of Charges' form will be sent to the Divisions via inter-office (PONY) mail or fax.

II. Unit Officer Responsibilities

A. Main Jail Officers will:

1. Contact the inmate and verify his identity via AFIS, photo or ID wristband. The officer will then advise the inmate that a new charge(s) has been placed against him/her.

2. Have the inmate sign the 'Notification of Charges' form, acknowledging receipt of the new charge information.

3. Sign the 'Notification of Charges' form as the Witnessing Officer and give the inmate the pink copy of the Notification of Charges form and the copy of the warrant, warrant abstract or Probable Cause Affidavit.

B. Elmwood Officers will:

1. Complete and follow the instructions on the 'Request for Processing Notification of Charges' form faxed from Administrative Booking.

2. Complete the same steps as indicated in Section II. A. 1-3 of this policy.

C. If fingerprint verification is requested, the unit officer will ensure AFIS verification processing. At the earliest opportunity, a rover officer will escort the inmate to the appropriate AFIS identification area for completion.

III. PC 821/822 Requirements

A. If the inmate is being charged with an offense originating from another county, the officer receiving the notification of charges will ask the inmate if he/she wishes to appear before a magistrate in this county, per, PC 821/822.

B. If the inmate does not wish to appear before a magistrate, the officer will indicate "Do Not" on the Notification of Charges form.

C. If the inmate requests to appear before a magistrate in this county, the officers will indicate "Do" on the Notification of Charges form. The Administrative Booking Unit will coordinate the inmate's appearance in local court.

IV. Policy Revision

A. All Department policies will be reviewed not less than once a year. The Professional Compliance and Audit Unit will establish an annual schedule identifying policies to be reviewed during a specific month.

COUNTY OF SANTA CLARA

Department of Correction Policy and Procedure Manual	**Policy Number:** 11.25 **No. of Pages:** 10 **Date of Origin:** 18 Dec 2003 **Date of Revision:** new
Chapter: Intake and Release	**Subject:** Inmate Admission for Commits, Self Surrenders, Remands, Program Roll-ups, or Program Re-Arrests
Supersedes: Elmwood Procedure #503 & #1704. Main Jail Procedure #228	**Distribution:**
References: Penal Code 4024.2(c)	
Signature of Issuing Authority James W. Babcock, Chief of Correction	**Current Policy Review** **Date of Review:** **Revisions Made:** ☐Yes ☐No

POLICY: It is the policy of the Department of Correction to process for admittance a Commit, Self-Surrender, Remand, Program Roll-up, or Program Re-arrest in a way that ensures the legality of their commitment.

PURPOSE: To describe the procedures for accepting Commits, Self-Surrenders, Remands, Program Roll-ups, or Program Re-Arrests.

DEFINITIONS:

Stay Commitment (Commit): A person who will surrender into custody at a later date to begin serving a court ordered county jail/prison sentence, or a state hospital commitment as stipulated on the sentencing court paper.

Self-Surrender: A persons who turns him or herself in to custody for pending criminal matters or to serve a county jail sentence (e.g. surrendering on a warrant or surrendering as a commit).

Remand: A person who is remanded into custody during a daily court session to begin serving a county jail sentence; to be transported to a prison or hospital facility; or to remain in custody until sentencing.

Program Roll-up: An inmate who is removed from an out-of-custody program and placed back into custody.

Program Re-arrest: A person who is arrested while serving a sentence in an out-of-custody program.

PROCEDURE:

I. Location for admittance

A. Commits, Self-Surrenders, Remands, Program Roll-ups, and Program Re-arrests may be processed for admittance at the facility designated below unless otherwise specified in this policy or otherwise directed by the Watch Commander:

1. Remands, Self-Surrenders, Program Re-arrests, and Commits (who *have not* pre-booked) will be admitted only at the Main Jail.

2. Male Commits (who have pre-booked) may be admitted at the Elmwood Men's Facility.

3. Female Commits (who have pre-booked) may be admitted at the Correctional Center for Women.

4. Program roll-ups will be admitted at the Main Jail. The only exception is the PSP inmates whose job assignment is at the Elmwood Men's Facility. They may be admitted directly at Elmwood.

B. A person who reports to the Elmwood Complex to Self-Surrender on a warrant will not be accepted and will be told to surrender at the Main Jail. In exigent circumstances, where the person is insistent, the Officer may request a perimeter deputy to assist.

C. A person who reports to the Elmwood Complex to Self-Surrender as a Commit on his or her stay date to complete a county jail sentence but <u>has not pre-booked</u>, will be held and transported to the Main Jail for booking.

II. Guidelines for admitting a **Remand**, **Self-surrender**, **Program Re-Arrest**, or **Commit** (no pre-booking) at the Main Jail

A. A **Remand** from court will be processed for admittance in accordance with Policy 11.01, Inmate Admission, with the following additional guidelines:

1. The transporting officer must present paperwork form the court authorizing the commitment.

2. The transporting officer will not be responsible for transportation to VMC. If the Remand is not cleared for acceptance by medical staff, the Booking Sergeant will arrange for custody staff to transport the Remand to VMC.

B. A **Self-Surrender** on warrants will be processed for admittance in accordance with Policy 11.01, Inmate Admission, with the following additional guidelines:

1. When person comes to the Main Jail to surrender on a warrant, the lobby officer will run a warrant check for the person.

2. If the lobby officer finds an active warrant, he or she will:

   a. Request the warrant from the agency that holds it.
   b. Complete a Pre-Booking Information Sheet.
   c. Retrieve the property from the Self-Surrender and place it in a plastic bag.
   d. Detain the Self-Surrender in the lobby until the warrant is received.
   e. Contact the intake-booking Sergeant and request an Officer to escort the Self-Surrender to intake-booking for admission.

   Note: If the lobby officer finds an active warrant that also meets the criteria for citation, the Self-Surrender may be booked and cited at the Commit Desk if it is open for service.

C. A **Program Re-arrest** will be processed for admittance in accordance with Policy 11.01, Inmate Admission, with the following additional guidelines.

1. If the arrestee is currently serving a sentence on the **Public Service Program**, the arrestee will remain in custody and the intake-booking officer will:

   a. Print a copy of the "JIQC" screen from CJIC that shows the arrestee's current status on P.S.P as "4300G."

   b. Staple the printed copy to the face of the new Pre-Booking Information Sheet.

   c. Update the housing code from "4300G" to "4300I."

   d. Close the new booking jacket and record as a "SCIT" release *if the new charge(s) meets the citation criteria*. Process the arrestee as a Program roll-up.

      1) The arrestee will remain in custody on the old booking jacket as a Program roll-up.

      2) The intake-booking officer will utilize the old booking number for all paperwork associated with processing the inmate for housing.

e. Keep the new booking jacket open and complete the booking process *if the charge does not meet the citation criteria*.

1) The arrestee will remain in custody with two open booking jackets.

2) Administrative Booking staff will be responsible for merging the two booking jackets.

f. Complete an Administrative Rehousing Report and include the arrestee's name, old and new booking number, date and time of arrest, and list of charges.

g. Deliver the Administrative Rehousing Report to Classification staff once the Booking Sergeant signs it.

h. Notify custody staff working the Programs Division of the arrest.

2. If the arrestee is currently serving a sentence on the **Weekend Work Program, Electronic Monitoring Program or Work Furlough Program,** the intake-booking officer will:

a. Print a copy of the "JIQC" screen from CJIC that shows the arrestee's current status on WWP as "4300R", on EMP as "43ADP", or on WFP as "43ADP" (male), and on WRC as "4300L" (female).

b. Staple the printed copy to the face of the new Pre-Booking Information Sheet.

c. Update the housing code to "4300I."

d. Close the new booking jacket and record as a "SCIT" release *if the new charge(s) meets the citation criteria*. Process the arrestee as a release. When the arrestee is released the release officer will update the housing code back to the appropriate program.

e. Keep the new booking jacket open and complete the booking process *if the charge(s) does not meet the citation criteria*.

1) The arrestee will remain in custody with two open booking jackets.

2) Administrative Booking staff will be responsible for merging the two booking jackets.

f. Notify custody staff working the Programs Division or the Probation Department of the arrest. Programs or Probation staff is responsible for determining the inmate's continued participation in the program.

D. A **Commit** who surrenders on his or her stay date to complete a jail sentence, and *has not pre-booked,* will be processed for admittance in accordance with Policy 11.01, Inmate Admission, with the following additional guidelines:

1. If the Commit surrenders at the Elmwood Men's Facility or the Correctional Center for Women. He or she will not be turned away or told to report to the Main Jail. The sergeant will arrange to have the Commit transported to the Main Jail for booking once the stay date is confirmed.

   a. The transporting officer will complete a Pre-Booking Information Sheet and place the inmate's property in a plastic bag.
   b. The transporting officer will book the inmate at the Main Jail.
   c. The intake-booking officer will retrieve the sentencing paperwork from Administrative Booking or the Commit Desk.

2. If the Commit surrenders to the Main Jail, the lobby officer will:

   a. Request the court sentencing paperwork from Administrative Booking staff.
   b. Complete a Pre-Booking Information Sheet.
   c. Retrieve the property from the Commit and place it in a plastic bag.
   d. Detain the Commit in the lobby until he or she can be escorted to intake-booking.
   e. Contact the intake-booking Sergeant and request an escort for the Commit.

3. A **Commit** who attempts to surrender after his or her stay date will not be accepted. The Commit must return to court for new sentencing paperwork.

III. Guidelines for admitting a Program Roll-up at the Main Jail

A. A **Program Roll-up** will be processed for admittance in accordance with Policy 11.01, Inmate Admission, with the following additional guidelines.

1. If an inmate is no longer eligible or will no longer continue to participate in a program, Probation staff or Programs staff may bring the inmate into custody as a Program Roll-up.

2. The Programs or Probation Officer will complete a Pre-Booking Information sheet and an Administrative Rehousal form. Across the charge section of

the Pre-Booking Information sheet, the officer will write "Program Roll-up Open Jacket."

3. The intake-booking officer will ensure the inmate is positively identified using the AFIS Live Scan and will update the housing code to "4300I" and will:

   a. Forward the Administrative Rehousal to Classification staff.

   b. Utilize the inmate's old booking number to complete the admission process.

B. An inmate who fails to report to a program *may not* be brought in as a Program Roll-up. An inmate who does not report to the Public Service Program is referred to as a P.S.P. Walkaway. An inmate who does not report to any other program is referred to as a "No Show."

   1. If an inmate does not report to his or her designated program, staff responsible for the program must complete a "No Show" form and submit it to Administrative Booking staff.

      a. Administrative Booking staff will advise the court for action and close the inmate's booking jacket.

      b. At the court's discretion, a warrant may or may not be issued.

   2. If an inmate is later arrested on a warrant issued for not showing up at a program, he or she will be processed as a new arrest in accordance with Policy 11.01, Inmate Admission and not as a Program Roll-up.

IV. Guidelines for admitting a Pre-booked Commit at the Elmwood Men's Facility

A. Male Commits reporting to start their sentence will enter the Elmwood Men's Facility through the West Gate. Every inmate who pre-books is given a Pre-Booking Completion Form signed by the Commit Desk Officer or CSA at the time of Pre-Booking, and his paperwork and pictures are sent to Classification Unit at the Elmwood Complex.

B. The West Gate Officer will initiate the acceptance of the Commit.

   1. The Commit should have his Pre-Booking Completion Form and some form of identification. Note: This may not always be the case.

   2. The West Gate Officer will take the information and then contact Classification staff to verify the paperwork and stay date. If the Commit

does not have identification, he may be positively identified in the processing area using the AFIS Livescan or Single Finger Identity Scanner.

3. The West Gate Officer will complete a Pre-Booking Information Sheet with the inmate's name, personal filing number (PFN) and booking number. Across the middle of the form, the Officer will write, "Commit" in large letters and will:

   a. Retrieve his personal property and place the property and the Pre-Booking Information Sheet in a plastic bag.

   b. Conduct a pat-search and have him walk through the metal detector or use the hand-held metal detector.

4. Once verified by Classification staff, the West Gate Officer will advise the Processing Officer that the Commit is in the lobby ready to be escorted to processing.

   a. Classification staff will send the appropriate paperwork to the Processing Officer.

   b. If the paperwork is missing, Classification staff may request a duplicate copy to be printed at CCW processing.

C. The Processing Officer or other designated Officer will escort the inmate to the processing area for processing, housing and orientation. In the processing area, the Processing Officer will:

1. Inventory the inmate's property on the bottom half of the Pre-Booking Information Sheet and give the inmate the goldenrod copy as a receipt.

2. Confirm the inmate's identity using the AFIS Livescan or Single Finger Identity Scanner.

3. Ensure that the inmate signs the Notice of Telephone Monitoring Policy form or document his refusal to sign.

4. Contact medical staff to provide a medical screening of the inmate. Medical staff will interview the inmate and complete the Confidential Medical Information form. Refer to Policy 11.03, Medical Screening at Intake, for questions regarding varying medical issues.

   a. If recommended by medical staff, the inmate may be transported to VMC for further evaluation or transported to the Main Jail for housing.

b. If determined by the nurse, the inmate will receive a tuberculosis test.

D. Once the inmate is admitted, he may be processed for housing in accordance with Policy #11.21, Inmate Processing and Orientation.

1. Before the inmate can be processed for housing, Classification staff will interview the inmate and determine the housing assignment.

2. Absent exigent circumstances such as a medical condition that requires observation in the Infirmary, the inmate will be housed at the Elmwood Men's Facility.

V. Guidelines for admitting a Pre-booked Commit at the Correctional Center for Women

A. Female Commits reporting to start their sentence will enter the front lobby of the Correctional Center for Women. Every Commit who pre-books is given a Pre-Booking Completion Form signed by the Commit Desk Officer or CSA at the time of Pre-Booking, and her paperwork and pictures are sent to the Classification Unit at the Elmwood Complex.

B. The CCW Processing Officer will initiate the acceptance of a Commit.

1. The Commit should have her Pre-Booking Completion Form and some form of identification. Note: This may not always be the case.

2. The Processing Officer will let the Commit into the release sallyport, take her information and then contact Classification staff to verify the paperwork and stay date. If she does not have identification, she may be positively identified using the AFIS Single Finger Identity Scanner.

3. The Processing Officer will complete a Pre-Booking Information Sheet with the Commit's name, personal filing number (PFN) and booking number. Across the middle of the form, the Officer will write, "Commit" in large letters. The property will be placed in a plastic bag pending acceptance.

4. Once verified by Classification staff, the Processing Officer will let the Commit into the processing area and conduct a pat-search.

a. Classification staff will send the appropriate paperwork to the Processing Officer.

b. If the paperwork is missing, the Processing Officer will print a duplicate copy.

C. In the processing area, the Processing Officer will:

1. Inventory the inmate's property on the bottom half of the Pre-Booking Information Sheet and give the inmate the goldenrod copy as a receipt.

2. Ensure that the inmate signs the Notice of Telephone Monitoring Policy form or document her refusal to sign.

3. Contact medical staff to provide a medical screening of the inmate. Medical staff will interview the inmate and complete the Confidential Medical Information form. Refer to Policy 11.03, Medical Screening at Intake, for questions regarding varying medical issues.

   a. If recommended by medical staff, the inmate may be transported to VMC for further evaluation or transported to the Main Jail for housing.

   b. If determined by the nurse, the inmate will receive a tuberculosis test.

D. Once the inmate is admitted, she may be processed for housing in accordance with Policy #11.21, Inmate Processing and Orientation in additional to the following guidelines.

1. Before the inmate can be processed for housing, Classification staff will interview the inmate and determine the housing assignment.

2. Absent exigent circumstances such as a medical condition that requires observation in the Infirmary, the inmate will be housed at the Correctional Center for Women.

VI. Guidelines for admitting a PSP Program Roll-up at the Elmwood Men's Facility

A. Program Roll-ups will be processed for acceptance at the Main Jail with the exception of inmates on the Public Service Program that are assigned to the Elmwood Complex. In such cases, a Programs Officer or Custody Officer may initiate the roll-up.

B. The Officer initiating the roll-up or receiving the request of the inmate to roll-up will bring the inmate into the Elmwood Men's Facility through the West Gate and will:

1. Complete an Administrative Rehousal explaining the reason for the roll-up.

2. Complete a Pre-Booking Information Sheet form and write "Program Roll-up Open Jacket" across the middle of the form.

3. Retrieve the inmate's personal property and place it in a plastic bag with the Pre-Booking Information Sheet form, pending acceptance.

4. Pat-search the inmate and have him walk through the metal detector or use the hand-held metal detector and escort him to the processing area.

C. In the processing area, the Processing Officer will:

1. Inventory the inmate's property on the bottom half of the Pre-Booking Information Sheet and give the inmate the goldenrod copy as a receipt.

2. Contact medical staff to provide a medical screening of the inmate. Medical staff will interview the inmate and complete the Confidential Medical Information form. Refer to Policy 11.03, Medical Screening at Intake, for questions regarding varying medical issues.

a. If recommended by medical staff, the inmate will be transported to VMC for further evaluation.

b. If recommended by medical staff, the inmate will be transported to the Main Jail for housing.

3. Contact Classification staff and advise of the pending rehousal.

D. Once the inmate is admitted, he may be processed for housing in accordance with Policy #11.21, Inmate Processing and Orientation in additional to the following guidelines.

1. Before the inmate can be processed for housing, Classification staff will review the Administrative Rehousal and determine the housing assignment.

2. In exigent circumstances, such as a medical condition that requires observation in the Infirmary, the inmate may not be housed at the Elmwood Men's Facility.

VII. Policy Revision

A. All Department policies will be reviewed not less than once a year. The Professional Compliance and Audit Unit will establish an annual schedule identifying policies to be reviewed during a specific month.

COUNTY OF SANTA CLARA

Department of Correction Policy and Procedure Manual	**Policy Number:** 11.27 **No. of Pages:** 3 **Date of Origin:** 22 Aug 2008 **Date of Revision:** New Policy
Chapter: Intake and Release	**Subject:** Inmate Claims of False Arrest/False Imprisonment
Supersedes: Main Jail Procedure 220	**Distribution:**
References: Penal Code 825, 849(a)	
Signature of Issuing Authority Edward C. Flores, Chief of Correction	**Current Policy Review** **Date of Review:** New Policy **Revisions Made:** ☐Yes ☐No

POLICY: It is the policy of the Department of Correction to take immediate steps to verify the identity and/or validate inmate claims of false arrest and/or false imprisonment.

PURPOSE: To provide guidelines for documenting and verifying claims of false arrest and/or false imprisonment for persons arrested on warrants, in custody under someone else's name or inmates alleging an error was made in calculating their release date and they should be released.

DEFINITIONS: None

PROCEDURE:

I. Claims of Mistaken Identity

A. Documentation of Claims

1. If at any time an arrestee or inmate claims that he/she has been falsely arrested or imprisoned due to mistaken identity, the officer shall immediately notify the Team Sergeant.

2. The officer shall document the claim by completing a Verification of Inmate Identification Form, giving one (1) copy to the inmate and the original copy to the Team Sergeant for immediate follow-up.

3. To assist the reporting and investigating officers in recalling details of the incident should there be any future civil litigation, the following information should be included:

a. Inmate's full name and date of birth
b. Booking number

c. Charges and warrant docket numbers
d. Details of the inmate's claims
e. Details of the diligence in verifying the inmate's claims
f. Disposition of the investigation
g. Date, time, facility and housing unit
h. Reporting and investigating officer name and badge number

B. Investigation

1. The Team Sergeant will assign an officer to investigate the claim.

2. The assigned officer will investigate the claim by:

a. Comparing the identifiers on the warrant(s) with that of the claimant, to include:

1) Name
2) Date of Birth
3) Race
4) Social Security and Driver's License Numbers
5) Salient characteristics, such as scars, marks, or tattoos

b. Obtain an identification print via AFIS.

c. If the investigating officer's shift ends prior to the fingerprint verification of the inmate's identity, the following shift's Team Sergeant shall be advised of the pending action and assign an officer to complete the follow-up.

C. Follow-Up Actions and Disposition

1. Should the investigation reveal the inmate's claim of mistaken identity is valid, the inmate will be released from custody via ADMIN RELEASE. Refer to DOC Policy #11.31, Release.

2. Should the investigation disprove the inmate's claims, or should the investigating officer be unable to either prove or disprove the claims, the investigating officer should indicate in his/her report the diligent actions taken during the course of the investigation and the results. The investigating officer shall also notify the inmate of the investigation results and refer the inmate to his/her attorney or judge hearing his/her case.

D. Distribution of Reports

1. Upon completion of the investigation and follow-up, the investigating officer shall submit his/her completed report(s) to the appropriate Team Sergeant for approval and forwarding to Division Administration.

2. A copy of the report shall also be placed in the inmate's booking jacket for future reference.

II. Claims of Error in Release Date Calculation

A. If at anytime an inmate claims that he/she is falsely imprisoned because of an alleged error in the calculation of his/her release date or that formal charges have not been filed in the time allowed by law, the officer shall direct the inmate to submit an Inmate Request Form detailing his/her claim and conduct an immediate investigation into the allegations.

B. This procedure is limited to those cases where the inmate claims that he/she should have already been released or that his/her release is imminent (within 72 hours). All other inmate questions regarding future release dates should be handled through an Inmate Request Form.

C. Investigation

1. The involved officer shall first query CJIC and obtain the inmate's scheduled release as shown in the computer.

2. If the inmate disagrees with this information or there is no release date shown, the officer should make a notation on the Inmate Request Form of the CJIC information that the inmate alleges this information is incorrect.

3. The involved officer shall then conduct an immediate investigation into the inmate's allegation by contacting the Administrative Booking Unit, asking them to verify the inmate's release date or holding charges.

a. If the inmate's claims are proven to be incorrect, the officer shall note the name of the booking clerk and the results of the investigation on the Inmate Request Form, forward the appropriate copy of the Inmate Request Form to the Administrative Booking Unit for filing in the inmate's booking jacket, and return the yellow copy to the inmate.

b. If the inmate's claims are accurate, the officer shall notify the Team Sergeant, who will verify the results of the investigation and take appropriate steps to release the inmate.

III. Policy Revision

A. All Department policies will be reviewed not less than once a year. The Professional Compliance and Audit Unit will establish an annual schedule identifying policies to be reviewed during a specific month.

COUNTY OF SANTA CLARA

Department of Correction Policy and Procedure Manual	**Policy Number:** 11.29 **No. of Pages:** 4 **Date of Origin:** 27 Jun 2008 **Date of Revision:** New Policy
Chapter: Intake and Release	**Subject:** Inmate Lineups
Supersedes: Main Jail Procedure 213	**Distribution:**
References: None	
Signature of Issuing Authority Edward C. Flores, Chief of Correction	**Current Policy Review** **Date of Review:** New Policy **Revisions Made:** ☐Yes ☐No

POLICY: It is the policy of the Department of Correction to ensure a cooperative effort with all law enforcement agencies to assist these agencies whenever possible in the organization and coordination of successful and unbiased inmate lineups.

PURPOSE: To establish a uniform procedure for conducting inmate lineups.

DEFINITIONS: None

PROCEDURE:

I. Scheduling Inmate Lineups

A. Any law enforcement agency may request a lineup by contacting the Main Jail Administration Secretary. Lineups are generally scheduled at 1330 hours on weekdays however, upon agency request and with the Team Lieutenant approval, other arrangements may be made.

B. The requesting agency must provide the following information:

1. Lineup request date
2. Inmate/suspect's name and booking number
3. Agency case number
4. Agency detective assigned and phone number
5. Number of witnesses
6. Additional information as necessary

C. Main Jail Administration will prepare a "Lineup Request" memorandum listing the above noted criteria, provide a copy to the Team Sergeants scheduled for duty on the requested lineup date, and retain a third copy for Main Jail Administration files.

D. The Team Sergeants will designate an officer to coordinate the lineup.

II. Selecting Inmates for Lineup

A. The assigned officer will meet with the suspect inmate and familiarize him/herself with the inmate's general description.

1. The officer should obtain a booking photograph of the inmate, i.e., classification card or custody sheet, to assist in selecting lineup participants.

2. If the suspect inmate refuses to participate in the lineup process, the assigned officer will contact the requesting agency's representative to determine a course of action.

B. The assigned officer will use the Department Mugshot system to select potential candidates by logging into the system and selecting the "Lineups" option. From the Lineups menu, the officer can enter either the CEN or PFN of the suspect inmate, select the most recent picture and then choose the "Similar Image Search" button from the Image Options (icons running down the center of the screen). If the suspect inmate's appearance has changed significantly from the time the booking photograph was taken, physical descriptors can be entered instead of using the "Similar Image Search" function.

C. The assigned officer will review custody sheets and/or classification cards at various officer stations to locate inmates resembling the suspect inmate. As an alternative, the officer may elect to perform on-view selections. On-view selections would entail the officer walking through modules; selecting individuals he/she feels resemble the suspect.

D. The assigned officer will meet with each potential candidate to determine his/her actual resemblance to the suspect inmate and to ascertain if he/she is willing to participate. Inmates will not be forced to participate in a lineup.

E. Inmates who are willing to participate may be given special privileges for participating, i.e. an extra meal. The assigned officer will provide the participant inmate with a 3x5 card stating his/her participation in the lineup and the assigned officer's initials and badge number. The inmate will submit the card to his/her housing unit officer to claim the extra meal.

F. Six participants are necessary to conduct a lineup, including the suspect inmate. If possible, the assigned officer should provide one (1) or two (2) extra candidates for the attorneys and agency representative to pick from.

G. Maximum Security, Protective Custody and Mental Health Unit inmates are not eligible to participate in a lineup, unless they are the suspect.

III. Conducting a Lineup

A. At the appointed time, the assigned officer will assemble the lineup candidates in a staging area (i.e. 2nd Floor Medical Holding Cell) and instruct them in the lineup process. A second escort officer should be available during the actual lineup to provide additional security.

B. All lineup candidates must be dressed alike (i.e. white thermals, khaki pants and jail sandals). The assigned officer will obtain necessary clothing from the clothing room.

C. The assigned officer will instruct the inmates to change their clothes, if necessary.

D. The attorneys and agency representatives will have the opportunity to review the candidates and select the lineup participants. Inmates not selected will be immediately returned to their housing units.

E. The six (6) lineup participants will be assigned a random number and attorneys and agency representatives will be given the opportunity to photograph the lineup. The inmates will then be escorted one at a time into the lineup room. An escort officer will accompany the inmates into the lineup room to ensure security and inmate cooperation.

F. The requesting agency representative will be responsible for the organization and conduct of the lineup and of any witnesses or attorneys, to include:

1. Scheduling and instruction for all witnesses and attorneys

2. Conduct of witness participants in the lineup viewing area

3. Coordination with the Information Desk Officer in securing witness access to the lineup viewing area

a. All witnesses will be assembled in the visitor's waiting area prior to being admitted to the lineup viewing area.

b. Witnesses will be allowed to enter the facility and will be directed by the Information Desk Officer to the public waiting room adjoining the lineup room. This movement will be coordinated with Main Jail Control.

G. Upon completion of the lineup, the escort officer will direct the inmates back into the lineup holding cell. The inmates will change back into their assigned jail clothing and return immediately to the assigned housing units.

H. The assigned officer will complete a "Lineup" Employee's Report to include but not limited to:

1. Date and time of the lineup
2. Name of the suspect inmate and his/her booking number and general description
3. Names of the inmate participants and their booking numbers and general description
4. The requesting agency and name of their coordinator.

IV. Out-Of-Custody Lineups

A. The procedures for an out-of-custody lineup are the same as for an in-custody lineup, with the following exceptions:

1. The requesting agency will provide the assigned officer, in advance, with a photograph and physical description of their suspect to assist in selecting inmate participants.

2. It shall be the responsibility of the requesting agency to provide an officer as extra security for the out-of-custody participants during the entire period they are allowed inside the security perimeter of the facility.

3. The requesting agency representative, as assisted and directed by the assigned escort officer, will be responsible for:

a. Bringing the out-of-custody participants to the Main Jail Information Desk and advising them of the conduct and limitations while inside the facility, to include:

1) The participant will not attempt to pass contraband to any inmate.
2) The participant will not attempt to communicate with any inmate.
3) The participant will follow all directions given by an officer.

b. Conducting a pat search of the participant(s).

c. Escorting out-of-custody participant(s) through the Information Desk metal detector and maintaining supervision of the participant while he/she is in the facility.

d. Standing by for security during the lineup process.

e. Escorting the participant(s) out of the facility upon completion of the lineup.

B. If an out-of-custody participant refuses to submit to a pat search or a metal detector scan, he/she shall be immediately excluded from the lineup and the lineup process will be terminated.

V. Policy Revision

A. All Department policies will be reviewed by the Professional Compliance and Audit Unit.

COUNTY OF SANTA CLARA

Department of Correction Policy and Procedure Manual	**Policy Number:** 11.31 **No. of Pages:** 9 **Date of Origin:** 01 Feb 1992 **Date of Revision:** 08 Sep 2008
Chapter: Intake and Release	**Subject:** Inmate Release
Supersedes: Old DOC Policy 20.01, rev. 07/23/98 Main Jail procedure 226 & 227, Elmwood procedure 1604, and Elmwood Women's Facility Procedure 2001	**Distribution:**
References: ACA 3-ALDF-4G-01 thru 4G-07, United States Constitution, Amendments VI, VIII, Penal Code Sections 821, 822, 849(a), 849(b), 1269, 3081, 4018.6, 4024.1	
Signature of Issuing Authority Edward C. Flores, Chief of Correction	**Current Policy Review** **Date of Review:** 08 Sep 2008 **Revisions Made:** ☒Yes ☐No

POLICY: It is the policy of the Department of Correction to ensure all inmates who have completed a sentence, or whose sentence has been modified by an officer of a legally constituted jurisdiction, are afforded a timely release.

PURPOSE: To ensure an inmate's timely release from a Department of Correction facility or program upon completion of a sentence or modification of a sentence by the court.

DEFINITIONS:

Adult Community Residential Service: A community- based program providing a group residence, i.e., a house or work release center, for probationers, parolees, residents in incarcerated status, and referrals through the courts or other agencies. Commonly referred to as a halfway house.

AFIS: Automated Fingerprint Identification System.

Bail: Money or securities, deposited with a court to guarantee a defendant's appearance in court on a certain date.

Furlough: A period of time during which an offender is allowed to leave the program or institution and go into the community, unsupervised, for various purposes consistent with public interest.

Live Scan: A device that captures demographic data and fingerprint impressions and compares those fingerprints to those in the San Jose Police Department Central Identification Database (CIU).

Pretrial Release: A procedure whereby an individual in custody is allowed to be released before and during his/her trial.

TSO Status: Temporary Sign Out Unsentenced. Court ordered, unsentenced inmates temporarily released to the custody of a law enforcement agency.

TSOS Status: Temporary Sign Out Sentenced. Court ordered, sentenced inmates temporarily released to the custody of a law enforcement agency.

VINE: Victim Information Notification Everyday. An automated victim information telephone line providing registered victims with telephone contact when an inmate is being released from custody of the Department of Correction.

PROCEDURE:

I. Release Authorization and Notification

A. All inmate release paperwork will be originated by the Administrative Booking Unit.

1. Administrative Booking staff will notify the Release Officer and Property Room CSA via a CJIC JNOT message of scheduled inmate releases, listing the inmate names, booking numbers, housing location and type of release and any specific requirements needed prior to release, i.e., Registration Notifications, 296 PC etc.

2. Administrative Booking staff will state on the JNOT, "PSYCH Hold" and the release officer will notify Mental Health staff for those inmates requiring mental health care.

B. If the Release Officer has any doubts about an inmate's release, he/she shall contact the Administrative Booking Unit and the Team Sergeant for direction.

1. Final determination for release or retention will be made by the on-duty Administrative Booking Unit Supervisor and the Team Sergeant.

2. The Duty Sergeant must be notified whenever an inmate classified as a maximum security (color-coded red) or charged with PC 187 or PC 664/187 is about to be released from custody.

C. When bail has been set by local magistrate, an inmate may, at any time during his/her incarceration, post bail. (Please refer to the Admin Booking Unit for acceptable methods for posting of bail).

D. Inmates who are serving a sentence in lieu of paying a cash fine may be released when the fine is paid in accordance with the criteria set by the sentencing court.

E. Inmates may be released on their own recognizance from the court having jurisdiction of their case.

F. Inmates will be released when the charges against them have been dropped by:

1. The prosecuting attorney's office

2. The court of jurisdiction

3. The arresting law enforcement agency in accordance with Penal Code 849(b)

4. Penal Code Section 849(a).

G. Inmates shall be released when the court-ordered sentence against them has been completed.

H. Inmates may be released pursuant to Penal Code 853.6 (Cite/Release).

I. Inmates may be temporarily released via a court order to law enforcement agencies for the purpose of assisting in an official investigation.

J. Inmates may be temporarily released via a court order to a law enforcement agency or medical/mental health facility for the purpose of business outside the facility.

K. Inmates may be released to other agencies that have the authority per Penal Code Section 821/822.

L. Upon authorization from the court, inmates may be released early when the actual inmate count exceeds the actual bed capacity, per Penal Code Section 4024.1.

M. The County Parole Board has the authority to release an inmate from custody per Penal Code Section 3081.

N. Inmates may be released to an original or new custodial agency such as the California State Prison system.

O. Inmates are allowed escorted and unescorted leaves into the community per Penal Code Section 4018.6 for the purpose of developing plans for community re-entry or family emergency. All PC4018.6 pass requests must be approved by the Division Commander.

II. Release Officer Responsibilities

A. Upon notification of a pending release, the Release Officer will:

1. Verify receipt of all the inmate's money, personal clothing and property from the CSA in the Property Room.

   a. If the Release Officer is releasing an arrestee on a citation from the Intake area, the Release Officer will retrieve the arrestee's dropped money envelope by accessing the "Citable" keeper safe and retrieving the envelope that corresponds with the arrestee. The Release Officer will escort the arrestee along with their personal property and money envelope to the release station.

   b. Any missing money from a citable inmate will be immediately reported to the Intake Sergeant. The Release Officer will report the missing money information on an Employee's Report immediately following the discovery. The Intake Sergeant will initiate an investigation into any report of missing money.

2. Review the release paperwork for correctness and to ensure the type of release, i.e., release from custody, release to another party or agency, and other directions listed on the 'DIAG'.

3. Notify the appropriate unit officer and/or rover officer of the pending inmate release, providing the inmate's name and booking number.

   a. The unit officer will direct the inmate to gather his/her bedding and property and direct the inmate to the Floor Station

   b. The inmate will then be directed to the Release area for further processing and release.

4. Ensure proper medical and mental health notifications have been made, if necessary (e.g. Infirmary, Special Housing, Acute Psychiatric Unit releases) to determine if there are any special release instructions.

   a. Inmates with special medical release instructions will have a green sticker attached to their classification card by medical staff notifying the Release officer there is a pending medical release packet to be given to the inmate prior to his/her release.

B. When the inmate arrives at the Release area, the Release Officer will verify the inmate's identity via the Live Scan device located at the release window. The Release Officer will also check the inmate wristband to confirm identity.

1. If Live Scan is down and there is a time constraint for the release, the Release Officer will verify the identity of the inmate via the Photo Imaging

system, comparing scars and tattoos, asking the inmate his/her name, DOB and social security number.

C. The Release Officer will instruct the inmate to dress out in his/her personal clothing and ensure that all jail clothing and property are turned in prior to release.

1. If the inmate is in need of clothing or shoes, he/she will be offered clothing from the supply of indigent clothing in the property room. Inmates are not allowed to leave the facility in jail-issued clothing.

2. During winter months inmates will not be released without acceptable clothing.

D. The Release Officer will account for the release of personal property and money as indicated below:

1. The Release Officer will open the property bag and retrieve the green property release form and present the property to the inmate.

2. The Release Officer will verify the dollar amount documented on the inventoried money section of the Property Release form with the documented amount on the money envelope.

3. The Release Officer will open the money envelope and count the dollar amount as verified by the inventoried money and money envelope to the inmate.

4. The Release Officer will denote the money being released by stamping the form with the "Inventoried Money Release" stamp. The Release Officer will affix the stamp on the back page of the form adjacent to the Prisoner Signature section of the form.

5. The Release Officer will fill in the stamped required information related to the amount of money being released and date and time of release. The Release Officer will have the inmate sign both of the Prisoner Signature sections on the form and stamped areas; one signature for the money and one signature for the property.

6. The Release Officer will sign his/her name on the Releasing Officer section and denote his/her badge number, and the time and date of release of property.

E. The Release Officer will advise the inmate of the type of release and pending court dates, if applicable. If the inmate is released on citation or own recognizance, the Release Officer will ensure the inmate receives the appropriate paperwork at the time of release.

F. The Release Officer must enter the appropriate release codes in CJIC prior to the inmate physically exiting the facility. Upon doing so, the Release Officer can direct the released inmate through the exit doors.

III. Release to a Program

A. Under the direction from the court, inmates are allowed to participate in community-based programs which facilitate transition from the institution to the community. Refer to Department Policy #13.07, In-Custody and Program Release Transfers, for additional information.

IV. Release of Mental Health Inmates

A. The Mental Health Unit will advise the Administrative Booking Unit via a Request for Notification Form of inmates who will require a mental health evaluation prior to being released.

1. The Release Officer must contact the Mental Health Unit to determine if the inmate is cleared to be released from custody or if he/she will require continued observation at E.P.S. The Release Officer will note the name of the Mental Health Staff person clearing the inmate for release of the notification form, along with date and time contacted.

2. If the inmate is cleared by mental health staff, the Release Officer will process the inmate for release.

3. If the inmate is to be released to Valley Medical Emergency Psychiatric Services (E.P.S.), the mental health staff will call an ambulance to transport the inmate.

V. Release of Inmates to Other Agencies

A. Inmates who are released to the custody of other agencies will be processed following the procedures outlined in Section II of this policy, with the following exception:

1. The inmate will be dressed out in his/her clothing, and inspect his/her property and money. The property and money will be turned over to the transporting officer from the law enforcement agency receiving the inmate.

B. The Release Officer must verify that the agency representative is the correct person to receive the inmate.

C. If the inmate is a TSO or TSOS with a detainer to another agency, the receiving agency will return the inmate to the Santa Clara County Department of Correction as stated in the detainer, unless a teletype is sent to the receiving agency to release the detainer.

1. The releasing officer shall ensure the DOC Detainer is signed by the receiving agency. The releasing officer shall give the original signed copy to the agency and forward a copy of the signed Detainer back to the Administrative Booking Unit.

D. The outside agency transporting officer will sign the Inmate Release Form as receipt of the inmate.

E. Do not delay the law enforcement agency if CJIC or the network terminal is down. In this case, the Release Officer shall complete manual notifications in the VINE system.

VI. Administrative Booking Release

A. Juveniles

1. If during the Intake process, the Booking Officer suspects an arrestee may be a juvenile, the Booking Officer will immediately begin steps to determine if arrestee is eligible for acceptance into the facility or if he/she should be released from custody via ADMIN RELEASE and transferred to Juvenile Hall. Refer to Department Policy #13.13, Juvenile Inmate Housing, for additional information.

B. Inmate Claims of False Arrest

1. If after being housed, an inmate claims to have been falsely arrested, the unit officer will conduct an investigation and advise the Team Sergeant. If the investigation confirms the inmate was falsely arrested, the inmate will be released from custody via ADMIN RELEASE. Refer to Department Policy #11.27, Inmate Claims of False Arrest/False Imprisonment, for additional information.

C. Prison Releases

1. The Administration Booking Unit will notify the Release Officer via a typed list on DOC letterhead for all prison transports, including CDC parolees

2. The Release Officer will prepare the inmate property for release to State Prison the evening before the scheduled release.

3. The Release Officer will prepare individual envelopes (bus tickets) for each inmate, with the inmate's name and booking number written on the outside of the envelope with a black marker.

a. The inmate will be instructed to place items they wish to take with them to prison in the envelope. Items will be limited to those items as indicated on the CDC memorandum.

4. The CSA will close the inmate's money account and a warrant will be issued in the inmate's name for any remaining funds.

5. Inmates will sign for their money, property and clothing, but will not be given any of their property. The Release Officer will place the inmate's money, property and clothing in a bag labeled with the inmate's name and booking number.

6. Inmates will be strip searched and dressed back into their jail clothing. Inmates will be transferred to prison in jail clothing that is appropriate for their classification with the exception of Protective Custody inmates. Inmates in red/brown clothes will be transferred in red/red.

7. Inmates will be encouraged to release excess property and clothing to their friends and/or family. No clothing exchanges will be accepted for inmates sentenced to prison.

8. The inmate identification wristband will remain on the inmate and will be removed at state prison.

9. Inmates going to state prison will not be told in advance that they will be leaving. The inmates are not to use the telephone to call anyone when they are awaiting transportation to prison. Inmate workers or other inmates are not to have access to any prison list nor are they to be told if someone is leaving for prison.

10. Once the prison inmates have left the facility, the Release Officer will release the inmates from CJIC.

VII. Live Scan, Network and CJIC Problems

A. If the Live Scan device is down and there is a time constraint for the release, the Release Officer shall verify the identity of the inmate as follows:

1. Ask the inmate his/her full name, DOB and social security number. The Release Officer will refer to the photo of the inmate in the Photo Imaging system and compare any scars, marks or tattoos that might be listed on the booking sheet.

2. The Release Officer will "out-print" the inmate on the custody sheet using the inkpad to take a rolled print of the inmate's right index finger.

3. The Release Officer will have the inmate sign the back of the custody sheet and compare the signature with the original signature on the front of the custody sheet.

B. The Release Officer shall release the inmate from CJIC before allowing the inmate to exit the facility using the JIUR code.

1. If the network terminal is down, the Release Officer shall enter the release in CJIC via the main frame terminal. Once the release is entered into the computer, the inmate may leave the facility.

2. If CJIC is down, the inmate may not leave until it is possible to release them from the CJIC computer. Exception: Releases with mandated times of release, e.g. Bail release, may be released once officer has made manual notification to the VINE system.

3. Once CJIC is up, the Release Officer shall update the releases via the JIUR mask. The release date and time shall be the exact time the inmate left the facility.

VIII. Release in Error from CJIC

A. If an inmate is released in error from CJIC, the releasing officer will immediately contact the Administrative Booking Unit with the 'released in error' information and Administrative Booking will reactive the CEN immediately.

IX. Courtesy Transportation

A. When persons are wrongfully arrested on non-local or out-of-county warrants, and who have been transported from other areas, the Team Administrative Sergeant will contact Sheriff's Office Transportation unit to coordinate the person's return to their point of origin.

X. Policy Revision

A. All Department policies will be reviewed not less than once a year. The Professional Compliance and Audit Unit will establish an annual schedule identifying policies to be reviewed during a specific month.

COUNTY OF SANTA CLARA

Department of Correction Policy and Procedure Manual	Policy Number: 11.37 No. of Pages: 8 Date of Origin: 08 Sep 2008 Date of Revision: 02 Apr 2010
Chapter: Intake and Release	**Subject:** Inmate Property
Supersedes: Policy 11.37, Inmate Property rev.11/28/08	**Distribution:**
References: Title 15 Section 1264, Penal Code 4003, Government Code 26640 US v. Grill; US v. Edwards, US v. Oaxaca United States v. Monclavo-Cruz.66 United States v. Monclavo-Cruz (1981) 662 F.2d 1285, 1286	
Signature of Issuing Authority Edward C. Flores, Chief of Correction	**Current Policy Review** **Date of Review:** 02 Apr 2010 **Revisions Made:** ☒Yes ☐No

POLICY: It is the policy of the Department of Correction to provide newly admitted inmates a written, itemized inventory of all personal property, including money and other valuables. Inmates will be given a receipt for all property held in a secure storage area until their release.

PURPOSE: To provide guidelines for the inventory, storage and release of inmate property.

DEFINITIONS: None

PROCEDURE:

I. Search and Seizure of Inmate Property

A. Law enforcement agencies may have access to an arrestee's property and clothing for examination and may seize items of evidence without a search warrant. However, purses, suitcases, briefcases or other containers that were not previously lawfully searched may only be searched pursuant to a warrant.

1. The prosecuting agency's investigating officer seizing the arrestee's property is required to supply a property receipt identifying the investigating officer's agency, name and badge number and applicable case number. All items taken will be itemized and the receipt will be distributed as follows:

a. One copy will be placed in the inmate's property envelope.
b. One copy will be filed in the inmate's booking record.
c. One copy will be given to the inmate.

2. If the property is seized at the time of booking, the Intake/Booking Officer shall note on the Pre-Booking Sheet that the property was taken as evidence.

3. If an arrestee's property and clothing is sealed and stored in the Main Jail or Elmwood property/clothing room, the prosecuting agencies shall contact a Team Sergeant, to request access to the property.

   a. Team Sergeant(s) will designate an officer to retrieve the inmate's property from the property room and assist the investigating officer.

   b. The prosecuting agency's investigating officer will provide a property receipt in accordance with Sec I. A.1. of this policy.

B. Upon approval of a sergeant, facility staff may enter an inmate's personal property envelope to investigate an inmate's claim of lost or missing property, or to inventory the property prior to the inmate being transferred to another facility. A memo must be placed in the property bag indicating what items were taken and by whom, if applicable.

C. Property Seized During Facility and/or Cell Shakedowns

1. Any personal property discovered during a security search will be removed from an inmate's housing assignment. An officer will fill out a Property Receipt form. Under the Description Section on the Property Receipt form the officer shall list the items removed and write "placed in property."

   a. One copy of the Property Receipt shall be placed in the inmate property envelope.

   b. One copy of the Property Receipt shall be given to the inmate.

   c. Two copies of the Property Receipt shall be placed on the Property Receipt board.

II. Property/Clothing Releases

A. Inmates may release their property, money and/or clothing to anyone they wish, except another inmate.

1. If the inmate releases their personal property envelope, they must release the entire contents of the envelope. Exceptions may be made, i.e. releasing business keys to an employer.

2. Inmates may only release their clothing when they are pending transfer to the California Department of Corrections and Rehabilitation (CDCR).

3. Female arrestees may release their property, clothing and/or money while housed in the Main Jail Intake/Booking area. However, once the female arrestees are transferred to the Elmwood Women's Facility, all property, clothing and/or money releases must be processed at Elmwood Processing via the Elmwood Information Desk.

B. Property Release requests will be submitted to the Information Desk Officer/CSA at the facility where the inmate is housed. To process the property release request the following steps will be completed:

1. For inmates housed at the Elmwood Complex, the West Gate Officer/CSA will accept property release requests and ensure all the required information is completed.

   a. The officer will fax the request form to the housing unit where the Housing Unit Officer will have the inmate sign the form, approving the release of their property to the requestor. The inmate may refuse to release their property.

      1. If the fax is not working, the Elmwood West Gate Officer may utilize an Inmate worker to transport secured forms to the housing unit and Processing for completion.

   b. The Housing Unit Officer will sign the property release form as Witnessing Officer and then fax the request to Processing.

   c. The Processing Officer or CSA will pull the inmate's property and/or clothing from the storage area, and deliver it to the West Gate. Money releases will be handled in accordance with Department policy # 18.23.

   d. Property can be picked up within 24-48 hours. The citizen may be given a phone number to call to check on the status of the property release.

   e. Unclaimed property will be returned to storage after one week.

2. For inmates housed at the Main Jail facility, property release requests will be accepted between the hours of 7:00 am and 3:00 pm 7 days a week when staffing permits. The Information Desk CSA will accept the form, obtain the inmate's signature and process the property release. The requesting citizen must wait for the property.

   a. The CSA will take the release form to the housing unit and obtain the inmate's and witnessing officer's signatures.

b. If the property is not delivered to the Information Desk within one (1) hour, the Information Desk Officer will attempt to ascertain the nature of the delay and expedite the process.

C. Once the property is retrieved the Information Desk Officer/CSA will verify the identity of the person to receive the property and will sign as Releasing Officer. The person to whom the property is being released will sign the property release form and the back of the green Pre-Booking Sheet acknowledging receipt of the property.

D. After signing the property release, the person to whom the property is being released will open the inmate's property bag and inventory its contents in front of the Information Desk Officer/CSA.

E. If there is a discrepancy in the contents of the bag, the Information Desk Officer/CSA will review the green Pre-Booking Sheet to ascertain if the property was inventoried at the time of initial arrest.

1. If the green Pre-Booking Sheet indicates the missing property was inventoried at initial arrest, the Information Desk Officer/CSA shall immediately call the Property Room and ask the CSA to conduct a preliminary search.

2. Should the preliminary search result in negative results, the Information Desk Officer/CSA shall:

a. Give the inmate a Santa Clara County Personal Property Loss Report Form, instructing him/her to complete Part I and return the form.

b. Upon receipt the officer will sign the form, return the pink copy to the inmate, forwarding the white and yellow copies to the Inmate Services Supervising CSA.

c. The Officer/CSA should inform the inmate that an investigation into the claim for lost property will take approximately three (3) to six (6) months.

d. The inmate should be instructed to call Inmate Services if they do not hear within the specified time frame.

e. The inmate does not have any recourse if the missing property was not inventoried on the Pre-Booking Sheet.

F. The completed property release form will be forwarded to the Main Jail Inmate Services Unit for filing.

G. Inmate craft items, i.e., picture frames or baby boots, will not be released unless the inmate is pending transfer to CDCR.

1. Should the transfer be scheduled, the inmate will give these items to their housing unit officer, for placement into the inmate's personal property. The inmate will be issued a receipt for any items placed into their personal property.

2. These items will be released as part of the inmate's personal property, as described above; when they are scheduled for transfer to CDCR.

III. Vehicle Releases

A. Inmates may permit relatives and/or friends to pick up their impounded vehicles. For Main Jail inmates, the person requesting the release will report to the Main Jail Information Desk. For Elmwood Complex inmates, the person requesting the release will report to the Elmwood West Gate.

B. The Information Desk Officer/CSA will complete a Vehicle Release Form and forward the form to the inmate's housing module.

1. For Main Jail inmates vehicle release forms will be accepted during the hours of 7:00 am and 3:00 pm. The CSA assigned to the Information Desk will take the release form to the housing unit and obtain the inmate's and witnessing officer's signatures.

a. If there is no CSA assigned to the Information Desk, the Information Desk Officer will contact the Property Room CSA or an available officer to process the release.

2. For Elmwood inmates, the vehicle release forms will be accepted at any time and faxed to the inmate's housing unit for approval. The Housing Unit Officer will fax the signed form back to the West Gate Officer/CSA.

C. The Information Desk Officer/CSA will give the completed release form to the person requesting the release and direct them to the appropriate arresting agency for further information.

IV. Accepting Inmate Property

A. Certain items may be brought into the Main Jail or Elmwood Information Desk to be delivered to an inmate.

1. Items such as eyeglasses, hearing aids and dentures may be accepted with the approval of a Team Sergeant.

2. Prescription medications must be approved by the Medical Unit and a Team Sergeant before being accepted. They must be delivered in sealed containers.

3. Wedding rings, watches, religious medals and other similar items will not be accepted.

B. The Information Desk Officer will inspect the property being delivered to ensure it does not contain contraband.

C. The Information Desk Officer will issue a Visitor's Property Receipt for accepted property.

1. The white copy will be given to the person delivering the property as a receipt.

2. The yellow copy will be given to the inmate.

3. The goldenrod copy will be placed in the inmate's personal property envelope.

4. The pink copy will be forwarded to the Inmate Services Manager's office.

D. The Information Desk Officer will contact the appropriate unit officer for delivery of the property to the inmate at the earliest opportunity.

V. Accepting Inmate Clothing

A. Clothing will be accepted for inmates who are ordered to appear in civilian attire for jury trial.

B. Clothing will be exchanged one-for-one. The clothing room will not keep more than one set of clothing for any inmate in custody. If an inmate does not have clothing currently stored in the facility, clothing will be accepted without exchange.

C. Clothing will be delivered to the Main Jail or Elmwood Information Desk. The Information Desk Officer will inspect the clothing to ensure no contraband is being brought into the facility. Items not accepted include, but are not limited to:

1. Belts and suspenders

2. Handkerchief and bandanas

3. Cufflinks and tie pins

4. Neckties

D. If the clothing delivered is for an inmate's jury trial appearance, the Information Desk Officer will contact the Court Movement Officer for clothing pickup.

VI. Lost/Misplaced Inmate Property

A. If at the time of release, an inmate claims they are missing items of clothing or property, the Release Officer or Information Desk Officer/CSA will:

1. Using the green Pre-Booking Information Sheet, verify that the missing property was received at the time of booking.

2. Contact the property room CSA, who will double-check all clothing and property storage areas for the inmate's property.

3. Contact each facility and request a search for the inmate's property.

B. If the inmate's property cannot be located, the Release Officer will:

1. Give the inmate a Santa Clara County Personal Property Loss Report Form, instructing them to complete Part I and return the form.

2. Upon receipt the officer will sign the form, return the pink copy to the inmate, and forward the white and yellow copies to the Inmate Services Supervising CSA.

3. The officer should inform the inmate that that an investigation into the claim for lost property could take approximately three (3) to six (6) months.

4. The inmate should be instructed to call Inmate Services at (408) 299-8723 if they do not hear within the specified time frame.

C. Property Room CSA Responsibilities

1. Upon receipt of a Property Claim Form, the Property Room CSA will:

a. Verify the inmate's release date in CJIC.

b. Check the inmate's closed booking record for a record of property release while in custody or of the arresting agency holding the property for evidence.

2. If the record indicates that the property should be in the facility, the Property Room CSA will conduct a thorough search of all clothing and property storage areas and request the Elmwood Complex to conduct a similar search. If the property is not found, a second search will be initiated three weeks later.

3. If, after the second search, the property is not located, the Property Room CSA will complete Part II of the Property Claim Form, including the dates searches were completed, and forward the form to the Inmate Services Supervising CSA. The Inmate Services Supervising CSA will prepare a recommendation for payment for the Division Captain's signature. The completed claim package will be forwarded to ESA Insurance for payment.

4. If the missing property is located, the Property Room CSA will:

   a. Attach the yellow copy of the Property Claim Form to the property bag and place it on the designated shelf for pickup.

   b. Contact the inmate, via telephone or letter, and inform them to report to the Main Jail or Elmwood Information Desk Officer to retrieve the property.

   c.. When the inmate reports to the Information Desk, the Information Desk Officer will contact the Property Room CSA, who will deliver the property to the Information Desk.

   d. The inmate will sign the yellow copy of the Property Claim Form acknowledging the return of their property.

   e. The yellow copy will be re-attached to the white copy and filed in the Inmate Services Supervising CSA's office.

5. If the inmate cannot be contacted or has not picked up their property after one (1) years, the abandoned property will be disposed of and any clothing will be for used for indigent inmates upon release from custody. The Property Room CSA will indicate this on the yellow copy of the Property Claim Form, which will be filed in the Inmate Services Supervising CSA's Manager's office.

VII. Policy Review

A. All Department policies will be reviewed by the Professional Compliance and Audit Unit.

COUNTY OF SANTA CLARA

Department of Correction Policy and Procedure Manual	**Policy Number:** 12.01 **No. of Pages:** 10 **Date of Origin:** 15 Jun 1992 **Date of Revision:** 10 Mar 2002
Chapter: Medical and Health Care Services	**Subject:** Medical Health Care Services
Supersedes: All Previous Orders	**Distribution:**
References: ACA 3-ALDF- 4A-01, 4E-01 through 4E-07, 4E-09 through 4E-12, 4E-14 through 4E-36, 4E-39 through 4E-44, 4E-46, 4E-47 and 4E-48 California Code of Regulations, Title 15, Section 1200 Santa Clara County Valley Medical Center Adult Custody Health Services' Policy and Procedure Manual.	
Signature of Issuing Authority _____ Timothy P. Ryan, Chief of Correction	**Current Policy Review** **Date of Review:** 10 Mar 2002 **Revisions Made:** ☒ Yes ☐ No

POLICY: It is the policy of the Department of Correction to ensure medical health services are provided to all inmates regardless of age, race, color, national origin, ancestry, religion, sex/gender, sexual orientation, disability, medical condition, political beliefs, organizational affiliations, or marital status.

Health care services shall be rendered pursuant to an agreement between the Santa Clara County Department of Correction, the Santa Clara County Valley Medical Center and the administering physician. The Santa Clara County Valley Medical Center Adult Custody Health Services Policies and Procedures Manual shall be accepted by this department as the authority for health care related policies.

PURPOSE: To establish guidelines for the provision of medical care to all inmates.

DEFINITIONS: Detoxification: The process by which an individual is gradually withdrawn from a drug or alcohol addiction.

Do Not Resuscitate (DNR): An order from a physician which directs that resuscitative efforts are not to be initiated in the event of cardiac and/or respiratory arrest.

Doctor Call: A system for scheduling patients for medical appointments with either a physician or qualified medical health personnel.

Intrasystem Transfers: A transfer of inmates from one facility to another within the Santa Clara County Department of Correction.

Outside Hospital: Any hospital or clinic located outside the perimeter of the facility.

Pill Call: The process by which medical personnel administer prescribed medication to inmates.

Chronic Care: Health care provided to patients over a long period of time.

Convalescent Care: Health care provided to patients recovering from illness or injury.

PROCEDURE:

I. Medical administration

A. The Director of the Children's Shelter and Custody Health Services and the Medical Director are the designated health authority for the Adult Correctional Facilities.

1. The Director of the Children's Shelter and Custody Health Services, in collaboration with the Medical Director, will plan, organize, direct, and control all medical services.

2. Supervisors of medical, dental, nursing, mental health, and pharmaceutical services will report directly to the Director of the Children's Shelter and Custody Health Services.

a. The health authority shall determine the health care personnel requirements in order to provide adequate health care services to inmates.

b. Medical health authorities shall arrange for the availability of emergency and basic health care services. The facility administrators shall provide support for making the services accessible to inmates.

c. Matters involving medical judgment regarding medical, psychiatric, and dental services shall be the sole province of the health authorities and/or the responsible physician and dentist.

B. The health authority shall meet with the Chief of Correction or designee quarterly to discuss the effectiveness of the health care system and any areas needing improvement.

The health authority shall submit annual statistical summaries on the health care delivery system and environment.

1. The health authority shall report immediately any condition that poses a danger to staff or inmate health and safety.

2. The health authority shall review health care policies, procedures and health care programs on an annual basis and revise as necessary. Each document shall bear the date of the most recent review or revision and signature of the reviewer.

II. Medical personnel

A. Health care personnel providing medical health care services to inmates shall have appropriate state and federal licensure, certification or registration, and shall meet the Department's security requirements. The health authority shall provide and govern written job descriptions and be responsible for maintaining verification of current credentials and job descriptions.

B. Nurse practitioners shall practice within the limits of applicable laws and regulations.

C. Health care personnel, other than a physician, dentist, psychologist, optometrist, podiatrist, or other independent provider, shall provide treatment pursuant to written standardized procedures or direct orders by personnel lawfully authorized to give such orders.

D. Students or interns delivering health care services in the facilities shall work under direct medical staff supervision, commensurate with their levels of training.

E. Inmates may assist in maintaining a clean environment and may assist the inmates housed in the Infirmary with activities of daily living, but they shall not be involved in the following:

1. Performing direct patient care services.

2. Scheduling health care appointments.

3. Determining access of other inmates to health care services.

4. Determining access to surgical instruments, syringes, needles, medications or health records.

5. Operating diagnostic or therapeutic equipment.

III. Medical services at admission

A. The intake-booking nurse shall screen each inmate admitted to the jail. This screening may be delayed if the inmate is combative, uncooperative, or unable to effectively answer questions due to intoxication. All findings shall be recorded on a Confidential Medical Information/Adult Custody Health Services Medical Clearance Form approved by the health authority. The screening shall include but not be limited to the following:

1. Inquiry into:

a. Current illness and health problems, including sexually transmitted diseases and other infectious diseases.

b. Mental health problems.

c. Use of alcohol and other drugs, including type(s) of drugs used, mode of use, amounts used, frequency used, date or time of last use and history of any problems that may have occurred after ceasing use (i.e., convulsions).

d. Past and present treatment or hospitalization for mental disturbance or suicide.

e. Possibility of pregnancy.

f. Other health problems designated by the responsible physician.

g. Disabilities substantially impairing a major life function, including physical, mental, developmental, and learning disabilities.

2. Observation of:

a. Behavior, including state of consciousness, mental status, appearance, conduct, tremor and sweating.

b. Body deformities and ease of movement.

c. Condition of skin, including trauma markings, bruises, lesions, jaundice, rashes, infestations, needle marks, and/or other indications of drug abuse.

3. Referrals as needed to:

a. General population.

b. General population with prompt referral to appropriate health care service.

c. Mental health care.

d. Appropriate health care service for emergency treatment.

e. Special housing such as the infirmary.

B. The arresting agency will provide the inmate's next-of-kin information on the pre-booking information sheet if the inmate provides the officer with the information. The booking officer will enter that information in CJIC when the inmate is booked.

1. In cases of serious illness or injury, next-of-kin notification shall be on a case-by-case basis with consideration given to the safety and security of the inmate and staff. Notification shall be at the discretion of the Division Commander.

2. In cases of death, the next-of-kin notification shall be in accordance with the Department's Inmate Death Policy.

IV. Medical services for in-custody inmates

A. Medical staff shall provide a mechanism for inmates to routinely request the following services:

1. Medical services
2. Mental Health services
3. Dental services
4. Pregnancy management
5. Treatment of alcohol and drug abuse problems
6. Chemical dependency programs
7. Services of a health care specialist

B. When medical, mental health, and/or dental health services are requested by an inmate, medical staff shall provide appropriate triage and treatment by qualified health personnel. Medical staff will maintain the procedure to follow when an inmate refuses medical care.

C. Dental screening and treatment shall be provided under the direction and supervision of a dentist licensed in the State of California.

D. Inmates requiring inpatient medical services or health care services beyond those available in the facility shall be transferred under appropriate security provisions to Santa Clara Valley Medical Center.

E. Doctor Call by a physician, and/or qualified health personnel, shall be conducted at least four days a week for each facility.

F. As determined by the responsible physician or dentist, medical and dental prostheses may be provided when the health of the inmate would otherwise be adversely affected.

G. Upon the order of the responsible physician, dentist, or other authorized individual with designated privileges, prescribed medication shall be administered to inmates as required by medical personnel only during pill call rounds.

1. Psychotropic drugs shall be prescribed only by a physician or authorized health provider by agreement with the physician, and then only following a physical examination of the inmate by the health provider.

2. The administration of involuntary psychotropic drugs shall be in compliance with all applicable laws.

H. A detoxification program shall be provided to inmates as determined by the responsible physician. The Director of Custody Health Services shall develop and maintain written policies on detoxification.

I. The use of inmates for medical, pharmaceutical or cosmetic experiments is prohibited.

J. Medical staff shall evaluate the inmate's health record for each Intrasystem Transfer, to assess suitability for transfer.

1. Prior to the physical transfer, medical personnel shall ensure that custody staff is notified of which inmates are cleared for transfer and which inmates are not cleared for transfer.

2. Custody staff shall ensure that classification staff is notified of any inmate that is scratched from the transfer list and shall ensure the inmate is appropriately re-housed.

V. Accommodating inmates with disabilities

A. The accommodation of inmates with disabilities shall be in accordance with the Department's "Custody ADA Plan."

B. All requests for disability verification or accommodation shall be forwarded to medical staff for review. It is the responsibility of medical staff to verify an inmate's disability and provide custody staff and classification staff with housing recommendations.

C. The medical supervisor shall contact his or her respective ADA Divisional representative once every month and conduct a follow-up review of ADA files.

VI. Medical services at release

A. Prior to release or other substantial travel, either the inmate or his/her record shall be evaluated by medical health care personnel to assess suitability for release or travel.

1. Inmates requiring administration of medication during travel time will be provided sufficient doses prior to transfer. Such medication, along with specific written instruction for administration, will be furnished to the transportation officer for safekeeping.

2. As determined by the health authority, inmates requiring medication at the time of their release will be provided with essential medication and/or a prescription that can be filled at the County's hospital pharmacy. Prescriptions for psychotropic medications will be faxed directly to the Enborg Lane Pharmacy at Valley Medical Center.

B. All inmates in need of Public Health Nursing services shall be referred to the Public Health Nursing Department for follow-up medical care after release from custody.

VII. Medical emergency services/transfer for needed care

A. It is the policy of the Department of Correction to ensure emergency medical, mental health, and dental care is available 24-hours a day.

1. Emergency medical equipment shall be maintained in designated areas within the facilities. First aid kits shall be available in designated areas of the facility based on need.

2. Custody staff shall be trained to respond to emergency health related situations. When custody staff become aware of an inmate, staff or civilian illness or injury, they will immediately assess the situation and render first aid.

a. Custody staff shall use the most expedient method to request medical response, to request additional officers, to notify the facility's control officers and to notify the supervisor.

b. Based on the seriousness of the medical emergency such as a suicide attempt, custody staff may request paramedic response.

3. Nursing staff shall respond to all medical emergencies and assess the need for emergency treatment beyond the services available in the facility.

a. In the event of a medical emergency, medical staff shall be contacted by the most expedient method.

b. When advised of a medical emergency, it is the facility's control officer's responsibility to contact medical staff and advise them of the nature and location of the medical emergency.

4. Inmates requiring emergency medical services beyond those available in the facility shall be transferred to Santa Clara County Valley Medical Center, unless a hospital in close geographic proximity to the custody facility is deemed necessary by medical staff or the paramedics.

a. Medical staff shall evaluate the patient and determine the mode of transportation from one of the following:

1) Transport by Department of Correction staff in an authorized vehicle.
2) Transport by Sheriff's staff in Sheriff's authorized vehicle.
3) Transport by American Medical Response (AMR) ambulance
4) Transport by ambulance with Paramedics.

b. It is the responsibility of the Department of Correction Watch Commanders to ensure that when their staff transport inmates outside of the facilities that they do so in accordance with the Department of Correction's policy on Inmate Movement and Transportation as applicable to the transporting staff member.

B. It is the policy of the Santa Clara Valley Medical Center to honor inmate/patient requests, which direct that resuscitative efforts <u>not be</u> initiated in the event of cardiac and/or respiratory arrest.

1. Fully competent adult inmate/patients over the age of 18 who have full knowledge of and appreciate the consequences of foregoing life-sustaining treatment have a constitutional right to make decisions regarding such treatment.

2. The Adult Custody Health Services Director shall ensure the Nurse Managers assigned to the Department of Correction implement a process to identify inmates requesting Do Not Resuscitate (DNR). A DNR request requiring a physician's order must be noted in the inmate's health records.

3. Upon notification of such inmate requests, medical staff will advise the Classification Unit Commander and the Division Commander, in writing, of such requests.

4. Custody staff must continue to initiate immediate on-scene life sustaining efforts on any inmate until advised by medical staff to discontinue the life-sustaining efforts.

VIII. Medical records

A. A medical record shall be maintained for each inmate to accurately document all health care services provided throughout incarceration. These records shall be maintained in accordance with the laws relating to confidentiality and retained after an inmate's release for a period of time sufficient to allow for treatment continuity.

B. The transfer of medical records and information shall be routinely sent to the facility to which an inmate is transferred.

C. Access to medical records shall be controlled by medical personnel, under supervision of the health authority, and shall be maintained separately from the custody records. Routine access to medical records shall be limited to medical personnel who require the records to provide health services to the inmate.

D. The health authority may share with the facility administrator information that may affect an inmate's medical management, security, communicable or contagious diseases that affect others and/or the inmate’s housing and ability to participate in programs.

E. Copies or transfer of medical records to other persons shall be done only upon written authorization from the inmate, by law, or by administrative regulation having the force and effect of law.

IX. Specialized programs

A. Medical staff shall maintain policies and procedures guiding the clinical management of chemically dependent inmates.

B. Medical staff make arrangements for the provision of specific medical care, including chronic care, convalescent care, and medical preventive maintenance for inmates.

C. Medical staff shall provide on-going education to inmates during medical assessments, doctor calls, or as requested by the inmates.

X. Pharmaceutical

A. Medical staff shall maintain policy and procedure to provide for the proper management of pharmaceuticals.

B. Medical staff shall ensure narcotics and pharmacy keys are counted at the beginning and end of each shift.

XI. Medical Unit security

A. Medical staff shall maintain all keys on their person and physically transfer their control to the oncoming shift.

B. Custody staff shall respect the doctor/patient confidentiality and shall not intervene with the delivery of medical care unless the safety of medical personnel or the security of the facility is jeopardized.

C. Medical supplies and equipment shall be under the control and security of medical staff.

D. The medical unit may be cleaned by inmate workers only under direct supervision of an officer of this Department.

E. The intake-booking nurse shall examine medication brought to the jail by inmates at admission. The nurse will either store the medication with the inmate's property until release, or maintain it and dispense it accordingly.

F. Anal or vaginal body cavity searches will not be performed at the Santa Clara County Department of Correction.

G. For security reasons, inmates shall not be informed of the date and/or time of any clinic appointment at an Outside Facility.

H. Personal body alarms are available to medical staff.

XII. Communicable diseases

A. The management of serious and infectious diseases shall be the responsibility of the health authority.

B. Once a communicable disease exposure has been identified, medical personnel shall follow their policy on exposure to communicable diseases, take proper action and notify other personnel to provide support in isolating the case and determining if other personnel should require medical attention.

C. Personnel employed by the Department of Correction receive training regarding the control, treatment and prevention strategies of communicable diseases.

XIII. Policy Revision

A. All Department policies will be reviewed not less than once a year. The Professional Compliance and Audit Unit will establish an annual schedule identifying policies to be reviewed during a specific month.

COUNTY OF SANTA CLARA

Department of Correction Policy and Procedure Manual	**Policy Number:** 12.03 **No. of Pages:** 6 **Date of Origin:** 01 Mar 1992 **Date Revised:** 02 Apr 2001
Chapter: Medical and Health Care Services	**Subject:** Mental Health Services
Supersedes: All Previous Orders	**Distribution:**
References: C.C.R. Title 15, Section 1200, Penal Code Sections 1026, 1368, 4011.6 & 4011.8 Welfare & Institutions Code Sections 5328, 5328(a), Evidence Code Section 1024 Criminal Justice Mental Health Unit's Policy & Procedure ACA 3-ALDF-4E-01, 02, 03, 08, 11, 12, 17, 32, 37, & 38.	
Signature of Issuing Authority _____ Chief of Correction	**Current Policy Review** **Date of Review:** 02 Apr 2001 **Revisions Made:** ☐ Yes ☐ No

POLICY: It is the responsibility of the Department of Correction to ensure all inmates are provided access to a comprehensive mental health program, increasing the probability of functioning within the normal limits of socially acceptable behavior. The mental health program shall be managed by a fully licensed psychiatrist, supported by professionally qualified employees and contractors. The mental health program is designed to examine, diagnose and provide treatment for all inmates having significant mental illness.

A provider agreement between Santa Clara Valley Health and Hospital System and the Santa Clara County Department of Correction shall be in effect for medical and mental health services.

PURPOSE: To describe the Adult Custody Mental Health Services Unit and to provide guidelines for the delivery of mental health care to inmates.

PROCEDURE:

I. Mental Health Administration

A. The Medical Director of Adult Custody Health Services and the Mental Health Program Supervisor are the designated mental health authorities for the Department of Correction.

B. The mental health authority shall arrange for the availability of emergency and basic mental health care services and custody staff shall provide support for making the

services accessible to inmates. Matters involving mental health services shall be the sole province of the mental health authority or the responsible psychiatrist.

C. The mental health authority or designee and the Chief of Correction or designee shall meet quarterly. The mental health authority shall submit annual statistical summaries on the mental health care delivery system and mental health environment to the Chief of Correction.

D. All program activities of the mental health staff are carried out as directed by the mental health authority.

II. Mental Health Staff

A. All licensed staff, including Registered Nurses, Licensed Vocational Nurses, Licensed Clinical Social Workers, Registered Pharmacists, Psychologists and Marriage, Family and Child Counselors employed by the Santa Clara Valley Health and Hospital System and assigned to the Adult Custody Mental Health Services unit must have current and valid licenses issued by the State of California.

B. The Medical Director of Adult Custody Health Services and the Mental Health Program Supervisor shall maintain the current licenses for mental health staff.

C. Adult Custody Mental Health Services staff provide treatment pursuant to written or direct orders given by lawfully authorized personnel.

D. Adult Custody Mental Health Services staff shall observe all "Universal Precautions" in order to prevent or control the spread of infectious diseases.

E. Adult Custody Mental Health Services staff will adhere to non-medical emergency and security procedures of the Department of Correction.

III. Mental Health Services

A. Inmates are provided access to a comprehensive mental health program. Any inmate exhibiting unusual behavior, symptoms of mental illness or symptoms of a developmental disability shall be immediately referred to Mental Health and separated from the general population pending an assessment from Mental Health.

B. The Main Jail functions as the designated health facility for treatment of inmates pursuant to Penal Code 1368 (Incompetent to Stand Trial) and 1026 (Not Guilt by Reasons of Insanity), on a temporary basis, until the inmate is transported to a State facility. The program also provides psychiatric evaluation and treatment for the mentally ill offender in jail by referral under Penal code 4011.6 or 4011.8. Inmates at the Main Jail are provided quality acute short-term inpatient psychiatric services in a supportive setting.

C. The Elmwood Complex mental health staff's primary task is to prevent deterioration among the mentally ill offenders in the custody setting at the Elmwood Men's facility and the Correctional Center for Women. Mental health staff provide psychiatric evaluation and treatment for the mentally ill offender by referral under Penal Code 4011.6 or Penal Code 4011.8. Services provided include screening assessment, crisis management, and medical evaluation and follow-up. Male and female inmates requiring inpatient services will be transferred to the Main Jail.

D. Treatment is provided by psychiatrists, psychologists, social services and nursing staff. Within the parameters of confidentiality regulations, custody and mental health staff work closely together to maintain a therapeutic environment.

E. Medical staff shall conduct a physical examination of every inmate housed in the Main Jail 8A unit. Inmate mental health problems shall be referred to mental health staff for follow-up care as needed.

F. Mental health staff shall evaluate inmates, who are diagnosed as having a psychiatric illness, on an ongoing basis.

1. The responsible physician, or designee, shall be consulted prior to:

   a) Housing Assignments
   b) Program Assignments
   c) Disciplinary Measures
   d) Transfers In/Out of a Facility
   e) Release from custody

2. Medical staff shall be responsible for all medical services these inmates require, which includes, but is not limited to:

   a) Care for serious and infectious diseases
   b) Dental care
   c) Chronic care
   d) Convalescent care
   e) Prostheses and orthodontic devices
   f) Detoxification
   g) Management of chemical dependency
   h) Basic and emergency medical care.

2. Medical staff shall work closely with mental health staff to make these services available to the inmates.

B. Notification of next-of-kin in the event of a serious illness or death shall be per the Adult Custody Health Services Policy and Department of Correction Policy.

C. Inmates shall not be used for medical, pharmaceutical or cosmetic experiments.

IV. Medical / Psych Referrals

A. Mental Health staff will respond immediately to any calls for emergency or crises intervention. In all other cases, they shall respond as soon as possible or within specified time limitations as agreed upon (e.g. response for safety cell, restraint room, and restraint chair use).

B. Medical staff or custody staff may initiate a Medical / Psych Referral form whenever they suspect an inmate is in need of psychiatric counseling, evaluation or treatment.

1. The completed Medical/Psych Referral form must be available to the Mental Health staff upon their arrival.

2. An entry on the post log book or at the top of the referral form shall be made noting the time mental health staff was contacted and advised to respond.

3. Any unreasonable delay in responding shall be reported to the shift supervisor.

V. Court Ordered Mental Health Evaluations

A. The mental health authority or designee shall respond to court orders received by the Department of Correction for mental health evaluations of inmates in custody.

B. The Administrative Booking Manager is responsible for receiving and distributing all court orders from the courts. Before forwarding the court orders to the appropriate facility, a copy shall be retained in the inmate's booking jacket and a court order compliance form will be attached.

C. Division Commanders are responsible for implementing a process for handling Court Orders at each facility and ensuring that the court orders are forwarded to the Mental Health Unit.

VI. Use of Restraints

A. Use of restraints shall be in accordance with the Department's policy on "Use of Force and Restraints." Use of the restraint room shall be in accordance with the Department's policy for "Mentally Disordered Inmates." Mentally disordered inmates who require inpatient psychiatric services shall not be placed in a safety cell.

B. The determination to place a mental health inmate in a restraint room or seclusion room, as opposed to a safety cell, shall be made only by professional staff (Physician or RN) when less restrictive means are not, or will not be, effective.

1. It shall be documented in the patient's progress notes whenever alternative methods of managing the patient have been tried.

2. Restraint orders may not exceed twenty-four (24) hours in duration.

3. Patients shall be restrained only in a room specifically designated as a restraint room, except in extreme emergencies.

4. Custody and mental health staff on duty shall <u>each</u> observe a patient in restraints at least every 15 minutes. These observations should occur at different times.

C. A mentally ill inmate who is being transported out of his/her housing unit or the facility shall be placed in the appropriate restraints as dictated by his/her classification code.

D. Mentally ill inmates who are transported to 8A by ambulance, will be placed in four-point restraints on the ambulance gurney.

E. The restraint room shall not be used for discipline, punishment or as a substitute for treatment.

VII. Pharmaceuticals

A. Psychiatric medications ordered by mental health staff for inmates shall be prescribed, stored, administered and disposed of according to the Santa Clara County Mental Health Medication Monitoring Guidelines, Adult Custody Mental Health Pharmacy Policies and Procedures, and all applicable county, state and federal regulations.

B. Drug therapy ordered for inmates shall be monitored by the Clinical Pharmacist for the need for a Maximum Daily Dose (MDD) in the order.

C. All medication orders shall be limited in time with an automatic stop/renewal date.

D. All Drug Enforcement Agency Controlled Substances shall be stored, dispensed and administered according to D.E.A. regulations.

E. Medications used for inmates in custody shall be from the Santa Clara County Valley Medical Center Formulary and the American Society of Hospital Pharmacists Formulary System by selection and approval of the SCVHHS Pharmacy and Therapeutic Committee.

VIII. Suicide Prevention and Intervention

A. Medical staff shall evaluate each inmate booked into custody for signs of mental illness, mental retardation or developmental disabilities by observing the inmate at intake and completing a confidential medical questionnaire.

1. The medical screening includes specific questions with regard to suicide. If there is any indication of possible suicide or history of suicide, the inmate is referred to Mental Health staff.

2. If a referral is made, the inmate shall be placed in an area where (s)he can be observed by custody staff. Mental Health staff will evaluate the inmate as soon as possible and determine if continued observation is warranted. Mental Health staff shall be responsible for making appropriate housing. Recommendations to the Classification Unit.

B. Suicide attempts shall be treated with first aid by Mental Health staff, Medical personnel, or health-trained Correctional Officers.

1. Potentially harmful items such as razor blades, belts, matches, pens, pencils, mirrors, glasses and any sharp items shall be removed from the inmate and the cell in which (s)he is placed by correctional staff.

2. Written reports of any suicide attempts shall be forwarded to the supervisor by correctional staff.

3. Medical staff shall be notified when an inmate has attempted suicide and are responsible for evaluating the inmate's medical condition.

C. Mental health staff shall attend annual classes on suicide identification/intervention.

D. Department of Correction staff who have daily contact with inmates shall receive training in suicide prevention.

IX. Mental Health Records

A. A confidential mental health record for all inmates seen by mental health staff shall be maintained in the mental health services unit.

B. The mental health record shall be kept separate from the confinement record.

C. Access to the mental health record shall be controlled by the mental health authority who shall determine what information may be shared with the facility administrator.

D. Under Evidence Code Section 1024 and Welfare and Institutions Code Section 5328(a), law enforcement personnel may be provided information concerning a Mental Health client in extraordinary circumstances posing imminent danger to self or others.

E. Summaries or copies of the mental health record may be sent to the facility to which the inmate is transferred if the inmate signs a consent for release of information.

F. Written authorization by the inmate shall be obtained for the transfer of the mental health record and information, unless otherwise provided by law or administrative regulation having the force and effect of the law.

X. Policy Revision

A. All Department policies shall be reviewed not less than once a year. Each Division/Unit shall establish an annual schedule that identifies specific policies that are scheduled to be reviewed during a specific month.

COUNTY OF SANTA CLARA

Department of Correction Policy and Procedure Manual	**Policy Number:** 12.09 **No. of Pages:** 8 **Date of Origin:** 25 Oct 1993 **Date Revised:** 29 Sep 2005
Chapter: Medical and Health Care Services	**Subject:** Inmate Deaths
Supersedes: Policy 12.09, Inmate Deaths, revision date of 08/15/03	**Distribution:**
References: ACA 3-ALDF-4E-24, 4E-44, 4E-45; Penal Code Section 5021; CCR Title 15, Section 1218; Government Code Sections 12525, 26640, 26643, 27491	
Signature of Issuing Authority Edward C. Flores, Chief of Correction	**Current Policy Review** **Date of Review:** 29 Sep 2005 **Revisions Made:** ☒Yes ☐No

POLICY: It is the policy of the Department of Correction to ensure an inmate death occurring in a Department of Correction facility will be handled in a manner that ensures compliance with State of California mandates, and in the cases of suspicious circumstances, in a manner ensuring the preservation of evidence and proper investigation of the circumstances surrounding the death.

PURPOSE: To provide operational guidelines for staff to follow in the event of an inmate's death.

DEFINITIONS: Unattended Death: Death of an inmate due to homicide, suicide, questionable or accidental means, suspicious circumstances, or emergency room deaths after transport from a facility.

Attended Death: Death of an inmate due to an illness or injury for which the inmate was currently under a physician's care. The attending physician must be willing to sign a death certificate verifying the cause of death.

PROCEDURE:

I. Unattended Deaths

A. Any employee discovering an unattended inmate death will notify the shift supervisor and medical staff, who will respond to the scene immediately.

1. The inmate may be examined at the scene by the facility's medical doctor, if available, or by responding paramedics, who may make an official determination regarding death.

2. If an official determination of death has been made at the scene (e.g. pronounced dead), the body will be treated as crime scene evidence and shall not be left unattended.

B. Responsibilities of employees at the scene of an Unattended Death:

1. Isolate and preserve the scene and evidence. Treat the scene as a major crime scene. **DO NOT TOUCH OR MOVE EVIDENCE UNTIL DIRECTED TO DO SO BY THE SHIFT SUPERVISOR OR SHERIFF'S INVESTIGATOR(S) IN CHARGE.**

2. Detain, identify, and separate all suspects and witnesses. Do not question or issue a Miranda warning to a suspect unless directed to do so by the Shift Supervisor or Sheriff's investigator(s) in charge.

3. Secure and seal off the scene pending arrival of the Sheriff's investigators.

4. Secure and seal off the deceased inmate's cell pending arrival of the Sheriff's investigators.

5. Ensure that the deceased inmate's property remains undisturbed pending arrival of the Sheriff's investigators.

6. Locate and preserve, but do not touch or move, instruments and/or materials used to effect death.

C. Responsibilities of the Shift Supervisor in the event of an Unattended Death:

1. Respond to and take command of the scene.

2. Notify the Shift Lieutenant and the on-duty Sheriff's Supervisor.

3. Assign an officer to record the names of all staff members present and the names and times of arrival and departure of all persons entering and leaving the scene.

4. Post an officer at the entrance to the scene. Ensure that the scene, all evidence, the deceased inmate's cell and the deceased inmate's property remain secure. The posted officer will log the time and name of all persons entering and leaving the scene.

5. Notify the Administrative Booking Unit to initiate notification of all law enforcement agencies and courts having jurisdiction over the deceased inmate. Instruct them to obtain and hold the deceased inmate's booking record pending review by the Sheriff's Investigators and the Department of Correction Internal Affairs Unit Investigators.

6. Notify the Classification Unit to obtain and hold the deceased inmate's classification records pending review by County Counsel's Investigator and the Department of Correction Internal Affairs Unit Investigators.

D. Responsibilities of the Shift Lieutenant in the event of an Unattended Death:

1. Initiate the following chain of command notifications:

   a. Sheriff's Jail Operations Commander, if the on-duty Sheriff's Supervisor has not done so already.
   b. Sheriff's Detective Division Commander, if the on-duty Sheriff's Supervisor has not done so already.
   c. Professional Compliance Commander
   d. Affected Division Commander
   e. Assistant Chief
   f. Chief of Correction

2. Ensure the Internal Affairs Investigators assume responsibility for the *internal* investigation, if they are immediately available. If they are immediately available, they will act as liaison until the Sheriff's Office Investigators assume command.

3. Determine and take appropriate action if any immediate changes need to be implemented to preclude similar occurrences.

4. Initiate notification to County Counsel's on-call Investigator through the Sheriff's Department Operation's Desk.

5. Make the following verbal notifications ***not*** more than two hours after the discovery of the inmate death as required by California Penal Code Section 5021:

   a. The District Attorney's Chief Investigator at 792-2920 (office) or 590-8370 (cell). In his/her absence, the District Attorney's Assistant Chief Investigator at 635-1799 (office) or 210-6251 (cell).

   b. The Chief of Police of the local police agency of jurisdiction through their on-duty Watch Commander (e.g. San Jose Police Department or Milpitas Police Department).

   c. The County Coroner's Office (793-1900), as provided in Government Code Section 27491. If the death occurs at Valley Medical Center or any other hospital facility, request that the hospital allow the Sheriff's Office or the Department of Correction to make the notification to the Coroner's office.

5. Evaluate and respond to the mental health needs of any affected inmates and staff by contacting the Director of Custody Mental Health and the jail chaplain for inmates, and the appropriate contract psychologist for staff.

6. Notify the Mental Health Director if the death occurred in a mental health module and notify the appropriate Programs personnel if the death occurred in a Programs module.

II. Attended Deaths

A. In most cases, Attended Deaths of inmates will occur at Valley Medical Center or other area hospitals due to a known illness or prior injury.

1. Emergency room deaths after transport from a facility **shall not** be considered Attended Deaths.

2. Sheriff's Investigators will not respond to investigate an Attended Death unless there are extenuating or suspicious circumstances associated with the Attended Death.

B. Responsibilities of employees at the scene of an Attended Death:

1. Immediately advise the hospital staff, facility medical staff and the on-duty Booking Sergeant at the Main Jail.

2. Request that the hospital staff allow Department of Correction staff to make the notification to the Coroner's office.

3. Complete required reports as assigned.

C. Responsibilities of the Shift Supervisor in the event of an Attended Death:

1. Notify the Shift Lieutenant and on-duty Sheriff's Supervisor.

2. Designate officers to complete required reports.

3. Ensure the death was an Attended Death and verify that the attending physician will sign a death certificate.

4. Notify the facility's medical staff.

5. Notify the Administrative Booking Unit to initiate notification of all law enforcement agencies and courts having jurisdiction over the deceased inmate. Instruct them to obtain and hold the deceased inmate's booking record pending review by the Department of Correction Internal Affairs Unit Investigators.

6. Notify the Classification Unit to obtain and hold the deceased inmate's classification records pending review by the Department of Correction Internal Affairs Unit Investigators.

D. Responsibilities of the Shift Lieutenant in the event of an Attended Death:

1. Initiate the following chain of command notifications:

   a. Sheriff's Jail Operations Commander
   b. Professional Compliance Commander
   c. Affected Division Commander
   d. Assistant Chief
   e. Chief of Correction

2. Initiate notification to County Counsel's on-call Investigator through the Sheriff's Department Operation's Desk.

3. Make the verbal notification as detailed in section I.D.5 of this policy and required by California Penal Code Section 5021.

4. Evaluate and respond to the mental health needs of any affected inmates and staff members by contacting the Director of Custody Mental Health and the jail chaplain for inmates, and the appropriate contract psychologist for staff.

III. Deceased Inmate's Personal Effects.

A. If not seized as evidence, and at the direction of the Shift Supervisor or assigned Sheriff's Investigator(s), the deceased inmate's clothing, personal property and money shall be secured and submitted into the evidence locker for safekeeping.

B. Next-of-kin requesting the release of any deceased inmate's property shall be referred to the Sheriff's Investigators in the case of an Unattended Death or the Watch Commander in the case of an Attended Death.

IV. Report Procedure

A. Crime Report (Office of the Sheriff Santa Clara County Incident Report Form) - To be completed in all major crime cases as directed by the officer in charge. The original report should not be assigned to the officer discovering the body. If the death did not involve a crime, such as an attended death or suicide, this report will be completed as an informational report.

B. Critical Incident Review Report: To be completed in all cases of inmate deaths.

C. Employee's Report: To be completed by all involved employees in all cases where additional information not included in the Incident Report is required or is requested by the supervisor.

D. Inmate Injury Report: To be completed in all cases except for Attended Deaths.

E. Property/Evidence Report: For all evidence seized and the deceased inmate's personal effects.

F. Per California Government code Section 12525, the Internal Affair's Unit Commander or designee shall ensure the following reports are submitted to the California Attorney General's Office within ten days after the inmate's death.

1. Death In Custody Report Form (retain copy for Investigative File)

2. Copy of the Crime/Incident Report

3. Copy of Death Certificate or Coroner's Report when it becomes available (retain original for Investigative File)

4. Copies of all documents verifying custody status

a. Face of Booking Jacket

b. Custody Sheet with Booking Photo

c. Remand, commitment, warrants or other holding documents

G. As required by California Penal Code Section 5021, the Internal Affairs Unit Commander or designee will be responsible for forwarding copies of all reports to the District Attorney's Office, Sheriff's Department, Coroner's Office and local police agency of jurisdiction within eight hours after any inmate death.

Note: If the deceased inmate was temporarily in custody due to a detainer from another county jail or state institution, the Internal Affair's Unit Commander or designee will forward a letter and all accompanying documentation to the "sending" county jail or state institution holding the detainer within ten calendar days of the death.

H. The Sheriff's Investigation's Unit or Detective Division Investigators shall investigate all inmate Unattended death cases to determine the manner of death (natural causes, accidental, suicide, or homicide).

V. Notification of Next-of-Kin

A. The Coroner's Office will normally be responsible for the notification of next-of-kin in any inmate death case.

B. The responsible Shift Lieutenant shall contact the Coroner's Office, provide the necessary emergency notification information, and request notification.

C. The Shift Lieutenant shall verify that next-of-kin notification was made as soon as possible after the incident, and prior to the release of the deceased inmate's name to the press.

D. In the event that staff receives inquiries from the next-of-kin prior to official notification, the staff member will take the inquirer's name, relationship and phone number, and provide the information to the Coroner's Office, who will return the call.

VI. Press Releases

A. Badge or civilian personnel will not make any public comments regarding the incident or the deceased inmate and will refer all inquiries to the Shift Supervisor, Shift Lieutenant or designated Public Information Officer.

B. Press releases ***will not*** be made prior to notification of the next-of-kin.

VII. ***Preliminary*** Death Review Committee

A. Whenever an inmate death occurs, a preliminary Death Review Committee will convene, within two days of the incident or as soon as practical, to discuss and examine the preliminary details surrounding the incident.

1. The purpose of the preliminary Death Review Committee will be to determine whether or not any changes need to be immediately implemented, based on board participant's assessment of the preliminary details of the incident.

2. The preliminary Death Review Committee will provide a forum for participants to address issues and concerns relating to the incident while awaiting the Death Review Committee to convene. (See section VIII for description and guidelines relating to the Death Review Committee)

3. The preliminary Death Review Committee will consist of the following participants:

a. Chief
b. Assistant Chief
c. Professional Compliance Division Commander
d. Division Commanders (Main Jail and Elmwood)
e. Affected Assistant Division Commander
f. Affected Watch Commander, if on-duty and available
g. Professional Compliance and Audit Unit Commander
h. Internal Affairs Investigator
i. County Counsel Representative
j. Medical and Mental Health staff representatives
k. Sheriff's Criminal Investigators, as applicable

VIII. Death Review Committee

A. Per Title 15, Section 1218, of the California Code Regulation the health authority in cooperation with the facility administrator shall conduct a medical review of every in-custody inmate death. In accordance with this regulation, a Death Review Committee will be formed, which will consist of the following participants:

1. Assistant Chief (Chairperson)
2. Affected Division Commander
3. Classification Commander
4. Sheriff's Jail Operations Commander
5. Professional Compliance Division Commander
6. Representative from the Office of the County Counsel
7. Representative from the Office of the District Attorney
8. Representative from the Office of the County Executive
9. Director of Children's Shelter and Custody Health Services and/or the Attending Physician
10. Mental Health Director and/or the attending Mental Health Authority (if death by suicide).
11. Santa Clara County Coroner

B. In all cases of Attended Deaths, the Medical Director, Custody Health Services, or designee, will conduct a post-mortem review of the medical care provided to the inmate during his/her period of incarceration. The post-mortem review will be presented to the Death Review Committee.

C. In all cases of inmate death by suicide, the Mental Health Director, or designee, will conduct a post-mortem review of the mental health care provided to the inmate during his/her period of incarceration. The post-mortem review will be presented to the Death Review Committee.

D. In cases of Attended Deaths, the Death Review Committee shall convene at the request of the Department of Correction as soon as possible after the Director, Custody Health Services, has completed the post-mortem review.

E. In cases of Unattended Deaths, the Death Review Committee shall convene at the direction of the Assistant Chief as soon as possible after all investigations have been completed.

IX. Policy Revision

A. All Department policies will be reviewed not less than once a year. The Professional Compliance and Audit Unit will establish an annual schedule identifying policies to be reviewed during a specific month.

California Department of Justice
DIVISION OF CALIFORNIA
JUSTICE INFORMATION
SERVICES
Nick L. Dedier, Director/CIO

INFORMATION BULLETIN

Subject:	No.	Contact for information:
Death in Custody Reporting Form (BCIA 713)	05-28-BCIA	Criminal Justice Statistics Center 916-227-3545
	Date: 12-22-05	

To: **Police Departments**
Sheriff's Offices
County Probation Departments
Department of Corrections and Rehabilitation Institutions
Department of Developmental Services
Department of Mental Health

Government Code section 12525 requires law enforcement agencies or local or state correctional facilities to report the death of a person in custody, within 10 days, to the Attorney General. The Death in Custody Reporting Form (BCIA 713), used to satisfy this mandate, has been revised.

The revised BCIA 713 better classifies and captures death in custody details via modification of the circumstance titles and choices. The revised BCIA 713 also eliminates the requirement that agencies provide copies of death in custody incident reports to the Department of Justice.

Amendment of a previously submitted BCIA 713 should be accomplished through submission of a second BCIA 713.

A BCIA 713 (11/05) and instruction guidelines are attached.

Sincerely,

DOUG SMITH, Deputy Director
Division of California Justice Information Services

For BILL LOCKYER
Attorney General

Attachments

State of California

Department of Justice

DEATH IN CUSTODY REPORTING FORM

BCIA 713 (rev. 11/05)

☐ ORIGINAL ☐ AMENDMENT

DOJ USE ONLY

RECORD KEY

AGENCY TYPE
- ☐ Police
- ☐ Sheriff
- ☐ Probation
- ☐ State
- ☐ Other Local

AGENCY NCIC NUMBER

COUNTY

DATE OF DEATH ___ / ___ / ___
MM DD YYYY

SUBJECT NAME
Last First Middle

CII NUMBER

DATE OF BIRTH ___ / ___ / ___
MM DD YYYY

GENDER
- ☐ Male
- ☐ Female

RACE/ETHNICITY *(Check One)*
- ☐ Other Asian
- ☐ Black
- ☐ Chinese
- ☐ Cambodian
- ☐ Filipino
- ☐ Guamanian
- ☐ Hispanic
- ☐ American Indian
- ☐ Japanese
- ☐ Korean
- ☐ Laotian
- ☐ Other
- ☐ Pacific Islander
- ☐ Samoan
- ☐ Hawaiian
- ☐ Vietnamese
- ☐ White
- ☐ Asian Indian

DOJ USE ONLY

CUSTODY OFFENSE

CUSTODY STATUS
(Check One)
- ☐ Process of Arrest
- ☐ In Transit
- ☐ Awaiting Booking
- ☐ Booked - No Charges Filed
- ☐ Booked - Awaiting Trial
- ☐ Sentenced
- ☐ Out to Court
- ☐ Other

CUSTODIAL RESPONSIBILITY AT TIME OF DEATH
(Check One)
- ☐ Process of Arrest
- ☐ City Jail
- ☐ County Jail
- ☐ Adult Camp or Ranch
- ☐ Local Juvenile Facility/Camp
- ☐ Adult Operations and Adult Programs (formerly CDC)
- ☐ Division of Juvenile Justice (formerly CYA)
- ☐ State Hospital
- ☐ Other

LOCATION WHERE CAUSE OF DEATH OCCURRED
(Check One)
- ☐ Not Applicable (Natural)
- ☐ Crime/Arrest Scene
- ☐ Facility -- Administrative
- ☐ Facility -- Booking
- ☐ Facility -- Living
- ☐ Facility -- Common
- ☐ Facility -- Holding
- ☐ Facility -- Medical Treatment
- ☐ Other

FACILITY OF DEATH
(Check One)
- ☐ Crime/Arrest Scene
- ☐ Local Hospital
- ☐ City Jail
- ☐ County Jail
- ☐ Adult Camp or Ranch
- ☐ Local Juvenile Facility/Camp
- ☐ Adult Operations and Adult Programs (formerly CDC)
- ☐ Division of Juvenile Justice (formerly CYA)
- ☐ State Hospital
- ☐ Other

MANNER OF DEATH
(Check One)
- ☐ Pending Investigation
- ☐ Natural
- ☐ Accidental -- Injury to Self
- ☐ Accidental -- Injury by Other
- ☐ Suicide
- ☐ Homicide Willful (Law Enforcement Staff)
- ☐ Homicide Willful (Other Inmate)
- ☐ Homicide Justified (Law Enforcement Staff)
- ☐ Homicide Justified (Other Inmate)
- ☐ Execution
- ☐ Cannot Be Determined
- ☐ Other

MEANS OF DEATH
(Check One)
- ☐ Pending Investigation
- ☐ Not Applicable (Natural)
- ☐ Handgun
- ☐ Rifle/Shotgun
- ☐ Club, Blunt Instrument
- ☐ Hands, Feet, Fists
- ☐ Knife, Cutting Instrument
- ☐ Hanging, Strangulation
- ☐ Alcohol/Drug Overdose
- ☐ Execution: Lethal Gas/Injection
- ☐ Cannot Be Determined
- ☐ Other

DATA SUPPLIED BY *(Please print the following information):*

Name: _____ **Title:** _____

Agency: _____ **Telephone:** _____

Address: _____

Send completed form to: Department of Justice
Criminal Justice Statistics Center
P.O. Box 903427
Sacramento, CA 94203-4270
Facsimile: (916) 227-0427 or 227-3561
Telephone: (916) 227-3545

Instructions for Completing the

Death in Custody Reporting Form

BCIA 713 (rev. 11/05)

Original — Check this box if this is the first reporting form submitted to the DOJ for the subject.

Amendment — Check this box if the information on this reporting form amends a previously submitted reporting form for the subject.

Date of Death — Date the subject was pronounced dead by law enforcement or medical authorities.

Subject Name — Name of the deceased subject.

CII Number — California Criminal Identification and Information Number (exclude outside state numbers).

Date of Birth — The subject's date of birth.

Gender — The subject's gender.

Race/Ethnicity — See reporting form for race/ethnic categories.

Custody Offense — The most serious California statute code for which the subject was detained, arrested, charged, or incarcerated.

Custody Status — The custody status of the subject immediately preceding death.

- **Process of Arrest** — The subject died while in the physical custody or under the physical restraint of law enforcement officers (even if the person was not formally under arrest at the time); the subject was killed by any use of force by law enforcement officers; the subject died at the crime/arrest scene or medical facility prior to booking.
- **In Transit** — The subject died while being transported to another location.
- **Awaiting Booking** — The subject died while in a law enforcement jail facility, but prior to being officially booked.
- **Booked (No Charges Filed)** — The subject died between booking and arraignment and while in law enforcement custody.
- **Booked (Awaiting Trial)** — The subject died after charges were filed and while awaiting trial (in law enforcement custody).
- **Sentenced** — The subject was incarcerated or under supervision as a result of a judgement formally pronounced by a court or judge in a criminal proceeding.
- **Out to Court** — The subject was a sentenced inmate but was temporarily in the custody of another agency for other court appearances.
- **Other** — Other than the above.

Custodial Responsibility at Time of Death — The agency or facility that has control, care, or custody of the subject immediately preceding death. (This data element should not be used to capture the subject's location where she/he was first diagnosed with, or contracted, a disease such as cancer or AIDS.)

	Process of Arrest	The subject died while in physical custody or under the physical restraint of law enforcement officers (even if the person was not formally under arrest at the time); the subject was killed by any use of force by law enforcement officers; the subject died at the crime/arrest scene or medical facility prior to booking.
	City Jail	A local city jail facility under the control of the police department.
	County Jail	A local county jail or other facility under the control of the county sheriff's department.
	Adult Camp or Ranch	Community correctional facilities or conservation camps.
	Local Juvenile Facility/Camp	A local juvenile facility, camp, or ranch under the control of the county probation department.
	Adult Operations and Adult Programs	Formerly the California Department of Corrections (CDC). This program resides within the Department of Corrections and Rehabilitation.
	Division of Juvenile Justice	Formerly the California Department of the Youth Authority (CYA). This division resides within the Department of Corrections and Rehabilitation.
	State Hospital	Department of Mental Health state hospitals (i.e., Atascadero, Metropolitan, Napa, and Patton).
	Other	Other than the above.
Location Where Cause of Death Occurred	The subject's location at the time of an *unexpected* injury or medical condition that led to death.	
	Not Applicable (Natural)	Death was expected and was due to natural causes.
	Crime/Arrest Scene	Death occurred at the scene of the crime or at the scene of the arrest.
	Facility (Administrative)	Administrative offices within a facility.
	Facility (Booking)	Booking area within a facility.
	Facility (Living)	Living quarters such as a cell or room within a facility.
	Facility (Common)	Areas used by many inmates simultaneously such as food halls, exercise rooms/yards, and TV rooms within a facility.
	Facility (Holding)	Temporary holding cell within a facility.
	Facility (Medical Treatment)	Medical ward or local hospital.

	Other	Other than the above.
Facility of Death	Law enforcement agency or facility where the subject died.	
	Crime/Arrest Scene	Death occurred at the scene of the crime or at the scene of the arrest.
	Local Hospital	Local hospital used by an agency or facility to treat acute conditions or injuries. This category includes subjects who were in an ambulance in transit to a local hospital when medical personnel declared death.
	City Jail	Local city jail facility under the control of the police department.
	County Jail	Local county jail or other facility under the control of the county sheriff's department.
	Adult Camp or Ranch	Community correctional facilities or conservation camps.
	Local Juvenile Facility/Camp	Local juvenile facility, camp, or ranch under the control of the county probation department.
	Adult Operations and Adult Programs	Formerly the California Department of Corrections (CDC). This program resides within the Department of Corrections and Rehabilitation.
	Division of Juvenile Justice	Formerly the California Department of the Youth Authority (CYA). This division resides within the Department of Corrections and Rehabilitation.
	State Hospital	Department of Mental Health state hospitals (i.e., Atascadero, Metropolitan, Napa, and Patton).
	Other	Other than the above.
Manner of Death	Type of death based on available information.	
	Pending Investigation	This information is pending at the time the "Death in Custody Reporting Form" was submitted to the DOJ.
	Natural	A death due to natural circumstances such as old age, chronic illness, or disease.
	Accidental (Injury to Self)	A death resulting from an injury caused by an unforseen, unplanned, or negligent event or circumstance.
	Accidental (Injury by Other)	A death resulting from an injury caused by an unforseen, unplanned, or negligent event or circumstance by someone other than the subject.
	Suicide	The act of taking one's own life voluntarily and intentionally.
	Homicide, Willful (Law Enforcement Staff)	A death at the hands of a law enforcement officer that was determined, upon investigation, to be willful.

Homicide, Willful (Other Inmate)	A death at the hands of another inmate that was determined, upon investigation, to be willful.
Homicide, Justified (Law Enforcement Staff)	A death at the hands of a law enforcement officer that was determined, upon investigation, to be justified.
Homicide, Justified (Other Inmate)	A death at the hands of another inmate that was determined, upon investigation, to be justified.
Execution	The subject was a condemned inmate executed by order of the court.
Cannot be Determined	The manner of the subject's death cannot be determined.
Other	Other than the above.

Means of Death

Instrument used to cause injuries which contributed to the subject's death.

Pending Investigation	This information is pending at the time the "Death in Custody Reporting Form" was submitted to the DOJ.
Not Applicable (Natural)	The subject's death is considered "natural."
Handgun	A handgun was used to cause injuries which contributed to the subject's death.
Rifle/Shotgun	A rifle or shotgun was used to cause injuries which contributed to the subject's death.
Club, Blunt Instrument	A baseball bat, chair leg, etc., was used to cause injuries which contributed to the subject's death.
Hands, Feet, Fists	Hands, feet, or fists were used to punch, kick, or beat the subject to death.
Knife, Cutting Instrument	Knives, glass, sharp metal objects, etc., were used.
Hanging/ Strangulation	When death was caused by choking because of compression of the throat (includes the use of ropes, bedding, clothes, hands, etc.).
Alcohol/Drug Overdose	The subject's death was caused by alcohol or drug usage/ overdose.
Execution (Lethal Gas/Injection)	The subject was executed with lethal gas or by injection.
Cannot be Determined	The means of the subject's death cannot be determined.
Other	Other than the above.

State of California

Department of Justice

DEATH IN CUSTODY REPORTING FORM

BCIA 713 (rev. 11/05)

☐ ORIGINAL ☐ AMENDMENT

DOJ USE ONLY

RECORD KEY

AGENCY TYPE
- ☐ Police
- ☐ Sheriff
- ☐ Probation
- ☐ State
- ☐ Other Local

AGENCY NCIC NUMBER

COUNTY

DATE OF DEATH ___/___/___ (MM DD YYYY)

SUBJECT NAME ___ (Last First Middle)

CII NUMBER

DATE OF BIRTH ___/___/___ (MM DD YYYY)

GENDER
- ☐ Male
- ☐ Female

RACE/ETHNICITY *(Check One)*
- ☐ Other Asian
- ☐ Black
- ☐ Chinese
- ☐ Cambodian
- ☐ Filipino
- ☐ Guamanian
- ☐ Hispanic
- ☐ American Indian
- ☐ Japanese
- ☐ Korean
- ☐ Laotian
- ☐ Other
- ☐ Pacific Islander
- ☐ Samoan
- ☐ Hawaiian
- ☐ Vietnamese
- ☐ White
- ☐ Asian Indian

DOJ USE ONLY

CUSTODY OFFENSE

CUSTODY STATUS *(Check One)*
- ☐ Process of Arrest
- ☐ In Transit
- ☐ Awaiting Booking
- ☐ Booked - No Charges Filed
- ☐ Booked - Awaiting Trial
- ☐ Sentenced
- ☐ Out to Court
- ☐ Other

CUSTODIAL RESPONSIBILITY AT TIME OF DEATH *(Check One)*
- ☐ Process of Arrest
- ☐ City Jail
- ☐ County Jail
- ☐ Adult Camp or Ranch
- ☐ Local Juvenile Facility/Camp
- ☐ Adult Operations and Adult Programs (formerly CDC)
- ☐ Division of Juvenile Justice (formerly CYA)
- ☐ State Hospital
- ☐ Other

LOCATION WHERE CAUSE OF DEATH OCCURRED *(Check One)*
- ☐ Not Applicable (Natural)
- ☐ Crime/Arrest Scene
- ☐ Facility -- Administrative
- ☐ Facility -- Booking
- ☐ Facility -- Living
- ☐ Facility -- Common
- ☐ Facility -- Holding
- ☐ Facility -- Medical Treatment
- ☐ Other

FACILITY OF DEATH *(Check One)*
- ☐ Crime/Arrest Scene
- ☐ Local Hospital
- ☐ City Jail
- ☐ County Jail
- ☐ Adult Camp or Ranch
- ☐ Local Juvenile Facility/Camp
- ☐ Adult Operations and Adult Programs (formerly CDC)
- ☐ Division of Juvenile Justice (formerly CYA)
- ☐ State Hospital
- ☐ Other

MANNER OF DEATH *(Check One)*
- ☐ Pending Investigation
- ☐ Natural
- ☐ Accidental -- Injury to Self
- ☐ Accidental -- Injury by Other
- ☐ Suicide
- ☐ Homicide Willful (Law Enforcement Staff)
- ☐ Homicide Willful (Other Inmate)
- ☐ Homicide Justified (Law Enforcement Staff)
- ☐ Homicide Justified (Other Inmate)
- ☐ Execution
- ☐ Cannot Be Determined
- ☐ Other

MEANS OF DEATH *(Check One)*
- ☐ Pending Investigation
- ☐ Not Applicable (Natural)
- ☐ Handgun
- ☐ Rifle/Shotgun
- ☐ Club, Blunt Instrument
- ☐ Hands, Feet, Fists
- ☐ Knife, Cutting Instrument
- ☐ Hanging, Strangulation
- ☐ Alcohol/Drug Overdose
- ☐ Execution: Lethal Gas/Injection
- ☐ Cannot Be Determined
- ☐ Other

DATA SUPPLIED BY *(Please print the following information):*

Name:_____ **Title:**_____

Agency:_____ **Telephone:**_____

Address:_____

Send completed form to: Department of Justice
Criminal Justice Statistics Center
P.O. Box 903427
Sacramento, CA 94203-4270
Facsimile: (916) 227-0427 or 227-3561
Telephone: (916) 227-3545

COUNTY OF SANTA CLARA

Department of Correction Policy and Procedure Manual	**Policy Number:** 12.11 **No. of Pages:** 8 **Date of Origin:** 12 Dec 1994 **Date Revised:** 25 Feb 2004
Chapter: Medical and Health Care Services	**Subject:** Collection of Samples and Palm Prints Pursuant to Penal Code 296
Supersedes: Policy 12.11 rev. date 06/22/00	**Distribution:**
References: Penal Code Sections 290, 296, 298.1, Contract #C997626 California Code of Regulations, Title 15, Section 1059	
Signature of Issuing Authority James W. Babcock, Chief of Correction	**Current Policy Review** **Date of Review:** 25 Feb 2004 **Revisions Made:** ☒Yes ☐No

POLICY: It is the policy of the Department of Correction to comply with the collection of blood and saliva samples and palm prints pursuant to Penal Code Section 296 for convicted offenders who meet the requirement.

PURPOSE: To establish guidelines and procedures in order to ensure blood and saliva samples and palm prints are collected pursuant to Penal Code Section 296.

DEFINITIONS:

E.I.S.: Executive Information System

CJIC: Criminal Justice Information Control

CML: Central Medical Laboratory

Samples: Specimens of blood, a saliva sample, right thumbprints, and a full palm print impression of each hand as required for law enforcement identification pursuant to Penal Code 296.

PROCEDURE:

I. Penal Code 296 Compliance

A. The Department of Correction will establish a process to comply with the requirements of Penal Code 296 and California Code of Regulations, Title 15.

1. Penal Code Section 296 requires that any person who is convicted of, or pleads guilty or no contest to, or is found not guilty by reason of insanity of any felony offense described in Penal Code Section 296 or any person

who attempts to commit a felony crime offense specified in Penal Code Section 290 shall be required to provide Samples.

2. Pursuant to Penal Code Section 298.1, authorized law enforcement, custodial, or corrections personnel including peace officers, may employ reasonable force to collect Samples from individuals who are required to provide them pursuant to Penal Code Section 296 and who refuse following written or oral request.

3. Pursuant to California Code of Regulations, Title 15 Section 1059, the use of reasonable force to collect Samples will be reported to the Board of Corrections within 10 days.

B. The Financial Services manager will be responsible for the contract of a licensed Phlebotomist to collect Samples and will be responsible for the contract's maintenance.

1. The approved contractor will provide on site services to each division and emergency services seven days a week, twenty-four hours a day with a maximum response time of two hours.

2. Central Medical Laboratory is the selected contractor that provides the required phlebotomist services for the Department of Correction. For emergency services, CML can be contacted at (408) 295-4545.

C. Classification staff will be responsible for identifying inmates who may need to comply with the requirements of Penal Code 296.

D. The Classification Administrative Officer will serve as the Department's administrator for all matters relating to the compliance with Penal Code 296.

E. Custody staff will be responsible for supervising the collection of Samples.

F. Administrative Booking staff will be responsible for updating the status of an inmate as changes in judicial status occur.

II. Classification Unit Responsibilities

A. During the Classification interview process, Classification staff will review the inmate's current charges and will review the inmate's local and state criminal history to determine if the inmate may need to comply with the requirements of Penal Code Section 296.

1. If the inmate meets the requirements, the Classification Officer shall update the EIS and CJIC systems to flag the inmate's status as "M" for "may need to comply."

2. The inmate will be flagged if he or she is booked on a qualifying charge or if the inmate has a qualifying charge in his or her history.

3. If the inmate is convicted on the original qualifying charge for which he or she was booked, the inmate's status changes from "M" for "may need to comply" to "Y" for "must comply."

4. If the inmate is not booked on a qualifying charge but has a qualifying charge in his or her history, the inmate will need a new conviction before the status is changed from "may need to comply to "must comply.

B. If an inmate is flagged as "may need to comply" for current felony qualifying charges and those charges are reduced to a misdemeanor conviction, Administrative Booking staff will review the inmate's status to determine if he or she may still need to comply as there could be a past qualifying charge, which would only require a new conviction (misdemeanor or felony.)

C. If an inmate's charges change while he or she is in-custody, Administrative Booking staff will notify Classification staff through the EIS system's Judicial Status Change. Classification staff must review the information provided to determine if the change affects compliance for PC 296. If it does, the Classification Officer will update the EIS and CJIC systems to reflect the inmate's status as "M" for "may need to comply."

D. The Classification Administrative Officer will oversee compliance with PC 296 for the Department as follows:

1. As the liaison with the District Attorney's office, the Officer will review the monthly conviction list sent by the District Attorney's office and will ensure that the information is updated and consistent with the Department's information in the EIS and CJIC systems.

2. As the liaison with CML, the Officer will:

a. Send CML a daily list of inmates who "must comply" with Penal Code 296.

b. Receive a weekly list from CML of offenders who have complied by providing Samples.

3. As the administrator for the Department, the Classification Administrative Officer will be responsible for arranging the compliance of inmates who are temporarily signed out and housed at an outside medical facility,

Juvenile Hall, or other DOC program. The Officer will contact the outside agency/location and make the necessary arrangements for CML to collect the Samples.

a. If the Classification Administrative Officer is on-duty, Administrative Booking staff may send court orders for PC 296 compliance, for offenders who are not housed in a DOC facility, directly to the Officer to handle

b. If the Classification Administrative Officer is not on-duty, Administrative Booking staff will send the court order for PC 296 compliance directly to the on-duty Sergeant to handle.

4. As the County representative, the Officer will be responsible for updating CJIC to "C" for "Has Complied" for all persons in the County who have provided Samples to CML. The weekly list sent by CML includes offenders throughout the County who have provided Samples.

III. Administrative Booking Unit Responsibilities

A. Administrative Booking staff will review conviction court orders, plea paperwork, or sentencing court orders for conviction information.

B. Administrative Booking staff will review every convicted inmate's release date to ensure that the collection of Samples is completed before release.

1. If the inmate <u>is not</u> scheduled to be released within the next 72 hours, Administrative Booking staff will update the inmate's status to "must comply." It will not be necessary for the Administrative Booking Unit to complete a "Court Order Compliance Form" and the normal process for collection of Samples will be used.

2. If the inmate is scheduled to be released within the next 72 hours, the Administrative Booking Unit staff will update the inmate's status to "must comply" and complete a "Court Order Compliance Form." The Administrative Booking Unit staff will fax the form and court order, day or night, to the appropriate facility's Sergeant. A follow-up phone call to the Sergeant will be placed to ensure arrival of the form and court order, and to identify who received them. The fax receipt will be attached to the form and court order and filed in the Administrative Booking file. The Sergeant will ensure that CML is contacted to respond for the collection of Samples prior to the inmate's release.

C. Administrative Booking staff will notify Classification staff through the EIS system's Judicial Status Change when they receive a felony violent or sex offense warrant charge, on-view charge or remand charge for an inmate in-custody.

1. Classification staff must review the information provided to determine if the charge affects compliance for PC 296.

2. If compliance is affected, the Classification Officer will update the EIS and CJIC systems to change the inmate's status to "M" for "may need to comply."

D. Administrative Booking staff will review an inmate's status when the felony charges have been reduced to a misdemeanor conviction.

1. If the inmate still needs to comply due to a past qualifying charge, Administrative Booking staff will update the EIS system to "must comply" and will notify Classification staff.

2. If the inmate no longer needs to comply, Administrative Booking staff will remove the flag from the EIS system and notify Classification staff.

IV. Custody Staff Responsibilities

A. An automated system downloads a list from the CJIC system with all the offenders needing to comply with PC 296 and sends it daily to CML by e-mail. The collection of Samples is scheduled by CML based on this list. The Classification Administrative Officer is responsible for this automated process and will process the list by other means whenever the computer systems are down.

B. The collection of Samples will usually be completed on night shift, but may be completed on day shift when necessary.

1. The phlebotomist will contact custody staff at the facility to arrange the best time for the collection of Samples.

2. The advance notice by the phlebotomist will provide custody staff an opportunity to have the inmates mustered in the medical unit or designated area for collection.

3. At the Elmwood Complex, the Officer assigned as the Medical Officer is responsible for coordinating the process of collecting Samples once the phlebotomist arrives at the facility. Note: CCW is part of the Elmwood Complex.

4. At the Main Jail Complex, the Officer assigned as the Floor Station Officer (F2) on the medical floor is responsible for coordinating the process of collecting Samples once the phlebotomist arrives at the facility.

C. The Officer responsible for coordinating the collection of Samples will print the form, "Required PC 296 Information for Sample Collection" from the EIS system for each inmate. At the bottom of the form, a date and signature is required of the phlebotomist collecting the Samples and of the Officer witnessing the collection to indicate compliance. Upon completing the Sample collection, the Officer will:

1. Give the phlebotomist a copy of the forms.

2. Update the CJIC system to change the inmate's status from "Y" for "must comply to "C" for "has complied" and include the date of compliance. Note: CJIC code "JPUP" will open the screen where this update can be made.

3. File the original forms noting compliance in the PC 296 binder. Note: The facility Administrative Sergeant will collect the forms monthly.

D. If an inmate is in court or otherwise not available for sample collection as scheduled with the phlebotomist, the Officer will advise the phlebotomist to reschedule the inmate as soon as possible.

V. Release Officer responsibilities when releasing inmates from custody

A. The Release Officer at each facility is responsible for checking CJIC prior to each inmate's release to ensure an inmate who is flagged for compliance with PC 296 has complied. The JIUR screen in CJIC will indicate the inmate's status.

B. If the inmate is flagged with a "Y" for "must comply" and has not yet complied at the time of his or her release, the Release Officer will:

1. Notify the Sergeant.

2. Contact CML to respond to the facility for the collection of Samples. *Note: Prior to contacting CML, the Officer will ask the inmate if he or she has already provided Samples pursuant to PC 296. If the inmate says yes, the Officer can verify compliance with CML by telephone.*

3. If the inmate has not complied, follow the procedures in section IV. of this policy.

VI. Custody staff responsibilities when an inmate refuses to comply

A. If an inmate refuses to provide Samples the following will be completed:

1. The Officer supervising the collection of Samples will read the "Penal Code Section 298.1 Admonishment Form" to the inmate and order the inmate again to provide Samples.

   a. If the inmate continues to refuse, the inmate will be asked to sign the admonishment form and the Officer will sign as a witness.

   b. If the inmate refuses to sign the admonishment form, the Officer will sign the form and the phlebotomist will be asked to sign the form as a witness.

2. The Officer will contact the Sergeant for authorization to use reasonable force when efforts to secure voluntary compliance fail. The Sergeant will respond to the scene and give the inmate a final opportunity to voluntarily provide Samples before authorizing the use of force.

B. If the Sergeant authorizes the use of force to collect the Samples, he or she will ensure the incident is video taped in accordance with Policy 9.55, Video Documentation and will advise the Watch Commander.

1. The Sergeant will determine the best method to secure the inmate (e.g. use of ERT members, restraint chair, or cell extraction) and will determine the location for collection of the Samples.

2. Custody staff involved in the use of force will complete the appropriate reports in accordance with Policy 9.27, Reporting of Incidents.

   a. Upon completion of the collection of Samples, the removal or retention of an inmate in a restraint chair will be evaluated and determined by the Sergeant on scene. The guidelines of the "Use of Force" policy will be used for the continued retention of the inmate in the restraint chair.

   b. The restraint chair is not used for inmates housed in 8A except when used for the forced collection of Samples pursuant to PC 296. If upon completion of collection of Samples, the Sergeant determines the need for continued retention, he or she will move the inmate to the 8A restraint room as soon as it is safe to do so.

C. If force is used to collect Samples, the Watch Commander will complete the "California Penal Code Section 298.1 Data Collection Form."

1. The Watch Commander will submit the completed form and the corresponding reports to the Division Commander.

2. The Division Commander will ensure the form is forwarded to the Board of Corrections within 10 days of the incident.

VII. Phlebotomist Responsibilities

A. The phlebotomist will be responsible for the collection of Samples.

B. The phlebotomist must confirm the identity of each qualifying offender prior to taking Samples.

C. The phlebotomist may serve as a witness for offenders refusing to submit and/or to sign the Department's Admonishment form.

D. Once the phlebotomist has collected the Samples, he or she will take custody of the samples and palm prints and forward them to the Department of Justice DNA Lab also known as the "Jan Bashinski DNA Laboratory."

E. A weekly list of all offenders who have complied will be forwarded by CML to the Classification Administrative Officer as a check and balance for compliance verification.

VIII. Immediate Release of Inmates from Custody

A. When the Administrative Booking Unit receives notice of an inmate's conviction and determines that the inmate is to be released immediately, the Administrative Booking Unit will notify custody staff by "Court Order Compliance Form."

B. Upon receiving the "Court Order Compliance Form," custody staff shall immediately notify the phlebotomist to respond for the collection of Samples.

C. The phlebotomist will respond within 2 hours of notification. Upon the arrival of the phlebotomist, the collection process will follow the guidelines in Section IV or VI of this policy.

IX. Policy Revision

A. All Department policies will be reviewed not less than once a year. The Professional Compliance and Audit Unit will establish an annual schedule identifying policies to be reviewed during a specific month.

COUNTY OF SANTA CLARA
DEPARTMENT OF CORRECTION

180 West Hedding Street
San Jose, CA 95110
(408) 299-8719

Penal Code Section 298.1 Admonishment Form

Name: _____

Date/Time: _____

Booking # _____ **PFN:** _____

☐ **You have been convicted of:** _____ **which requires you to comply with Penal Code Section 296;**

☐ **In the past, you were convicted of:** _____ **which requires you to comply with Penal Code Section 296; and/or**

☐ **You have received written notification, from a peace officer, advising you that you must comply with Penal Code Section 296.**

It is a violation of Penal Code Section 298.1 (misdemeanor), if you refuse to provide blood and saliva samples and palm prints, per Penal Code Section 296. You may be arrested and booked for this new crime. Refusal to provide these samples may result in increased jail time. In addition, pursuant to Penal Code Section 298.1, reasonable force may be employed to collect blood and saliva samples and print impressions from individuals who refuse to voluntarily provide those samples or impressions.

Inmate Signature: _____

Officer Signature: _____

Phlebotomist Signature: _____

☐ **Inmate complied by providing all samples and print impressions**

☐ **Inmate refused to comply to provide all samples and print impressions**

Santa Clara County Department of Correction
Required PC 296 Information for Sample Collection

Last Name:	First Name:	Date Collected:
Sex:	Race:	Date of Birth:
SSN:	CII #:	Place of Birth:
FBI#:	Submitting Agency:	County Convicted:
Qualifying Offense/Hist:	Agency ORI	CDL:
PFN:	Booking #:	Inmate Housing:

_____ _____
Tech Signature Date

_____ _____
Ofc. Witness/CJIC Updated Signature Badge # / Date

County of Santa Clara
Department of Correction
Professional Compliance and
Audit Unit (P.C.A.U.)
(408) 957-5322

By Direction of the Chief

NOTICE TO ALL STAFF

Re: Policy change effective October 18, 2006

Policy Amendment

The Department is amending policy 12.13, Inmates Infected with MRSA, to add language that distinguishes between inmates infected with MRSA who are contagious versus those who are not in regards to where the inmates will be housed (e.g. Infirmary, general population, ect.). Section III, D has been amended as follows:

~~III, D. Inmates with confirmed cases of MRSA infection will be transported and rehoused from their current housing locations to a single cell in the Main Jail Infirmary. If the inmate is currently housed at the Elmwood Complex, the inmate will be transported via transportation van to the Main Jail Infirmary Unit.~~

III, D. Inmates with confirmed cases of MRSA who are not considered contagious, as determined by a licensed physician, will be housed in accordance with Classification Unit and Department medical staff guidelines and recommendations. Inmates with confirmed cases of MRSA who are considered contagious, as determined by a licensed physician, will be transported and rehoused from their current housing locations to a single cell in the Main Jail Infirmary. If the inmate is currently housed at the Elmwood Complex, the inmate will be transported via transportation van to the Main Jail Infirmary Unit.

Division Commanders/Unit Managers must ensure that this notice is **read at all briefings** and/or a copy given to each staff member. A copy of this notice must also be attached to Policy 12.13 in the Policy Manuals located in their respective Divisions or Units. Any questions regarding this policy amendment should be directed to the PCAU Unit at 957-5322.

County of Santa Clara
Department of Correction
Professional Compliance and
Audit Unit (PCAU)
(408) 957-5322

By Direction of the Chief

NOTICE TO ALL STAFF

Policy 12.13 amendment effective 10/29/07

Policy Amendment

12.13 Inmates Infected with MRSA

The Department is amending Policy 12.13 Inmates Infected with MRSA to inform staff, that the Department will no longer use yellow bags for contaminated laundry. Blue plastic laundry bags will now be used for contaminated laundry.

The following modifications to the policy are shown as strikethroughs for deletion and underlined in bold font for an addition.

Sections: III, D,1, A, 1),4,a, 1), 3), c, 2),b

III. Inmates Infected with MRSA

1) Custody staff will provide the inmate with ~~yellow biohazard laundry~~ **blue** bags and instruct the inmate to secure all current clothing, bedding and linens in the bags.

a. All dirty clothing, linens and bedding exchanged from the inmate will be considered contaminated laundry items and must be secured in ~~yellow biohazard laundry~~ **blue** bags.

1) The Infirmary officer will provide the inmate with ~~yellow biohazard laundry~~ **blue** bags as needed.

3) The Infirmary officer will transport the secured ~~yellow biohazard laundry~~ **blue** bags to the appropriate location to facilitate laundering (refer to Department policy 16.03).

2) If the inmate verbally agrees to clean and disinfect the shower, the Infirmary officer will provide the inmate with a clean change of clothing (to be put on after showering), ~~yellow biohazard laundry~~ **blue** bags to secure contaminated clothing and a sponge and disinfectant solution to clean and disinfect the shower/tub after use.

b. Medical staff/Infirmary officer will instruct the inmate to secure any items in their cell in the appropriate bags (red bio-hazard or ~~yellow biohazard laundry~~ **blue** bags), as all items will be considered contaminated.

Division Commanders/Unit Managers must ensure that this notice is ***read at all briefings*** and/or a copy given to each staff member. A copy of this notice must also be attached to the beginning of Policy 12.13 in the Policy manuals located in their respective Divisions or Units. Any questions regarding this policy amendment should be directed to PCAU at 957-5322.

COUNTY OF SANTA CLARA

Department of Correction Policy and Procedure Manual	Policy Number: 12.13 No. of Pages: 8 Date of Origin: 01 Jul 2005 Date of Revision: new
Chapter: Medical and Health Care Services	**Subject:** Inmates Infected with MRSA
Supersedes: None	**Distribution:**
References: ACA 3-ALDF-4E-19, 4E-35; California Code of Regulations, Title 15, Sections 1051, 1200, 1206.5, and 1207; Centers for Diseases Control, Division of Healthcare Quality Promotion, MRSA	
Signature of Issuing Authority Edward C. Flores, Chief of Correction	**Current Policy Review** **Date of Review:** new **Revisions Made:** ☐Yes ☐No

POLICY: It is the policy of the Department of Correction to implement surveillance measures for recognizing and diagnosing inmates with MRSA infections, to manage those inmates appropriately, and to implement exposure control guidelines and measures to reduce the risk of transmission of MRSA within the custody environment.

PURPOSE: To provide guidelines for the surveillance of inmate infections to MRSA and provide guidelines for the management of MRSA in the custody environment.

DEFINITIONS: MRSA (*Methicillin Resistant Staphylococcus Aureus*): MRSA is a type of staph bacteria that is resistant to certain antibiotics that were commonly used in the past to treat staph infections.

Antibiotics: Chemical substances that inhibit the growth of or destroy bacteria and other microorganisms.

PROCEDURE:

I. Staph/MRSA Bacteria

A. Staph (Staphylococcus aureus) is a type of bacterium that is commonly carried on the skin or in the nose of many healthy persons. The bacterium normally remains in a colonized state, where the bacterium are present but are not causing infection.

B. In some cases, the staph bacteria can cause a staph infection. Staph bacteria are one of the most common causes of skin infections, most of which are minor in nature such as pimples, boils, blisters or rash.

1. Infections from staph bacteria are normally treated with common antibiotics (e.g. beta-lactam antibiotics such as *methicillin, oxacillin, penicillin, and amoxicillin*).

2. However, some types of staph bacteria, such as MRSA, are resistant to those commonly used antibiotics and are therefore more difficult to treat than other forms of staph bacteria and require specific types of antibiotic treatments. Signs and symptoms of MRSA infections may include:

   a. Skin sores that look like spider bites and will not heal
   b. Redness, tenderness, warmth, or swelling of the skin
   c. Open wounds with pus discharges

C. Staph/MRSA bacteria are transmitted from persons infected with staph/MRSA bacteria or colonized with staph/MRSA bacteria to others through direct or indirect physical contact with the bacteria themselves.

1. Transmission can occur from physical contact with the area of infection or from items, objects or surfaces that are contaminated with the bacteria. When transmission occurs, the bacteria can get on the surface of the skin or on a superficial wound and can cause an infection. The most common mode of transmission for staph/MRSA is via the hands.

2. Some factors which have been associated with the transmission and spread of MRSA infections, include:

   a. Close skin to skin contact
   b. Openings in the skin such as cuts or abrasions
   c. Contact with contaminated items or surfaces
   d. Crowded living conditions
   e. Poor hygiene / sharing personal hygiene items

D. Staff should utilize applicable Standard Precautions, as much as possible, to reduce their risk of coming into contact with staph/MRSA bacteria.

1. Standard Precautions are designed to reduce risk of transmission from both recognized and unrecognized infections and microorganisms.

2. Standard Precautions consist of the following types of proactive precautionary measures:

   a. Use of disposable personal protective equipment (PPE), including:

      1) Gloves
      2) Gowns
      3) Eye protection

Note: PPE should be disposed of as soon as practical, after each use, to prevent spreading any contaminants on the PPE to other objects, surfaces or persons.

b. Practicing good hygiene techniques, including:

1) Ensure cuts and scrapes are appropriately covered with bandages or other similar materials
2) Avoid sharing personal hygiene items with others
3) Avoid contact with other people's wounds or bandages
4) Handle all items as though they are contaminated
5) Hand washing (hand washing is one of the most important aspects of controlling the transmission of staph/MRSA bacteria)

Note: Hands should be washed, as often as possible, after removing PPE, after coming into contact with an inmate, after coming into contact with contaminated items or surfaces, prior to eating and before going off shift. Hands should be washed with antimicrobial soap and running water for 15 to 30 seconds for best results.

II. Staph/MRSA Infection Surveillance

A. Medical staff will provide staph/MRSA skin infection surveillance of arrestees during the intake/booking process. Medical staff will screen arrestees for signs and symptoms of staph skin infections, including rashes, open wounds, abscesses and signs and symptoms of cellulitis.

B. Badge staff that observe inmates with rashes, open wounds, abscesses or skin swelling should advise medical staff of their observations so that further surveillance for a possible staph/MRSA skin infection can be provided.

C. Medical staff will arrange for appropriate medical testing of inmates that they suspect of being infected with MRSA to confirm whether or not those inmates are positive for a staph/MRSA skin infection.

III. Inmates Infected with MRSA

A. Upon the receipt of a positive MRSA lab result, the Adult Custody Health Services (ACHS) Quality Improvement (QI) Manager/Designee will notify the on-duty Watch Commander of where the inmate was housed so that the area can be disinfected by the contracted haz-mat company.

B. Custody staff working around or in close contact with the inmate will utilize appropriate contact and standard precautions. Custody staff may refer to medical staff for advice or recommendations on appropriate precautions for the present circumstances.

C. Medical staff will facilitate medically segregated housing for inmates confirmed with MRSA infections through the Classification Unit.

D. Inmates with confirmed cases of MRSA infection will be transported and rehoused from their current housing locations to a single cell in the Main Jail Infirmary. If the inmate is currently housed at the Elmwood Complex, the inmate will be transported via transportation van to the Main Jail Infirmary Unit.

1. The following actions will be implemented prior to transport of the inmate:

a. Custody staff will provide the inmate with a complete set of clean clothing and instruct the inmate to exchange the clean clothing with his or her current clothing, which will be considered contaminated with MRSA bacteria.

1) Custody staff will provide the inmate with yellow biohazard laundry bags and instruct the inmate to secure all current clothing, bedding and linens in the bags.

2) Custody staff will facilitate laundering of the contaminated clothing, bedding and linen items in accordance with Department policy 16.03, Inmate Clothing, Bedding and Linens.

b. Medical staff will advise and instruct the inmate on appropriate precautionary measures to implement to minimize or prevent the transmission of the infectious bacteria during the transport process.

1) Medical staff will provide a clean dressing over the area of infection to minimize or prevent the transmission of the infectious bacteria during the transport process.

2) Medical staff will instruct the inmate not to touch the infected area or wound dressing during transport and to wash their hands prior to transport.

2. Upon transport, the inmate's previous housing location will be cleaned and disinfected with appropriate disinfectant solutions.

a. The on-duty Watch Commander will coordinate response of the Department's biohazard clean-up contractor for appropriate disinfecting and sanitizing of the inmate's previous housing location.

b. Areas to be sanitized and disinfected by the contractor include:

1) If single cell housing, the inmate's mattress, bed frame, sink, toilet and writing table and the housing unit showers.

2) If dorm housing, the inmate's mattress and bed frame and the communal sinks, showers and toilets located within the housing dorm.

3) Cells/bunks previously assigned to an inmate placed under Contact Precautions will not be utilized until they have been appropriately sanitized and disinfected.

c. Inmate workers may be utilized to clean and disinfect other communal areas of the housing unit at the direction of custody staff (e.g. phones, table tops, chairs, couches).

3. The following actions will be implemented upon the inmate's arrival in the Main Jail Infirmary:

a. The inmate will be assigned and housed in a single cell and should only take what is absolutely needed in the cell.

1) The Infirmary officer will inform the inmate that any items of personal property (e.g. commissary items, pictures, books, magazines, letters, or court papers) that are brought into the cell will be disposed of as contaminated items upon completion of treatment and rehousal from the Infirmary.

2) The Infirmary officer will place the inmate's property in a secure location for storage, until such time as the inmate has completed treatment.

3) Medical staff will instruct the inmate not to share any items with other inmates.

b. Once secured in the cell, medical staff will post a "Contact Precautions" sign on the inmate's cell door to alert staff to use Contact Precautions when working around the inmate, items that have come into contact with the inmate or the cell that the inmate is assigned. Contact Precautions consist of the following proactive precautionary measures:

1) Single cell segregated housing for the infected inmate

2) Use of applicable Standard Precautions (e.g. disposable gloves and gowns) when entering the cell, coming into contact with the inmate, or items or surfaces that have had contact with the inmate. Washing hands after removing any disposable PPE or coming into contact with the inmate or items or surfaces that have come into contact with the inmate.

3) Restricting or limiting the inmate's out of cell activity and movements and providing transmission prevention instruction should the inmate be out of his or her cell.

c. If a transportation van was utilized to transport the inmate to the Infirmary, the transporting officers will coordinate with the on-duty Watch Commander/designee and the biohazard contractor, upon their arrival back to the Elmwood Complex, to facilitate disinfecting of the areas within the transportation van that were in contact with the inmate and the mechanical restraints that were utilized to secure the inmate during transport.

Note: At this point, the biohazard contractor will either already be on scene at the Elmwood Complex cleaning and disinfecting the inmate's previous housing area or in route to the Elmwood Complex to clean and disinfect the inmate's previous housing area.

4. The following actions will be implemented during the course of treatment and until medical staff removes the inmate from contact precautions:

a. All dirty clothing, linens and bedding exchanged from the inmate will be considered contaminated laundry items and must be secured in yellow biohazard laundry bags.

1) The Infirmary officer will provide the inmate with yellow biohazard laundry bags as needed.

2) The inmate will be responsible for placing and securing his or her laundry items in the bags. If the inmate needs assistance in bagging linen or clothing, medical staff may assist with this process.

3) The Infirmary officer will transport the secured yellow biohazard laundry bags to the appropriate location to facilitate laundering (refer to Department policy 16.03).

b. All disposable items (e.g. wound dressings, meal trays, magazines, newspapers) generated from the inmate's room must be placed in a red biohazard waste bag for disposal.

1) The Infirmary officer will provide the inmate with red biohazard bags, as needed.

2) The inmate will be responsible for placing and securing his or her contaminated items in the bags. If the inmate needs assistance in bagging items, medical staff may assist with this process.

3) The Infirmary officer will transport the red biohazard bags to the biohazard disposal bins, located in the Infirmary, for temporary storage of the items.

c. Medical staff will provide direction for determining out of cell activity for the inmate (e.g. court, visits, program time, showering). If the inmate is allowed to shower, the following actions will be implemented:

1) Prior to the shower, the inmate must verbally agree to clean the shower as described in this policy as a condition of using the shower/tub prior to actual use.

2) If the inmate verbally agrees to clean and disinfect the shower, the Infirmary officer will provide the inmate with a clean change of clothing (to be put on after showering), yellow biohazard laundry bags to secure contaminated clothing and a sponge and disinfectant solution to clean and disinfect the shower/tub after use.

3) Medical staff will provide cleaning and disinfectant instructions to the inmate. Areas that must be cleaned and disinfected include the shower floor, walls and faucet handles. These areas must be sprayed down with the disinfectant solution, wiped down, and then rinsed with water.

Note: Any sponges used to wipe down the showers will be considered biohazard waste and must be disposed of as such in a red biohazard bag.

5. The following actions will be implemented when medical staff removes the inmate from contact precautions:

a. Medical staff will arrange to have the inmate's cell cleaned and disinfected by their unit janitor.

1) If a rehousal occurs after normal business hours and the cell needs to be immediately occupied by another inmate, the Watch Commander may utilize the Department's biohazard contractor service.

2) Any Infirmary Unit cell that was previously assigned and utilized by an inmate who was under contact precautions must be cleaned and disinfected by the medical unit janitor or the biohazard contractor prior to use by another inmate.

b. Medical staff/Infirmary officer will instruct the inmate to secure any items in their cell in the appropriate bags (red bio-hazard or yellow biohazard laundry bags), as all items will be considered contaminated.

c. The Infirmary officer will provide the inmate with a clean set of clothing, linens and bedding and a personal hygiene kit. In addition, the Infirmary officer will return any personal property belonging to the inmate (e.g. personal property that was given to the Infirmary officer by the inmate to avoid contamination while on contact precautions).

6. If the inmate is to be released prior to completion of treatment, the Infirmary officer will notify the Infirmary nurse.

IV. Policy Revision

A. All Department policies will be reviewed not less than once a year. The Professional Compliance and Audit Unit will establish an annual schedule identifying policies to be reviewed during a specific month.

County of Santa Clara
Department of Correction
Professional Compliance and
Audit Unit (PCAU)
(408) 957-5322

By Direction of the Chief

NOTICE TO ALL STAFF

Policy 12.15 amendment effective 10/29/07

Policy Amendment

12.15 Inmates Infected with Lice or Scabies

The Department is amending Policy 12.15 Inmates Infected with Lice or Scabies to inform staff, that the Department will no longer use yellow bags for contaminated laundry. Blue plastic laundry bags will now be used for contaminated laundry.

The following modifications to the policy are shown as strikethroughs for deletion and underlined in bold font for an addition.

Sections: III, A., 5., a.

III. Inmates Infected with Lice or Scabies

A. When medical staff suspects that an inmate is infested with lice or scabies, the following actions will be implemented:

5. Custody staff will provide the inmate with clothing exchanges in accordance with medical staff instructions.

a. Custody staff will provide the inmate with ~~yellow~~ blue bags for storing contaminated clothing. Custody staff will facilitate laundering of the contaminated clothing in accordance with Department policy 16.03, Inmate Clothing, Bedding and Linens.

Division Commanders/Unit Managers must ensure that this notice is ***read at all briefings*** and/or a copy given to each staff member. A copy of this notice must also be attached to the beginning of Policy 12.15 in the Policy manuals located in their respective Divisions or Units. Any questions regarding this policy amendment should be directed to PCAU at 957-5322.

COUNTY OF SANTA CLARA

Department of Correction Policy and Procedure Manual	**Policy Number:** 12.15 **No. of Pages:** 3 **Date of Origin:** 28 Jan 2005 **Date of Revision:** new
Chapter: Medical and Health Care Services	**Subject:** Inmates Infected with Lice or Scabies
Supersedes: None	**Distribution:**
References: California Code of Regulations, Title 15, Section 1212	
Signature of Issuing Authority Edward C. Flores, Chief of Correction	**Current Policy Review** **Date of Review:** new **Revisions Made:** ☐Yes ☐No

POLICY: It is the policy of the Department of Correction to provide treatment for those inmates infected with lice or scabies.

PURPOSE: To provide guidelines for the treatment of inmates infected with lice or scabies.

DEFINITIONS: None

PROCEDURE:

I. Lice

A. Lice are tiny parasitic insects that infest the hair and body of humans. There are three main types of lice that persons can become infected with, head lice, body lice and crab lice.

1. Head lice are found on the hair, eyebrows and eyelashes of infested persons. Transmission of head lice is facilitated by direct contact with infested persons or objects used by them.

2. Body lice are usually found on the clothing of an infested person, especially along the seams of the clothing's inner surfaces. Transmission of body lice is facilitated by direct contact with infested persons or objects used by them. Transmission of body lice may also be facilitated by indirect contact with the personal belongings of infested persons, especially shared clothing and headgear.

3. Crab lice are found in the pubic areas of infected persons. Transmission of crab lice is facilitated by sexual contact.

C. Infestation of any type of lice may result in severe itching in the infected areas, fever and chafing of the scalp or body.

D. Diagnosis is usually made by visual identification of the lice or the lice eggs on the infested person either with the naked eye or with the assistance of a hand held magnifying lens or microscope.

II. Scabies

A. Scabies is a contagious skin disease caused by parasitic mites. Infection occurs when the mites burrow under the skin and deposit their eggs. When the eggs hatch, it causes visible lesions in the infected areas. These lesions cause intense itching in the infected person.

B. Transmission of mites is facilitated by direct skin-to-skin contact with infested persons. Generally, fairly prolonged skin contact is required for transmission. Transmission may also occur through direct contact with objects such as an infested person's clothing, but this route of exposure usually presents only a minor means of transmission, as scabies do not survive very long away from their human host beyond forty-eight hours.

III. Inmates Infected with Lice or Scabies

A. When medical staff suspect that an inmate is infested with lice or scabies, the following actions will be implemented:

1. Medical staff will direct custody staff to medically segregate the inmate, as necessary.

2. Medical staff will provide the inmate with the appropriate medicated shampoo, body wash or lotion and instructions on its use.

3. The infected inmate will facilitate treatment based on the instructions provided by medical staff.

4. Custody staff will provide the inmate with opportunities for showering in accordance with medical staff instructions.

5. Custody staff will provide the inmate with clothing exchanges in accordance with medical staff instructions.

a. Custody staff will provide the inmate with yellow bags for storing contaminated clothing. Custody staff will facilitate laundering of the contaminated clothing in accordance with Department policy 16.03, Inmate Clothing, Bedding and Linens.

b. Custody staff working around the infected inmate should refer to medical staff for instructions and recommendations on the proper precautionary measures to take while working around the infected inmate.

6. Medical staff will provide for regular monitoring of the inmate until such time as the infection is no longer present.

IV. Policy Revision

A. All Department policies will be reviewed not less than once a year. The Professional Compliance and Audit Unit will establish an annual schedule identifying policies to be reviewed during a specific month.

COUNTY OF SANTA CLARA

Department of Correction Policy and Procedure Manual	**Policy Number:** 12.17 **No. of Pages:** 2 **Date of Origin:** 05 Jul 1993 **Date of Revision:** 28 May 2008
Chapter: Medical and Health Care Services	**Subject:** Inmate Access to Over The Counter (OTC) Medications
Supersedes: Policy 13.09, Inmate Access to Over-The- Counter Medications Via Inmate Commissary rev. 08/07/98	**Distribution:**
References: CCR, Title 15, Section 1216 (c)	
Signature of Issuing Authority Edward C. Flores, Chief of Correction	**Current Policy Review** **Date of Review:** New **Revisions Made:** ☐Yes ☒No

POLICY: It is the policy of the Department of Correction to ensure inmates have access to over-the-counter medications via inmate commissary purchases.

PURPOSE: To establish a process for inmates to access a limited number of over-the-counter medications via inmate commissary purchases.

DEFINITIONS: Over The Counter (OTC) Medications: Drugs which are authorized by the Federal Food and Drug Administration for purchase without a physician's prescription, to include, but not limited to, Ibuprofen, Acetaminophen, Chlorpheniramine, Mylanta, Pepto-Bismol, Tolnaftate, Hydrocortisone cream, and cough drops.

PROCEDURE:

I. General Guidelines

A. Inmates will have the opportunity to purchase limited types and quantities of over-the-counter medications during their regularly scheduled commissary purchase.

B. Pregnant inmates and inmates housed at Main Jail in Module 8A will not be able to purchase any medications via commissary.

C. Inmates on suicide watch may have OTC medications secured by badge or medical staff until cleared by mental health staff.

D. It is the responsibility of the inmates to anticipate their needs for the over-the-counter medications.

1. Medical staff will not provide inmates with any of the over-the-counter medications, which can be purchased via inmate commissary unless they are prescribed by a physician for a specific medical diagnosis.

E. Indigent inmates will be provided access to over-the-counter medications via inmate commissary.

F. Custody staff shall ensure that inmates will be able to maintain, in their cells, over-the-counter medications which are properly labeled and packaged and can be identified as having been purchased via inmate commissary.

1. OTC medications found in an inmate's possession or cell not in original packaging or not properly labeled will be confiscated and destroyed.

2. Medications found in an inmate's possession exceeding purchase limitations will be considered contraband and will be confiscated and destroyed.

G. The Director of the Children's Shelter, Custody Health Services, and Medical Director in collaboration will determine the type and quantity of over-the-counter medications that may be purchased via inmate commissary.

II. Policy Revision

A. All Department policies will be reviewed not less than once a year. The Professional Compliance and Audit Unit will establish an annual schedule identifying policies to be reviewed during a specific month.

COUNTY OF SANTA CLARA

Department of Correction Policy and Procedure Manual	**Policy Number:** 12.23 **No. of Pages:** 8 **Date of Origin:** 18 Dec 2003 **Date of Revision:** 02 Mar 2006
Chapter: Medical and Health Care Services	**Subject:** Use of Automated External Defibrillator (AED)
Supersedes: Policy 12.23, Use of Automated External Defibrillator (AED) rev. 12/18/03	**Distribution:**
References: California Code of Regulations Title 22; Health & Safety Code 1797.196 California Civil Code 1714.21	
Signature of Issuing Authority Edward C. Flores, Chief of Correction	**Current Policy Review** **Date of Review:** 02 Mar 2006 **Revisions Made:** ☒Yes ☐No

POLICY: It is the policy of the Department of Correction to provide Automatic External Defibrillators (AED) throughout its facilities to enhance rapid delivery of emergency medical services by trained personnel.

PURPOSE: To provide the guidelines for the Department's AED Program.

DEFINITIONS:

Automated External Defibrillator (AED): A computerized external defibrillator capable of charging and delivering a shock by user interaction after electronically detecting and assessing ventricular fibrillation or rapid ventricular tachycardia.

Cardiopulmonary Resuscitation (CPR): A procedure of establishing and maintaining an open airway, ensuring adequate respiration either spontaneously or by use of rescue breathing, and ensuring adequate circulation either spontaneously or by means of closed chest cardiac compression, according to standards promulgated by the American Heart Association or the American Red Cross.

First Aid: Immediate care for injury or sudden illness, including medical emergencies, prior to the availability of medical care by licensed or certified health care professionals.

Public Safety AED Service Provider: An organization that employs Public Safety personnel, and is responsible for, and approved to operate, an AED.

PROCEDURE:

I. Automated External Defibrillator

A. Trained badge personnel must respond to medical emergencies and health-related situations involving inmates, staff or civilians to render First Aid or CPR while awaiting the arrival of other emergency resources. The AED enhances the delivery of emergency medical services.

B. Early defibrillation is definitive therapy for ventricular fibrillation. The sooner defibrillation is started, the more likely the victim will survive. The optimum time for defibrillation is 3 to 5 minutes after the onset of cardiac arrest.

C. AEDs will be located throughout the Department's facilities in designated locations at the following sites:

1. Main Jail Complex (North & South facilities)
2. Elmwood Men's facility
3. Elmwood Women's facility
4. Programs Division Buses
5. Medical clinics (Main Jail North, Elmwood Men's/Women's facilities)

II. AED Program

A. The Support Services Commander is the designated AED Program Coordinator for the Department of Correction and is responsible for coordinating all aspects of the AED Program. The AED Program Coordinator will:

1. Ensure the Department follows all applicable rules and regulations as identified by the State of California Emergency Medical Services Authority, the County of Santa Clara Emergency Medical Services Agency (EMS Authority), and the Medical Director of Adult Custody Health Services. The rules and regulations will be on file in the AED Program Coordinator's Office.

2. Confer with the Medical Director when developing and maintaining the AED Program to ensure compliance with regulations and requirements for training, notification, and maintenance.

3. Hold quarterly meetings to review the AED Program's training, notification and maintenance. Provide a report to the Chief of Correction.

4. Receive and maintain all reports involving the deployment of an AED.

5. Download the AED Data Card Report and forward it, the Employee's Report, Injury Report, and AED Post Incident Report (*attachment*) to the Medical Director for review.

6. Review all information from the Data Card Report and the Incident Reports. Address any training issues and make the appropriate training recommendations to the Training Unit Manager.

7. Submit an annual report (*attachment*) to the local EMS Authority of the Department's deployment of the AED.

8. Maintain a central location of AED supplies to replenish the facilities upon request.

9. Attend the Department's Critical Incident Review meeting after any incident that involves the AED.

B. The Safety Officer at each facility shall serve as the designated AED Facility Representative unless otherwise designated by the Department's AED Program Coordinator. The AED Facility Representative will:

1. Maintain a current list of all AEDs in the facility by serial number and location.

2. Attend the quarterly AED Program meetings held by the Department's AED Program Coordinator.

3. Order AED supplies for the facility as needed from the Department's AED Program Coordinator.

4. Arrange for the replacement or repair of an AED.

C. The Medical Director for Adult Custody Health Services is the designated licensed physician who will provide medical oversight of the AED Program and coordinate the program with the Department's AED Program Coordinator. The Medical Director will:

1. Advise the Department's AED Program Coordinator on the suitable location for the AEDs throughout the facilities.

2. Review the reports for all incidents involving the AED, and address training issues for staff as necessary.

3. Attend the quarterly AED Program meetings held by the Department's AED Program Coordinator and the Department's Critical Incident Review meeting held after any incident that involves the AED.

III. Staff Training

A. The Department of Correction will comply with all regulations governing the training, use, and placement of an AED. As a Public Safety AED Service Provider, the Department authorizes the use of the AED for its trained staff.

B. Training shall be under the oversight of the Department's AED Program Coordinator and the Medical Director. They will monitor initial and refresher training programs.

C. Training in the use of an AED shall conform to the standards and guidelines of organizations such as the American Heart Association, the American Red Cross, the National Safety Council, or other training programs that meet or exceed the standards identified in Title 22 of the California Code of Regulations.

D. Expected AED users, badge staff and medical staff, will complete a training course in CPR and AED use that complies with regulations adopted by the Santa Clara County Emergency Medical Services Agency (EMS Authority) and the standards of the American Heart Association or the American Red Cross.

IV. Response procedure

A. When a "man down" call is announced or a confirmed CPR incident is reported, the closest officers and designated medical staff shall respond. These calls include, but are not limited to, the following examples:

1. Chest pain with difficulty breathing
2. Unexplained falls with altered level of consciousness
3. Drowning
4. Unconsciousness
5. Electrocution
6. Asphyxiation

B. The first responding officer shall be responsible for rendering First Aid or CPR. The next responding officer will locate the closest AED and bring it to the scene. Medical staff responding with the emergency medical supplies cart will also bring an AED.

C. The AED is to be deployed in accordance with current American Heart Association guidelines, and within the parameters identified by the manufacturer.

1. The AED is applied to a person who is unresponsive with no pulse and not breathing. The person must be greater than 8 years of age.

2. Only newly opened defibrillator pads may be used with the AED. All pads that have been used, or opened but not used, must be discarded. Once opened the conductive gel on the pads dries out rendering them inoperable.

3. If the AED is already in use by badge staff, the responding medical staff will take over the responsibility of the medical emergency.

D. When the medical emergency is over, the on scene supervisor will ensure that all applicable reports are completed and forwarded to the Watch Commander by the end of shift.

1. Depending on current circumstances, the on-duty Sheriff's Sergeant may take possession of the AED Data Card as evidence.

a. If the Sheriff's Sergeant takes possession of the AED Data Card as evidence during normal business hours, he or she will make contact with the AED Program Coordinator to coordinate an opportunity for the AED Program Coordinator to download and take possession of a copy of the contents of the Data Card (Data Card Report).

b. If the Sheriff's Sergeant takes possession of the AED Data Card as evidence during non-business hours, he or she will book the AED Data Card into evidence. During the next business day, the AED Program Coordinator will make contact with the Sheriff's Department Investigation Commander to allow access to the AED Data Card so that the AED Program Coordinator may download and take possession of a copy of the Data Card Report.

2. If the Sheriff's Sergeant does not take possession of the AED Data Card as evidence, the on scene supervisor will forward the Data Card to the Watch Commander.

V. Documentation

A. When an AED is deployed, the responding staff member shall report the incident in accordance with the Department's Policy #9.27, Reporting of Incidents. The report, at minimum, will include:

1. Name and identifying information of staff deploying the defibrillator
2. The condition in which the patient was found prior to applying the defibrillator
3. Estimation of down time before AED applied.
4. The actions taken by the AED (shock or no shock)
5. The number of shocks rendered prior to the arrival of other emergency resources
6. Patient's condition after the delivery of shock or AED analysis
7. Actions taken to address patient's condition e.g. CPR, Rescue Breathing
8. AED Post Incident Report (*attachment)*
9. The name of the Sheriff's Sergeant who took possession of the AED Data Card as evidence, if applicable.

B. All State, County and Department reports regarding deployment of an AED shall be the responsibility of the Department's AED Program Coordinator aided by the responding staff member's report and the Data Card report.

1. The Watch Commander will review all applicable reports and paperwork for completeness and accuracy (e.g. Employee's Report, Injury Report, AED Post Incident Report, AED Data Card) and package copies of the reports and the AED Data Card, if available, in a large envelope addressed to the attention of the AED Program Coordinator.

2. The Watch Commander will send a message by e-mail and telephone to the Department's AED Program Coordinator advising him or her that a post event package is ready for pick-up. On weekends and holidays, the Department's AED Program Coordinator will be contacted by cell phone.

3. The Department's AED Program Coordinator will make arrangements to pick-up the package. The post event package will not be sent in the pony mail.

4. Upon receipt of the package, the AED Program Coordinator will forward the Data Card Report and all other incident reports to the Medical Director for review.

VI. AED Maintenance, Restocking and Inspections

A. User's Manuals, for the AED used by the Department of Correction, are located at each Watch Commander's office. These references are available for officers to review.

B. The AED utilized by the Department conducts a series of self-diagnostic tests each day. The readiness status of the unit is indicated in a display window. Staff will check the AED assigned to their post or area of responsibility each shift to ensure that the AED is properly stocked and in service. This check shall be documented on the Daily/Monthly AED log (a*ttachment),* which will be located with the AED. The defibrillators are tracked by serial number and are not to be moved to a different location except in case of failure and then only after notification to the Facility AED Representative.

C. If an AED is found to not be in a ready status, indicated by either a solid or flashing red X, staff checking the unit shall conduct a Battery Insertion Test (BIT) by removing the battery and inserting a new battery. The Watch Commander will have spare batteries for this purpose. After allowing the BIT to complete, the unit will provide an indication.

1. Flashing Black Hourglass: If the unit passes the BIT test, indicated by a flashing black hourglass, it is ready for service and can be returned to in-service condition. The staff member who located the unit out of service will notify his or her supervisor and submit an Employee's Report via the chain of command with a copy to the Facility AED Representative. This notification will include the serial number of the unit, the location of the unit, the steps taken to correct the problem, and any new supplies needed, e.g. a new battery.

2. Solid or Flashing Red X: If the unit fails the BIT test, indicated by a solid red X, it must be taken out of service immediately. The staff member who places the unit out of service will notify his or her supervisor of the status of the unit and will complete an Employee's Report. This notification will include the serial number of the unit, the location of the unit, the steps taken in the attempt to correct the problem, and any new supplies needed, e.g. a new AED. The staff member who took the AED out of service will replace it with the spare AED and will take the inoperable AED to the Facility AED Representative's office.

D. In the event that an AED fails, a spare AED located in the Watch Commander's office may be used as a temporary replacement.

E. When an AED is deployed, the Sergeant will ensure the unit is restocked and returned to service by the staff member who deployed the AED or other designated staff member. An AED will be considered fully stocked when it contains:

1. External protective case (Red Case)
2. AED
3. 1 set of defibrillator pads
4. 1 battery in defibrillator
5. 1 Data Card in defibrillator
6. 2 sets of razors
7. 2 extra tie strips
8. Penny shears
9. 1 cloth

F. The Facility AED Representative will ensure that replenishment supplies are ordered at each facility as needed.

G. The Department's AED Program Coordinator will designate the Division Safety Officers to conduct a monthly check on every AED located within their respective Divisions (e.g. Main Jail or Elmwood).

1. The Safety Officer will utilize the Daily/Monthly AED log located in each AED to document the monthly check. Each log is good for one month. The daily checks conducted by staff are on one side and the monthly check conducted by the Safety Officer is on the backside.

2. After completing the monthly check for the AED, the Safety Officer must take the completed log and leave a new log for the next month.

3. The Safety Officer will submit all completed logs to the Department's AED Program Coordinator for review and filing.

4. The Safety Officer will follow the guidelines as detailed in this policy and make the appropriate notification if he or she discovers a problem with any of the AEDs being inspected.

VII. Policy Revision

A. All Department policies will be reviewed not less than once a year. The Professional Compliance and Audit Unit will establish an annual schedule identifying policies to be reviewed during a specific month.

AED POST INCIDENT REPORT

(complete only the applicable sections)

Patient's last name	Patient's first name	Patient's address (booking number if patient is also an inmate)	
Phone number ( )	City	State	Zip
Sex: ☐ Male ☐ Female		Age:	AED operator:
Incident date:		Staff Responder:	
Location:		Staff Responder:	
Was cardiac arrest witnessed? Yes ☐ No ☐ Unknown ☐		By whom:	Time:
Was CPR started? Yes ☐ No ☐		By whom:	Time:
Did the patient ever show signs of circulation?	Time:	Did the patient begin breathing?	Time:
Did Patient ever regain consciousness before transfer to Emergency Personnel?	Time:	Hospital patient taken to:	Time:
Transporting agency:		Transporting agency case #:	

Comments:

_____

_____

_____

Report completed by: _____ **Date:** _____

Attending physician Review/recommendations _____

AED Program Coordinator reviewed:	Date:	Reviewed with responders:	Date:
Medical Director of Adult Custody Health Services reviewed:	Date:	Comments:	

Daily/Monthly AED Checklist serial #_____

Daily check (to be completed daily by staff assigned to the post or area with an AED)

Daily readiness-for-use checklist: After you complete the daily inspection of the AED, put your name or badge number and initials in the box that corresponds to the date of your inspection.

Visually inspect the AED:

a. Proper location
b. Clean, no spills
c. No signs of tampering or inappropriate opening
d. All readiness-for-use indicators, indicate ready

	SUN	MON	TUE	WED	THU	FRI	SAT
Month							
Year							

Monthly check (to be completed by the Safety Officer assuming AED has not been used)

Monthly readiness status: Inspect AED readiness by viewing the flashing hour glass in the status indicator window. If a solid red X or flashing red X is seen in the status indicator window, immediately contact the supervisor.

Difibrillator pads: Inspect package for tampering. Check "use before" date indicated on the package.

Stock: Check that the AED is properly stocked.

DAILY/MONTLY ACTION NOTIFICAITON LOG

Date/Time Identified Problem – Contact Watch Commander

_____ _____

_____ _____

_____ _____

COUNTY OF SANTA CLARA
DEPARTMENT OF CORRECTION
Captain Sandra Padget, Commander
Elmwood Complex
701 S. Abel Street
Milpitas, CA 95035
Phone: (408) 957-5300 Fax: (408) 946-3847

Defibrillation Outcome Report for Calendar Year 2004
For the Santa Clara County Department of Correction
Provided by: AED Program Coordinator
Contact Number: 408-957-5300

Name of Local EMS Agency: **County of Santa Clara EMS Agency**
645 S. Bascom Ave.
San Jose, CA 95128

Program Contact Person: **John Blain**

Telephone Number: **408-885-4258**
Fax Number: **408-885-3538**

1. The number of person(s) on whom the Automated External Defibrillators were administered:

2. Number of these person(s) who suffered a witnessed (seen or heard) cardiac arrest whose initial monitored rhythm was ventricular tachycardia or ventricular fibrillation:

3. The total number of person(s), defibrillated, who were discharged from the hospital alive:

4. The number of defibrillated person(s) witnessed in cardiac arrest, who were discharged from the hospital alive:

5. The number of basic life support personnel (Medical staff) who are qualified, in your jurisdiction to perform defibrillation:

6. The number of public safety personnel (Badge Staff) who are qualified, in your jurisdiction to perform defibrillation:

7. The number of non-licensed or non-certified (lay public) person(s) (Custody Support Assistants, Kitchen staff, etc…) in your jurisdiction, trained to perform defibrillation (if available):

COUNTY OF SANTA CLARA

Department of Correction Policy and Procedure Manual	Policy Number: 12.27 No. of Pages: 4 Date of Origin: 26 Nov 2008 Date of Revision: New Policy
Chapter: Medical and Health Care Services	**Subject:** Lactating Female Inmates
Supersedes: CCW Procedure 1306	**Distribution:**
References: Berrios-Berrios v Thornburg, 716 F. Supp 987, 1989, Southerland v Thigpen 784 F. 2d 713, 1986	
Signature of Issuing Authority Edward C. Flores, Chief of Correction	**Current Policy Review** **Date of Review:** New Policy **Revisions Made:** ☐Yes ☐No

POLICY: It is the policy of the Department of Correction to allow female inmates to lactate, provided the security of the facility is not jeopardized. Nursing, the expression of milk, and related medical matters shall be handled under the supervision of medical staff, in cooperation with the custody staff.

PURPOSE: To provide guidelines for lactating female inmates who request to nurse and/or express milk while in custody.

DEFINITIONS:

Expression of Milk: The pressing or squeezing of milk from the mammary glands, either manually or via a breast pump.

Lactate: Secretion of milk from a mammary gland via suckling by an infant.

Medical Clearance Form: A medical questionnaire form completed for all new arrestees before the arrestee is accepted and booked into custody. The Medical Clearance Form is completed by the medical staff or by a trained medical screening officer.

Medical Request Form: A medical form given to inmates by the medical staff to be filled out by the inmate when requesting other medical services not performed at the designated pill calls. The inmate indicates the reason for the request and turns the completed form in to the nurse during the designated pill call. The nurse will complete her portion of the form and return the designated copy to the inmate. The original copy will stay with medical records.

PROCEDURE:

I. Initial Booking

A. Upon initial booking, all female arrestees will be asked a series of medical questions by medical staff via the Medical Clearance Form. Female arrestees will be asked if they are pregnant.

B. If a female inmate informs the nurse at the time of booking that she desires to nurse or express milk for her infant, the nurse shall record such information on the Medical Clearance Form.

C. Female inmates already in custody desiring to nurse or express milk for their infant may submit a Medical Request Form at pill call or complete an Inmate Request Form.

II. Custody Approval

A. The Classification Unit shall examine the inmate's history for any information which would suggest the welfare of the infant would be in jeopardy. Unless contradicted on the basis of such information or by virtue of her institutional behavior, an inmate shall be permitted to nurse her infant and to express milk for subsequent delivery to the infant, under conditions approved by medical staff.

B. Every consideration shall be given to classifying the inmate to the lowest security level in the following order of preference:

1. Release to the community, either through reconsideration by the court or through county parole

2. Classification as a minimum security inmate and placement in W2

3. Classification as a medium security inmate and placement in W4/W1

C. After careful consideration of possible security concerns of the facility, classification of the inmate and medical approval, the inmate's request to breast feed will be forwarded to the Division Commander for approval. All requests for breast feeding will be approved or disapproved by the Division Commander or his/her designee.

III. Expression of Milk

A. Inmates may express milk in private any time except during facility lockdown, facility emergencies, headcounts, and meals. The Team Sergeant may make special provisions on a case-by-case analysis.

B. The necessary medical equipment required for a female to express milk may include a breast pump and containers for the milk to be stored. Medical staff are not responsible for providing the necessary equipment in order to achieve expression of milk.

1. Inmates wishing to express milk are encouraged to provide a breast pump and necessary containers.

   a. Inmates providing personal breast pumps may store the pump in her room, providing the pump does not jeopardize the security and safety of the facility.

2. Medical staff will provide a breast pump if the inmate is unable to provide a breast pump. The inmate may submit a medical request card or an Inmate Request Form to medical staff for assistance in the manual expression of milk or use of the breast pump.

C. Milk that is stored in containers will be labeled with the inmate's name, booking number, and date and time of expression. The milk will be temporarily stored in a specified refrigerator until it can be taken to the medical refrigerator.

1. The milk must be stored in the refrigerator immediately upon the completion of milk expression.

2. Medical staff is responsible for taking the milk to the medical unit as soon as possible after the milk was placed in the refrigerator.

3. The inmate must arrange for transportation and pick up of the expressed milk from medical staff. Medical staff will be responsible for delivering the milk to the West Gate Information Desk for release to the outside.

4. Department of Correction and medical staff are not responsible for arranging pick up or transportation of the stored expressed milk.

D. Any milk not picked up within seventy-two (72) hours from the date and time of expression will be discarded by the medical staff.

IV. Lactating (Breast Feeding) an Infant

A. Inmates may breast feed an infant twice a day, every day of the week. The hours scheduled for breast feeding are listed below and will be conducted in the designated contact visiting rooms, depending on the inmate's housing unit:

1. Between 0630-1000 hours
2. Between 1830-2200 hours

B. The family/friends bringing the infant to the facility will be responsible for calling the facility to arrange an appropriate time based upon the scheduled hours.

1. The family/friends may bring an unopened box of diapers into the facility, along with the infant. The diapers will be labeled with the inmate's name and booking number and stored in W4 Control.

2. No items will be allowed to be taken into the contact visit with the baby by the inmate.

3. No bottles will be allowed in the contact visiting room. The bottles are allowed for storage of the breast milk only and will not be given as a supplement meal by the inmate. The sole purpose of the contact visit is to breast feed. Bottles used for storage are to be plastic.

4. A female officer will supervise the inmate changing the baby's diapers and visually check to ensure that contraband has not been hidden on the infant.

5. When breast feeding, the inmate is allowed to have a blanket to use for privacy.

6. Upon completion of the breast feeding, the inmate will be pat searched by a female officer in accordance with Department Policy 9.05, Security Searches.

C. The Division Commander or his/her designee may revoke the inmate's privilege to nurse and/or express milk at any time if the security of the facility is jeopardized.

V. Policy Revision

A. All Department policies will be reviewed by the Professional Compliance and Audit Unit.

COUNTY OF SANTA CLARA

Department of Correction Policy and Procedure Manual	**Policy Number:** 12.29 **No. of Pages:** 7 **Date of Origin:** 26 Nov 2008 **Date of Revision:** New Policy
Chapter: Medical and Health Care Services	**Subject:** Dispensing of Prescription and Non-Prescription Medications
Supersedes: Main Jail procedure 801, Elmwood procedure 1402, Elmwood Women's Facility procedure 1311	**Distribution:**
References: ACA 3-ALDF-4E-01, 4E-17, 4E-18, Title 15 Section 1200, 1201, 1208, 1216, 1217, PC 4023, DOC Policy 12.01 Medical Health Care Services	
Signature of Issuing Authority Edward C. Flores, Chief of Correction	**Current Policy Review** **Date of Review:** New Policy **Revisions Made:** ☐Yes ☐No

POLICY: It is the policy of the Department of Correction to ensure the medical staff provides the inmate population with scheduled and announced daily dispensing of medication in accordance with laws concerning health services requirements. The medical staff will provide the inmate population a means to report medical emergencies, routine non-emergency illnesses or health problems and receive diagnosis and/or treatment.

PURPOSE: To establish guidelines for the daily dispensing of medications to inmates and reporting medical emergencies and other routine and non-emergency illnesses or health problems.

DEFINITIONS:

Dental Request Card: A form given to the inmate by the medical staff to be filled out by the inmate when requesting dental services. The inmate indicates the nature of the complaint and turns the card in to the nurse during the designated pill call.

Essential Medication: Medication which is required for the continuation of life. Essential medications include cardiac, hypertension and seizure medications, antibiotics, and Librium, when prescribed for alcohol withdrawals.

Medical Request Form: A medical form filled out by the inmate when requesting to be seen by a physician. The inmate indicates the reason for the request and turns the completed form in to the nurse during pill call. The nurse will complete her copy of the form and return the designated copy to the inmate. The original copy will stay in the medical record.

Pill Call: The process by which medical personnel administer prescribed medication to inmates.

Prescribed Medication: Medication prescribed for the treatment of a specific ailment. These medications are taken voluntarily.

Non-Prescription Medication: Medication which does not require a doctor's order to be obtained. These medications include aspirin and non-aspirin pain killers, cold tablets, antacids and moisturizing lotions.

PROCEDURE:

I. Control and Management of Pharmaceuticals

A. The prescribing, dispensing, and administering of medications will be done in compliance with appropriate Federal and State laws by qualified medical and mental health personnel.

1. Custody staff will not administer any drug or medication to any inmate.

2. Inmates will not handle, nor have access to, any health records, surgical instruments, syringes, needles or medications.

B. Medical and mental health personnel will ensure that all such materials are maintained under secure conditions, in compliance with minimum jail standards.

1. All medications will be kept in locked storage units when not in use. The pill carts containing medications that are in constant use will be kept in a secure area in the medical unit/nurse's station.

2. All controlled substances, syringes, and needles will be stored in locked cabinets located in pharmacy, medical unit, or nurses' station.

C. The doctor responsible for prescribing medication to inmates will include a "stop order" date for the medication and re-evaluate the prescription prior to renewal.

D. Medication of any kind brought into the facility during the intake/booking process will be checked by the Main Jail Intake Nurse prior to completion of the booking process.

1. Prescribed medications that are highly unusual and cannot be obtained in time for necessary use may be secured in the medical unit for dispensing to the inmate.

2. Medication, other than stated above, brought into the facility will be stored in the inmate's personal property envelope until his/her release from custody.

E. Psychotropic medications are prescribed only by a physician when clinically indicated as one facet of a program of therapy and will not be used as a means of chemical restraint.

F. Inmates may be allowed to carry certain prescribed medications such as asthma inhalers and creams as directed by the medical staff. These inmates will be required to wear a purple/white medical wristband indicating their medical condition.

G. A special pill call is held daily in each unit specifically for inmates going to court who require essential medication.

H. When transporting medications for pill calls within the facility, the nursing staff will transport all medications in a locked medical cart to the housing units, and return the locked medical cart back to the medical unit. The medical staff will not be escorted to the units for pill call unless directed by the Team Sergeant.

I. It will be the responsibility of the medical staff to ensure proper safekeeping of all drugs and medications while conducting pill call and to advise the unit officer when this safekeeping is violated. The unit officer will be advised immediately of any such violation and take appropriate action.

II. Pill Call Guidelines

A. Pill calls will be conducted in every housing unit, four (4) times a day, seven (7) days a week.

B. The medical staff at each facility will identify the pill call times designated for dispensing of prescription and non-prescription medications to inmates in the housing units.

C. The unit officer will announce pill call in such a fashion so as to alert all inmates in the unit. It will be the responsibility of the inmate to come to pill call, especially if prescription medication is required.

1. The medical staff will advise the unit officer of inmates who receive essential medication or prescribed medications who have missed the pill call.

D. All dispensed medications will be taken immediately and in front of the medical staff and badge personnel.

1. Inmates will bring water to the pill cart. Inmates will not take medication with coffee or other liquids.

2. All inmates will open their mouth and show their hands, palms up, for inspection immediately after taking medication. The unit officer will inspect the inmate's mouth prior to allowing the inmate to leave the pill call line.

3. Any inmate suspected of not swallowing his/her medication shall be isolated from other inmates and will be searched further to determine if the medication was swallowed or hidden on his/her person. Inmates hoarding or attempting to hoard their medications will be infracted by the unit officer.

E. It will be the responsibility of the unit officer to ensure that all inmates receiving prescription and non-prescription medication within the unit have their identifying wristband on and affixed properly.

F. The officers shall ensure the inmates conduct themselves in an appropriate manner with the nurse and are not disrespectful or disruptive while in the pill call line. The officer may infract any inmate who is disruptive or disrespectful while in the pill call line.

G. Televisions and inmate telephones will remain turned off during pill calls.

H. The officer shall not engage in any activity that distracts from concentrating on the pill call activity. The officer shall not use the computer, engage in writing, reading, visiting or handling of any other routine inmate business. The officer shall not use the telephone during pill call unless it is an emergency.

I. Officers will not administer any medications or drugs to inmates.

III. Housing Unit Guidelines

A. General Population Inmates

1. General housing units will not normally be locked down during pill call. The unit officer may use discretion in determining the number of inmates that may form in a line for pill call. The unit officer shall monitor the pill call line at all times to ensure the inmates are quiet and orderly.

2. The unit officer will allow only one inmate at a time to approach the nurse at pill call.

3. Pill call is to be conducted as quickly as possible. The unit officer will not allow inmates to talk to other inmates during pill call. Inmates should not be permitted to get hot water.

B. Main Jail 4th Floor and Elmwood Women's Facility Unit Maximum Security Inmates

1. Upon arrival of the pill call nurse, the unit officer will instruct all inmates to return to their cells and shut their cell doors. The pill call nurse and the pill cart will remain outside the pod.

   a. There will be no inmate programming in the maximum security unit in which inmate pill call is being conducted.

2. Two (2) officers must be present when pill calls are conducted on the Main Jail 4th Floor and Elmwood Women's Facility W4C unit. The inmate's cell door will be opened from the unit control panel for inmates housed in Main Jail 4B and 4C units and Elmwood Women's Facility W4C units so the inmate may receive their medication at the unit door. For inmates housed in Main Jail 4A unit, pill call will be conducted through the pill call port at the 4A unit door.

3. Only one (1) inmate is allowed out of his/her cell at a time to receive his/her medication. Once the inmate has returned to his/her cell and is secured, the next inmate can be let out of his/her cell for pill call.

C. Main Jail 2nd Floor Infirmary and Special Housing Units

1. The Infirmary nurse will conduct pill calls in the Infirmary. The Infirmary officer will escort the nurse through the module to conduct pill call. Female inmates, maximum security and protective custody inmates will receive medications at their cell doors, unless pill call is conducted during their scheduled out time.

2. The Special Housing unit will conduct pill call at the inmate's cell. The inmates will be locked down in their cells upon the arrival of the nurse and pill cart. The unit officer will escort the nurse to each cell to conduct pill call through the cell door port.

D. Main Jail 8th Floor

1. Module 8A pill calls will be conducted door-to-door. All inmates must return to their cells upon arrival of the nurse and pill cart. Inmates will receive medications through the cell door port.

2. Module 8B pill calls will be conducted at the officer's station. Inmates will return to their cells prior to the arrival of the nurse and pill cart.

3. The unit officer may use discretion in determining the number of inmates that may form in a line for pill call; however, no more than four (4) inmates may form a line at the pill cart. Only one (1) inmate will be permitted to approach the pill cart at a time.

E. Elmwood M4 and M5 Units

1. The unit officer will ensure the door to the officer's restroom is open and that the nurse can retreat to the restroom should the need arise.

2. The unit officer will escort the nurse to any cell, whenever it becomes necessary for the nurse to examine/treat an inmate in his cell. The officer shall remain at the door of the cell, observing activities both in the cell and in the module.

IV. Diabetic Call

A. Inmate diabetic calls will be conducted daily at designated times as scheduled by the medical staff.

B. The medical unit will provide each floor officer/unit officer with a list of diabetics housed on their floor.

C. Inmates will be tested within their housing unit or directed to specific area to await their turn for blood-sugar level check, and then returned to their housing units.

1. All inmates must be properly restrained as dictated by their Classification SPRB Code.

2. The medical staff will respond to the Maximum Security units to conduct diabetic call.

D. The medical staff is responsible for ensuring that all syringes are accounted for after diabetic call has been completed.

V. Inmate Possession of Medication

A. Inmates may only possess the medications listed below:

1. Maalox or Gelusil antacid tablets

2. Paper cups with the inmate's name written on them containing:

a. Foot powder
b. Creams
c. Calamine lotion
d. Those substances which are different in appearance to any illicit/illegal street drug
e. Nitroglycerin tablets (for heart patients)

3. Any medication prescribed under DOC Policy #12.17 Inmate Self-Administration of Medication Program

4. Medication purchased through the inmate commissary

B. Inmates may only possess those medications authorized by the medical unit or purchased through commissary. No medications prescribed by an outside physician or selected by an inmate may be used unless approved in writing by the medical physician.

C. When conducting a security search, officers will not remove or discard approved inmate medication. If an officer is in doubt regarding a substance or its origins, he/she shall contact the Team Sergeant and/or the medical staff for further assistance.

VI. Policy Revision

A. All Department policies will be reviewed not less than once a year. The Professional Compliance and Audit Unit will establish an annual schedule identifying policies to be reviewed during a specific month.

COUNTY OF SANTA CLARA

Department of Correction Policy and Procedure Manual	**Policy Number:** 12.31 **No. of Pages:** 3 **Date of Origin:** 04 Nov 2008 **Date of Revision:** New Policy
Chapter: Medical and Health Care Services	**Subject:** Inmate Medical Requests
Supersedes: Main Jail procedure 810, Elmwood procedure 1308, CCW procedure 1303	**Distribution:**
References: ACA 3-ALDF-4E-01, 4E-06, 4E-02, 4E-23, California Code of Regulations, Title 15 Section 1200, Penal Code Section 4023, Department policies 12.01 Medical Health Care Services	
Signature of Issuing Authority Edward C. Flores, Chief of Correction	**Current Policy Review** **Date of Review:** New Policy **Revisions Made:** ☐Yes ☐No

POLICY: It is the policy of the Department of Correction to ensure a consistent process is developed and maintained whereby inmates may request and receive medical, dental and mental health services.

PURPOSE: To establish a process for inmates to request and receive medical, dental and mental health services.

DEFINITIONS:

Doctor Call/Dentist Call: A system for scheduling inmate patients for medical appointments with a physician, dentist, or qualified medical health personnel.

Health Information Request Form: A medical form filled out by the inmate when requesting general health information.

Medical Request Form (White Card): A medical form filled out by the inmate when requesting to be seen by a physician, dentist or mental health staff.

PROCEDURE:

I. Inmate Requests for Physician, Dentist or Mental Health Services

A. Inmates may request physician, dentist or mental health services by completing a White Card form (attachment) and forwarding the completed form to medical staff. Inmates shall indicate the reason for the requested services on the White Card form.

B. Medical/mental health staff will review the White Card form and schedule follow up medical/mental health services for the inmate, as appropriate.

1. Medical/mental health staff will respond to the inmate's request by completing the appropriate sections of the White Card form and return the designated copy to the inmate.

2. The original copy of the White Card form will be filed in the inmate's medical record.

II. Doctor / Dental Call

A. Doctor / dental calls shall be conducted in the Medical Unit at each facility and supervised by the assigned Medical Unit officer.

B. Doctor and dentist appointments will be scheduled by medical staff according to priority. Medical staff may request that specific inmates be seen first due to the nature/priority of the medical problem.

C. Inmates refusing to see the doctor or dentist must sign a Refusal of Treatment Appointment form.

1. The officer who is present when the inmate refuses will obtain the inmate's signature on the Refusal of Health Services form at the time of refusal. The officer will sign the form as a witness to the refusal and forward the completed form to medical staff.

2. If the inmate refuses to sign the Refusal of Health Services document, the officer or medical staff will check the box, "Refuses to Sign" on the Refusal of Treatment form, and sign the form as a witness to the inmate's refusal.

D. Movement of inmates to and from medical appointments in facility Medical Units will be conducted in accordance with applicable guidelines in Department policy 9.31, Inmate Movement and Transport.

1. Waist chains and leg shackles secured to level 4 inmates will not be removed while they are being examined by the physician unless the physician requests restraints be removed for examination purposes and the medical unit officer determines the inmate is not a risk.

2. In these instances, an officer will remain with the inmate until the examination is completed.

III. Inmate Personal Doctor and/or Dentist

A. Inmates who wish to see their own personal doctor or dentist must obtain a court order from a judge. The court order must state the name and address of the doctor/dentist and the date and time of the appointment.

B. All expenses of a private doctor or dentist are incurred by the inmate to include transportation and supervision costs of Sheriff's Department escort.

IV. Inmate Requests for General Health Information

A. Inmates may request health information from medical staff by completing a Health Information Request form (attachment) and forwarding the completed form to medical staff.

B. Medical staff will obtain the requested information and deliver to the requesting inmate.

C. Medical staff will forward completed Health Information Request forms to the Custody Health Services QI Manager for filing and retention.

V. Policy Review

A. All Department policies will be reviewed by the Professional Compliance and Audit Unit.

SANTA CLARA VALLEY MEDICAL CENTER

SANTA CLARA VALLEY HEALTH AND HOSPITAL SYSTEM
ADULT CUSTODY HEALTH SERVICES
WHITE CARD / CARTA BLANCA

Housing/Vivienda _____ Date/Fecha _____

Request to see (Circle One): Medical Mental Health Dental
Quiero ver a alguien en (Marque Uno): Servicios Medicos Servicios de Salud Mental Servicios Dental

PFN # _____ Booking #/Numero del Registro de Admision _____

Name/Nombre _____
Last Name (Apellido Paterno) First (Nombre de Pila) Middle (Segundo Nombre)

Date of Birth/Fecha de Nacimiento _____

Reason(s) for Request/Razon(es) de esta peticion: _____

_____

How Long Have You Had This Problem(s)? ¿Por cuanto tiempo has tenido usted esta problema(s)? _____

NOTE: GIVE THIS FORM ONLY TO A NURSE.
NOTICIA: SOLAMENTE DEBE ENTREGAR ESTE FORMULARIO A UNA ENFERMERA.
********** **DO NOT WRITE BELOW THIS LINE. NO ESCRIBA ABAJO DE ESTA LINA.** **********

DATE NURSE RECEIVED WHITE CARD FROM PATIENT: _____ NURSE'S INITIALS: _____

ASSESSMENT:

Date/Time: _____
S _____
_____
_____
O _____
_____
_____
_____
_____
_____
A _____
_____

P ☐ The following medication(s) may help you and are available through the Commissary/
La siguiente medicina(s) podria ayudarle y estan desponibles en la Comisaria: _____

☐ Physician will review your request / El doctor revisara su peticion _____

☐ MD appointment Scheduled / Cita para ver al doctor (week of / la semana de) _____

☐ Psych MD Appointment Scheduled / Cita para ver al ciciatra (week of / la semana de) _____

☐ Dental Appointment Scheduled / Cita para ver al dentista (week of / la semana de) _____

☐ Mental Health will see you / Departamento de Salud Mental te van a ver _____

☐ No Sleep Medications are given at the Adult Custody Facilities / El la Custodia de Adultos no dan medicina para dormir.

☐ Other Plan of Action / Comments / Otro Plan de Accion _____

_____
_____
_____

☐ Patient Health Education Provided Explain:

_____

☐ Medical Authorization Form completed ☐ Medical Wristband completed

☐ Standardized Procedure started; if yes, name(s) of Standardized Procedure(s) initiated: _____

DATE RESPONSE SENT TO PATIENT _____ RN SIGNATURE _____
DATE RESPONSE SENT TO
PATIENT WITH MD INFORMATION _____ RN SIGNATURE _____

Distribution: White-Medical Record Pink-Inmate (Initial Receipt) Yellow-Response to Inmate Goldenrod-MD Response to Patient

SANTA CLARA VALLEY HEALTH & HOSPITAL SYSTEM
Adult Custody Health Services

Health Information Request

Inmate Name: _____, PFN#:_____, Housing unit: _____

(√ the □ for any health information that you like to have and return this form to a nurse. A nurse will provide you written health information upon pill call. This form is for health information only; it can not be used for a nurse or doctor appointment.)

Topic	Language
Bacterial Vaginosis	English Spanish
Birth Control Methods	English Spanish
Birth Control Pills	English Spanish
Breast Engorgement	English
Breast Exam	English Spanish Vietnamese
Breast Feeding	English Spanish
Chlamydia	English Spanish
Collecting and Storing Breast milk	English Spanish
Depression	English and Spanish English and Vietnamese
Diabetes	English and Spanish English and Vietnamese
Exercise	English and Spanish English and Vietnamese
Genital HPV infection	English Spanish
Gestational Diabetes	English Spanish Vietnamese
Gonorrhea	English Spanish
Heart Attack	English and Spanish English and Vietnamese
Hepatitis A	English and Spanish English and Vietnamese
Hepatitis B	English and Spanish English and Vietnamese
Hepatitis C	English and Spanish English and Vietnamese
Herpes	English Spanish
High Blood Pressure	English and Spanish English and Vietnamese
High Cholesterol	English and Spanish English and Vietnamese
HIV	English Spanish
INH for Positive PPD	English Spanish Vietnamese
Kick Count	English Spanish Vietnamese
Labor Precaution	English Spanish Vietnamese
Latent TB-Active TB	English
Low Back Exercise	English
Positive Tuberculin Skin Test	English and Spanish English and Vietnamese
Prenatal Care	English
Pre-Term Labor	English and Spanish English and Vietnamese
Relieve Stress	English Spanish
Services Information	English
Sexually Transmitted Diseases	English and Spanish English and Vietnamese
Sexually Transmitted Diseases and HIV Fact Sheet	English
Sexually Transmitted Diseases and Your baby	English and Spanish English and Vietnamese
Skin Infection-MRSA	English
Sore Nipple Management	English
Stress-Relax-Exercise	English Spanish Vietnamese
Stroke	English and Spanish English and Vietnamese
Syphilis	English Spanish
TB General Information	English
The Bad News about Methamphetamines	English Spanish Vietnamese
Trichomoniasis	English Spanish
Your Right to Make Medical Decisions	English Spanish Vietnamese

□ Forward this form to the QI manager after health information is provided.

COUNTY OF SANTA CLARA

Department of Correction Policy and Procedure Manual	**Policy Number:** 13.05 **No. of Pages:** 7 **Date of Origin:** 12 Dec 1994 **Date Revised:** 07 Jan 2009
Chapter: Special Management/Classification	**Subject:** Penal Code 296 Compliance
Supersedes: Policy 13.05 rev. date 03/02/2006	**Distribution:**
References: Penal Code Sections 290, 296, 298.1, Contract #C997626; California Code of Regulations, Title 15, Section 1059	
Signature of Issuing Authority Edward C. Flores, Chief of Correction	**Current Policy Review** **Date of Review:** 07 Jan 2009 **Revisions Made:** ☒Yes ☐No

POLICY: It is the policy of the Department of Correction to comply with the collection of DNA samples and print impressions (thumb/palm print) from qualifying persons pursuant to Penal Code Section 296.

PURPOSE: To establish guidelines and outline processes to ensure compliance with the requirements of Penal Code 296.

DEFINITIONS:

CJIC: Criminal Justice Information Control

DNA (Deoxyribonucleic acid): DNA is a macromolecule present in the cells of all living things. All cells of an individual contain the same DNA, creating a specific identity for that individual.

DNA Samples: Pursuant to Penal Code 296, samples include specimens of saliva and/or blood.

EIS/JIS: Executive Information System or Jail Information System

PROCEDURE:

I. Penal Code (PC) Section 296

A. PC 296 requires persons to provide DNA samples and palm/thumb print impressions:

1. Who are arrested for any felony offense (adults only) on or after January 1, 2009, or

2. Who are convicted of, plead guilty or no contest to, or are found not guilty by reason of insanity of any felony offense described in Penal Code Section 296 or who attempt to commit a felony crime offense specified in Penal Code Section 290, or

3. Who have a past conviction or adjudication for any felony offense in California or an offense from another jurisdiction that would qualify as a felony in California and are convicted of any offense (misdemeanor or felony) while currently in custody or while currently on probation, parole or other supervised release.

B. Collection of DNA samples and print impressions pursuant to PC 296 may only occur while qualifying persons remain under the jurisdiction or control of the court, government or criminal justice system (e.g. in custody or on probation, parole or other supervised release).

II. PC 296 Inmates - Identification and Tracking

A. An identification process will be maintained to ensure identification of those inmates that may need to or must comply with PC 296 requirements.

1. Classification staff will screen inmates during the initial risk assessment process to identify those inmates who must comply or may need to comply with PC 296.

a. A compliance status of 'must comply' will be established for persons arrested on a qualifying PC 296 felony offense, convicted felons who are in custody on a parole or felony probation violation, or sex and arson registrants.

b. A compliance status of 'may need to comply' will be established for persons arrested on a non-qualifying PC 296 felony or misdemeanor offense and have a prior felony conviction in their criminal histories.

2. Classification staff will update classification records and applicable information systems (e.g. CJIC, EIS/JIS) to reflect the established PC 296 compliance status (e.g. may need to comply, must comply or already completed compliance requirements) for those inmates that have been identified for possible or required PC 296 compliance.

3. Established compliance statuses, as determined by Classification, will need to be modified as changes in inmate judicial status occur.

a. Administrative Booking staff will review conviction court orders, plea paperwork, and sentencing court orders for conviction information to determine if a change in judicial status necessitates a

modification to an inmate's current PC 296 compliance status. In addition, Administrative Booking staff will determine if a modification to current compliance status is required upon receiving a violent felony or sex offense warrant charge, on-view charge or remand charge for an inmate in-custody.

b. Administrative Booking staff will update applicable information systems (e.g. CJIC, EIS/JIS) and records to reflect appropriate changes to compliance statuses, as they are determined.

B. A compliance tracking system will be maintained to ensure timely and accurate compliance with PC 296. The following EIS/JIS and CJIC generated reports will be utilized to assist with PC 296 compliance:

1. PC 296 - M Awaiting Conviction Report

a. This report provides information on inmates with an established compliance status of 'may need to comply'.

b. This report should be used as an auditing tool to identify any data input errors.

c. PC 296 compliance officers should check this report daily to confirm that appropriate compliance status has been established for those inmates listed on the report.

2. PC 296 - M Sentenced Report

a. This report provides information on inmates that were sentenced but still have an established compliance status of 'may need to comply'.

b. This report should be used as an auditing tool to determine if an inmate's PC 296 status needs to be updated from 'may need to comply' to 'must comply'.

c. Inmates appearing on this list need to be evaluated to have their compliance status updated to 'must comply' or removed all together. Administrative Booking staff will normally complete the evaluation process.

3. PC 296 - Y Requires Lab Report

a. This report provides a listing of all inmates that must provide a DNA sample.

b. PC 296 compliance officers will refer to this list on a daily basis to identify those inmates who must provide DNA samples.

c. Inmates with an established release date will be considered a priority to ensure that samples are procured before their release.

III. DNA Sample/Print Impression Procurement and Collection

A. DNA samples will be procured and collected in the form of saliva or blood specimens.

1. The primary method of DNA sample collection will be procurement of saliva specimens.

a. Saliva specimens will be procured with DOJ provided buccal swab kits and in accordance with DOJ collection guidelines and instructions.

b. Only staff who have successfully completed applicable DOJ training requirements may procure saliva samples with DOJ buccal swab kits.

c. Training must be approved or sponsored by the DOJ and approved by the Department's Central Training Unit.

2. A secondary method of DNA sample collection will be procurement of blood specimens.

a. Blood specimens will only be procured in situations where a person refuses to voluntarily provide a saliva specimen or as requested by the DOJ (e.g. saliva specimen was insufficient). Refer to section VI of this policy for guidelines addressing compliance refusals.

b. Blood specimens will be procured with DOJ provided blood withdrawal collection kits and by the Department's contracted phlebotomist service. Department staff will not procure or attempt to procure blood specimens.

B. PC 296 compliance officers will be designated as the primary staff responsible for procuring saliva specimens and print impressions. However, in some instances, release and processing officers may be required to procure saliva specimens and complete the PC 296 compliance process.

1. Release/processing officers are responsible for checking CJIC prior to each inmate's release to ensure that inmates who have a compliance status of 'must comply' have complied.

2. If compliance has not been obtained or cannot be confirmed, release/processing officers will obtain saliva specimens and print impressions or notify a PC 296 compliance officer to respond and obtain such.

C. Staff will procure saliva specimens and complete the PC 296 compliance process, as follows:

1. Verify the inmate's identity and ensure that he or she qualifies for PC 296 compliance requirements.

2. Procure saliva specimens in accordance with DOJ guidelines and instructions, utilizing a DOJ-provided buccal swab collection kit, and obtain palm and thumb print impressions utilizing a DOJ Print Card.

   a. DNA samples and print impressions do not need to be collected from those inmates who have already satisfied PC 296 compliance requirements (e.g. DNA Samples already in the possession of the California Department of Justice).

   b. Confirmation of previous compliance can be obtained by referring to local and state criminal history records or by contacting the DOJ DNA Lab at (510) 620-3300 during business hours.

3. Process and package the collection kit and specimens in accordance with applicable DOJ guidelines and instructions.

4. Update CJIC (JPUP screen) to reflect a new compliance status of 'has complied' for the inmate and include the date of compliance.

   a. Update the "PC296" field with a "C" to indicate that compliance has been obtained.

   b. Update the "PC296 Date" field to document the date of compliance.

5. Forward the packaged collection kit to the appropriate location as follows:

   Department of Justice
   DNA Data Bank Program
   1001 W. Cutting Blvd. Suite 110
   Richmond, CA 94804-2028

   Note: DOJ PRINT CARDS will be automatically electronically forwarded to the Department of Justice Automated Latent Print Program

via the Department's AFIS (Automated Fingerprint Identification System).

IV. Refusals to Voluntarily Comply

A. If an inmate refuses to voluntarily comply with PC 296 requirements, staff conducting the collection process will make verbal attempts in an effort to gain voluntary compliance.

B. If the inmate still refuses to comply, staff will notify the supervisor who will respond and admonish the inmate that in accordance with PC 298.1:

1. It is a violation (misdemeanor) to refuse to provide blood/saliva samples and palm prints pursuant to PC 296 and that he or she will be arrested for and charged with this new offense, which may result in increased jail time.

2. Reasonable force may be employed to collect blood/saliva samples and print impressions from individuals who refuse to voluntarily provide those samples or impressions.

C. If the inmate still refuses to comply, the Sergeant will:

1. Ensure that the inmate is arrested and charged with the applicable misdemeanor offense.

2. Determine if reasonable force will be employed to obtain the samples and print impressions.

a. If the Sergeant authorizes the use of reasonable force, he or she will notify the Watch Commander and coordinate response from the Department's contracted phlebotomist service to procure blood specimens (blood withdrawal).

b. The Sergeant will determine the best method to secure the inmate (e.g. use of ERT members, restraint chair, or cell extraction) and will determine the location for collection of the specimens.

c. The Sergeant will ensure that the incident is recorded (video) in accordance with applicable guidelines in Department policy 9.55, Video Documentation.

d. Use of force shall be employed and reported in accordance with Department policies 9.01, Use of Force and Restraints and 9.27, Reporting of Incidents.

3. Ensure that all applicable reports are completed (e.g. crime report, Employees Report).

D. If force was used to collect samples/print impressions, the Watch Commander will complete a California Penal Code Section 298.1 Data Collection form (*attachment*).

1. The Watch Commander will submit the completed form and the corresponding reports to the Division Commander.

2. The Division Commander will ensure the completed form is forwarded to the Corrections Standards Authority (formally known as the Board of Corrections) within 10 days of the incident. (Pursuant to California Code of Regulations, Title 15 Section 1059, the use of reasonable force to collect samples will be reported to the Corrections Standards Authority within 10 days)

V. Policy Review

A. All Department policies will be reviewed by the Professional Compliance and Audit Unit.

COUNTY OF SANTA CLARA

Department of Correction Policy and Procedure Manual	**Policy Number:** 13.07 **No. of Pages:** 6 **Date of Origin:** 01 Feb 1992 **Date of Revision:** 27 Aug 2008
Chapter: Special Management/Classification	**Subject**: In-Custody and Program Release Transfers
Supersedes: Old DOC Policy 18.02 rev. 07/23/98, Main Jail Procedures 226 and 227, Elmwood Procedure1604, CCW Procedure 2001	**Distribution:**
References: ACA 3-ALDF-4G-01 thru 4G-06, PC4011, PC4018.6	
Signature of Issuing Authority Edward C. Flores, Chief of Correction	**Current Policy Review** **Date of Review:** 01 Mar 2008 **Revisions Made:** ☒Yes ☐No

POLICY: It is the policy of the Department of Correction to encourage inmates to use their time wisely and take advantage of every in-custody program available and beneficial to them, as well as, request access to the community after obtaining the approval of a Penal Code Section 4018.6 temporary release.

PURPOSE: To provide guidelines for the review and consideration of inmate requests for PC 4018.6 passes.

DEFINITIONS: 4018.6 Furlough: An inmate request for a pre-release furlough approved under the provisions of Penal Code Section 4018.6. Unless exigent circumstances exist, these inmates are unescorted inmates and are placed in TSO Status until their return to custody.

PROCEDURE:

I. In-Custody Programs

A. The Department of Correction Programs staff and instructors may make recommendations for the approval or disapproval of inmate requests to participate in their programs and shall inform the Classification Unit of their recommendations and decisions.

B. The Programs Unit staff may recommend the removal of any inmate from a program, providing the inmate has violated a rule or regulation of the program.

C. The Programs Unit staff and instructors will provide the Classification Unit with an evaluation and/or recommendation of the inmate's program status, either upon release or transfer to a new program.

D. Inmates may apply for release programs, such as Electronic Monitoring, Public Service or County Parole. Upon release to such a program, the Release Officer shall update the inmate's in-custody status to reflect the specific program.

1. The Release Officer shall verify that the program representative is the correct person to receive the inmate prior to releasing the inmate.

2. The inmate will dress out in his/her personal clothing.

3. The Property Room CSA will cash out the inmates money from the computer and the inmate will receive his/her money in the form of a warrant (check).

4. The inmate will inspect and sign for his/her property and money. The property and money will be turned over to the transporting representative from the program.

E. Inmates may return from a release program to an in-custody status without discrimination if the reason for the transfer is due to hardship, medical concerns, warrants, transportation problems, etc. The Classification Unit will re-assess the returning inmate and determine eligibility for an in-house program.

F. An inmate who has successfully completed a program, may, upon request, be transferred to another beneficial program by submitting a request.

G. An inmate who has disciplinary problems while in a program may be removed from the program and re-assessed by the Classification Unit for proper housing.

II. Criteria for Inmate Eligibility for PC 4018.6 Temporary Releases

A. Inmate(s) must be fully sentenced, with NO "Out of County," "Probation" or "Parole" holds.

B. Passes will only be considered for locations within Santa Clara County. NO out of county requests will be approved.

C. Maximum and Medium security inmates are not eligible for PC 4018.6 consideration, except by approval of the Division Commander.

D. Passes will not be issued for non-emergency, personal or family business.

E. Re-entry passes may be considered during the last (30) days of the inmate's sentence.

F. All requests for PC 4018.6 consideration must first be reviewed by the Watch Commander. The Division Commander will make the final determination as to the inmate's eligibility..

G. PC 4018.6 passes shall be issued for no longer than 72 hours.

H. Pass requests for medical/dental care may be considered for treatment which cannot be provided by the facility medical staff or through Valley Medical Center pursuant to a P.C. 4011 court order.

1. All requests for medical/dental care must first be reviewed for validity and need by the facility medical staff. Such medical care must be of a critical nature.

2. Court orders will be required for medical/dental care unless special circumstances exist. The Division Commander can authorize these passes.

III. Team Sergeant Responsibilities

A. The Team Sergeant shall direct the Central Control Officer or other designee to verify the following information:

1. The inmate applicant is fully sentenced with no holds.

2. Existence of prior successful and/or unsuccessful PC 4018.6 furloughs.

3. Criminal history including escapes or Public Service Program "walkways", not criminally filed.

4. Appointment date, time and location. The name of a contact person, address, and telephone number; identifying where the inmate applicant will be staying during the approved furlough.

B. Team Sergeants shall ensure that PC 4018.6 information is verified and returned.

C. The Team Sergeant shall review the request for the following:

1. All applications shall be complete and accurate.

2. All pertinent information shall be verified and may include, but is not limited to:

a. Inmate's name, booking number and release date.

b. Inmate's charges, sentence, and current housing.

c. Previous inmate infractions

d. Previous approved or denied PC 4018.6 requests

e. All future court dates.

f. Any existing warrants or other holds.

g. All appointments must be verified prior to approval. (i.e. doctor's appointment, funeral, hospital visit, etc.).

IV. Watch Commander Responsibilities

A. The Watch Commander shall evaluate the inmate's prior criminal history to determine whether the applicant represents a suitable risk for release on PC 4018.6. Prior violence (particularly domestic), numerous drug convictions, and escape history should normally exclude the inmate from consideration, unless there is recent history of rehabilitation.

B. The Watch Commander may deny a request that does not meet the requirements.

V. Division Commander Responsibilities

A. Applications that have been properly completed and verified shall be reviewed by the Division Commander, who shall make the final determination as to the inmate's eligibility.

1. At least 48 hours of advanced notice must be given to the Division Commander in order to review the release request and inmate's record.

2. Under emergency/exigent circumstances, the Division Commander will be available at the office or at home to accept telephone calls at review PC 4018.6 requests.

3. If the furlough is approved, the 4018 request will be returned to the Team Sergeant who will discuss the conditions of release with the inmate and have the inmate sign the PC 4018.6 Request for Furlough. The inmate shall be given a copy of the furlough application at that time.

4. If the furlough is denied, the reason for denial shall be noted on the application. The application will be returned to the inmate.

5. In both cases listed above, a copy of the application shall be placed in the inmate's custody jacket.

6. Each Division will maintain copies of all PC 4018.6 requests, whether approved or denied.

VI. PC 4018.6 Furlough Release

A. If approved for furlough release, a copy of approved furlough shall be faxed to Administrative Booking for a warrant check.

1. On the day of the furlough release, Administrative Booking will send the appropriate release information to the facility authorizing the inmate's release.

2. The Release Officer shall allow the inmate to dress out in his civilian clothing. The inmate shall wait in Processing until his release time and after discussing the rules of the furlough with the inmate, the release officer will log the time, date, and initial the furlough form in the appropriate box. CJIC will be updated to show the inmate in housing location 4300Z (TSO).

B. If the inmate calls the facility and advises he/she is unable to return at the specified time, the Team Administrative Sergeant must be notified in order to request additional time. If additional time is approved, the inmate will be advised, as well as the Processing Officer, who will note any changes on the inmate's furlough form. The oncoming shift will be advised as necessary.

VII. Return of Inmate from the PC 4018.6 Furlough

A. When the inmate returns, he/she shall be searched for contraband. Any legal contraband items shall be placed in the inmate's property. Any illegal contraband shall be seized and placed into evidence and the proper reports shall be completed.

1. All inmates returning from PC 4018.6 furlough shall be tested for drug use. Officers shall closely observe the inmate for possible alcohol use or influence and investigate as needed.

2. The officer shall log the time, date, and initial the furlough paper to indicate the actual time the inmate returned. The officer will notify the Team Administration Sergeant of the inmate's return.

3. The completed furlough paper will be filed in the inmate's custody jacket.

4. When the inmate has dressed out in his jail clothing, the officer shall ensure the inmate is returned to his proper housing location.

B. If the inmate returns after the time specified in his furlough contract, the officer shall write in large letters, "LATE RETURN" in red pen on the front of the furlough form.

VIII. Policy Revision

A. All Department policies will be reviewed not less than once a year. The Professional Compliance and Audit Unit will establish an annual schedule identifying policies to be reviewed during a specific month.

COUNTY OF SANTA CLARA

Department of Correction **Policy and Procedure Manual**	**Policy Number:** 13.09 **No. of Pages:** 6 **Date of Origin:** 10 Sep 1998 **Date Revised:** 20 June 2000
Chapter: Special Management Inmates	**Subject:** Accommodation of Hearing Impaired Inmates
Supersedes: All Previous Orders (10.02)	**Distribution:**
References: ACA 3-ALDF-2C-13, 2F-03, 3E-04, 4B-02-1, 4B-03 Americans With Disabilities Act (ADA), July 26, 1990 Rehabilitation Act of 1973, Section 504 Padilla, et al., v. Ryan, et al., Case #C-98-20309-RMW-EAI Pennsylvania Department of Correction v Yeskey 28 CFR, Part 35 CCR, Title 15 Articles 5, 6, 7, 10, 11, 12, 13	
Signature of Issuing Authority Chief of Correction	**Current Policy Review** **Date of Review:** 20 June 2000 **Revisions Made:** ☒ Yes ☐ No

POLICY: It is the policy of the Department of Correction to ensure that deaf or hard of hearing inmates are afforded full and equal access to programs and services provided by the Department of Correction.

To implement this policy, the Department of Correction will furnish appropriate auxiliary aids and/or services. However, the Department of Correction is not required to make any modifications nor take any actions that would fundamentally alter the service, activity or program, or result in an undue financial administrative burden.

PURPOSE: To establish guidelines to ensure inmates with hearing impairments are provided with the appropriate services and a safe and secure environment.

APPLICABILITY: This policy applies to all Department of Correction employees, to include contractual employees, as well as, inmates housed within a Department of Correction facility.

RESPONSIBILITY: It is the responsibility of all Department of Correction employees to make a sincere, good faith effort to provide a deaf or hearing impaired inmate with an effective means of communication.

DEFINITIONS:

Auxiliary Aids and Services: Auxiliary Aids and Services means equipment, devices or services to ensure effective communication, including but not limited to, qualified interpreters, assistive listening devices and systems (ALD), computer assisted real time transcription services (CARTT), telecommunications devices for the deaf (TTY/TDD), amplified telephones, visual alarms, written materials, closed caption decoders, open and closed captioning, video test displays, and note takers.

Disability: For the purposes of coverage under ADA, a person with a disability is defined as an individual who:

1. Has a physical or mental impairment that substantially limits one or more major life activities; or

2. Has a record or history of such an impairment; or

3. Is perceived or regarded as having such an impairment.

Programs: For the purpose of this policy, Programs are defined as all programs, classes and other group activities offered by the Department of Correction to inmates. Such classes and activities include Alcoholics Anonymous, Drug and Substance Abuse classes, Anger Management, GED, computer classes, art classes, Industries, and Day Release Program.

Qualified Interpreter: As defined by ADA, an individual who is able to interpret effectively, accurately, and impartially, both receptively and expressively, using any necessary specialized vocabulary.

Services: For the purpose of this policy, "services" means all services provided for inmates such as telephone access, visiting, television, and medical and mental health care and treatment.

Teletext Device for the Deaf (TDD): A machine that allows a deaf person to use the telephone for written conversation.

PROCEDURE:

I. Compliance With the Americans With Disabilities Act (ADA)

A. Per the ADA, people with disabilities cannot be excluded from programs, activities, or services offered by a public entity solely because of a disability, because of inaccessible facilities. As a result, the Department of Correction shall ensure physical

accommodations are made to ensure facility accessibility to hearing impaired/deaf inmates.

B. Each Division Commander shall provide notice to all hearing impaired inmates advising them of their right to have access to auxiliary aids and services necessary to ensure effective communication, to include but not limited to, the right to interpreters and the right to place telephone calls via a TTY/TDD machine.

1. Telephone Access, Auxiliary Aids and Assistive Listening Devices:

a) TTY/TDD machines will be made available to hearing impaired inmates. The Department of Correction will be responsible for maintaining a written record of use for portable TTY/TDD machines. Time limits shall not be imposed on telephone calls made using TTY/TDD machines unless there is substantial good cause for placing a reasonable limit, i.e., emergency situations.

b) Assistive listening devices will be made available upon request of the inmate in order to assist them with communication during programs or services provided by the Department of Correction.

c) The Department of Correction shall provide at least one (1) amplified telephone in every housing unit located in all facilities which allows the user to control the level of amplification and provides effective communication.

d) Each deaf or hard-of-hearing inmate shall be interviewed in order to determine the nature of the inmate's disability and the appropriate auxiliary aid or services required to ensure effective participation by the inmate in all Department programs and services.

e) Hearing impaired inmates will be provided with a pad and writing implement as a means of communication. Such items may be temporarily removed if detrimental to the safety of the inmate, staff, or the institution. The removal of writing items must be documented in the Post Log Book and the Division Commander must be notified via an Employee's Report. Items removed should be returned as soon as the safety/security concerns have been resolved.

f) Department of Correction employees shall utilize writing materials to communicate with a deaf or hard-of-hearing inmate if requested to do so by the inmate.

2. Interpreter Services:

a) Interpreter services shall be available twenty-four (24) hours a day, seven (7) days a week for all complex, confidential, or important communications such as Booking, Classification, Medical, Mental Health, or disciplinary hearings.

b) Officers certified in the use of sign language will not be used for interpreting complex, confidential, and important communications such as booking, classification, medical and mental health, or disciplinary hearings unless exigent circumstances exist. Should a staff member be used to interpret prior to the arrival of a qualified interpreter, upon the arrival of the qualified interpreter the staff member shall review and confirm with the inmate and the aid of the qualified interpreter, the information from the prior communication.

1. Department of Correction staff may communicate with hearing impaired inmates for simple daily interactions. Staff must ensure the method used is effective for the situation.

2. Department of Correction employees will utilize writing materials to communicate with deaf or hard-of-hearing inmates if requested to do so by the inmate.

3. Closed-Caption Television:

a) Closed-caption televisions shall be made available in designated areas housing hearing impaired inmates.

b) During the intake process, hearing impaired inmates shall have access to an orientation video. Included in this video are closed captioned script, voice script, and a certified sign language interpreter describing the intake process.

II. Medical Assessment of Inmates With Hearing Impairments

A. During the intake process, the medical staff will make initial contact with the inmate to determine his/her medical needs regarding their hearing impairment.

B. The medical staff will ensure the appropriate steps are taken to ensure inmates with hearing impairments have the ability to effectively communicate their medical concerns with the medical staff.

C. The medical staff will notify the Classification Unit of those medical issues which may require special accommodations and services.

D. Hearing impaired inmates will be issued a medical “special needs” wristband for easy identification.

E. The Medical Services Unit will be responsible for providing replacement batteries and obtaining repairs for inmate hearing aids.

III. Classification of Inmates With Hearing Impairments

A. The Classification Unit will be responsible for assigning hearing impaired inmates to the appropriate housing unit.

1. Hearing impaired inmates will be properly identified via the Classification Plan and the SPRB Housing Codes.

2. Designated housing areas have been established to provide hearing impaired/deaf inmates with necessary accommodations.

3. Such designated housing units shall include all security levels and shall afford equal access to programs and services.

IV. Court Notification

A. The Classification Unit will be responsible for notifying Court Services of the need for a qualified interpreter or other auxiliary aid or service prior to a deaf or hard-of-hearing inmate's first court appearance.

V. Other Notifications to Hearing Impaired Inmates

A. Each Division Commander shall identify a process whereby inmates with hearing impairments are notified of emergencies within their facility.

1. Badge personnel shall individually and personally contact and inform hearing impaired inmates in the event of an evacuation or other emergency procedure, giving the safety of such inmates the highest priority and ensuring accountability.

B. Each Division Commander shall identify a process whereby hearing impaired inmates receive prompt and effective notice of interviews, appointments, court appearances, meals, medical assessment and medication times, inmate visiting, and other similar announcements and information regarding inmate services. Effective communication of announcements and information may include written notes or personal contact.

C. Each Division Commander shall establish a process whereby courts are notified prior to a hearing impaired inmate's first arraignment in court of his/her hearing impairment and the need for a qualified interpreter or other auxiliary aid or service in order to ensure effective communication.

VI. Access and Accommodation of Hearing Impaired Inmates in Department of Correction Programs

A. As soon as possible, but no later than seventy-two (72) hours, excluding weekends and holidays, each hearing impaired inmate shall be interviewed by the Programs Unit to determine the inmate's eligibility to participate in programs and upon that assess any accommodations necessary to ensure the inmate's effective participation in those programs. Program staff will ensure effective communication during the assessment interview by offering auxiliary aids or services to the hearing impaired inmate.

1. After the Programs Unit conducts the initial screening with the inmate, the inmate may request additional information telephonically or in writing regarding program services.

VII. Accommodation of Visitors With Hearing Impairments

A. Each Division Commander/Unit Manager shall ensure accommodations are made that provide proper access to visitors with hearing impairments.

B. The appropriate signage for hearing impaired visitors must be posted in public areas of each facility.

C. Each Division Commander shall ensure a minimum of two (2) amplified telephones are provided in facility visiting areas. These telephones are to be maintained in good working order at all times.

D. The Department of Correction Administrative Booking Unit shall ensure hearing impaired members of the public have equally effective access to jail information by maintaining an information system which may be reached via a relay service. The information system will allow the hearing impaired caller to communicate with a Department of Correction employee via a relay service.

VIII. Staff Training

A. The Central Training Unit Senior Correctional Training Manager shall ensure training is provided to all Department employees having contact with hearing impaired inmates.

B. Each Division Commander shall ensure staff receive additional training at the Divisional level regarding auxiliary aids and other services to ensure effective communication with hearing impaired inmates.

IX . Policy Revision

A. All Department policies shall be reviewed not less than once a year. The Professional Compliance and Audit Unit will establish an annual schedule identifying policies to be reviewed during a specific month.

County of Santa Clara
Department of Correction
Professional Compliance and
Audit Unit (P.C.A.U.)
(408) 299-2087

By Direction of the Chief

NOTICE TO ALL STAFF

Re: Policy change effective June 21, 2004

S. Padget #111

Captain Sandra Padget, Acting Deputy Chief of Operations

Policy Amendment

The Department is amending its Policy 13.11, Custody ADA Plan, to impose time limits on telecommunication devices for the hearing impaired.

Due to the widespread misuse of the "free access" to the California Relay Service and the lengthy calls coming from the jail to the relay service, the Department's Policy 13.11 is being amended to impose a time limit when using these telecommunication devices. Generally, inmates are limited to 15 minutes per call; however, based on the fact that is takes a person three times longer to teletype a conversation as opposed to verbal communication, the time limit in these circumstances is extended up to 60 minutes. Specifically, section VII.B.2. is revised as follows: Please note that the deletions are shown as "strikethrough" text and the additions are noted in bold text or red text if you have a color copy.

VII. Reasonable accommodations for the deaf or hearing-impaired

A. Division Commanders will ensure deaf or hearing-impaired inmates are provided with notice of their right to access all Auxiliary Aids and Services necessary for effective communication.

B. Division Commanders will ensure that the following equipment: TTY/TDD machines, assistive listening devices, and amplified phones are available at their facility for deaf or hearing-impaired inmates.

1. TTY/TDD machines and assistive listening devices (ALD) will be made available to inmates upon request.

2. ~~Time limits will not be imposed~~ **Inmates who require** ~~on~~ the use of the TTY/TDD machines **may be given additional time to complete a call. However, the time allowed to complete the call shall not exceed 60 minutes** absent exigent circumstances.

Division Commanders/Unit Managers must ensure that this notice is **read at all briefings** and/or a copy given to each staff member. A copy of this notice must also be attached to Policy 13.11 in the Policy Manuals located in their respective Divisions or Units. Any questions regarding this policy amendment should be directed to the PCAU Unit at 299-2087.

COUNTY OF SANTA CLARA

Department of Correction Policy and Procedure Manual	**Policy Number:** 13.11 **No. of Pages:** 13 **Date of Origin:** 04 Mar 1999 **Date of Revision:** 09 May 2002
Chapter: Special Management/Classification	**Subject:** Custody ADA Plan
Supersedes: Policy #10.02.01, Interim Custody ADA Plan. Rev. 03/05/99.	**Distribution:**
References: ACA 3-ALDF-2C-13, 3E-04, 3E-11, 4B-02, 4B-03, 5A-03 American's with Disabilities Act of 1990, Title II Section 504 of the Rehabilitation Act of 1973	
Signature of Issuing Authority _____ Dennis P. Handis, Chief of Correction	**Current Policy Review** **Date of Review:** 09 May 2002 **Revisions Made:** ☒ Yes ☐ No

POLICY: It is the policy of the Department of Correction not to discriminate against any person protected by the Americans with Disabilities Act in the provision of services, programs and activities.

PURPOSE: To set guidelines for compliance with Title II of the Americans with Disabilities Act (ADA) for inmates and for those persons having legitimate business within the facilities of the Department.

DEFINITIONS: ADA: American's with Disabilities Act

Disability: For the purposes of coverage under the Americans with Disability Act, a person with a Disability is defined as one who:

1. Has a physical or mental impairment that substantially limits one or more major life activities; or
2. Has a record or history of such an impairment; or
3. Is perceived or regarded as having such an impairment.

Major Life Activity: A basic function that the average person can perform with little or no difficulty.

Direct Threat: A significant risk to the health or safety of others that cannot be eliminated by a modification of policies, practices, or procedures, or by the provision of auxiliary aids or services.

Auxiliary Aids and Services: Equipment, devices or services to ensure effective communication, including but not limited to, qualified interpreters, assistive

listening devices and systems (ALD), computer assisted real time transcription services (CARTT), telecommunication devices for the deaf (TTY/TDD), amplified telephones, visual alarms, written materials, closed caption decoders, open and closed captioning televisions, video test displays and note takers.

Qualified Interpreter: An person who is able to interpret effectively, accurately and impartially, both respectively and expressively, using any necessary specialized vocabulary.

ADA Coordinator: An employee of the Department designated to:

1. Review all unresolved request, complaints or grievances and respond on behalf of the Department.
2. Represent the department on ADA issues.

ADA Division Representative: An employee of the Department designated to:

1. Review all requests, complaints or grievances related to ADA issues.
2. Maintain the division's ADA files.
3. Provide training to facility staff on Auxillary Aids and Services and how to respond to ADA requests or grievances.
4. Keep the ADA Coordinator informed of all ADA issues.

Teletext Device for the Deaf (TDD): A machine that allows a deaf person to use the telephone for written conversation. Also know as TTY.

Teletypewriters (TTY): A machine that allows a deaf or hearing-impaired person to use the telephone for written conversation. Also known as TDD.

E.I.S.: Executive Information System

S.P.R.B. Code: A coded sequence of numbers and letters designated to create a description of each inmate by his/her personal characteristics and in custody status.

PROCEDURE:

I. Compliance with the American's with Disabilities Act

A. The Department of Correction will not discriminate against inmates or members of the public on the basis of Disability in providing access to its facilities, programs, services and activities.

1. The Inmate Notice, Attachment 1, will be prominently posted in all inmate housing units.

2. The Public Notice, Attachment 2, will be prominently posted at the public entrances of all facilities.

B. Eligible persons with a Disability are entitled to an equal opportunity to participate in programs, services or activities offered by the Department of Correction. They may be refused participation in services, programs or activities at a facility if there is a compelling reason for such refusal. One compelling reason may be that the accommodation presents a threat to the disabled person or others, which threat must be direct and not speculative.

C. Temporary conditions are generally not covered by ADA and certain conditions are expressly excluded from ADA coverage. This determination will be made by medical staff in accordance with ADA guidelines.

D. A supply of Auxiliary Aids and Services to ensure effective communication including but not limited to assistive listening devices and systems (ALD), computer assisted real time transcription service (CARTT) and telecommunications devices for the deaf or hearing-impaired (TTY/TDD) are available for use by inmates, attorneys, staff, and the public upon request.

E. Disabled visitors will be afforded the same visiting privileges as non-disabled visitors.

F. The Department of Correction will be responsible for ensuring that all its facilities are accessible to staff, inmates, visitors, volunteers and the public. The Department of Correction will assist the General Services Agency in evaluating the accessibility of facilities and in making modifications necessary to ensure access is maintained.

II. Accommodations for Disabled persons

A. Disabled visitors may verbally request a reasonable accommodation to the officer assigned to the lobby entrance or, in advance, through a written request to the Division Commander.

B. Disabled volunteers may request reasonable accommodations through the Programs Unit.

C. Disabled inmates may request a reasonable accommodation as follows:

1. An inmate may notify custody or medical staff orally or in writing of his or her request.

2. An inmate may submit an *ADA Request for Accommodation Form,* Attachment 3.

3. An inmate may submit an *Inmate Grievance Form,* Attachment 4, regarding a Disability or to request an accommodation.

4. A third party such as an inmate's family member or friend may request a reasonable accommodation on behalf of the inmate.

D. An Employee's Report will be submitted by staff where an inmate or member of the public requests an accommodation that is not made.

III. Forms

A. The *Inmate Disability Evaluation Form,* Attachment 5 will be used by custody or medical staff to report and verify an inmate's Disability. Medical staff will determine and document on the form whether the inmate does or does not have a Disability. Classification staff will determine the appropriate housing.

B. The *Hearing-Impaired Tracking Form,* Attachment 6, will be used by intake-booking staff to track inmates who are deaf or hearing-impaired and ensure that the appropriate accommodations are provided.

C. The *ADA Request for Accommodation Form,* Attachment 3, may be used by an inmate to formally request accommodation for a Disability. The inmate must sign the form at the bottom and turn it in to custody or medical staff. After review of the form, medical staff must sign the form and determine if the inmate is or is not eligible for an accommodation.

D. The *ADA Coordinator Review Form,* Attachment 7, will be used by the ADA Coordinator when an inmate accommodation has been denied, a grievance has been filed, an alternate accommodation is proposed, a safety and security issue exists related to the accommodation request, or there is a financial/administrative issue.

E. The *Inmate Grievance Form,* Attachment 4, is a standard Department form that may be used by an inmate to file a grievance including a grievance related to a Disability or accommodation.

F. The *Notification of Need for Interpreter Services in Court Form,* Attachment 8, is a memorandum prepared by Classification staff to notify the court interpreter coordinator to provide requested services to assist an inmate in his or her court proceedings.

G. The *Medical/Psych Referral Form,* Attachment 9, will be used by custody, medical and mental health staff to refer an inmate for an evaluation by medical or mental health. Medical or mental health staff complete the form after the inmate's evaluation and make recommendations to custody and/or Classification staff regarding a special management need.

H. The *Confidential Medical Information/Adult Custody Facilities Medical Clearance Form (CMI)*, Attachment 10, will be used by medical staff to document the medical assessment of an inmate upon his or her admission to the jail.

IV. Identifying Disabilities when inmates are booked/processed

A. There is a medical screening process at intake-booking that gives the Department the ability to identify most Disabilities or need for accommodations prior to the housing of the inmate.

1. It is the responsibility of intake-booking custody staff, medical staff and processing staff to assess inmates upon admission for evidence of a Disability or special management need. This assessment information will be entered on the *Confidential Medical Information/Adult Custody Facilities Medical Clearance Form* and, if applicable, on the *Medical/Psych Referral Form* and/or the *Inmate Disability Evaluation Form*.

a. The inmate's prior custody or medical records may indicate previous accommodations or requests.

b. Custody or medical staff may observe and report what appears to be a Disability that would:

1). impact the inmate's housing;

2). affect the inmate's program access; or

3) present a safety or security concern for the inmate.

2. It is the responsibility of custody staff to immediately advise a supervisor when an inmate meets, or appears to meet, the criteria of a Disabled person for the purposes of ADA.

3. It is the responsibility of medical staff to sign and verify the *Inmate Disability Evaluation Form*, and forward a copy to Classification. Medical staff will note on the form if the Disability impacts the inmate's housing.

4. It is the responsibility of classification staff to interview the inmate and designate the appropriate housing unit based on Disability and the classification plan.

B. Medical staff will document when an inmate requests an accommodation that is not made.

V. Intake-booking process for inmates who have been identified as deaf or hearing-impaired.

A. It is the responsibility of the intake-booking supervisor or processing supervisor to initiate a *Hearing-Impaired Tracking Form,* when applicable, for an inmate identified to be deaf or hearing-impaired. An officer will be assigned to track the inmate through the booking/classification process.

1. Medical staff will ensure the inmate is able to effectively communicate his or her medical information. If necessary, medical staff will utilize a Qualified Interpreter. When a Qualified Interpreter does not arrive within an hour of being contacted, medical staff will advise the intake-booking supervisor to make the necessary arrangements to provide a Qualified Interpreter as soon as possible.

2. Medical staff will ensure the inmate is issued a "special needs" wristband. The wristbands are color-coded for identification purposes. Persons who are deaf or hearing-impaired are issued a green wristband.

3. Medical staff will provide replacement batteries for hearing aids and/or obtain needed repairs for hearing aids.

4. The intake-booking supervisor or designee will send by facsimile mail the completed *Hearing-Impaired Tracking Form* to Main Jail Administration (Fax:971-3358) and the Programs Unit (Fax:957-5862) when a deaf or hearing-impaired inmate is booked at the Main Jail Complex.

5. The processing supervisor or designee will send by facsimile mail the completed *Hearing-Impaired Tracking Form* to Elmwood Administration (Fax:946-3847) and the Programs Unit (Fax:957-5862) when a deaf or hearing-impaired inmate is received as a commit at the Elmwood Complex.

6. The intake-booking supervisor, processing supervisor or designee will ensure deaf or hearing-impaired inmates are shown the Department's information video for the deaf or hearing-impaired that describes the intake process. This video contains closed-captioned script, voice script and sign language. If a deaf or hearing-impaired inmate is going to stay and be housed, he or she will also be shown the Inmate Orientation Video (closed-captioned) and will be given a

rulebook with the deaf or hearing-impaired information insert. The inmate rulebook is available in English, Spanish and Vietnamese.

B. It is the responsibility of classification staff to interview the inmate and designate the appropriate housing unit based on the Disability and the classification plan.

1. Classification staff will ensure that deaf or hearing-impaired inmates are easily identified by staff through the SPRB code and the classification card.

2. When a deaf or hearing-impaired inmate requires a Qualified Interpreter or other Auxiliary Aid or Service in court, the Classification Officer, conducting the initial risk assessment interview, will complete the first three items on the *Notification of Need for Interpreter Services in Court Form* and forward the form to the Classification Administrative Officer or designee.

a. The Classification Administrative Officer or designee will query Criminal Justice Information Control (CJIC) every court day at 7am and 10am until the inmate's court information is available.

b. When the court information is available, the Classification Administrative Officer or designee will complete the *Notification of Need for Interpreter Services in Court Form* and immediately send it by facsimile mail to the court's interpreter coordinator.

C. It is the responsibility of the Watch Commander to review completed *Hearing-Impaired Tracking Forms*. The Watch Commander will acknowledge his or her review by signing the form and will immediately forward the form to the ADA Division Representative.

VI. Identifying Disabilities when inmates have been housed.

A. For those inmates with disabilities or requests for accommodation that were not identified at intake booking or processing, there are Inmate Notices posted in the housing units that inform the inmates how to get information regarding an ADA issue or how to request an accommodation.

B. It is the responsibility of custody and medical staff to assist in identifying an inmate who may need an ADA accommodation based upon personal observation of an inmate, or an oral statement or a written request by an inmate.

1. When medical staff become aware of an inmate with a Disability or request for Disability accommodation, medical staff will complete the *Inmate Disability Evaluation Form* and forward a copy to Classification. Medical staff shall note on the form when the Disability impact the inmate's housing.

2. When custody staff become aware of an inmate with a Disability or request for Disability accommodation, they will immediately advise medical staff to assess the inmate.

VII. Reasonable accommodations for the deaf or hearing-impaired

A. Division Commanders will ensure deaf or hearing-impaired inmates are provided with notice of their right to access all Auxiliary Aids and Services necessary for effective communication.

B. Division Commanders will ensure that the following equipment: TTY/TDD machines, assistive listening devices, and amplified phones are available at their facility for deaf or hearing-impaired inmates.

1. TTY/TDD machines and assistive listening devices (ALD) will be made available to inmates upon request.

2. Time limits will not be imposed on the use of the TTY/TDD machines absent exigent circumstances.

3 A written record will be maintained at each Division for the use of portable TTY/TDD machines.

4. At least one telephone in each housing unit will be an amplified telephone that allows the user to control the level of amplification.

C. Staff may communicate with deaf or hearing-impaired inmates for simple daily interactions in the method most effective for the situation.

1. Custody staff will allow deaf or hearing-impaired inmates to utilize a pad and writing implement as a means of communication; however, such items may be temporarily removed when detrimental to the safety of the inmate, staff, or others, or the security of the facility.

2. Custody staff will document on an Employee's Report when writing materials are taken from a deaf or hearing-impaired inmate due to safety or security concerns.

3. Custody staff will return the writing materials to the inmate as soon possible after the safety or security concerns are resolved.

D. The Department of Correction will make Qualified Interpreter services available on a 24-hour basis for complex, confidential or important communication with a deaf or

hearing-impaired inmate. Absent exigent circumstances, staff certified in sign language will not be used as interpreters for complex, confidential or important communication, including but is not limited to, communication during the booking process, the classification interview, a medical or mental health interview, or during a disciplinary hearing.

E. Division Commanders will ensure closed-captioned televisions are made available in designated housing areas, intake-booking areas and processing areas.

F. Division Commanders will ensure there is a process for deaf or hearing-impaired inmates to be notified of emergencies, interviews, appointments, court appearances, meals, medical assessments, medication times, visiting and other similar announcements and information regarding inmate services.

1. Communication to the deaf or hearing-impaired for inmate services may be provided by personal contact or written notes.

2. Visual alarms are utilized at each facility; however, notification of an emergency evacuation will be done by individually contacting the deaf or hearing-impaired inmates in the facility and ensuring the inmates are assisted in their evacuation.

G. Division Commanders will ensure accommodations are made available to deaf or hearing-impaired visitors.

1. The Public Notice for deaf or hearing-impaired visitors will be posted in each facility's public areas.

2. A minimum of two amplified telephones will be provided in each visiting area and will be maintained in working order.

H. The Administrative Booking Manager will ensure deaf or hearing-impaired members of the public have effective access to jail information by maintaining an information system that may be reached through a relay service. The information system will allow a deaf or hearing-impaired caller to communicate with an employee of the Department of Correction through a relay service.

VIII. ADA Division Representative responsibilities

A. The ADA Division Representative will:

1. Keep the ADA Coordinator informed of all requests, complaints or grievances related to ADA issues.

2. Maintain a file of all completed ADA forms.

3. Send a facsimile copy of completed forms to the Professional Compliance and Audit Unit (PCAU).

4. Provide training to facility staff on Auxiliary Aids and Services and on how to respond to ADA requests or grievances.

5. Notify the Transportation Unit when an inmate may require transportation accommodations, e.g. wheelchair van.

6. Notify the Programs Unit when an inmate may require an accommodation to access program services.

7. Review all claims, complaints and grievances, and ensuring all aspects of the process have been completed.

8. Ensure all complaints or grievances are finalized.

9. Confer with medical staff each month to review whether accommodations continue to be appropriate and necessary.

B. The ADA Divisional Representative will review all grievances forwarded by the Watch Commander and will:

1. Enter all grievance information in the E.I.S. database for tracking purposes.

2. Attempt to resolve grievances that have not been resolved.

IX. Medical staff responsibilities

A. All requests for Disability verification or accommodation are forwarded to medical for review. It is the responsibility of medical staff to verify an inmate's Disability and provide custody and classification staff with housing recommendations.

B. The medical supervisor will ensure that medical staff review and complete the appropriate section on all *Inmate Disability Evaluation Forms* and:

1. Determine need for a medical release.

2. Ensure notification is made to Classification

3. Follow-up with the ADA Division Representative each month to ensure the accommodations are still appropriate or necessary.

C. The medical supervisor will ensure custody and classification staff are notified of any Disability accommodation for an inmate who is to be transferred to another facility.

X. Classification staff responsibilities

A. Classification staff are responsible for reviewing all *Inmate Disability Evaluation Forms* and ensuring that the inmate is housed appropriately based on the interview with the inmate, the information provided on the form and the information provided by medical staff.

1. When an inmate has a verified Disability that requires an accommodation, classification staff will update the inmate's SPRB code to indicate that the inmate has a Disability.

2. When an inmate's Disability requires assistance in communication to access the courts, the Classification Administrative Officer will ensure the courts are notified before the inmate's first court appearance.

3. Hearing-impaired inmates will be housed in a housing unit designated for the deaf or hearing-impaired. These housing units will afford equal access to programs and services based on security level.

C. Classification staff will coordinate with medical staff to ensure Disabled inmates that are to be transferred to another facility are identified in a manner that would be apparent to staff at the receiving facility.

XI. Programs staff responsibilities

A. Inmates with a Disability will be afforded access to all services, programs and activities for which they meet eligibility criteria. Access will only be denied if their participation would pose a documented direct threat to themselves, others or if their participation would fundamentally alter the program.

1. Classification staff will notify the Programs Unit when a deaf or hearing-impaired inmate is admitted at the Main Jail.

2. The intake-booking supervisor will send by facsimile mail the completed *Hearing-Impaired Tracking Form* to the Programs Unit.

3. The ADA Division Representative will forward to Programs any requests by inmates who need reasonable accommodation to participate in services, programs or activities.

4. Programs staff will interview each deaf or hearing-impaired inmate as soon as possible but no later than 72 hours, excluding weekends and holidays, after coming into custody to determine the appropriate Auxiliary Aids or Services needed for effective participation by the inmate in a program.

   a. Programs staff will ensure there is effective communication with the inmate during the assessment interview.

   b. Programs staff will advise the inmate that he or she may request additional program services information by telephone or in writing after the initial screening.

B. Programs staff will make the necessary arrangements for the accommodation of inmates needing a reasonable accommodation to participate in program activities. Accommodations that pose an undue financial hardship or an administrative burden for the Department will be referred to the Programs Commander and may be denied.

   1. Programs staff may provide Computer Assisted Real Time Transcription Services (CARTT) upon request for deaf or hearing-impaired inmates to participate in a program.

   2. Requests for CARTT must be made in advance of the classroom instruction and will be granted on a case by case basis.

C. Programs staff will consult with the Department's ADA Coordinator in all cases where questions arise as to granting reasonable accommodations for inmates.

XII. Transportation staff / Main Jail court movement staff responsibilities

A. Transportation staff and Main Jail court movement staff will review the court lists each day and check the inmate's SPRB code. The SPRB code is used to identify if an inmate may have special needs.

B. For inmates with a verified Disability, Transportation staff or Main Jail court movement staff will contact the inmate's housing unit or medical staff to determine if special arrangements are needed for the inmate's transportation to court (e.g a wheel chair van.)

C. Transportation staff or Main Jail court movement staff will immediately advise a supervisor when circumstances prevent their ability to transport the inmate to court.

XIII. Grievance Process

A. Every effort will be made to immediately resolve any grievances related to the accommodation of inmates with validated Disabilities.

B. Inmates will be instructed by staff to use the standard *Inmate Grievance Form* to submit grievances regarding ADA issues.

1. When an inmate submits a grievance, the officer will determine if the inmate's concern is a request or a grievance. If the inmate is making a request, the officer will advise the inmate to complete an *ADA Request for Accommodation Form*. If the inmate has a grievance, the officer will immediately forward the grievance to his or her supervisor.

2. The Watch Commander will review all grievances. The supervisor will note on the grievance if the inmate was not previously identified as having a Disability.

C. All grievances will be forwarded to the ADA Division Representative for further processing.

D. The Department's ADA Coordinator will review the completed grievances and complete an official response to the inmate.

XIV. Disciplinary Process

A. When a Disabled inmate is the subject of a disciplinary process that could deprive him or her of any privilege or right afforded to all other inmates, the Disciplinary Officer will ensure that the inmate understands the charges against him or her.

1. If the inmate is deaf or hearing-impaired, appropriate arrangements will be made so that the inmate understands all phases of the disciplinary process.

2. If the inmate is developmentally Disabled or mentally ill, the Disciplinary Officer will use his or her discretion to make any necessary accommodations necessary for the inmate to understand and defend the charges.

B. When a Disabled inmate, as defined by ADA, is the subject of a disciplinary process, the Disciplinary Officer will advise the Department's ADA Coordinator.

XV. Policy Revision

A. All Department policies will be reviewed not less than once a year. The Professional Compliance and Audit Unit will establish an annual schedule identifying policies to be reviewed during a specific month.

AMERICANS WITH DISABILITIES ACT

PUBLIC NOTICE

The Santa Clara County Department of Correction does not discriminate against inmates or members of the public on the basis of disability in providing access to facilities, programs, services and activities. This notice is provided as required by Title II of the Americans with Disabilities Act of 1990. If you have questions, complaints or requests for additional information regarding the ADA, you may contact the designated Department ADA Coordinator or the appropriate Division ADA Representative.

Department ADA Coordinator:	Professional Compliance Commander 180 West Hedding St. San Jose, CA 95110 (408) 299-4005 (M-F)
Main Jail Division Representative:	Main Jail Complex 150 West Hedding St. San Jose, CA 95110 (408) 299-3337 (M-F)
Elmwood/CCW Division ADA Representative:	Elmwood Complex 701 South Abel St. Milpitas, CA 95035 (408) 957-5300 (M-F)

DO NOT REMOVE THIS NOTICE

AMERICANS WITH DISABILITIES ACT

INMATE NOTICE

The Santa Clara County Department of Correction does not discriminate on the basis of disability in providing access to facilities, programs, services and activities. This notice is provided as required by Title II of the Americans with Disabilities Act of 1990. If you have questions, complaints or requests for additional information regarding the ADA, forward your inquiry to the designated ADA Division Representative at the facility at which you are housed by completing the "ADA Request for Accommodation" form. This form is available upon request from your unit officer. Grievances regarding ADA issues may be brought to the Department's attention by using the "Inmate Grievance Form".

You may also direct your inquiry to the Department ADA Coordinator:

Professional Compliance Captain
180 West Hedding Street
San Jose, CA 95110

DO NOT REMOVE THIS NOTICE

County of Santa Clara

Department of Correction
ADA Request for Accommodation

Inmate's Name: _____ PFN _____

Bkg. #_____ Housing Location: _____

Date: _____

Section A: Inmate Request for Accommodation (Describe Disability)

Section B: Reason for Accommodation Requested

Inmate's Signature: _____

Officer's Signature: _____

Medical Staff's Signature: _____

Cc: Professional Compliance Captain, Facility ADA Representative, Classification, Medical, Programs, PCAU

COUNTY OF SANTA CLARA

Department of Correction Policy and Procedure Manual	**Policy Number:** 13.13 **No. of Pages:** 9 **Date of Origin:** 11 Jun 2001 **Date Revised:** 27 Nov 2002
Chapter: Special Management / Classification	**Subject:** Juvenile Inmates
Supersedes: Policy 13.13, Juvenile Inmates, rev. date 06/11/01	**Distribution:**
References: C.C.R., Title 15, Minors Detained in Adult Facilities, Regulations and Guidelines C.C.R., Title 15, Minimum Standards for Local Adult Detention Facilities California Education Code 48645.1 and 48645.2 Government Code 12525, Health & Safety Code 25958, Penal Code 2656 Welfare and Institutions Code, Sections 220, 221, 222, 207.1, 208, 602, 707.1	
Signature of Issuing Authority James W. Babcock, Chief of Correction	**Current Policy Review** **Date of Review:** 27 Nov 2002 **Revisions Made:** ☒Yes ☐No

POLICY: It is the policy of the Department of Correction to ensure that the detention of persons under the age of eighteen is in accordance with state laws and regulations.

PURPOSE: To establish uniform guidelines for the safety, security, and management of juvenile inmates housed within a Department of Correction facility.

DEFINITIONS:

Jail: A locked detention facility that holds both non-sentenced and convicted adult criminal offenders.

CJIC: Criminal Justice Information Control

Contact: Communication, whether verbal or visual, or immediate physical presence.

Minor: A person under 18 years of age, to include those persons found unfit for juvenile court pursuant to section 707 of the Welfare and Institutions Code.

SPRB Code: A coded sequence of numbers and letters designated to create a description of each inmate by his/her personal characteristics and in-custody status.

PROCEDURE:

I. Acceptance and Booking of Juveniles in an Adult Facility

A. Acceptance of juveniles in the jail shall be pursuant to housing orders or jail commitments made by the Juvenile Court and shall be in accordance with the conditions specified in subdivision (b) of Section 207.1 of the Welfare and Institutions Code.

B. Acceptance or non-acceptance of a person with a Juvenile Court Warrant shall be only under the following conditions:

1. Persons 18 years old, arrested **only** for a Juvenile Court Warrant or a crime committed as a juvenile (no adult charges) must be booked in Juvenile Hall and will not be accepted in the jail.

2. Persons 18 years old, arrested for a Juvenile Court Warrant and adult charges or an adult warrant will be booked in the jail.

3. Persons 19 years old (or older) arrested only for a Juvenile Court Warrant or a crime committed as a juvenile (no adult charges) will be booked in the jail as a courtesy hold for Juvenile Hall.

4. Persons 19 years old (or older) arrested for a Juvenile Court Warrant and adult charges or an adult warrant will be booked in the jail.

5. The Booking Sergeant will ensure the Juvenile Probation Department Screening or JPD Booking at (408) 278-5818 is notified if a person is booked into the jail as described in sections I.B. 2, 3 and 4 of this policy. The probation officer will notify the Department of Correction's Administrative Booking Unit of any court appearances or release information regarding a Juvenile Warrant.

C. Acceptance or non-acceptance of a person, identified as a possible Juvenile at Booking, shall be determined as follows:

1. A person, who claims to be a juvenile or is suspected of being a juvenile at the time of booking, shall be immediately segregated until the Booking Sergeant determines if the person is or is not a juvenile. The Booking Sergeant shall ensure that the arresting agency is contacted if it is necessary to transport a person to Juvenile Hall.

a. A person confirmed to be a juvenile who has not been booked in CJIC, will be held pending arrival of the arresting agency for transport and booking in Juvenile Hall.

b. A person confirmed to be a juvenile who has already been booked in CJIC must be administratively released. The booking officer must contact Admin. Booking to request the Administrative release and the Booking Sergeant must contact the arresting agency to transport the juvenile to Juvenile Hall for booking.

2. A person who claims to be a juvenile or is suspected of being a juvenile at the time of booking and whose age cannot be verified or confirmed will be booked as an adult pending the court's decision. Classification and housing of this person shall be in accordance with section II. of this policy.

II. Housing for in-custody inmates who were booked and housed as adults and later claim or are suspected of being under the age of eighteen.

A. A person booked and housed in the jail as an adult, who is suspected or claims to be a under the age of 18, shall be immediately segregated from the rest of the inmate population pending an inquiry to obtain verification of the suspicion or claim.

1. The Officer or staff person receiving information to believe that the inmate may be under the age of eighteen shall immediately verbally notify the Custody Sergeant with details of the circumstances and follow the verbal notification with a written report.

2. The Custody Sergeant shall ensure that the inmate is provided assistance in making necessary telephone calls to parents, relatives, or others, in order to obtain proof of age. Acceptable forms of identification will include, but not be limited to, a birth certificate, school identification with picture or a passport.

a. If the inmate provides proof of age, and he or she **has not been** arraigned on his/her charges, the Custody Sergeant will contact the Admin. Booking Supervisor to process an Administrative Release. The Custody Sergeant will contact the arresting agency and arrange to have the juvenile picked up and transported to Juvenile Hall for booking.

b. If the inmate provides proof of age, and he or she **has been** arraigned on his/her charges, the Custody Sergeant shall notify the Administrative Booking Supervisor. However, the inmate must remain in the custody of the Department of Correction until the Court orders his/her transfer to Juvenile Hall. When the Court orders the Juvenile's transfer, the

Custody Sergeant shall make arrangements to transport the Juvenile to Juvenile Hall.

3. An inmate who claims or is suspected of being under the age of eighteen but cannot provide proof of age shall remain in custody until the court renders a decision regarding the inmate's age. The Custody Sergeant shall advise the Classification Supervisor of the inmate's status.

   a. The Classification Supervisor shall ensure that the inmate is housed appropriately to ensure the safety and security of the inmate. The inmate shall be placed in administrative segregation and will not program with adult inmates.

   b. Title 15 regulations for minors detained in adult facilities shall not apply to an inmate whose age is not confirmed.

III. Classification and Housing of Juveniles

A. The Classification of juveniles shall be in accordance with the Department's Classification Plan, Classification Policy, and Classification Unit Procedures.

B. The Main Jail Complex is designated as the housing facility for male juvenile inmates and the Correctional Center for Women is designated as the housing facility for female juvenile inmates.

   1. E-dorm at Main Jail South is the designated juvenile housing unit for male juveniles.

   2. Dorm-3 at the Correctional Center for Women is the designated juvenile housing unit for female juveniles.

   3. If a facility does not have a juvenile in custody, the designated juvenile housing unit may be used for adult housing on a temporary basis until such time that the unit is needed for juvenile housing.

C. The Booking Sergeant shall ensure that a juvenile accepted in the jail is segregated pending an interview with classification. The Booking Sergeant shall notify medical staff in Booking of the placement of the segregated juvenile.

D. The Classification Supervisor shall ensure that a juvenile inmate is identified and classified appropriately. A "J" will be used as the fourth field of the SPRB code to indicate that the inmate is a juvenile.

1. The Classification officer shall complete and fax the "Juvenile In-Custody Notification Form" to the Programs Unit, Medical Unit, Mental Health Unit, Food Services and Administrative Booking Unit no later than the end of his/her shift absent exigent circumstances.

2. Juvenile inmates shall not be housed with adult inmates or inmates not confirmed to be under the age of eighteen.

E. Communication between juvenile inmates and adult inmates shall not be allowed. Situations in which a juvenile and an adult inmate may be in the same room, area or corridor are limited to:

a. booking;
b. awaiting visiting or sick call;
c. inmate workers present while performing work necessary for the operation of the facility, such as meal service and janitorial services;
d. movement of inmates in custody within the facility; and,
e. supervised program activities pursuant to section 208(c) of the Welfare and Institutions Code.

F. When an adult inmate, including an inmate worker, is present, custody staff trained in the supervision of inmates shall maintain a constant side by side presence with either the minor or the adult to assure there are no communications between the minor and the adult.

G. Inmate clothing is color coded to identify the security level of inmates. Juvenile inmates will wear blue pants to distinguish them from adult inmates. The color of the shirt shall be according to security level the same as adult inmates except that a general population juvenile will wear a blue shirt.

H. Visits for juveniles shall be in accordance with the Department's Visiting Policy; however, a juvenile inmate shall not share a visiting booth with adult inmates.

IV. Minimum Standards for Juveniles

A. The Department of Correction shall adhere to the minimum standards of Title 15 for Minors Detained in Adult Facilities in addition to the minimum standards of Title 15 for Adult Local Detention Facilities and the Department's Policy and Procedures.

1. Department Policy and Procedure shall govern the programs and services provided to juveniles except where there is an additional provision outlined in this policy or where there is a conflict with a Title 15 standard.

2. The standards for minors detained in adult facilities shall prevail whenever there is a conflict with Departmental Policy.

B. ***Contact with adult prisoners*** shall not be allowed except as specified in section III.E. of this policy.

C. ***Release of a juvenile inmate*** shall be in accordance with the Department's "Release" policy and the following:

1. The Custody Sergeant shall notify the parents or guardians of a juvenile prior to the juvenile's release.

2. Upon the juvenile's release or consent, the juvenile's personal clothing and valuables shall be returned to the juvenile, juvenile's parents or guardian.

D. ***Supervision of a juvenile*** shall be in accordance with Departmental policy and shall at a minimum provide for:

1. Continuous staff supervision with the assurance that staff can hear and respond.

2. Direct visual supervision every 30 minutes on an irregular schedule with all safety checks documented in a separate post log book used exclusively for juveniles.

E. ***Recreation for a juvenile*** shall be in accordance with the Department's policy, "Recreation and Activities" and:

1. Shall meet or exceed the minimum standards for juveniles who are 16 years or older.

2. Shall meet or exceed the minimum standards for juveniles under the age of 16 which requires that they have at least one hour of exercise and constructive leisure time activity each day.

F. ***Disciplinary procedures for a juvenile*** shall be in accordance with the Department's policy, "Inmate Rules and Discipline," however the discipline shall be limited as follows:

1. Juveniles requiring disciplinary confinement shall be housed only in living areas designated for the detention of juveniles.

2. Permitted forms of discipline include loss of privileges and disciplinary confinement.

3. Access to visitation and recreation shall be restricted only after a second level review by a Supervisor or Watch Commander, and shall not extend beyond five days without subsequent review.

4. The status of those juvenile inmates placed in disciplinary confinement shall be reviewed no less than every 24 hours by Classification.

5. Prohibited forms of discipline shall include:

   a. discipline that does not fit the violation;
   b. corporal punishment;
   c. inmate imposed discipline;
   d. placement in safety cells;
   e. deprivation of food;
   f. the adult disciplinary diet.

G. ***Report of death, serious illness or injury of a juvenile*** shall be in accordance with the Department's policy #12.09, Inmate Death, and shall meet the additional reporting requirements that include, but are not limited to:

1. A copy of the in-custody death report that is provided to the Attorney General shall be submitted to the Board of Corrections within 10 calendar days after the death.

2. Notification by the Division Commander or designee shall be made to the Juvenile Court and the parent, guardian, or person standing in loco parentis, in the event of a serious illness, injury or death of a minor.

H. ***Health Care for juveniles*** shall be in accordance with the Department's policy #12.01, Medical Health Care Services. Additional health care services for juveniles include, but are not limited to:

1. Consistent with security requirements and public safety, parents, guardians, or other legal custodians, at their own expense, may authorize and arrange for medical, surgical, dental, mental health or other remedial treatment of juveniles that is permitted under law.

   a. Requests for outside treatment from a parent, guardian or legal custodian of a juvenile shall be forwarded to the Medical Director for review and recommendation to the Division Commander.

   b. If the request is approved by the Division Commander, the parent, guardian, or legal custodian of the juvenile must make arrangements for transportation fees with the Fiscal Unit.

2. Consistent with Title 15, Section 1407, and applicable laws for the multi-disciplinary sharing of health information, the Department's medical provider will establish policy and procedure to address the provision for providing health

information to the court, child supervision staff and to probation. The nature and extent of information shared shall be appropriate to treatment planning, program needs, protection of the minor or others, management of the facility, maintenance of security, and preservation of safety and order.

3. Reproductive services shall be available to both male and female juveniles. Such services shall include but not be limited to those prescribed by Welfare and Institutions Code, section 220, 221, and 222, and H & S Code 25958.

4. A health appraisal/medical examination shall be completed within 96 hours of admission to the facility. The examination shall include at a minimum those areas listed in Title 15 section 1432.

5. Provision, retention and removal of medical and dental prostheses, including eyeglasses and hearing aids, shall comply with the requirement of PC 2656.

I. ***Mental Health services for juveniles*** shall be in accordance with the Department's policy 12.03, Mental Health Services. The use of voluntary and involuntary psychotropic medication shall be in accordance with Title 15 section 1439. A juvenile housed in the jail shall be evaluated by the Mental Health staff within 24 hours of his or her incarceration and periodically thereafter if indicated.

1. Medical/Mental Health staff will ensure there is a provision for Juveniles who are on psychotropic medications prescribed in the community to be continued on their medications pending re-evaluation and further determination by a physician.

2. Medical staff will address the necessity for continuation of psychotropic medication in the pre-release planning and prior to transfer to another facility or program.

3. Medical/Mental Health staff will inform Juveniles of the expected benefits, potential side effects and alternatives to psychotropic medications.

J. ***Education programs for juveniles*** shall be in accordance with the Department's policy #18.03, Educational Programs and Services, and with California Education Code 48645.1 and 48645.2. The Programs Unit Commander shall ensure that an appropriate educational program is established for each juvenile.

1. A "Juvenile In-Custody Notification Form" will be faxed to the Programs Unit by Classification within 24 hours of a juvenile being accepted at the jail.

2. Upon receiving notification of a juvenile in custody, a Rehabilitation Officer in the Programs Unit shall, within 72 hours, ***notify*** the Department's Education provider that a juvenile is in custody.

3. Academic education shall be provided to persons under 18 years of age in accordance with the California Education Code unless they have graduated from high school or achieved an equivalency, such as the GED.

   1. Absent exigent circumstances, the Rehabilitation Officer will ensure the Education provider coordinates and ***implements*** the education plan for the juvenile within 2-3 weeks.

   2. The Rehabilitation Officer shall coordinate with the Facility Commander the logistics to provide the educational services.

4. Age- and sex-appropriate health education and disease prevention programs shall be offered to juveniles.

   1. The Rehabilitation Officer shall coordinate with the County's Public Health provider to implement the appropriate health education.

   2. The Rehabilitation Officer shall coordinate with the Facility Commander the logistics to provide the health education services.

K. ***Religious services for juveniles*** shall be in accordance with the Department's policy #18.09, Religious Programs and Services, and shall be available to juvenile inmates upon request. The contract Ministries Services will provide the appropriate religious services.

L. ***Meal services for juveniles*** shall be in accordance with Title 15 sections 1240, 1241, 1460 and 1461.

   1. A Juvenile's meal service will vary slightly from the adult meal service pursuant to Title 15 regulations.

   2. A snack and access to drinking water shall be provided, upon request, to a juvenile who is booked and pending housing if he or she has not eaten within the past four hours or is otherwise in need of nourishment.

V. Policy Revision

A. All Department policies will be reviewed not less than once a year. The Professional Compliance and Audit Unit will establish an annual schedule identifying policies to be reviewed during a specific month.

Santa Clara County Department of Correction

Notification Of Juvenile In Custody

(Inmate Information)

Inmate Name: _____

Inmate Date of Birth:

Inmate Booking Number / PFN: _____

Housing Assigned: _____

NEW BOOKING ☐ **INCUSTODY** ☐

(Check One)

(Only to be filled out if inmate is determined to be a Juvenile after booking / court)

Date inmate determined to be a juvenile: _____

Housing at time of discovery: _____

How age was determined:

(Notifications)

Classification:	**Time:**	_____	**By:**	_____
Admin. Booking:	**Time:**	_____	**By:**	_____
Custody Sergeant:	**Time:**	_____	**By:**	_____
Watch Commander:	**Time:**	_____	**By:**	_____

(Form Distribution)

Classification:	**Date and Time Delivered:**	_____	
Watch Commander:	**Date and Time Delivered:**	_____	
Admin. Booking:	**Date and Time Faxed:**	_____	**Fax # 299-8725**
Medical:	**Date and Time Faxed:**	_____	**Fax # 287-0989**
Dietician:	**Date and Time Faxed:**	_____	**Fax # 956-9354**
Programs:	**Date and Time Faxed:**	_____	**Fax # 946-3867**

Ref: Policy 13.13, Juvenile Inmates
Rev: 08/16/02 by MRC

COUNTY OF SANTA CLARA

Department of Correction Policy and Procedure Manual	Policy Number: 13.15 No. of Pages: 5 Date of Origin: 27 Nov 2002 Date of Revision: 20 Nov 2003
Chapter: Special Management / Classification	**Subject:** Disciplinary Housing
Supersedes: Policy 13.15, Disciplinary Housing, rev 11/17/02	**Distribution:**
References: ACA 3-ALDF-3D-01, 3D-04, 3D-05, 3D-07 and 3D-23 California Code of Regulations, Title 15 Section 1083 and 1084 Penal Code 4001 and 4002	
Signature of Issuing Authority James W. Babcock, Chief of Correction	**Current Policy Review** **Date of Review:** 20 Nov 2003 **Revisions Made:** ☒Yes ☐No

POLICY: It is the policy of the Department of Correction to provide secure and safe Disciplinary Housing to inmates who require a higher degree of physical control because they have been found guilty of committing a serious rule violation.

PURPOSE: To provide the guidelines for the operation of Disciplinary Housing.

DEFINITIONS: Housing: A dormitory, room or cell that contains the minimum furnishings as required by Title 15 where an inmate lives while in custody.

Disciplinary Lockdown: A punishment status assigned an inmate who has violated facility rules.

Disciplinary Housing: Housing, where an inmate is confined as a penalty for violating facility rules after having received a hearing and found guilty. Disciplinary Housing may be in the same housing unit or separate from the general population.

Hearing Officer: A Lieutenant, appointed by the Division Commander, who ensures that proper procedures are followed in an Infraction Hearing and that the inmate's rights are protected.

Administrative Segregation: The physical separation of different types of inmates from each other as specified in Penal Code Sections 4001 and 4002, and Section 1053 of C.C.R. Title 15. Administrative Segregation is

accomplished to provide that level of control and security necessary for good management and the protection of staff and inmates.

PROCEDURE:

I. Disciplinary Housing

A. An inmate may be placed in Disciplinary Housing only after an impartial due process hearing.

B. The due process hearing will be conducted in accordance with Department Policy #15.01, Inmate Rules and Discipline.

C. An inmate found to have committed acts of misconduct or rule violations should not be placed in Disciplinary Housing unless his or her presence in the general population poses a serious threat to staff, other inmates, or the facility's security, or it is required to impress upon the inmate the seriousness of the offense.

a. Before assigning an inmate to Disciplinary Housing, the Hearing Officer must determine that there is no adequate alternative sanction that will safely and successfully regulate the inmate's behavior.

b. The time the Hearing Officer assigns an inmate to Disciplinary Housing should be proportionate to the offense committed and take into consideration the inmate's prior conduct specific program needs and other relevant factors.

D. When Disciplinary Housing is ordered as the sanction for a major rule violation, the following restriction shall apply:

a. The maximum consecutive days for each violation shall be 10 days.

b. The inmate will not be confined for more than 30 consecutive days without the Division Commander's approval and consultation with medical staff.

c. The maximum days for all violations arising out of one incident shall be no more than 60 days.

E. Lockdown for less than 24-hours with temporary loss of privileges imposed for **minor rule violations** is not the same as Disciplinary Housing for major rule violations.

II. Disciplinary Housing Reviews

A. If an inmate is in Disciplinary Housing for 30 consecutive days, the Division Commander shall review the status before the Disciplinary Housing is continued.

B. Classification staff shall review the status of an inmate in Disciplinary Housing every 30 days.

C. Medical staff shall review the medical status of an inmate in Disciplinary Housing every 30 days.

III. Transfer to Disciplinary Housing

A. After the due process hearing, if an inmate is found guilty of a major rule violation, the Hearing Officer will impose a sanction.

B. When Disciplinary Housing is imposed as the sanction for the rule violation, the inmate must complete his or her Disciplinary Lockdown in Disciplinary Housing.

1. The Hearing Officer will sign the bottom portion of the Inmate Infraction form, *attachment 1*, and will record the amount of days of disciplinary lockdown.

2. The Hearing Officer or Infraction Coordinator will complete an Administrative Rehousing Report form, *attachment 2*, and forward it, along with a copy of the Inmate Infraction, to the Classification Unit.

3. Classification staff will determine the date into lockdown and the date out of lockdown based on the length of time imposed by the Hearing Officer. The date in and out will be written on the Administrative Rehousing Report form. A copy of this form will be forwarded to custody staff to complete the Disciplinary Lockdown.

4. Classification staff will determine if Disciplinary Housing can be effected at the inmate's current Housing location or if the inmate must be moved. This will be documented on the Administrative Rehousing Report form.

a. If the inmate is housed in a dorm or a double-bunked cell with another inmate, he or she will be moved to a single cell where the lockdown can be completed.

b. If the inmate is already housed in a single cell, the lockdown may be completed in the same location.

IV. Operation of Disciplinary Housing

A. When an inmate is assigned to Disciplinary Housing, the inmate will be afforded the same privileges afforded to inmates in Administrative Segregation. However, those privileges will be restricted as follows during the lockdown period.

1. Personal property belonging to the inmate will be collected and stored by the housing unit officer and returned when the lockdown is complete. The inmate will only be allowed to keep his or her clothing, bedding linen, hygiene supplies (toothbrush, toothpaste and soap), one book and one pencil and paper.

2. Correspondence (mail) will not be left in the cell. The officer will give the inmate his or her new correspondence at the beginning of the shift and collect it at the end of the shift. Correspondence privileges may be suspended for up to 72 hours for violation of correspondence regulation; however, that sanction shall not be applied to correspondence with the courts, any member of the state bar, holder of public office or the Board of Corrections.

3. Phone calls will be restricted and allowed only to access legal counsel. Any such phone call shall be verified and dialed by the officer.

4. Visiting will be restricted and allowed only to access legal counsel.

5. Commissary will not be given to an inmate in Disciplinary Housing. Items previously ordered will be stored with the inmate's property and returned when the lockdown is complete. New commissary orders will not be taken while the inmate is in Disciplinary Housing.

6. Television will not be allowed in Disciplinary Housing. However, this restriction may be ignored if the restriction would affect other inmates who are not serving a disciplinary lockdown.

B. Lockdown information will be documented on the Post Log Book. The officer will ensure to record applicable information associated with the lockdown including, but not limited to:

1. Name, booking number and location of the inmate serving a disciplinary lockdown.

2. Date in and date out of Disciplinary Housing.

3. Date and time phone was used to access legal counsel.

4. Date and time correspondence was issued and collected.

5. Out of cell time for exercise and shower.

6. Disciplinary diet received and issued.

C. The Hearing Officer or Division Commander may order that an inmate receive a disciplinary diet in lieu of the regular meals while the inmate is in Disciplinary Housing.

1. It will be the Watch Commander's responsibility to contact food services to initiate the serving of the disciplinary diet.

2. If the inmate was previously receiving a prescribed therapeutic diet, the responsible physician must first review and approve the disciplinary diet before it can be served.

3. The disciplinary diet shall not be continued longer than 72 hours without written approval from the Division Commander.

D. When disciplinary lockdown is complete, it is the officer's responsibility to complete an Administrative Rehousing Report form to notify the Classification Unit. Classification staff will determine if the inmate will remain in his or her current Housing with disciplinary restrictions lifted or if the inmate will be moved to another Housing location.

V. Policy Revision

A. All Department policies will be reviewed not less than once a year. The Professional Compliance and Audit Unit will establish an annual schedule identifying policies to be reviewed during a specific month.

COUNTY OF SANTA CLARA

Department of Correction Policy and Procedure Manual	**Policy Number:** 13.17 **No. of Pages:** 10 **Date of Origin:** 02 Apr 2001 **Date Revised:** 02 Dec 2005
Chapter: Special Management/Classification	**Subject:** Mentally Disordered Inmates
Supersedes: Policy 13.17 Mentally Disordered Inmates rev. 04/02/01	**Distribution:**
References: ACA 3-ALDF-4E-37, 38; C.C.R.: Title 15 Sections 1029(a)(3), 1052, 1057 & 1058; Penal Code Sections 688 and 2652; Welfare and Institutions Code Sections 5150, 5328, 5332-5336	
Signature of Issuing Authority Edward C. Flores, Chief of Correction	**Current Policy Review** **Date of Review:** 02 Dec 2005 **Revisions Made:** ☒Yes ☐No

POLICY: It is the policy of the Department of Correction to provide specialized treatment, services, and housing for inmates who display or have been diagnosed as having mental health or developmental problems.

PURPOSE: To provide guidelines for the identification and housing assignment of mentally disordered inmates, and to describe the available programs and services for mentally disordered inmates.

DEFINITIONS: Seclusion room: A special cell, meeting the construction standards of C.C.R. Title 24, Section 470A2.5, used to de-escalate a patient and control injurious behavior by reducing external stimuli through confinement of the patient in a locked room.

PROCEDURE:

I. Mentally Disordered Inmates

A. Every inmate booked into custody will be evaluated by medical staff for signs of mental illness or developmental problems using a confidential medical screening form.

1. The screening will include questions and observation intended to identify mentally impaired inmates who may have problems adapting to the jail setting or who may be imminently dangerous to themselves or others.

a. If an inmate confirms s(he) has a history of mental illness, or staff suspect an inmate is mentally impaired, a referral will be made to mental health staff.

b. If an inmate is arrested and charged with certain crimes (whether by on view or warrant), such as crimes against children, sex crimes or crimes of violence, a referral will be made to mental health staff.

c. If an inmate presents an immediate danger to self or others, staff may take appropriate action to ensure the safety of the inmate, other inmates and staff before notifying medical/mental health staff. However, notification shall be made as soon as possible.

2. An inmate who is referred to mental health staff at admission must be kept in the booking lobby and interviewed by mental health staff prior to housing.

a. Mental Health staff shall be responsible for the inmate's evaluation and for recommending appropriate housing.

b. Custody staff and mental health staff will work together to ensure that the evaluation and housing of the inmate takes place as soon as possible.

c. Inmates who have been placed on a 5150 hold will be housed in the Department's Acute Psychiatric Unit (Main Jail 8A) within one hour of notification, absent exigent circumstances.

B. Badge staff who observe inmates displaying or verbalizing behaviors that may be indicative of persons with mental disorders shall make verbal notification to mental health staff of their observations and submit a Mental Health Referral form for the inmate. Inmates who are an immediate danger to themselves or others will be segregated, as appropriate, pending mental health staff evaluation.

1. An observation log will be initiated for the following:

a. Bizarre behavior

b. Suicidal tendencies, (refer to policy for "Suicide Prevention")

2. Medical/mental health staff shall be notified and will perform an initial evaluation, as soon as possible. Based on the results of the evaluation, mental health staff will:

a. Arrange for immediate or follow-up treatment, if needed.

b. Recommend continuing or discontinuing an Observation Log for 15-minute checks.

c. Recommend level of security housing and/or housing in a special management housing unit.

d. Recommend inpatient psychiatric services, as appropriate. If inpatient psychiatric services are recommended, mental health staff will secure a physician's opinion as soon as possible but no later than twenty-four hours.

3. Classification will be notified by the reporting Officer and Mental Health staff. Classification will arrange for the appropriate housing and security needs.

4. Maximum cooperation and communication between custody personnel and health care providers is essential so that both groups are made aware of movements and decisions regarding mentally disordered inmates.

II. Mentally Disordered Inmate Housing

A. Mentally disordered inmates are provided mental health services in accordance with the Department's policy for "Mental Health Services."

B. The segregation of mentally disordered inmates from general population inmates is based on behavioral factors and not solely on the existence of a psychiatric diagnosis. Inmates who are diagnosed as having a psychiatric illness shall be evaluated on an ongoing basis by mental health staff.

C. Housing, programs and services for mentally disordered inmates will remain the same as those for inmates within the general population so long as mentally disordered inmates do not pose a threat to the health and safety of themselves, to the health and safety of staff and other inmates and to the security of the facility.

1. Mentally disordered inmates who require inpatient psychiatric services are housed at Main Jail 8A which houses both male and female inmates with acute mental illness. Main Jail 8A also functions as the designated health facility for treatment of inmates pursuant to Penal Code 1368 (Incompetent to Stand Trial) and 1026 (Not Guilty by Reasons of Insanity) on a temporary basis until the inmate is released, transported to a state facility, or transported to another county mental health facility.

2. Exercise, recreation and out of cell time shall be conducted under the following guidelines by mutual communication between Mental Health staff and Custody staff.

a. Access to out time will be individualized based on inmate behavior that does not pose a threat to the health and safety of themselves, to the health and safety of staff and other inmates and to the security of the facility.

b. Mental Health needs of inmates require interaction with others to prevent emotional deterioration from excessive isolation. However, security requirement of these inmates mandate close supervision to prevent exposure to excessive risk to one another from hostile, aggressive or overly fearful inmates who may pose a threat to others or themselves if suicidal or self-destructive.

c. A representative from custody staff shall attend treatment team meetings to discuss inmates who should be out alone and not in a group setting.

d. Scheduling of out of cell time shall be done in conference with mental health staff on a daily basis and shall be designed to allow as many persons out as can be safely handled. The exercise yard will be available for inmate use anytime the inmate is out for programming.

e. If an inmate's out of cell activities (e.g. program time, court appearances, medical appointments, or visits) are restricted and the restriction is in disagreement with mental health staff recommendations, custody staff will complete a Custody Input Form, documenting their observations, to support the restriction.

3. Movement of mentally disordered inmates housed in 8A shall be done in accordance with the policy and procedure for movement of a maximum-security inmate.

a. When moved out of the housing unit, inmates shall be waistchained and shackled and escorted by custody staff.

b. Additional restraints or escort officers may be used, as necessary, when an inmate is a known security risk or has a strong potential for violence based upon his/her acute mental illness or prior behavior.

4. Hygiene for mentally disordered inmates housed in 8A will be encouraged and shall be the same as what is offered to inmates in the general population unless it presents an undue security hazard for the inmate or staff. Medical staff will provide assistance, as appropriate, for those inmates who may require assistance with their personal hygiene.

a. Inmates shall have the opportunity to shower three times per week during out of cell time.

b. Inmates shall have access to personal hygiene supplies (e.g. hair clippers, fingernail clippers) upon request from the module officer.

c. Inmates shall receive hair care services and issue/exchange of jail clothing, bedding and linen.

5. Programs and services for mentally disordered inmates will include but not be limited to educational services, commissary services, library services, social services, counseling services, religious guidance and recreational programs.

   a. There shall be no major differences from those offered the general population, as long as access to these programs does not pose a threat to the health and safety of staff and inmates and to the security of the facility.

   b. At the request of mental health staff, inmates may also be required to attend therapeutic groups in the unit.

6. Access to telephones, mail, visiting and legal research assistance shall be the same as that offered to the general population and in accordance with specific policy and procedure for those areas. Mental health staff may request special arrangements for phone calls or visiting. These arrangements must be approved by the Mental Health Director and the Watch Commander.

7. Special restrictions may be imposed on mentally disordered inmates to ensure the inmate's safety and the well being of other inmates or staff. Items of bedding, clothing, and normal hygiene implements may be withheld as necessary; however, special restrictions must be:

   a. Approved by a shift supervisor;
   b. Reviewed every 24 hours;
   c. Posted on the inmate's cell door.

III. Use of Seclusion Room

A. A seclusion room is available in 8A as a less restrictive alternative to restraints and to provide a quiet environment away from other inmates to de-escalate behavior.

B. The use of the seclusion room shall be only at the direction of medical staff upon receipt of a doctor's order and only for inmates housed in 8A. Medical staff shall assess the inmate at time of placement and every hour thereafter.

   1. Custody staff shall notify the duty sergeant and watch commander of any impending use of the seclusion room or as soon as possible after an inmate is placed in the seclusion room. The duty sergeant shall respond immediately, after being notified, to supervise the placement of any inmate therein.

2. Custody staff shall notify central control whenever an inmate is placed into the seclusion room, and whenever assistance is needed for placement. Absent exigent circumstances, sufficient staff should be available to assist in placing the inmate in the seclusion room.

3. Custody staff on-scene shall initiate steps to have a video camera present to record the incident.

4. Officers shall remove all property and clothing from the inmate, except for underwear, and provide the inmate with a safety garment (e.g. Ferguson gown).

   a. Property and clothing shall be stored and returned to the inmate after his/her removal from the seclusion room.

   b. Some restrictions on what is returned may be imposed based on the inmate's condition or to ensure his/her safety.

5. An observation log clearly marked "Seclusion Room", shall be posted at the door of the seclusion room and officers shall log their observations a minimum of four times per hour with each observation at least 10 minutes apart. Completed logs will be forwarded to and maintained by the Division Administration.

C. In the event an inmate is kept in the seclusion room for 24 hours (or anytime within that period staff feels it is required), s(he) must be evaluated by a medical staff supervisor or doctor regardless of any other prior exam conducted. Medical staff shall provide the inmate with food and water, and shall administer medications as needed.

D. A doctor's order for the use of the seclusion room is valid only for 24 hours at a time and must be renewed if the inmate cannot be removed from the seclusion room.

E. The seclusion room shall not be used to punish, discipline, retaliate against a person, as a substitute for treatment, or any longer than reasonably necessary.

IV. Use of Restraint Room

A. Use of the restraint room to restrain mentally disordered inmates in four point restraints shall be only at the direction of medical staff upon the receipt of a doctor's order. In exigent circumstances, medical staff may direct that an inmate be placed in restraints without first obtaining a doctor's order. However, a verbal or written order must be obtained within one hour after the inmate is placed in restraints.

1. Custody staff shall notify the duty sergeant and watch commander of any impending use of the restraint room or as soon as possible after an inmate is placed in the restraint room. The duty sergeant shall respond immediately, after being notified, to supervise the placement of any inmate therein.

2. Custody staff shall notify central control whenever an inmate is to be placed into the restraint room and request appropriate assistance, as needed. Absent exigent circumstances, sufficient staff should be available to assist in placing the inmate in four point restraints.

3. Custody staff on-scene shall initiate steps to have a video camera present to record the incident.

4. Officers shall remove all property and clothing from the inmate, except for underwear. One sheet shall be used to cover the inmate's torso, keeping all four limbs visible. Property and clothing shall be stored and returned to the inmate after his/her removal from the restraint room. Some restrictions on what is returned may be imposed based on the inmate's condition or to ensure his/her safety.

5. An observation log, clearly marked "Restraint Room", shall be posted at the door of the restraint room and officers shall log their observations a minimum of four times per hour with each observation at least 10 minutes apart. Completed logs will be forwarded to and maintained by the Division Administration.

B. A medical clearance for placement is required for every inmate placed in the restraint room. Medical staff shall assess the inmate at time of placement in the restraint room for signs of physical injury or complaints of injury, and every hour thereafter.

1. In the event an inmate is restrained for 24 hours (or anytime within that period staff feels it is required) he/she must be evaluated by a medical staff supervisor or doctor regardless of any other prior exam conducted.

2. Inmates in four point restraints shall be removed at the request of Mental Health staff. In any case, the doctor's order for the use of the restraint room is valid only for 24 hours at a time and must be renewed if the inmate cannot be removed from restraints.

C. Welfare checks, meals, and medication shall be as follows:

1. Medical staff shall be responsible for checking the inmate in restraints at least every 15 minutes. Circumstances may require that Mental Health staff maintain constant observation of the restrained inmate. In any case, Mental Health staff shall have primary responsibility for the inmate's physical and mental welfare whenever he/she is restrained.

a. Medical staff shall rotate the restrained inmate's arms and legs every two hours. Officers will assist as needed to maintain security.

b. Medical staff shall provide the restrained inmate with food and water, and shall administer medications as needed.

c. Medical staff shall allow the restrained inmate to use the toilet every two hours, or as necessary. Officers will assist as needed to maintain security.

2. The 8A module Officer shall be responsible for conducting checks of the restraint room, when occupied, twice every 30 minutes. If the Officer observes the inmate experiencing any unusual problems, mental health staff and the shift supervisor shall be notified immediately.

3. The duty sergeant must check the inmate a minimum of every four hours or more frequently if, in the sergeant's opinion or knowledge of the inmate, closer observation is warranted.

D. The restraint room shall not be used to punish, discipline, retaliate against a person, as a substitute for treatment, or any longer than reasonably necessary. Medical staff shall evaluate the continued retention of an inmate in the restraint room on a constant basis and recommend the inmate's removal as soon as it is safe to do so.

E. Custody staff shall complete the appropriate reports, in accordance with the Department policy 9.27, Reporting Incidents, whenever the restraint room is used and shall ensure that the restraint room is cleaned and prepared for a subsequent incident.

V. Custody Staff - Providing Security Assistance for Forced Medications

A. At the request of mental health/medical staff, badge staff may provide security assistance when mental health/medical staff are required by law or court order to administer psychotropic medication to an inmate who is refusing to voluntarily take such medication. Force may be employed, as reasonable and necessary, to ensure that the medication is administered in a safe and secure manner.

B. In instances of a forced medication or possible forced medication, the following applicable measures will be implemented:

1. Officers will initiate verbal communications with the inmate in an attempt to gain voluntary compliance.

2. If voluntary compliance cannot be obtained, officers will notify their supervisor and advise of the situation.

3. The supervisor will respond to the scene, as soon as practical. Forced medications will not be initiated without the supervisor's presence.

4. The supervisor will gather as much intelligence as possible from staff assigned to the unit and any other applicable sources about the inmate in question to determine the most safe and secure course of action.

    a. Depending on the particular inmate, the supervisor may utilize officers assigned to the unit, floor or other areas or activate the Emergency Response Team to provide security assistance.

    b. If the Emergency Response Team is activated, applicable guidelines will be followed in accordance with Department policy 9.43, Cell Extractions.

    c. Any use of force employed as a result of providing security assistance in a forced medication incident will be carried out in accordance with those guidelines set forth in Department policy 9.01, Use of Force and Restraints and reported in accordance with Department policy 9.27, Reporting of Incidents.

5. The supervisor/designee will initiate verbal communications with the inmate in an attempt to gain voluntary compliance before initiating any course of action that involves force. The following should be considered when attempting to gain voluntary compliance through verbal communications:

    a. Giving more time than usual when communicating with the inmate to ensure he or she understands the compliance orders being given.

    b. Involving mental health/medical staff to assist in communicating with the inmate. This process may assist in obtaining a better understanding of the inmate's behavior and possible reactions.

6. The supervisor will notify the Watch Commander if voluntary compliance cannot be obtained and force is imminent.

7. The supervisor will determine if video documentation measures will be implemented for the forced medication. Video documentation measures will be implemented and reported in accordance with Department policy 9.55, Video Documentation.

8. Incidents of forced medication (use of force) will be reported in accordance with Department policy 9.27, Reporting of Incidents.

VI. Policy Revision

A. All Department policies will be reviewed not less than once a year. The Professional Compliance and Audit Unit will establish an annual schedule identifying policies to be reviewed during a specific month.

COUNTY OF SANTA CLARA

Department of Correction Policy and Procedure Manual	**Policy Number:** 14.01 **No. of Pages:** 3 **Date of Origin:** 01 Feb 1992 **Date of Revision:** 26 Dec 2008
Chapter: Inmate Rights	**Subject:** Legal Rights of Inmates
Supersedes: Policy 14.01 rev 05/28/02	**Distribution:**
References: ACA 3-ALDF-3E-01, 3E-02 and 3E-03 California Code of Regulations, Title 15 Section 1068 Penal Code 825	
Signature of Issuing Authority Edward C. Flores, Chief of Correction	**Current Policy Review** **Date of Review:** 26 Dec 2008 **Revisions Made:** ☒Yes ☐No

POLICY: It is the policy of the Department of Correction to provide inmates with access to the court and legal services as may be necessary to safeguard their statutorily and constitutionally mandated rights. No reprisal or penalty will be imposed on any inmate because of the inmate's decision to seek judicial relief for any matter, including conditions of confinement or treatment by staff.

PURPOSE: To describe the legal resources that will be available to inmates.

DEFINITIONS:

Archer Order: Stipulation and Order of the Superior Court setting forth privileges to be accorded state pro per inmates as modified per order of Judge Northway dated March 18, 2008.

Legal Services: A contracted service provided by the Department to meet the objective of providing legal research assistance.

Pro Per Inmate: Term used to refer to inmates who appear in legal proceedings in *propria persona*, meaning they represent themselves without legal counsel.

Pro Per Lab: Area for pro per inmates to use a typewriter to prepare documents related to their legal case.

PROCEDURE:

I. Access to courts and legal counsel

A. Inmates will be afforded unrestricted and uncensored correspondence with attorneys and the provision of reasonable amounts of postage to indigent inmates to do so.

1. Correspondence between inmates and counsel will be in accordance with the Department Policy, 17.13, Inmate Correspondence.

2. Correspondence will be permitted between inmates and counsel, when properly identified as such, without any review by staff other than inspection for contraband.

B. Inmates will be afforded visitations with attorneys and bona fide legal assistants certified by an attorney as being qualified and under their supervision.

1. Visits shall be in accordance with the department's visiting policy.

2. Attorney visitation shall be unrestricted unless a visit presents a threat to the security of the facility.

3. There is no established visiting for attorneys, but during certain times of the day processing times may be extended due to staffing considerations.

4. Division Commanders will ensure their facility has space designated for the confidential interviewing of clients by their counsel as follows:

a. Interview rooms for contact visits when approved by the Division Commander.

b. Window visiting booths for non-contact visits.

c. A window-visiting booth with a pass-through slot designed to allow for the passing of documents under the supervision of an officer; or the availability of an officer to pass documents when there is no visiting booth with a pass-through slot.

C. Inmates will be afforded access to counsel by unmonitored telephone calls.

1. Telephone access to attorneys will be in accordance with the Department policies, Inmate Access to Telephones and Telecommunication Devices, and 17.07, Inmate Telephone Monitoring System.

2. No properly placed attorney-client phone call will be monitored.

3. Staff will advise inmates upon admission, and through the inmate orientation and rulebook of the means of obtaining an unmonitored attorney phone call.

D. Inmates will be afforded access to the county Public Defender's office through phone, correspondence and visiting.

II. Access to Legal Services and Law Library

A. Inmates may pursue basic legal research by submitting a request to the Legal Services provider in accordance with the Department's Legal Services Policy.

B. Pro Per Inmates will also be afforded access to the Law Library to pursue basic legal research in accordance with Department Policy 14.09, Pro Per Inmates.

III. Policy Review

A. All Department policies will be reviewed by the Professional Compliance and Audit Unit.

COUNTY OF SANTA CLARA

Department of Correction **Policy and Procedure Manual**	**Policy Number:** 14.03 **No. Of Pages:** 5 **Date of Origin:** 01 Feb 1992 **Date of Revision:** 28 May 2002
Chapter: Inmate Rights	**Subject:** Environmental & Programmatic Rights of Inmates
Supersedes: Policy #14.02, Environmental and Programmatic Rights, 07/07/98	**Distribution:**
References: ACA 3-ALDF-3E-04, 05, 06, 07, 08, 09, 10, 11 California Penal Code 4018.1, 4018.5, 4019.5(c)&(e), 4020.4, 4021, 4023, 4023.5, 4023.6, 4027, 4028, 4030, 4030(d)(3) Vehicle Code 40304.5	
Signature of Issuing Authority Dennis P. Handis, Chief of Correction	**Current Policy Review** **Date of Review:** 28 May 2002 **Revisions Made:** ☒Yes ☐No

POLICY: It is the policy of the Department of Correction to recognize and protect inmate rights relative to their confinement and consistent with their status.

PURPOSE: To generally describe the rights that inmates will have while confined in the jail.

DEFINITIONS:

Corporal Punishment: The act of inflicting punishment directly on the body causing pain or injury.

Discrimination: Differential treatment of individuals due to their race, religion, color, sex, age, creed, sexual orientation, marital status, national origin, disability, medical condition, political beliefs or organizational affiliations.

Strip Search: A search which requires a person to remove or arrange some or all of his or her clothing so as to permit a visual inspection of the underclothing, breasts, buttocks or genitalia of such person.

PROCEDURE:

I. Inmate environmental and programmatic rights

A. Inmates will be afforded certain rights relative to their confinement. These rights include access to the following:

1. Supervision in all aspects of jail life by staff, not by other inmates.

2. Cell housing or supervised dormitories, with the specific type of housing assignment conditioned on the inmate's classification and the types of housing available in the jail.

3. Clean and orderly surroundings.

4. Adequate toilet and bathing facilities.

5. Adequate lighting, heating, and ventilation.

6. Living conditions that are in compliance with state, federal, and local fire and safety laws and regulations.

7. A wholesome, properly prepared nutritionally adequate diet.

   a. Special diets will be prepared for inmates whose religious beliefs require the adherence to religious dietary laws or whose medical conditions require a medical diet.

   b. Food shall not be withheld as a disciplinary measure.

8. Clean, fitted, and seasonable clothing.

9. Participation in the classification process.

10. Personal grooming choices regarding appearance, limited only by jail requirements for safety, security, identification or hygiene.

B. Inmates will be afforded health care services comparable in quality to those available in the community, including the following:

1. An assessment of health needs and general condition of the inmate at admission.

2. Ongoing medical, dental, and mental health services provided by persons with appropriate training under the supervision of a licensed physician or dentist.

3. Availability of emergency medical and dental treatment, and mental health services on a twenty-four (24) hour basis.

4. Access to a licensed medical facility.

C. Inmates will be afforded other programs and services that will include the following:

1. Indoor and outdoor recreational opportunities and equipment.

2. Clergymen, spiritual advisors, publications, and related services that allow inmates voluntarily to adhere to their legitimate religious practices. Freedom of religious preference and expression will be limited only as necessary to maintain facility order and security.

3. Visitation with family members and friends in an area that is limited only by the facility requirements necessary to maintain order and security. Private visiting will be available for confidential visitation between inmates and attorneys.

4. Communication and/or correspondence between inmates and their families, friends, public officials, attorneys, officers of the court and other persons and organizations; this activity will be limited only as necessary to maintain order and security.

   a. Inmates may correspond, confidentially, with state and federal courts, any member of the State Bar or holder of public office, the State Board of Corrections, facility manager or the facility administrator; however, jail authorities may open and inspect such mail, in the presence of the inmate, to search for contraband, cash, checks, or money orders.

   b. Inmates seeking judicial or administrative redress will not be subject to reprisals or penalties as a consequence.

5. An internal grievance mechanism for resolving complaints arising from jail matters.

6. Assistance from the Inmate Welfare Fund upon verification that the inmate is indigent.

7. A dignified conversational form of address, by name rather than number.

8. Protection from unreasonable searches of person or property as set forth in the Fourth Amendment to the Constitution of the United States when an inmate is suspected of a new crime.

9. Freedom from Discrimination or harassment due to race, religion, sex, national origin, age, handicap, political belief or sexual preference.

10. Equal access to established facility programs, activities, services and non-preferential work assignments limited only as necessary to maintain order and security.

11. Protection from Corporal Punishment, personal abuse, deliberate or unnecessary personal injury or disease, deliberate or unnecessary property damage, harassment, or the use of unnecessary force.

12. Participation in local, state and federal elections pursuant to applicable election codes.

13. Protection from embarrassment or indignity during the performance of searches and seizures of the person.

    a. Absent exigent circumstances, an officer will not enter the room or cell of an inmate of the opposite sex, except in the company of an employee of the same sex as the inmate.

    b. With the exception of physicians or licensed medical personnel, all persons conducting or otherwise present during a Strip Search will be of the same sex as the person being searched.

II. Rights specific to female inmates

A. The provisions of this policy are applicable to female inmates. In addition, programs and services provided to female inmates will be equivalent to those offered to men, to include the following:

1. Job and training opportunities
2. Access to educational and recreational programming
3. Access to religious programs
4. Access to community programming and resources
5. Visiting and correspondence
6. Gender-specific medical care

B. Counseling services will be available to female inmates that provides comprehensive assistance and guidance for the following:

1. Family planning
2. Pregnancy
3. Planning for unborn children
4. Information on state laws regarding abortion

C. Intake and release processing for women will be separate from the men's.

D. Except for the infirmary and mental health unit (8A), housing for women will be separate from the men's housing.

1. Separation will include sleeping quarters, dayrooms, and bath facilities

2. Female inmates who require infirmary care or mental health care may be housed in the same housing unit as men, but will be provided with separate sleeping quarters and private use of the dayrooms and bath facilities.

III. Rights specific to foreign nationals

A. When a foreign national is arrested or detained in the United States, there are legal requirements to ensure that the foreign national's government can offer him or her appropriate consular assistance.

1. Foreign nationals arrested or detained, will be advised of their right to have their consular officer notified.

2. When dealing with issues of consular notification and access, illegal aliens have the same rights to consular assistance as legal aliens.

IV. Policy Revision

A. All Department policies will be reviewed not less than once a year. The Professional Compliance and Audit Unit will establish an annual schedule identifying policies to be reviewed during a specific month.

COUNTY OF SANTA CLARA

Department of Correction Policy and Procedure Manual	**Policy Number:** 14.05 **No. of Pages:** 8 **Date of Origin:** 01 Aug 1994 **Date of Revision:** 13 Aug 2008
Chapter: Inmate Rights	**Subject:** Inmate Grievance Process
Supersedes: Policy 14.05, Inmate Grievances, dated 07/24/06.	**Distribution:**
References: ACA 3C-22, 3E-01, 3E-11, 5D-06, California Code of Regulations, Title 15, Chapter 1, Article 8, Section 3084.4, and Subchapter 4, Article 6, Section 1073, 42 U.S.C. Section 1997e	
Signature of Issuing Authority Edward C. Flores, Chief of Correction	**Current Policy Review** **Date of Review:** 13 Aug 2008 **Revisions Made:** ☒Yes ☐No

POLICY: It is the policy of the Department of Correction to provide a viable complaint process to all inmates, which will allow systematic redress of conditions relating to confinement.

PURPOSE: To describe the inmate grievance and appeal process as prescribed under Title 15 of the California Code of Regulations. To encourage internal problem-solving at the level of most direct inmate contact, offer Division Administrators a means for continuous review of administrative policy and procedure, and provide written documentation of inmate complaints.

DEFINITIONS:

Inmate Grievance: An inmate complaint arising from circumstances or conditions relating to his or her confinement.

Inmate Grievance Form: A form that enables inmates to file grievances and complaints.

Grievance Control Number: A sequential number assigned to each grievance for tracking purposes.

Grievance Coordinator: An employee responsible for ensuring timely collection, tracking, distribution, and response to all inmate grievances received within or pertaining to his or her assigned Complex.

PROCEDURE:

I. Inmate Grievance Process

A. The inmate grievance process provides inmates with a documented means of transmitting appeals and complaints, affords inmates due process and access to Administrative staff, and provides a method of monitoring possible problem areas.

B. A grievance may be submitted any time within 15 days after a potentially grievable event has occurred; an inmate may file a formal written grievance.

C. Released inmate who have a pending grievance, lose all standing with respect to any further internal administrative remedy of the matter under consideration.

D. A carbonless Inmate Grievance form set will be made available to inmates upon request.

E. The grievance process is explained to inmates during the orientation process and is further explained in the Inmate Rulebook, which is issued to each inmate and/or posted in the inmate housing areas.

1. Inmates have the responsibility for knowing and abiding by the rules, procedures, and schedules of their assigned facility.

2. Inmates also have the responsibility to be honest and truthful in presenting their grievances.

F. Inmates may appeal and have resolved grievances relating to any conditions of confinement, including but not limited to:

1. Medical care
2. Classification actions
3. Disciplinary actions
4. Program participation
5. Telephone, mail and visiting policy and procedures
6. Food
7. Clothing
9. Bedding

E. Inmates filing grievances relating to conditions of confinement are required to exhaust all available Administrative grievance/appeal procedures before applying to the courts.

F. Resolution of a grievance is expected at the lowest appropriate staff level. Training on the effective use of the grievance process and how to resolve matters at the lowest possible staff level is provided to staff during their on-the-job core training. The employee on duty, the shift Sergeant/Supervisor, Lieutenant and the Division Commander or designee, in that order, reviews the written grievances.

G. Inmate grievances will be issued a grievance control number for tracking purposes by the Grievance Coordinator.

II. Processing of Inmate Grievances by Staff

A. Informal resolution between inmates and employees is strongly encouraged, both to provide immediate response to the inmate and to avoid overburdening the grievance process.

B. If the employee cannot resolve the complaint or problem, and resolution cannot be accomplished through the available Sergeant/Supervisor, an Inmate Grievance Form shall be provided to the inmate. If the grievance pertains to a particular employee, the inmate may submit the grievance to another employee.

1. Employees will not deny a grievance form to an inmate.

2. Employees will not destroy or fail to process a completed grievance form.

3. Employees will not discuss the specific content of a grievance filed by one inmate with another inmate or show an inmate's grievance to another inmate.

C. Upon receipt of a grievance form, it is the employee's responsibility to review the complaint and attempt to handle the matter whenever possible. The employees will:

1. Check the form for completeness (e.g. name, full booking number, and legible writing), sign and date the form, and return the pink copy (initial receipt) to the inmate.

2. Contact the Sergeant/Supervisor immediately when a grievance is of an emergency nature and indicates a threat to the health or welfare of an inmate.

3. Note directly on the form the result of any investigation completed and details of the actions taken to resolve the grievance.

4. Forward all grievance forms to the Sergeant/Supervisor whether or not the grievance has been resolved. <u>Only the PINK copy of the form should be</u>

given to the inmate at this point in the grievance process. A Sergeant/Supervisor must review the grievance and a tracking number must be assigned prior to the inmate getting the final disposition copy.

a. If the grievance is not resolved, the employee will mark the box "Refer to Level II" and forward the grievance to the Sergeant/Supervisor.

b. If the grievance is resolved, the employee will document his or her response under "responding Officer's statement," mark the box "resolved" and forward the grievance to the Sergeant/Supervisor.

III. Processing of Inmate Grievances by Sergeants/Supervisors

A. It is the responsibility of the Sergeant/Supervisor to review all grievances forwarded by employees and attempt to handle the matter whenever possible. Grievances can provide a Sergeant/Supervisor with an overview of what is occurring in the facility. Employees are required to forward all grievances to the Sergeant/Supervisor for processing. The Sergeant/Supervisor will:

1. Review all grievances submitted for completeness and determine if the Employee's response or handling of the complaint was appropriate to the complaint.

2. Determine if the grievance requires further response from Support Services staff, Medical/Mental Health staff, Programs staff, Administrative Booking staff or any other county agency/division.

3. Sign and date the grievance form and note directly on the form the result of any investigation completed and/or details of the actions taken.

a. If the grievance is not resolved or if the grievance requires a response from other staff, the Sergeant/Supervisor will mark the box "Refer to Level III" and forward the grievance to the Grievance Coordinator.

b. If the grievance is resolved, the Sergeant/Supervisor will document his or her response under "Supervisor's action," mark the box "resolved" and forward the grievance to the Grievance Coordinator.

B. The Sergeant/Supervisor shall forward all grievance forms to the Division's Grievance Coordinator for processing and tracking. The Grievance Coordinator, not the Sergeant/Supervisor, will handle forwarding inmate grievances that cross over the lines of custody staff responsibility. (Example: If the inmate complaint involves

a medical issue, the Grievance Coordinator will forward the grievance to the appropriate medical manager for response.)

IV. Processing of Inmate Grievances by the Grievance Coordinator

A. It is the Grievance Coordinator's responsibility to collect, review and process all grievance forms for final disposition. Sergeants/Supervisors must forward all grievances to the Grievance Coordinator for processing and tracking. The Grievance Coordinator will:

1. Issue a tracking number, from the Department's Jail Information System, to every grievance received. The automated numbering system will issue a number and calculate a due date based on the date the grievance was received. The Grievance Coordinator will log the following information into the computer tracking system:

   a. Grievance date
   b. Complaint category
   c. Receiving employee's name, badge and team
   d. Grieved employee's name if applicable

2. Assess whether or not the grievance is ready for review by the Division Commander/designee or requires further response from the team lieutenant, Support Services staff, Medical/Mental Health staff, Programs staff, Administrative Booking staff or any other county agency/division and process as follows:

   a. If the grievance is ready for review (e.g. marked "resolved") by the Division Commander/designee, forward the Original Grievance form to the Division Commander/designee for review, final disposition and signature. The Division Commander/designee can concur, modify, or reverse the decision.

   b. If the grievance requires further response from other staff, make a copy of the Grievance form and forward the Original Grievance form to the appropriate staff for response. Once a response is received, forward the Original Grievance form to the Division Commander/designee for review, final disposition and signature.

3. Track the Grievances until final disposition to ensure the inmate receives a final disposition within **30** days or as soon as possible. Under some limited circumstances, a grievance may require additional time to resolve. Such circumstances may include:

a. The employee named in the grievance is not at work due to illness or vacation leave.

b. The nature of the complaint is so serious or complex (e.g., allegations of staff misconduct) as to require additional time to investigate.

c. The subject matter of the grievance requires a legal response from County Counsel.

d. Any other circumstance as authorized by a Division Commander.

V. Grievance Appeals by Inmates

A. If an inmate is not satisfied with the response indicated on the grievance, he or she may appeal the grievance.

B. A letter should be written and directed to the appropriate Division Commander within **15** days stating that an appeal on the response of the grievance is requested.

C. The Division Commander will review the grievance and the action taken in response to the grievance.

D. The Division Commander will forward a written response to the inmate within a reasonable time. If the appeal is denied, the response will include the final decision and the rationale for that decision.

VI. Abuse of the Grievance Process

A. Inmates will not incur administrative limitations on their ability to file grievances under the Department's grievance process unless they demonstrate a pattern of abuse of the process, as determined by the Division Commander.

1. Actions that demonstrate an abuse of the grievance process include, but are not limited to, filing grievances that:

a. Are frivolous in nature or knowingly false.

b. Are repetitious or excessive (e.g. multiple grievances referencing a particular issue that has already been appropriately addressed).

c. Contain profanity, threats or abusive and demeaning language.

d. Cannot be understood or are obscured by irrational language or excessive documentation not related to the subject matter of the grievance.

B. The Division Commander may impose grievance sanctions on inmates who he or she has determined to be abusing the grievance process.

1. Imposed sanctions should be commensurate to the degree of the abuse. Sanctions may include, but are not limited to:

a. Suspension of an inmate's ability to file grievances for a stated period of time not to exceed six months.

b. Limitations on the number of grievances that an inmate may file for a stated period of time not to exceed six months.

2. Whenever the Division Commander imposes sanctions, he or she will notify the inmate in writing, indicating the reasons for the sanctions and noting the conditions of the imposed restrictions, including any time periods associated with those restrictions.

3. Grievances filed in conflict with the restrictions of imposed sanctions will be returned unprocessed and not be subject to the appeals process.

4. Inmates with imposed sanctions will normally be allowed to file grievances of an emergency nature, as determined by the Division Commander, separate from the imposed conditions of the sanctions. However, abuses involving filing emergency grievances may lead to additional restrictions being imposed.

VII. Confidential Letters

A. An inmate may elect to write a confidential letter directly to any Division Commander or the Chief of Correction. The address is posted in each housing unit and Inmate Rulebook.

B. Letters addressed to the Chief of Correction will be read and forwarded to a Division Commander for investigation and response. The Chief's staff will prepare a letter to the inmate acknowledging receipt of the letter and notifying the inmate of who is responsible for the response.

C. Letters addressed to a Division Commander will be opened, date stamped, and assigned a tracking control number by administrative staff. Administrative staff will then forward them to the Division Commander or designee to investigate and respond within **30** days or as soon as reasonably practicable if additional time is required to investigate.

1. The Division Commander may delegate the investigative responsibility to staff and request a draft response letter.

2. The official response letter to the inmate will be from the Division Commander or Assistant Division Commander.

3. The inmate's letter, a copy of the response and all reports shall be retained in the Department of Correction Administration files and/or the Division Administration file.

VIII. Audit and Statistical Analysis

A. Inmate grievance statistics shall be maintained to provide Division Administrators the necessary information needed to manage the inmate population effectively and provide a method of monitoring potential problem areas for immediate attention.

B. Inmate grievance statistics shall be maintained and tracked by:

1. Housing Unit
2. Race
3. Nature of Complaint
4. Team
5. Date
6. Other criteria as determined by the Division Commanders

C. The Division Commander/designee shall review inmate grievance statistics at least once per quarter and generate a report based on his or her findings.

IX. Policy Revision

A. All Department policies will be reviewed not less than once a year. The Professional Compliance and Audit Unit will establish an annual schedule identifying policies to be reviewed during a specific month.

COUNTY OF SANTA CLARA

Department of Correction Policy and Procedure Manual	**Policy Number:** 14.09 **No. of Pages:** 15 **Date of Origin:** 28 Sep 2005 **Date Revised:** 04 Dec 2008
Chapter: Inmate Rights	**Subject:** Pro Per Inmates
Supersedes: Department Policy 14.09 Pro Per Inmates, rev. 10/18/06 and Policy Amendment 070308	**Distribution:**
References: ACA 3-ALDF; 3E-01, 3E-02, 3E-03, 5D-06, 5D-09; 1982; Faretta v. State of California, 1995; People v. Archer, 1995; People v. Archer 2008 as modified per order of Judge Northway dated March 18, 2008. Title 15 1064 PC 6030	
Signature of Issuing Authority: Edward C. Flores, Chief of Correction	**Current Policy Review:** **Date of Review:** 04 Dec 2008 **Revisions Made:** ☒Yes ☐No

POLICY: It is the policy of the Department of Correction to allow those inmates who have established *propria persona* status, i.e., represent themselves in legal proceedings ("pro per inmates") access to legal resources and the courts of Santa Clara County. Access will be in accordance with current legal mandates while maintaining Department objectives to ensure safety and security of all facilities.

PURPOSE: To establish guidelines for the management of pro per inmates and to implement the Stipulation and Order re: Inmate Pro Per Rights and Privileges in the matter of People v. Archer dated January 31, 1995. (Archer Order) and all other legal mandates related to pro per Inmates.

DEFINITIONS:

Archer Order: Stipulation and Order of the Superior Court setting forth privileges to be accorded state pro per inmates as modified per order of Judge Northway dated March 18, 2008.

Faretta Waiver: A document signed by a criminal defendant indicating a willing and knowing waiver of the Sixth Amendment right to counsel and exercising the right to represent himself or herself. (Faretta v. State of California, 1995)

Pro Per Inmate: Term used to refer to inmates who represent themselves in legal proceedings without legal counsel. It is derived from the Latin '*in propria persona*'.

Pro Per Criminal Defendant: Inmate who is a defendant in a criminal case and is approved by the court to represent himself or herself.

Pro Per Federal Civil Rights Plaintiff: An inmate who is a plaintiff approved by the court to represent himself or herself in a civil case filed in federal court alleging a violation of constitutional civil rights in which the defendant is a governmental entity, official or employee.

Pro Per State Civil Rights Plaintiff: An inmate who is a plaintiff approved by the court to represent himself or herself in a civil case filed in state court alleging a violation of constitutional civil rights in which the defendant is a governmental entity, official or employee.

Pro Per Lab: Area for pro per inmates to use a typewriter to prepare documents related to their legal case.

Indigent Inmate: For Department purposes only, any inmate who has less than two dollars on account at time of booking or whose account has not exceeded five dollars for the previous 14 days. (Note: Court requirements may differ for deciding indigent status for other purposes.)

Legal Mail: Correspondence to or from persons and organizations including, but not limited to, courts, counsel, officials of a confining authority, state and local agency officers, grievance system administrators or paroling authority.

Court Order Compliance Form: A form utilized by Administrative Booking staff to track and ensure compliance with court orders.

Legal Runner: A person appointed by court order to act as the inmate's liaison regarding legal matters.

Subpoena: A writ or order directed to a person requiring them to appear at a particular time and place to testify as a witness and/or bring with them specified documents.

Subpoena Duces Tecum: A special form of subpoena, which commands a witness to produce specified documents at trial hearing or deposition.

PROCEDURE:

I. Establishing Pro Per Status - Criminal or Civil

A. Inmates must demonstrate to the Department that they are appearing as a pro per inmate in their criminal cases by obtaining a court order from the judge who is presiding over their criminal case.

1. The issuing court will forward a copy of the order to the Administrative Booking Unit.

2. The Administrative Booking Unit will complete a Court Order Compliance Form and forward it to the appropriate Division Administration along with a copy of the order.

3. The Legal Resources Coordinator will ensure that the inmate receives pro per privileges as identified in Department policy and the Archer Order as modified per order of Judge Northway dated March 18, 2008.

4. The Archer Order provides that the status of pro per inmates will be terminated 28 days after conviction or upon sentencing, whichever occurs first.

B. Inmates must demonstrate to the Department that they are appearing as a pro per inmate in their civil cases by providing a file-stamped caption page and a copy of full complaint indicating that they are a plaintiff appearing pro per in a civil rights case where the defendant is a government entity, official or employee.

1. Civil rights plaintiffs in pro per status will have their pro per status terminated upon final resolution of all civil rights causes of action, including time for appeal.

C. Pro Per Inmates will be provided privileges, in accordance with existing law and the Archer Order. Depending on their case (criminal, state civil or federal civil) the following types of privileges include, but are not limited to:

1. Access to legal research services
2. Access to telephones for authorized pro per related calls
3. Access to supplies from state court
4. Access to Pro Per lab
5. Access to legal runners or private investigators by court order
6. Service of subpoenas
7. Access to copying services
8. Opportunity and ability to interview witnesses

D. Male pro per inmates will be housed at the Main Jail facility.

E. Female pro per inmates will remain at their current housing but will be provided access to services through the Division's Legal Resources Coordinator.

II. Legal Research Access for Pro Per Inmates

A. Pro Per Inmates will have access to legal research materials through the Department's contracted legal research service. Pro Per Inmates who wish to utilize the legal research materials will do so in the following manner:

1. The requesting inmate must complete and submit a Legal Research Request Form to the officer assigned to their housing unit.

2. The officer receiving the Legal Research Request Form will forward it to the black tray marked "Legal Research Form" at the appropriate collection location.

   a. At Main Jail North – Floor Stations
   b. At Main Jail South – 2nd West Cage
   c. At the Elmwood Women's Facility – Central Control

3. The Legal Resources Coordinator/designee will retrieve the Legal Research Request Forms from each collection location daily (Monday-Friday, excluding court holidays).

   a. The Department may temporarily suspend legal services due to immediate security circumstances.

   b. Only those rights and privileges, as necessary for institutional security, may be temporarily suspended.

   c. In these instances, the Department will provide verbal notification of its actions to the inmate.

4. The Legal Resources Coordinator/designee will assign a number to each Legal Research Request Form that is collected and enter that number into a computerized tracking log to ensure appropriate tracking for each request. Information to be entered into the tracking log shall include:

   a. Tracking number
   b. Name, booking number and housing unit of inmate
   c. Date on which request is faxed to the legal research service
   d. Date on which response packet is received from the legal research service

e. Date in which the response packet was delivered to the inmate
f. If the inmate is no longer in custody, the packet will be logged and shredded.

5. The Legal Resources Coordinator/designee will fax the request to the contracted legal research service.

7. The contracted legal research service is responsible for providing response packets for the requests submitted.

8. The Legal Resources Coordinator/designee will process the response packets by inserting the original request form into the packet and delivering it to the requesting inmate as soon as practical.

B. The Department's contracted inmate legal research service will not provide attorney services to inmates.

III. Supplies and Other Items for Pro Per Inmates

A. Department authorized correspondence supplies and items utilized by pro per inmates for their legal matters will be limited to:

1. Supplies and items that are offered on the inmate commissary.

a. Pro per inmates may purchase available supplies and items from the commissary. The Department will provide indigent Pro Per Inmates with the same supplies and in the same manner they are provided to those who do not have a pro per status.

b. Pro per inmates may keep one storage box in their housing assignment to retain legal materials as long as it does not constitute a safety hazard. If the box is used for purposes other than the storage of legal materials it will be removed.

2. Supplies contained in the court-supplied pro per packet.

a. Pro per packets contain the following supplies:

1) A copy of the Archer Order
2) Five blank subpoena forms for service within Santa Clara County
3) Example of Declaration for Subpoena Duces Tecum
4) Three pads of lined paper, three golf pencils and one eraser
5) Ten stamps and legal-sized envelopes
6) Information regarding Local Rules of Court

7) A copy of the Superior Court Standard Criminal Discovery Order (Criminal Pro Per Inmates only)

b. After establishing their pro per status, Criminal and State Civil Rights Pro Per Inmates will be provided with a pro per packet distributed from the courts.

c. Criminal or State Civil Rights Pro Per Inmates may request additional supplies contained in the pro per packets from the Superior Court by forwarding a completed "Inmate Request Form" to the Legal Resource Coordinator who will forward the request to the court. Note: Additional supplies are at the court's discretion.

d. Pro per Federal Civil Rights Plaintiffs will not be provided pro per packets from the courts or from the Department

3. Other supplies that are not contained in the pro per packet or sold on the inmate commissary may only be obtained by court order, and subject to facility safety and security procedures.

4. Unauthorized supplies include, but are not limited to:

a. Highlighters/markers
b. Full-sized pencils with erasers
c. White out liquid or other masking materials
d. Rulers or straight edges
e. Hardbound books or plastic tabs
f. Pens of any kind
g. Adhesives or paper that contains adhesives (e.g. post-it-notes)

5. Pro Per Inmates may retain audio devices with a court order. However, audio devices with radio reception and recording capabilities will not be permitted. These devices will not be provided by the Department and must be purchased for the inmate by their private investigator or family member.

B. Department authorized correspondence supplies or other items delivered as a matter of court order that are not forwarded directly to the Legal Resource Coordinator/designee from the court (as in the case of pro per packets) or purchased from the inmate commissary will be delivered to inmates in the following manner:

1. Pro per approved items may be delivered to the Main Jail Information Desk during business hours (Monday-Friday 8am – 5pm, excluding court holidays).

2. Supplies for Pro Per Inmates housed at the Elmwood Complex Women's facility will be delivered to the Elmwood Information Desk in the same manner as Main Jail.

3. The person delivering supplies must identify them with the inmate's booking number and Personal Filing Number.

4. Before accepting items, the Information Desk officer will notify the Legal Resources Coordinator to confirm whether or not the particular inmate may take delivery of the items in accordance with his or her pro per status.

5. If the Legal Resources Coordinator is not available, the officer will accept the items and forward them to the coordinator for decision and disposition.

6. The items must be new and in their original, unopened packaging.

7. The officer will open the packaging and inspect items for contraband or alteration. After completing a security check of the items, the officer will advise the Legal Resources Coordinator who will collect the items and deliver them to the inmate.

IV. Service of Subpoenas for Pro Per Inmates

A. The Legal Resources Coordinator will act as liaison between pro per inmates and the Sheriff's Process Server for the purposes of subpoena service for pro per inmates within Santa Clara County.

1. Pro per inmates who need subpoenas served must submit an Inmate Request Form directed to the Division Legal Resources Coordinator.

2. The Legal Resources Coordinator will pick up the subpoena from the inmate as soon as practical.

a. Pro per inmates must provide the Legal Resources Coordinator with the original and two copies of the subpoena.

b. Subpoenas must be submitted to the Sheriff's Office ten working days before the date for service.

3. The Sheriff's Department is responsible for filing proof of service for subpoenas with courts and for returning a copy of the subpoena, with proof of service, to the pro per inmate.

B. Subpoenas for service outside of Santa Clara County must be sent by the pro per inmate to the appropriate agency by United States Mail, or by a process server through their designated legal runner/investigator.

V. Use of Legal Runners/Licensed Investigators by Pro Per Inmates

A. Pro per inmates may be granted permission by court order to use a legal runner to act as their liaison regarding legal matters that pertain to their case.

1. Pro per inmates who are granted permission by the court to obtain the services of a legal runner will designate an individual to act as their legal runner in the following manner:

a. The inmate must submit an "Inmate Request Form" to the Division Legal Resources Coordinator indicating their proposed legal runner's name, date of birth, California driver's license number and social security number.

b. The Legal Resources Coordinator will initiate a security clearance check for the proposed individual. If the proposed Legal Runner does not pass the security clearance process, they will not be granted permission to enter the jail facility.

1) Upon receipt of the court order designating the legal runner, the Legal Resources Coordinator will notify the facility Information Desk Officer and the inmate.

2. Pro Per Inmates may confer with their legal runner in a non-monitored paralegal booth but the pass through slot must remain secured at all times.

a. Conferences will only take place during the following hours, Monday through Friday 8:00 am to 11:00 am and 1:00 pm to 5:00 pm, no court holidays.

b. Conferences will be limited to one per day and not exceed thirty minutes in duration.

c. Conferences are limited to legal matters that pertain to the case for which pro per status has been granted.

d. Conferences will be confidential and not monitored by staff for content.

e. Conferences will be in addition to, and not counted as, social visits.

3. Legal runners may be refused admittance to a facility for disruptive conduct or if determined to be a security risk.

4. Pro per inmates who need to exchange legal paper work with their assigned legal runners will do so through the Legal Resources Coordinator. The Legal Resources Coordinator will inspect all exchanged legal paper work for contraband in the presence of the pro per inmate.

B. Pro per inmates may retain the services of licensed investigators or, if the court is satisfied that a Pro Per Criminal Defendant is indigent, the court may provide the services of a licensed investigator for the defendant.

1. Licensed investigators will be subject to a security clearance before entering the facility

2. Conferences are limited to the legal matters that pertain to the case for which pro per status has been granted.

3. Licensed investigators will be permitted to have contact visits with pro per inmates in designated interview rooms.

4. Conferences will be confidential and not monitored for content.

VI. Witness Interviews by Pro Per Inmates

A. Pro per inmates may be permitted to interview prospective material witnesses in a visiting room during regular visiting hours.

1. Interviews will be limited to one per day and not exceed thirty minutes in duration.

2. Interviews will be in addition to, and not counted as, social visits.

B. Pro per inmates will not be permitted to interview any prospective material witness who is in the custody of the Department of Correction or otherwise detained by any government agency.

VII. Pro Per Lab Access (Main Jail Only)

A. Pro per inmates will have access to a typewriter in the Pro Per Lab. The officer assigned to supervise the lab will provide paper, correction ribbon, and typewriter ribbon as necessary and appropriate.

B. The Legal Resources Coordinator/designee will schedule all pro per inmates for access to the Pro Per Lab on a weekly basis, one week in advance.

1. Pro per criminal defendants will be placed on a Monday-Friday schedule, affording them a one hour access period per day. Pro per criminal defendants who cannot utilize their scheduled Pro Per Lab time for reasons beyond their control (e.g. court appearances or medical appointments) will be afforded access to the lab at the next available time.

2. Pro per civil rights plaintiffs will be provided access to the Pro Per Lab for one hour per day on Saturdays and Sundays.

3. The Pro Per Lab is only to be utilized by pro per inmates.

4. The Department may reduce lab time as needed should the number of Pro per inmates exceed the available time slots.

C. Pro per inmates who need to have their scheduled access times changed must complete and submit an Inmate Request Form noting the requested change to the Legal Resources Coordinator.

D. Pro per inmates may be allowed additional access time at the Pro Per Lab, if available. Requests for additional access time will be made to the Legal Resources Coordinator via an Inmate Request Form. Requests will be considered on a case by case basis and the change will be made if feasible.

E. Pro per inmates who decline their **scheduled access** to the Pro Per Lab will lose their place on the Pro Per Lab schedule for that day.

F. Pro per inmates who decline access to the Pro Per Lab offered at unscheduled times must still be allowed access to the lab at their scheduled time.

G. Pro per inmates will utilize the Pro Per Lab only for legal matters pertaining to their court cases in which they are granted pro per status. Use of the Pro Per Lab for other purposes not relating to those legal matters may lead to disciplinary action.

VIII. Copying Services for Pro Per Inmates

A. The contracted community-based inmate assistance organization (e.g. Friends Outside) shall provide weekly copying services for those pro per inmates who have requested such services.

1. Pro per inmates will receive no more than 100 pages per week.

2. Documents must pertain to the case in which pro per status has been granted.

3. Copying requests in excess of 100 pages per week must be referred to the Facility Commander for approval.

IX. Telephone Use for Pro Per Inmates

A. Pro per inmates will be allowed to use the inmate telephone system in accordance with this policy, at no charge, to make **local** calls directly related to their pro per cases. Designated phones are provided for pro per inmate use.

1. Upon verification of pro per status, the Legal Resource Coordinator will provide the pro per inmate with a pin number that will allow him/her to access the designated pro per phones.

a. Pro per inmates must immediately notify the Legal Resource Coordinator, via Inmate Request Form, if they believe their pin number has been compromised so that a new pin number can be assigned.

b. Pro per inmates who provide their pin number to another inmate will have their pro per phone privileges suspended.

2. Criminal pro per inmates are allowed a total of two legal calls per week whether local or long distance. Civil Pro Per inmates will be provided with one legal call per week whether local or long distance.

a. Each phone call will be limited to fifteen minutes in duration.

b. Phone calls will only be made during regular business hours, Monday through Friday 8:00 am to 5:00 pm, excluding legal and court holidays.

c. Pro per inmates requesting additional pro per phone use based on the needs of their pro per case at a given time shall complete an inmate request form and the request will be evaluated on a case by case basis.

d. No phone calls will be made during routine lockdowns, e.g. mealtimes, pill calls, and during emergency facility lockdowns.

3. Pro per inmates who wish to make a pro per phone call will submit an Inmate Request Form to the unit officer listing the time they want to make the call. For scheduling purposes, pro per inmates must submit the Inmate Request Form to the housing unit officer by 8:00 am of the day for which the call is to be placed.

4. Pro per inmates may make long distance calls at their own expense. The inmate or designee must arrange for prepaid calling through the inmate telephone service provider.

5. Staff will not monitor pro per related phone calls.

6. If it is determined that a pro per inmate is abusing their phone privileges the inmate will be infracted and subject to discipline up to and including suspension of phone privileges.

X. Amendments, Terminations and Suspensions of Pro Per Inmate Court Orders

A. The Department may apply to the court for an order terminating or amending any pro per related court order for just cause, as it applies to individual inmates.

1. In the event the Department wishes to terminate or amend a court order directed at the Department regarding individual *Pro Per Criminal Defendants* or individual *Pro Per Civil Rights Plaintiffs*, the following guidelines will be implemented:

a. The court will be petitioned with notice specifying the reasons and justification upon which the Department is seeking to terminate or amend the court order. Such notice shall be given to the appropriate court as noted below:

1) To the supervising judge of the criminal courts for the County of Santa Clara, State of California or,

2) To the assigned trial judge, if the case is a criminal case and has been assigned to a trial judge or,

3) To the assigned judge if the case is a civil rights case.

b. The pro per inmate will be provided with *written* notice of the Department's intention to seek modification or termination of their pro per status or pro per court order within twenty four hours from petitioning the court. Included in the written notification will be those reasons for which the Department is seeking to modify or terminate the order.

<u>Note:</u> If the pro per inmate has an attorney of record in a case different from that which pro per status was granted, w*ritten* notice will also be provided to that attorney.

c. The pro per inmate will be transported to any hearing regarding modification or termination of their court order unless the court makes a determination that transportation to the hearing would create an undue risk to the court or jail security based upon the declarations submitted by the Department.

d. The Department will comply with the existing court order, in the interim, while seeking disposition of the request for modification or termination.

1) The Department may temporarily suspend any court order or part of any order due to immediate security circumstances.

2) Only those rights and privileges, as necessary for institutional security, may be temporarily suspended pending the court hearing.

3) In these instances, the Department will provide verbal notification of its actions to the inmate pending the court hearing.

2. The Office of the County Counsel will provide guidance to the Department in those instances where the Department wishes to terminate or amend a court order directed at the Department regarding a *Pro Per Civil Rights Plaintiff,* in which the Department is a party to the case.

B. The Department may temporarily suspend an individual inmate's pro per privileges, as defined by the Archer Order, without seeking court authorization, but only when justified (e.g. suspension due to an inmate's inappropriate conduct or behavior). In the event that the Department wishes to suspend the pro per privileges of a particular inmate more than one time due to the conduct of that inmate, court authorization must be secured as described in section A.

C. The Department may temporarily suspend Pro Per Inmates court-ordered provisions and standards (e.g. phone calls) due to *facility-related issues*, such as facility lock-downs or other emergency situations (e.g. natural disasters).

1. In these instances, pro per provisions and standards will resume as soon as the cause for the interruption no longer exists.

2. In the event the emergency suspension will be in place for an extended period of time, the Captain will notify the court of the situation.

XI. Compliance with Department Rules and Regulations for Pro Per Inmates

A. Pro per inmates may be disciplined for infractions of jail rules in the same manner as other inmates. However, such discipline shall not interfere with a Pro Per Inmate's rights under the Archer Order or any other order that addresses Pro Per Inmates unless the discipline is determined to be removal from pro per status.

B. The Department may seek a modification or termination of pro per rights as described in section A.

XII. Enforcement of Court Orders by Pro Per Inmates

A. Pro per inmates alleging violations of a court order may elect to file a grievance or write the Division Commander prior to filing any petition or motion with the court concerning the alleged violations.

B. Nothing in this policy will require an inmate to file a grievance prior to initiation of a contempt proceeding or other court action by the inmate.

1. In response to a grievance or other written notice as specified above, the Division Commander/Unit Manager will initiate an investigation as soon as reasonably practical.

2. Within ten days of the written notice or grievance, the Division Commander/Unit Manager will deliver a written reply to the inmate indicating the following:

a. The results of the investigation

b. What, if any, action has been or will be taken concerning the inmate's complaint

c. What, if any, action has been or will be taken to prevent further violations of court order.

C. Pro per inmates alleging violations of any order of the court and seeking to enforce the order of the court shall file a petition or motion with the court concerning the alleged violation and provide a copy of the petition or motion to the Division Commander/Unit Manager. The court requires the following:

1. Petitions or motions filed with the court by inmates alleging a violation of a court order will be forwarded, upon receipt by the trial judge, to the supervising judge for hearing or assignment and such hearings shall be limited to that allegation.

2. A hearing will be set no later than seventy-two hours following receipt of the petition or motion, or as soon as possible.

XIII. News Media Interviews for Pro Per Inmates

A. News media interviews with pro per inmates will be permitted and conducted in accordance with Department Policy 1.41, News Media Relations / Public Information Officer.

XIV. Policy Review

A. All Department policies will be reviewed by the Professional Compliance and Audit Unit.

County of Santa Clara
Department of Correction
Professional Compliance and
Audit Unit (PCAU)
(408) 957-5322

By Direction of the Chief

NOTICE TO ALL STAFF

Policy 14.11 amendment effective 01/18/2008

Policy Amendment

14.11 Inmate Voting Policy

The Department is amending Policy 14.11, Inmate Voting, to reflect recent court rulings interpreting state constitution voting bans. The ruling removes inmate voting restrictions previously listed in this policy. The ruling only restricts inmates in state prison or on felony parole from voting.

The following modifications to the policy are shown as strikethroughs for deletion and underlined in bold font for addition.

Section(s) Amended: I., A., 5.

I. Inmate Voting Criteria

A. To legally vote, an inmate must meet the following criteria:

1. Must be a citizen of the United States.

2. Must be a resident of the State of California.

3. Must be at least 18 years of age as of the Election Day.

4. Must not be confined in a federal or state prison.

~~5. Must not be in custody for the conviction of a felony, a felony parole violation or a felony probation violation.~~

5. Must not be on parole for a felony conviction.

6. Must not have been judged by a court to be mentally incompetent to register to vote.

Division Commanders/Unit Managers shall ensure that this notice is ***read at all briefings*** and/or a copy given to each staff member. A copy of this notice must also be attached to the front of **Policy 14.11** in the Policy Manuals located in the respective Divisions or Units. This amendment may also be viewed online at Department workstations. Any questions regarding this policy amendment should be directed to PCAU at 957-5322.

COUNTY OF SANTA CLARA

Department of Correction Policy and Procedure Manual	**Policy Number:** 14.11 **No. of Pages:** 2 **Date of Origin:** 29 Sep 1993 **Date Revised:** 24 Feb 2006
Chapter: Inmates rights	**Subject:** Inmate Voting
Supersedes: Policy 14.11, Inmate Voting rev. 09/15/00	**Distribution:**
References: C.C.R, Title 15 Section 1071; Elections Code Section 2101, 2102 and 2201(c); State of California, Office of the Attorney General, Opinion No. 05-306, November 22, 2005	
Signature of Issuing Authority: Edward C. Flores, Chief of Correction	**Current Policy Review:** **Date of Review:** 24 Feb 2006 **Revisions Made:** ☒ yes ☐ No

POLICY: It is the policy of the Department of Correction to recognize and ensure that inmates are afforded the right to participate in local, state, and federal elections, pursuant to applicable election codes.

PURPOSE: To establish a process to ensure that eligible inmates are afforded the right to vote while confined within a Department of Correction facility.

DEFINITIONS: None

PROCEDURE:

I. Inmate Voting Criteria

A. To legally vote, an inmate must meet the following criteria:

1. Must be a citizen of the United States.

2. Must be a resident of the State of California.

3. Must be at least 18 years of age as of the Election Day.

4. Must not be confined in a federal or state prison.

5. Must not be in custody for the conviction of a felony, a felony parole violation, or a felony probation violation.

6. Must not have been judged by a court to be mentally incompetent to register to vote.

II. Inmate Voter Registration Procedures

A. In order to vote in an election, eligible inmates must be registered to vote at least 29 days prior to an election. Inmates who are not registered to vote and expect to be in custody during the next election may register to vote through the County Registrar of Voters Office.

1. Inmates may obtain voter registration forms in one of the following manners:

a. By submitting an Inmate Request Form to the Department's Programs Unit and requesting such forms.

b. By corresponding directly with the Registrar of Voters at the following address/phone numbers and requesting such forms:

Registrar of Voters
Santa Clara County
P.O. Box 1147
San Jose, Ca 95108
(408) 299-8386 (voting information)
(408) 299-8640 (Absentee Ballots)

2. Completed registration forms must be mailed to the Registrar of Voters Office for processing.

III. Inmate Voting Procedures

A. Inmates wishing to vote must request an Absentee Ballot Application from the Department's Programs Unit or directly from the County Registrar of Voters Office.

B. Completed applications must be mailed to the County Registrar of Voters Office. The County Registrar of Voters Office must receive the application in their office no later than 2 weeks prior to the actual election date.

C. Upon receiving the Absentee Ballot Application, the Registrar will send the inmate an Absentee Ballot via U.S. Mail. The inmate must complete the ballot and mail it back within the prescribed time limits indicated on the ballot.

D. Inmates who will be released in sufficient time to vote may call or write to order voter information for their review.

IV. Policy Revision

A. All Department policies shall be reviewed not less than once a year. The Professional Compliance and Audit Unit will establish an annual schedule identifying policies to be reviewed during a specific month.

COUNTY OF SANTA CLARA

Department of Correction Policy and Procedure Manual	Policy Number: 14.13 No. of Pages: 4 Date of Origin: 15 Mar 1994 Date Revised: 19 Jun 2009
Chapter: Inmate Rights	**Subject:** Inmate Marriages
Supersedes: 14.13 rev. 09/15/00	**Distribution:**
References: Family Code Sections 359(e) 360 400-402 420-425 500Penal Code Section 2601 (f) and 5054; Turner v. Safley, No. 85-134. 4872 U.S. 78 (1987) Zablocki v. Redhail; No.76-879 Family Code; 28 C.F.F. Sec. 551.10-551.16 and 551.111;Department Policies 9.07, Security Clearances;17.01, Inmate Social Visiting;17.11 Inmate Attorney & Official Visits	
Signature of Issuing Authority: Edward C. Flores, Chief of Correction	**Current Policy Review:** **Date of Review:** 19 Jun 2009 **Revisions Made:** ☒ Yes ☐ No

POLICY: It is the policy of the Department of Correction to allow inmates to marry while incarcerated in its facilities in accordance with local, state and federal regulations.

PURPOSE: To establish a procedure and guidelines for inmate marriages and ceremonies.

DEFINITIONS: Marriage Officiant: A clergyperson or authorized individual as defined in Family Code, Section 400 who may perform marriage ceremonies.

PROCEDURE:

I. Inmate Marriage Guidelines

A. Inmate marriage is considered a private matter between those two persons. The Department will make reasonable accommodations for those who are legally competent to become married in accordance with California law.

1. All marriage arrangements, securing the marriage license, clergy person, licensed officials, or any participants, are the responsibility of the inmate and or his/her intended. Staff may not assist the inmate in making arrangements other than to refer the inmate to the contracted community-based inmate assistance organization (e.g. Friends Outside) or the Facility Chaplain if he/she does not know of a clergy person or licensed official.

2. Inmates wishing to marry while in custody must submit an Inmate Request Form to the contracted community-based inmate assistance organization (e.g. Friends Outside) or the Facility Chaplain requesting information on making marital arrangements. Approval and scheduling will be predicated inmate eligibility, available personnel and existing time constraints.

3. Inmates who are contractually held in custody for the U.S. Marshal's Office or Immigrations and Customs Enforcement (ICE) or other outside agency require the approval of those agencies prior to the ceremony.

   a. The inmate must obtain approval from the contracted agency.
   b. Once approval is received from the arresting agency the inmate will submit their marriage request via an Inmate Request Form along with the approval to the Support Services Division Captain.
   c. The Support Services Division Captain may give authorization once the outside agency's approval is received.

4. Only marriages recognized by the State of California may occur within a Department of Correction facility.

5. Inmates may not marry another inmate while both are in custody of the Department of Correction.

II. Inmate Marriage Ceremonies

A. Inmate marriage ceremonies will be conducted during normal visiting hours, not to exceed one hour. Ceremonies will be non-contact except for minimum security inmates who qualify for contact visits as described in Department Policy, 17.01, Inmate Social Visiting.

1. Elmwood Complex: Marriage ceremonies for male or female inmates will normally be held Monday through Friday during visiting hours.

2. Main Jail Complex: Marriage ceremonies will normally be held only during visiting hours for all inmates at Main Jail North and Main Jail South.

B. The following guidelines apply to all arranged marriage ceremonies:

1. Inmate marriages shall be solemnized at the facility by an individual selected by the inmate and/or the intended authorized to solemnize marriages, as designated in Family Code Sections 400 and 402.

   a. Marriage Officiants will not have a temporary/permanent clearance and will register via the online visiting system in accordance with Department Policy 17.01 Inmate Social Visiting.

b. Marriage Officiants are only allowed to bring their paperwork necessary to complete the marriage ceremony, marriage license, notary book, pen, etc.

c. Marriage Officiants are not allowed to conduct notary services other than those necessary during the marriage ceremony.

d. The marriage ceremony may not be performed by the jail chaplain or chaplaincy volunteers.

2. All fees including, but not limited to, the marriage license, projected security expenses, or court-ordered for special transportation needs are to be paid in advance to the Department of Correction Financial Services Unit.

3. Flowers are not permitted.

4. Exchanges of rings or other symbolic exchanges are not permitted.

5. Cameras, audio, or video recording are not permitted. Any attempt to disregard this rule will subject the visitors to immediate removal from the jail, possible criminal charges, and confiscation of film, audio, and/or video tape.

6. Media coverage of the marriage ceremony is not permitted.

7. Persons permitted to participate in the ceremony are limited to the inmate, his/her intended, two witnesses and the clergy member or Marriage Officiant.

8. Only jail clothing is allowed for the inmate getting married.

9. Any inappropriate behavior during the ceremony or the visit period thereafter will be cause for immediate termination of the ceremony.

C. The following applies to all **maximum or medium security** inmates:

1. The ceremony will take place in a visiting room, through the glass, and will be conducted by telephone. The inmate will remain within the security perimeter of the facility.

2. Participants will remain on the visitor's side of the glass. Any other participants must be pre-approved by the duty sergeant.

3. A visiting room with a pass-through window will be used to facilitate the exchange of documents, after they are approved by custody staff. When a pass through window is not available, a movement or rover officer will be responsible for assisting the person performing the ceremony by obtaining any signatures required on documents.

D. The following applies to all **minimum** security inmates.

1. Inmates housed at Elmwood will report to 'Window A' prior to the ceremony.

2. Inmates housed at the Elmwood Women's Facility will report to the W4 contact visiting room prior to the ceremony.

III. Policy Review

A. All Department policies will be reviewed by the Professional Compliance and Audit Unit.

COUNTY OF SANTA CLARA

Department of Correction Office of the Sheriff Custody Bureau Policy and Procedure Manual	**Policy Number** 14.15 **No. of Pages:** 54 **Date of Origin:** 29 Oct 2013 **Date of Revision: 12 Aug 2015**
Chapter: Inmate Rights	**Subject:** Prison Rape Elimination Act
Supersedes: 17 Apr 2015	**Distribution:**
References: National Curriculum and Training Institute, National Institute of Corrections, Billing Code 4410-05; 4410-08, Title 28 CFR 115.6, Chapter 18 CFR 115 (Sub-part A); 42 U.S.C. §15609	
Signature of Issuing Authority JHirokawa 1357 John Hirokawa, Chief of Correction	**Current Policy Review** **Date of Review: 11 Aug 2015** **Revisions Made:** ☒Yes ☐No

POLICY: It is the policy of the Office of the Sheriff Custody Bureau/Department of Correction to establish a "zero-tolerance" policy related to the sexual assault, sexual abuse or rape of offenders/inmates, or sexual misconduct toward any offender/inmate by any person and to recognize these offenders/inmates as crime victims. It is also the policy of the DOC to comply with PREA regulations through policy, training, supervision and diligent law enforcement activities to ensure a coordinated response between staff first responders, medical and mental health practitioners, investigators, supervisors and managers, to all incidents of sexual abuse and/or sexual harassment.

PURPOSE: To establish a "zero-tolerance" standard for the incidence of detention rape, sexual abuse or sexual assaults and attempts thereof within custodial facilities.

DEFINITIONS: PREA: Prison Rape Elimination Act

PREA Rape: Engaging in oral/vaginal/anal intercourse with another by force, or the threat of force, without the consent of the other; and employing or displaying a dangerous weapon, or a physical object that the victim reasonably believes is a dangerous weapon, threatens, or places the victim in fear, that the victim, or an individual known to the victim, imminently will be subject to death, suffocation, strangulation, disfigurement, serious physical injury, or kidnapping.

PREA Sexual Abuse: Engaging in a sexual act with another by force, or threat of force, without the consent of the other; and employing or displaying a dangerous weapon, or physical object that the victim reasonably believes is a dangerous weapon; threatens, or places the victim

in fear, that the victim, or an individual known to the victim, imminently will be subject to death, suffocation, strangulation, disfigurement, serious physical injury, or kidnapping.

Sexual Assault: Forceful or intimidating behavior by one or more person(s) that causes another person to unwillingly engage in a partial or complete sexual act. This includes pressure, threats, or other actions and communications by one or more person(s) to force another to engage in a partial or complete sexual act.

Inmate Sexual Misconduct: Sexual behavior directed toward inmates by another inmate, including sexual abuse, sexual assault, and sexual harassment, physical conduct of a sexual nature, sexual obscenity and conversations or correspondence of a romantic or intimate nature.

Staff Sexual Misconduct: Any behavior or act of a sexual nature, either consensual or nonconsensual, directed toward an inmate by an employee, volunteer, official visitor, or agency representative. Such acts include intentional touching, either directly or through the clothing, of the genitalia, groin, anus, breast, inner thigh or buttocks that is unrelated to official duties or with the intent to abuse, arouse, or gratify sexual desire, and occurrences of indecent exposure, invasion of privacy, or voyeurism for sexual gratification. Completed, attempted, threatened, or requested sexual acts are included.

Inmate Sexual Harassment: Repeated and unwelcome sexual advances, requests for sexual favors, or verbal comments, gestures, or actions of a derogatory or offensive sexual nature by one inmate directed toward another.

Staff Sexual Harassment: Repeated verbal comments or gestures of a sexual nature to an inmate by an employee, volunteer, contractor, official visitor or other agency representative. Unacceptable comments and gestures include references to gender, sexually suggestive or derogatory comments about body or clothing, and repeated profane or obscene language or gestures.

Sexual Conduct "Zero-Tolerance" Policy: Consensual sex between inmates is not allowed in any Sheriff's Office/Department of Correction Facility and will be addressed by the Department's disciplinary process. All allegations of nonconsensual sex, abusive sexual contact, sexual harassment, staff sexual misconduct and inmate sexual misconduct shall be investigated. If applicable, criminal charges may be filed.

Inmate/Offender: Any person, whether in pretrial, un-sentenced or sentenced status, who is confined in a correctional facility or who is serving a sentence though not confined in a correctional facility such as an Out-of-Custody Program.

PREA Coordinator: The Administrative Services Captain will function as the PREA Coordinator and provide oversight of all PREA related processes. The PREA Coordinator will report to the Assistant Sheriff in charge of Custody Operations and Services.

PREA Manager: PREA Deputy responsible for all the daily PREA processes for both the Main Jail and Elmwood facilities. Each facility will designate a PREA Deputy who will be responsible for the daily PREA operations.

Out-of Custody Programs: Public Service Program (PSP), Weekend Work Program (WWP), Custody Alternative Supervising Unit (CASU), RCP Phase II, Re-Entry Corrections Program.

PROCEDURE:

I. PREA Compliance

A. The Sheriff's Office/Department of Correction will strictly enforce all federal, state and local laws regarding inmate sexual misconduct, sexual abuse and threats of sexual assault or intimidation by:

1. Providing clear definitions of prohibited conduct

2. Establishing uniform methods for the prompt reporting and investigation of allegations of sex-related offenses or threats

3. Identifying sexual predators

4. Protecting victims

5. Prescribing and administering sanctions for substantiated sexual offenses as well as false allegations

6. Informing and educating inmates (verbally and/or in writing) of the information contained in this policy

7. Providing applicable training to staff

Note: Speed dial numbers for Internal Affairs, Human Relations Commission, and the Rape Crisis Hot Line are posted in various locations throughout the custody facilities including; Intake Booking, Processing, inmate housing units, inmate chow halls, visiting rooms, medical units and staff dining rooms.

B. The Office of the Sheriff/Department of Correction will immediately respond to allegations, fully investigate reported in-custody incidents (in our facilities as well as reported to the Department by another facility), pursue disciplinary action, and refer for criminal investigation and prosecution of those inmates who perpetrate sexual misconduct and threats of sexual assault or intimidation.

1. In response to a report of inmate sexual abuse, sexual assault or sexual misconduct, the immediate supervisor will advise the Watch Commander, who will assess the situation and ensure appropriate response and notifications have been made pursuant to the critical incident policy; and coordinate appropriate response action with medical and mental health, investigators, and inmate advocates.

C. It is the policy of the DOC to comply with PREA regulations through policy, training, supervision and diligent law enforcement activities.

1. Elmwood Complex Facility

a. The Elmwood Facility will ensure a coordinated response between staff first responders, medical and mental health practitioners, investigators, supervisors and managers, to all incidents of sexual abuse and/or sexual harassment.

i. Upon learning of an allegation that an inmate was sexually abused, deputies/officers shall be required to:

a. immediately notify the on-duty Supervisor;

b. separate the alleged victim and abuser;

c. identify and separate any witnesses;

d. preserve and protect any crime scene until steps can be taken to collect all evidence;

e. if the abuse occurred within a time period that still allows for the collection of physical evidence, request that the alleged victim not take any actions that could destroy physical evidence, including, as appropriate, washing, brushing teeth, changing clothes, urinating, defecating, smoking, drinking, or eating;

f. if the abuse occurred within a time period that still allows for the collection of physical evidence, ensure that the alleged abuser does not take any actions that could destroy physical evidence, including, as appropriate, washing, brushing teeth, changing clothes, urinating, defecating, smoking, drinking, or eating;

g. provide advocacy for emotional support through the YWCA Rape Crisis Center;

h. document circumstances when the alleged victim is moved to another housing unit/facility to protect them from the alleged abuser.

ii. Non-badge staff who learns of an allegation that an inmate was sexually abused shall:

a) request that the alleged victim not take any actions that could destroy physical evidence, including, as appropriate, washing, brushing teeth, changing clothes, urinating, defecating, smoking, drinking, or eating;

b) immediately notify a deputy/officer or a Sergeant, who will respond and take appropriate action.

iii. If the inmate has been a victim of rape, sexual misconduct, sexual abuse or sexual assault, the staff member that is made aware of the allegations will consider the following:

a) Advise the inmate that staff can provide help

b) If the inmate is scared of being labeled an informer, advise the inmate that identifying the aggressor or perpetrator is not a precondition to receiving help or protection.

c) If the inmate was sexually abused, sexually assaulted or was threatened by any sexual misconduct, mention the importance of getting help to deal with the sexual offense and inform them that trained staff are available to assist.

iv. The Office of the Sheriff/Department of Correction will immediately respond to allegations, fully investigate reported in-custody incidents, pursue disciplinary action, and refer for criminal investigation and prosecution of those inmates who perpetrate sexual misconduct and threats of sexual assault or intimidation.

a) Once advised of an allegation of sexual abuse, the immediate supervisor will conduct a preliminary investigation into the report incident to determine the status of the allegation as to whether it is valid.

b) In response to a report of inmate sexual abuse, the immediate supervisor will advise the Watch Commander, who will assess the situation and ensure appropriate response and notifications have been made pursuant to the critical incident policy; and coordinate appropriate response action with medical and mental health, investigators, and inmate advocates.

c) Sergeants, or investigators responsible for investigations of inmate complaints of sexual

abuse, will make available to the victim inmate an advocate from a rape crisis center (YWCA), or a qualified staff member from Adult Custody Mental Health Services.

v. Where sexual abuse is alleged, the investigation shall be conducted by Jail Crimes Investigation staff that have received special training in sexual abuse investigations in confinement settings. Once the immediate supervisor on scene determines that the allegation is valid, Jail Crimes Investigation staff will determine whether the alleged sexual abuse is considered criminal or non-criminal.

a) Criminal incidents

1. Any allegations by any inmate regarding use of force or intimidation to perform sexual act
2. Any allegation of staff sexual involvement

b) Non-criminal incidents

a) Inmates were willing to engage in sexual acts with each other
b) Any allegations involving sexual comments/gestures

c) All reports of incidents of sexual abuse, whether criminal or non-criminal, shall be forwarded to the appropriate facility PREA Coordinator.

d) ACHS shall offer medical and mental health evaluations and, as appropriate, treatment to all inmates who have been victimized by sexual abuse in any prison, jail, lockup, or juvenile facility. The care provided will be consistent with the community level of care.

1. Inmate victims of sexual abuse by vaginal penetration while incarcerated shall be offered a pregnancy test.

2. If pregnancy results from sexual abuse by vaginal penetration while incarcerated, such victims shall receive timely and comprehensive information about, and timely access to, all lawful pregnancy-related medical services.

3. Inmate victims of sexual abuse while incarcerated shall be offered tests for sexually transmitted infections as medically appropriate.

4. Treatment services shall be provided without financial cost to the victim inmate regardless of whether the victim names the abuser or cooperates with any investigation arising out of incident.

5. If requested by the victim inmate, the rape crisis advocate (YWCA) shall accompany and support the victim throughout the forensic medical examination process and investigatory interviews and shall provide emotional support, crisis intervention, information, and referrals as necessary.

2. Correctional Center for Women

   a. The Correctional Center for Women will ensure a coordinated response between staff first responders, medical and mental health practitioners, investigators, supervisors and managers, to all incidents of sexual abuse and/or sexual harassment.

i. Upon learning of an allegation that an inmate was sexually abused, deputies/officers shall be required to:

a) immediately notify the on-duty Supervisor;

b) separate the alleged victim and abuser;

c) identify and separate any witnesses;

d) preserve and protect any crime scene until steps can be taken to collect all evidence;

e) if the abuse occurred within a time period that still allows for the collection of physical evidence, request that the alleged victim not take any actions that could destroy physical evidence, including, as appropriate, washing, brushing teeth, changing clothes, urinating, defecating, smoking, drinking, or eating;

f) if the abuse occurred within a time period that still allows for the collection of physical evidence, ensure that the alleged abuser does not take any actions that could destroy physical evidence, including, as appropriate, washing, brushing teeth, changing clothes, urinating, defecating, smoking, drinking, or eating;

g) provide advocacy for emotional support through the YWCA Rape Crisis Center;

h) document circumstances when the alleged victim is moved to another housing unit/facility to protect them from the alleged abuser.

ii. Non-badge staff who learns of an allegation that an inmate was sexually abused shall:

a) request that the alleged victim not take any actions that could destroy physical evidence, including, as appropriate, washing, brushing teeth, changing clothes, urinating, defecating, smoking, drinking, or eating;

b) Immediately notify a deputy/officer or a Sergeant, who will respond and take appropriate action.

iii. If the inmate has been a victim of rape, sexual misconduct, sexual abuse or sexual assault, the staff member that is made aware of the allegations will consider the following:

a) Advise the inmate that staff can provide help

b) If the inmate is scared of being labeled an informer, advise the inmate that identifying the aggressor or perpetrator is not a precondition to receiving help or protection.

c) If the inmate was sexually abused, sexually assaulted or was threatened by any sexual misconduct, mention the importance of getting help to deal with the sexual offense and inform them that trained staff are available to assist.

iv. The Office of the Sheriff/Department of Correction will immediately respond to allegations, fully investigate reported in-custody incidents, pursue disciplinary action, and refer for criminal investigation and prosecution of those inmates who perpetrate sexual misconduct and threats of sexual assault or intimidation.

a) Once advised of an allegation of sexual abuse, the immediate supervisor will conduct a preliminary investigation into the report incident to determine the status of the allegation as to whether it is valid.

b) In response to a report of inmate sexual abuse, the immediate supervisor will advise the Watch Commander, who will assess the situation and ensure appropriate response and notifications have been made pursuant to the critical incident policy; and coordinate appropriate response action with medical and mental health, investigators, and inmate advocates.

c) Sergeants, or investigators responsible for investigations of inmate complaints of sexual abuse, will make available to the victim inmate an advocate from a rape crisis center (YWCA).

v. Where sexual abuse is alleged, the investigation shall be conducted by Jail Crimes Investigation staff that have received special training in sexual abuse investigations in confinement settings. Once the immediate supervisor on scene determines that the allegation is valid, Jail Crimes Investigation staff will determine whether the alleged sexual abuse is considered criminal or non-criminal.

a) Criminal incidents

1) Any allegations by any inmate regarding use of force or intimidation to perform sexual act
2) Any allegation of staff sexual involvement

b) Non-criminal incidents

1) Inmates were willing to engage in sexual acts with each other
2) Any allegations involving sexual comments/gestures.

vi. All reports of incidents of sexual abuse, whether criminal or non-criminal, shall be forwarded to the appropriate facility PREA Coordinator.

vii. ACHS shall offer medical and mental health evaluations and, as appropriate, treatment to all inmates who have been victimized by sexual abuse in any prison, jail, lockup, or juvenile facility. The care provided will be consistent with the community level of care.

a) Inmate victims of sexual abuse by vaginal penetration while incarcerated shall be offered a pregnancy test.

b) If pregnancy results from sexual abuse by vaginal penetration while incarcerated, such victims shall receive timely and comprehensive information about, and timely access to, all lawful pregnancy-related medical services.

c) Inmate victims of sexual abuse while incarcerated shall be offered tests for sexually transmitted infections as medically appropriate.

d) Treatment services shall be provided without financial cost to the victim inmate regardless of whether the victim names the abuser or cooperates with any investigation arising out of incident.

e) If requested by the victim inmate, the rape crisis advocate (YWCA) shall accompany and support the victim throughout the forensic medical examination process and investigatory interviews and shall provide emotional support, crisis intervention, information, and referrals as necessary.

3. Main Jail Complex Facility

a. The Main Jail Complex Facility will ensure a coordinated response between staff first responders, medical and mental health practitioners, investigators, supervisors and managers, to all incidents of sexual abuse and/or sexual harassment.

i. Upon learning of an allegation that an inmate was sexually abused, deputies/officers shall be required to:

a) immediately notify the on-duty Supervisor;

b) separate the alleged victim and abuser;

c) identify and separate any witnesses;

d) preserve and protect any crime scene until steps can be taken to collect all evidence;

e) if the abuse occurred within a time period that still allows for the collection of physical evidence, request that the alleged victim not take any actions that could destroy physical evidence, including, as appropriate, washing, brushing teeth, changing clothes, urinating, defecating, smoking, drinking, or eating;

f) if the abuse occurred within a time period that still allows for the collection of physical evidence, ensure that the alleged abuser does not take any actions that could destroy physical evidence, including, as appropriate, washing, brushing teeth, changing clothes, urinating, defecating, smoking, drinking, or eating;

g) provide advocacy for emotional support through the YWCA Rape Crisis Center;

h) document circumstances when the alleged victim is moved to another housing unit/facility to protect them from the alleged abuser.

ii. Non-badge staff who learns of an allegation that an inmate was sexually abused shall:

a) request that the alleged victim not take any actions that could destroy physical evidence, including, as appropriate, washing, brushing teeth, changing clothes, urinating, defecating, smoking, drinking, or eating;

b) immediately notify a deputy/officer or a Sergeant, who will respond and take appropriate action.

iii. If the inmate has been a victim of rape, sexual misconduct, sexual abuse or sexual assault, the staff member that is made aware of the allegations will consider the following:

a) Advise the inmate that staff can provide help

b) If the inmate is scared of being labeled an informer, advise the inmate that identifying the aggressor or perpetrator is not a precondition to receiving help or protection.

c) If the inmate was sexually abused, sexually assaulted or was threatened by any sexual misconduct, mention the importance of getting help to deal with the sexual offense and inform them that trained staff are available to assist.

iv. The Office of the Sheriff/Department of Correction will immediately respond to allegations, fully investigate reported in-custody incidents, pursue disciplinary action, and refer for criminal investigation and prosecution of those inmates who perpetrate sexual misconduct and threats of sexual assault or intimidation.

a) Once advised of an allegation of sexual abuse, the immediate supervisor will conduct a preliminary

investigation into the report incident to determine the status of the allegation as to whether it is valid.

b) In response to a report of inmate sexual abuse, the immediate supervisor will advise the Watch Commander, who will assess the situation and ensure appropriate response and notifications have been made pursuant to the critical incident policy; and coordinate appropriate response action with medical and mental health, investigators, and inmate advocates.

c) Sergeants, or investigators responsible for investigations of inmate complaints of sexual abuse, will make available to the victim inmate an advocate from a rape crisis center (YWCA).

v. Where sexual abuse is alleged, the investigation shall be conducted by Jail Crimes Investigation staff that have received special training in sexual abuse investigations in confinement settings. Once the immediate supervisor on scene determines that the allegation is valid, Jail Crimes Investigation staff will determine whether the alleged sexual abuse is considered criminal or non-criminal.

a) Criminal incidents

1) Any allegations by any inmate regarding use of force or intimidation to perform sexual act
2) Any allegation of staff sexual involvement

b) Non-criminal incidents

1) Inmates were willing to engage in sexual acts with each other
2) Any allegations involving sexual comments/gestures

vi. All reports of incidents of sexual abuse, whether criminal or non-criminal, shall be forwarded to the appropriate facility PREA Coordinator.

vii. ACHS shall offer medical and mental health evaluations and, as appropriate, treatment to all inmates who have been victimized by sexual abuse in any prison, jail, lockup, or juvenile facility. The care provided will be consistent with the community level of care.

a) Inmate victims of sexual abuse by vaginal penetration while incarcerated shall be offered a pregnancy test.

b) If pregnancy results from sexual abuse by vaginal penetration while incarcerated, such victims shall receive timely and comprehensive information about, and timely access to, all lawful pregnancy-related medical services.

c) Inmate victims of sexual abuse while incarcerated shall be offered tests for sexually transmitted infections as medically appropriate.

d) Treatment services shall be provided without financial cost to the victim inmate regardless of whether the victim names the abuser or cooperates with any investigation arising out of incident.

e) If requested by the victim inmate, the rape crisis advocate (YWCA) shall accompany and support the victim throughout the forensic medical examination process and investigatory interviews and shall provide emotional support, crisis intervention, information, and referrals as necessary.

II. Inmate Orientation

A. During the intake/booking process, inmates shall receive information related to their rights and responsibilities, facility and/or out-of-custody program procedures, and should be advised of acts prohibited in the facility/program and types of disciplinary action, which may be taken if they violate the facility/program rules.

1. This information will be disseminated via the Inmate Orientation/Rule Book, "Sexual Assault Awareness" pamphlet, Inmate Orientation Video and posted signs.

a. The Inmate Orientation/Rule Book and the "Sexual Assault Awareness" pamphlet explain the Department's "zero-tolerance" policies on both sexual harassment and acts of sexual violence. Both documents outline reporting options for victims of sexual harassment, abuse or assault, and the right to grieve any condition of their confinement.

b. Inmates will be required to sign an acknowledgement form confirming that they have received an Inmate Orientation/Rule Book.

c. The signed acknowledgement forms shall be filed and maintained in the inmates Booking File.

B. Inmates shall have access to outside victim advocates for emotional support services related to sexual abuse by the Department giving the addresses and telephone numbers of such agencies, including toll-free hotline numbers to local, state or national victim advocacy or rape crisis organizations. Inmates must be informed, 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.

III. Staff Training

A. Staff who supervise inmates will also receive cross-gender supervision training. The training shall be tailored to the gender of the inmates at the employees' facility. Employees shall receive refresher training if the employee is reassigned from a facility that houses only male inmates to a facility that houses only female inmates, or vice versa.

1. The agency shall train security staff in how to conduct cross-gender pat-down searches, and searches of transgender and intersex inmates, in a professional and respectful manner, and in the least intrusive manner possible, consistent with security needs.

2. Any staff who conducts a cross-gender pat search shall submit a report to the Division Captain describing the incident, the exigent circumstances and the authorizing Supervisor.

3. All staff of the opposite gender than the inmates they are supervising or interacting with shall announce their presence when entering the inmate housing unit.

    a. All inmates will be allowed to shower, perform bodily functions, and change clothing without non-medical staff of the opposite gender viewing their breasts, buttocks or genitalia, except in exigent circumstances or when such viewing is incidental to cell checks.

4. Staff shall not conduct a pat search or physical examination of a transgender or intersex inmate for the sole purpose of determining the inmates' genital status.

5. Staff shall not conduct cross-gender strip searches except under exigent circumstances.

6. Staff shall not conduct cross-gender visual body cavity searches except under exigent circumstances.

B. All staff, including contractors and volunteers responsible for supervising inmates or whom may come in contact with inmates, in custody facilities and in all out-of-custody programs will receive PREA training. PREA training shall, at minimum, consist of the following topics:

1. The department's "zero-tolerance" policy for sexual abuse, sexual assault or sexual harassment;

2. How to fulfill the responsibilities under agency sexual abuse and sexual harassment prevention, detection, reporting, and response policies and procedures;

3. The right of inmates to be free from sexual abuse, sexual assault and sexual harassment;

4. The right of inmates and employees to be free from retaliation for reporting sexual abuse, sexual assault and sexual harassment;

5. The dynamics of sexual abuse, sexual assault, sexual misconduct and sexual harassment in confinement;

6. The common reactions of sexual abuse, sexual assault and sexual harassment victims;

7. How to detect and respond to signs of threatened and actual sexual abuse, sexual assault and sexual harassment;

8. How to avoid unauthorized and inappropriate relationships with inmates;

9. How to communicate effectively and professionally with inmates, including lesbian, gay, bisexual, transgender, intersex, or gender nonconforming inmates;

10. How to comply with relevant laws related to mandatory reporting of sexual abuse to outside authorities.

C. All department employees and all other county employees working/assigned to perform services for the department shall be required to receive PREA training within 90 days of hire and take refresher training every two years. This is to ensure that all employees know the agency's current sexual abuse and sexual harassment policies and procedures. In years in which an employee does not receive training, the agency shall provide refresher information on current sexual abuse and sexual harassment policies.

1. The agency shall document, either via employee signature or electronic verification, that the employees understand the training they have received.

D. The Training Unit staff shall maintain PREA training documentation of badge staff in accordance with applicable Department Policy.

E. The Facility PREA Manager shall maintain PREA training documentation of contractors and volunteers in accordance with applicable Department policy.

F. The Facility Administrative Training Officer shall maintain PREA training documentation of CSA's (Custody Support Assistants) in accordance with applicable Department policy.

IV. Inmate Screening at Intake

A. PREA requires that all those detained or incarcerated (for citable or non-citable offenses) be screened for a history of sexual assault, sexual abuse or rape at intake. History of sexual assault, sexual abuse or rape includes events both in and out of a custody setting. It is not exclusive to custody environments.

1. Proper steps shall be taken to identify and document any history of sexually assaultive behavior among the inmate population. As part of the Classification Assessment, all inmates who are to be housed in a Department custody facility or who participate in our out-of-custody programs, will be screened for potential vulnerabilities or tendencies of acting out with sexually aggressive behavior.

a. Classification Staff shall review the inmate's history for any documentation showing the inmate has a history of sexually aggressive behavior. If the results from the screening indicate a probability of victimization or sexually aggressive behavior, and an overall high level of risk, appropriate housing shall be implemented to ensure the safety of the inmate and others.

b. Appropriate classification and housing assignments shall be made based on the information received/discovered during the screening and file review.

B. Proper steps shall be taken to identify those inmates who have been victims of sexual assault. During the Intake Booking process, the Receiving Officer will obtain the Intake/Classification Supplemental PREA Worksheet (see Attachment 2) from the Booking Nurse and ask each arrestee if he/she has ever experienced sexual victimization. The answer will be indicated by checking the "YES" or "NO" box on the Worksheet.

1. If the arrestee's answer is no, then the "NO" box will be checked and the officer will proceed with the booking process.

2. If the arrestee's answer is yes, then the Receiving Officer shall ask the arrestee if the event has ever been reported to a Law Enforcement Agency (LEA).

a. If the event was reported to an LEA, the Receiving Officer will check the "YES" box and write the name of the LEA on the Worksheet.

b. The Receiving Officer will then refer the arrestee to Mental Health staff for an evaluation and check the "Referred to Mental Health" box on the Worksheet.

c. The Receiving Officer will then refer the matter to the Intake Booking Sergeant for follow-up.

d. The Intake Booking Sergeant will confirm that the matter has been reported to an LEA, document the event on the PREA Reporting Information Worksheet and then enter the event into the JIS PREA Tracking System. No further reporting is required.

e. Intake Staff will attach the Worksheet to the Booking file for further processing.

3. If the arrestee's answer is yes, and the event has never been reported to a LEA, then the Receiving Officer will determine when the event occurred and in which agency's jurisdiction.

a. The Receiving Officer will check the "YES" box on the Intake/Classification Supplemental Assessment Worksheet and write, "Not Reported", the name of the LEA responsible for jurisdiction and the date of the event in the space below the "YES" box.

b. The Receiving Officer will then refer the arrestee to Mental Health staff for an evaluation and check the "Referred to Mental Health" box.

c. If the event occurred within the last 72 hours, the Receiving Officer will refer the arrestee back to the Intake Nurse. If it has been more than 72 hours, only a Mental Health Referral is required.

1. The Intake Nurse will re-evaluate the arrestee for clearance (booking acceptance) in accordance with Custody Health Services Policy.

d. The Receiving Officer will also refer the matter to the Intake Booking Sergeant for follow-up.

V. Sergeant Responsibilities

A. If the arrestee's answer is yes and the event has been reported to a Law Enforcement Agency:

1. The Intake Booking Sergeant will conduct an interview with the arrestee and document all relevant information on the PREA Reporting Information Worksheet (see Attachment 1.)

2. The Intake Booking Sergeant will confirm that the matter has been reported to an LEA

3. The Intake Booking Sergeant will then enter the event into the JIS PREA Tracking System.

4. No further reporting is required.

B. If the arrestee's answer is yes and the event has not been reported to a Law Enforcement Agency:

1. The Intake Booking Sergeant will conduct an interview with the arrestee and document all relevant information on the PREA Reporting Information Worksheet (see Attachment 1.)

2. The Intake Booking Sergeant will refer the case to the Jail Crimes Investigation (JCI) unit. The JCI unit will contact the agency of jurisdiction and advise that agency of the allegation.

3. If the agency of jurisdiction is willing to take a report, then the JCI unit will coordinate the reporting process with the agency.

4. The JCI unit investigator will then enter the event into the JIS PREA Tracking System.

5. An Employee's Report documenting the event shall be completed and attached to the PREA Reporting Information Worksheet.

C. If the agency of jurisdiction is not willing to take a report, or is geographically unable to take the report:

1. The Jail Crimes Investigation Unit will forward ~~the~~ an initial Incident Report along with any Sexual Assault Response Team (SART) results, if applicable, to the agency of jurisdiction. A copy of the initial Incident Report shall be attached to the completed PREA Reporting Information Worksheet.

2. The JCI unit investigator will then enter the event into the JIS PREA Tracking System.

3. An Employee's Report documenting the event shall be completed and attached to the completed PREA Reporting Information Worksheet.

D. If the agency of jurisdiction is the Santa Clara County Office of the Sheriff:

1. The JCI unit shall take the initial Incident Report following the standard procedures for documenting sexual abuse, sexual assault/rape.

2. SART examinations shall be conducted in accordance with the Sheriff's Office sexual assault procedures and Custody Health Services Policy.

3. The JCI unit investigator will then enter the event into the JIS PREA Tracking System.

4. An Employee's Report documenting the event shall be completed and attached to the completed PREA Reporting Information Worksheet.

E. If another Law Enforcement Agency's staff is being accused of the sexual abuse, sexual assault/rape, then that agency's on-duty Watch Commander shall be notified as soon as possible.

F. Sergeants are responsible, upon receiving an allegation that an inmate was sexually abused while confined at another facility, to notify the Captain in charge of the facility where the report was generated.

1. The Facility Captain will notify the head of the facility or an appropriate person where the alleged abuse occurred as soon as possible, but no later than 72 hours after receiving the allegation and provide the reported information. The Captain will ensure that the information and the proper notifications are recorded and reported to the PREA Coordinator.

G. JIS PREA Tracking System:

1. When logging an event into the JIS PREA Tracking System, sergeants/investigators must first query the name and PFN of the victim to ensure the event has not already been reported

2. If the event has already been reported, then the sergeant/investigator shall create a new entry in the "Event Note" section listing the new CEN and that the event was already reported. N*ote: For previously reported events,*

only a Mental Health Referral will be required. No further documentation or reporting will be necessary.

VI. Victim Mandated Reporters

A. Any badge or civilian staff, volunteers, or any person providing services in the facility/out-of-custody program who receive any information, regardless of its source, concerning nonconsensual sex, abusive sexual contact, staff sexual misconduct or inmate sexual misconduct, or who have reason to suspect, or who observe an incident, are required to immediately report the incident to a supervisor.

VII. Employees/Contractors/Volunteers

A. All job applicants who may have contact with inmates shall not be eligible for hire or promotion and contractors who may have contact with inmates shall not be enlisted for services if:

1. they have engaged in sexual abuse in any prison, jail, lockup, community confinement facility, juvenile facility, or other institution

2. have been convicted of engaging or attempting to engage in sexual activity in the community facilitated by force, overt or implied threats of force, or coercion, or if the victim did not consent or was unable to consent or refuse;

3. have been civilly or administratively adjudicated to have engaged in sexual activity in the community facilitated by force, overt or implied threats of force, or coercion, or if the victim did not consent or was unable to consent or refuse;

B. Any and all incidents of sexual harassment shall be considered in determining whether to hire or promote anyone, or enlist the services of, any contractor who may have contact with inmates.

C. Before hiring new employees who may have contact with inmates, the Personnel Division shall, consistent with federal, state, and local laws, performs a criminal background records check on all applicants.

D. The Personnel Division shall also perform a criminal background records check before enlisting the services of any contractor who may have contact with inmates.

E. The agency shall ask all job applicants who may have contact with inmates about previous sexual abuse or sexual harassment in written applications and/or interviews for hiring or promotions and in any interviews or written self-evaluations conducted as part of reviews of current employees.

1. Employees of the DOC have a duty to report if they have:

a. engaged in or assisted in inflicting sexual abuse, sexual misconduct or sexual harassment on an inmate.

b. have been convicted of engaging or attempting to engage in sexual activity in the community facilitated by force, overt or implied threats of force, or coercion, or if the victim did not consent or was unable to consent or refuse;

c. have been civilly or administratively adjudicated to have engaged in sexual activity in the community facilitated by force, overt or implied threats of force, or coercion, or if the victim did not consent or was unable to consent or refuse.

F. The Personnel Division will make its best efforts to contact all prior institutional employers for information on substantiated allegations of sexual abuse, sexual misconduct or sexual harassment; or any resignation during a pending investigation of an allegation of sexual abuse or sexual harassment.

G. Unless prohibited by law, the agency shall provide information on substantiated allegations of sexual abuse, sexual misconduct or sexual harassment involving a former employee upon receiving a written request from an institutional employer for whom such person has applied for work.

H. In lieu of the PREA requirement to conduct employee criminal background records checks at least every five years , employees and contractors shall report, within 24 hours, when arrested or charged with any violation of the law associated with sexual abuse, sexual misconduct or sexual harassment.

I. Material omissions regarding such misconduct, or the provision of materially false information, shall be grounds for termination.

J. The Personnel Unit receives notifications from the State of California Department of Justice on any criminal arrest or conviction of an employee hired

by the department. The Personnel Captain will take immediate and appropriate action upon receipt of such notice.

VIII. Verifying Suspected Sexual Misconduct

A. Staff should be aware of the signs of possible sexual abuse. Some victims of rape, sexual assault, sexual abuse or sexual misconduct may be identified because of unexplained injuries, changes in physical behavior such as difficulty walking, or abrupt personality changes such as withdrawal and suicidal behavior.

1. Upon learning of an allegation that an inmate was sexually abused, badge staff will immediately respond to the report and shall:

a. immediately notify the on-duty Supervisor;

b. separate the alleged victim and abuser;

c. preserve and protect any crime scene until steps can be taken to collect all evidence;

d. if the abuse occurred within a time period that still allows for the collection of physical evidence, request that the alleged victim not take any actions that could destroy physical evidence, including, as appropriate: washing, brushing teeth, changing clothes, urinating, defecating, smoking, drinking, or eating;

e. if the abuse occurred within a time period that still allows for the collection of physical evidence, ensure that the alleged abuser does not take any actions that could destroy physical evidence, including, as appropriate: washing, brushing teeth, changing clothes, urinating, defecating, smoking, drinking, or eating.

f. provide advocacy for emotional support through the YWCA Rape Crisis Center.

B. Non-badge staff who learns of an allegation that an inmate was sexually abused shall:

1. request that the alleged victim not take any actions that could destroy physical evidence, including, as appropriate: washing, brushing teeth, changing clothes, urinating, defecating, smoking, drinking, or eating;

2. immediately notify a deputy/officer or a Sergeant, who will respond and take appropriate action;

3. If the inmate has been a victim of rape, sexual misconduct, sexual abuse or sexual assault, the staff member that is made aware of the allegations will consider the following:

   a. Advise the inmate that staff can provide help

   b. If the inmate is scared of being labeled an informer, advise the inmate that identifying the aggressor or perpetrator is not a precondition to receiving help or protection.

   c. If the inmate was sexually abused, sexually assaulted or was threatened by any sexual misconduct, mention the importance of getting help to deal with the sexual offense and inform them that trained staff are available to assist.

C. If an investigation concludes that the sexual assault was fabricated or that the inmate inflicted or attempted self-injury, custody staff may recommend disciplinary action against the inmate. (*For Disciplinary Action refer to Inmate Discipline Process Policy 15.01).* Custody staff may also recommend a Mental Health Referral assessment to determine if the inmate is solely in need of mental health services.

IX. Sexual Misconduct Investigations

A. Where sexual abuse is alleged, the investigation shall be conducted by Jail Crimes Investigation staff that have received special training in sexual abuse investigations in confinement settings. (*Refer to PREA Standard 115.34. and Department Policy 9.29-Criminal Investigations)*

B. All allegations will be referred to the Jail Investigations Unit. Only criminal investigators who have received special training in investigating sexual abuse will conduct the investigation.

   1. Investigators shall use appropriately legal and accepted best practices when conducting all criminal investigations into complaints of sexual abuse.

2. All investigations shall be done promptly, thoroughly and objectively, including anonymous and third-party reports.

3. Staff investigating allegations of sexual abuse shall follow a uniform evidence protocol that maximizes the potential for obtaining usable physical evidence for administrative proceedings and criminal prosecution. The protocol shall be developmentally appropriate for youth, where applicable.

    a. In circumstances where evidentiary or medically appropriate forensic medical examinations are appropriate to investigate and process complaints of inmate sexual abuse, such examinations will be provided, whether on-site or at an outside facility, without financial cost to the victim inmate. Such examination shall be performed by Sexual Assault Forensic Examiners (SAFEs) or Sexual Assault Nurse Examiners (SANEs), where possible. If SAFEs or SANEs cannot be made available, the examination can be performed by other qualified medical practitioners. The agency shall document its' efforts to provide SAFEs or SANEs.

4. All criminal investigations shall be documented in a written report that contains a thorough description of the physical, testimonial, and documentary evidence. Documentary evidence will be attached to the report where feasible.

5. Substantial allegations of conduct that appear to be criminal shall be referred for prosecution.

6. The Sheriff's Office shall conduct compelled interviews, only after consulting with prosecutors as to whether compelled interviews may be an obstacle for subsequent criminal prosecution.

7. Administrative investigations shall include an effort to determine whether staff actions or failures to act contributed to the abuse and/or sexual harassment.

    a. All administrative investigations shall be documented in a written report that contains a thorough description of the physical, testimonial, documentary evidence, the reasoning behind the credibility assessments, and investigative facts and findings.

        i. The credibility of an alleged victim, suspect, or witness shall be assessed on an individual basis and shall not be determined by the person's status as staff or inmate. No inmate alleging sexual abuse shall be required to submit to

a polygraph examination or other truth-telling device as a condition for proceeding with investigation of such an allegation.

8. If the alleged sexual abuse is inmate-on-inmate, the agency shall retain all written investigative reports for as long as the victim and the alleged abuser are incarcerated, + 5 years.

9. If the alleged sexual abuse is staff-on-inmate, all administrative and criminal reports shall be retained as long as the alleged abuser is incarcerated or employed by the agency, + 5 years.

10. The departure of the alleged abuser or victim from the employment or control of the department shall not provide a basis for terminating investigation.

11. In the event of a report of sexual abuse, sexual assault, sexual misconduct or sexual harassment by a contractor or volunteer on an inmate, an immediate investigation will be conducted.

12. A sexual abuse incident review shall be conducted at the conclusion of every sexual abuse investigation. The review will be conducted on all founded and not substantiated case determinations. Reviews will not be conducted on cases with unfounded determinations. Such review shall be conducted within 30 days of the conclusion of the investigation.

    a. The review team shall include upper-level management officials, with input from line supervisors, investigators, and medical or mental health practitioners and shall consider:

        i. whether the allegation or investigation indicates a need to change policy or practice to better prevent, detect, or respond to sexual abuse;

        ii. whether the incident or allegation was motivated by race, ethnicity, gender identity, lesbian, gay, bisexual, transgender, or intersex identification, status, or perceived status, ~~or~~ gang affiliation or was motivated or otherwise caused by other group dynamics at the facility;

        iii. an assessment of physical plant barriers that may have enabled the alleged abuse to occur;

iv. an assessment of the adequacy of staffing levels in that area at the time of the incident;

v. an assessment of whether monitoring technology should be deployed or augmented to supplement supervision by staff.

b. Upon conclusion of the sexual abuse incident review, the PREA Coordinator shall prepare a report of findings and recommendations and submit the report to the Undersheriff.

c. The Facility Captain in charge of the facility where the incident occurred shall implement the recommendations for improvement, or shall document the reasons for not doing so.

X. Employee Sexual Assault Reporting

A. All staff are required to report immediately any knowledge, suspicion, or information regarding an incident of sexual abuse, sexual assault, sexual misconduct or sexual harassment against inmates. All incidents will be reported whether or not the incident occurred within a Santa Clara County Department of Correction facility or any other agency.

B. All staff are required to immediately report to their supervisor any knowledge, suspicion, or information regarding;

1. retaliation against inmates or staff who reported such an incident;

2. any staff neglect or violation of responsibilities that may have contributed to an incident or retaliation.

C. All incidents of sexual abuse, sexual harassment and/or retaliation will be reported to the Facility Captain or Division Captain via the chain of command. The Facility Captain or Division Captain shall report all incidents and reports alleging sexual abuse, sexual assault, sexual misconduct and sexual harassment, including third-party and anonymous reports to the PREA Coordinator, the Internal Affairs Unit and the Jail Crimes Investigations unit. Staff may report sexual harassment, sexual abuse, sexual misconduct and retaliation by contacting the following:

1. Internally:

a. His/her immediate supervisor, or to any person within the chain of command or other Department supervisors or managers

b. Department's Personnel Manager

c. Department's Equal Opportunity Officer

2. Externally:

a. State of California Department of Fair Employment and Housing (DFEH)

b. the Federal Equal Employment Opportunity Commission (EEOC)

D. Staff shall not reveal any information related to a sexual abuse report to anyone other than to the extent necessary, as specified in agency policy, to make treatment, investigation, and other security and management decisions.

E. Unless otherwise precluded by federal, state, or local law, medical and mental health practitioners shall be required to report sexual abuse pursuant to paragraph (a) of this section and to inform inmates of the practitioner's duty to report, and the limitations of confidentiality, at the initiation of services.

F. If the alleged victim is under the age of 18 or considered a vulnerable adult under a state or local vulnerable person statute, the agency shall report the allegation to the designated state or local services agency under applicable mandatory reporting laws.

XI. Inmate Sexual Assault Reporting:

A. Inmates may report sexual abuse and sexual harassment, retaliation by inmates or staff or staff neglect of responsibilities that may have contributed to such incidents in the following manner:

1. Verbally notifying a Deputy/Officer or any department staff member or volunteer

2. Submitting an Inmate Request form

3. Submitting a Grievance form

4. Writing a confidential letter to the Sheriff, Undersheriff or Facility Captain

5. Contacting the Internal Affairs Unit and submitting a complaint

B. Staff shall accept reports made verbally, in writing, anonymously, and from third parties and shall promptly document any verbal reports.

C. Inmates are not required to submit a complaint or grievance alleging sexual abuse to the staff member who is the subject of the complaint.

D. Inmates wishing to report incidents of sexual abuse or sexual harassment to a public or private entity or office that is not part of the agency can do so by:

1. Calling the YMCA Sexual Abuse Hot-line

2. Santa Clara County Human Relations Office (Jail Oversight)

3. Inmates detained solely for civil immigration purposes may contact Relevant Consultant or Department of Homeland Security

E. Inmates who contact the above agencies can do so anonymously, if requested. All reports of sexual abuse or sexual harassment will be reported to the department. All reports will be forwarded to the department for investigative and/or corrective and protective action. Anonymous reports will be submitted without the victims' personal information.

F. Following an inmate's allegation that a staff member has committed sexual abuse against the inmate, the agency shall subsequently inform the inmate (unless the agency has determined that the allegation is unfounded) whenever:

1. the staff member is no longer assigned to the inmate's unit;

2. the staff member is no longer employed at the facility;

3. the agency learns that the staff member has been indicted on a charge related to sexual abuse within the facility;

4. or the agency learns that the staff member has been convicted on a charge related to sexual abuse within the facility.

a. All such notifications shall be documented.

G. Following an inmate's allegation that he or she has been sexually abused by another inmate, the agency shall subsequently inform the alleged victim whether the allegation was determined to be substantiated, unsubstantiated or unfounded, and whenever:

1. the alleged abuser has been indicted on a charge related to sexual abuse within the facility;

2. the agency learns that the alleged abuser has been convicted of a charge related to sexual abuse.

a. All such notifications shall be documented.

H. Any obligation to report under the PREA standard shall terminate if the inmate is released from custody.

I. The department will maintain a process to receive third-party reports of sexual abuse and sexual harassment and shall distribute publicly information on how to report sexual abuse and sexual harassment on behalf of an inmate.

1. Third-party complaints of sexual abuse, sexual harassment or sexual misconduct on behalf of an inmate may be reported by using the following methods:

a. In-person at the Main Jail Complex

b. In-person at the Elmwood Complex

c. Writing a confidential letter to the Facility Captain of either Main Jail or Elmwood Complexes

d. Writing a confidential letter to the Chief of Correction

e. Contacting the Internal Affairs Unit and submitting a complaint.

XII. Prevention

A. Sexual Victimization Risk Assessment

1. The PREA information obtained during the initial booking process will be considered during the Classification Risk assessment process.

2. Information from the initial Classification risk assessment screening shall be used to inform housing, bed, work, education, and program assignments with the goal of keeping separate those inmates at high risk of being sexually victimized from those at high risk of being sexually abusive.

3. All inmates shall be assessed during an intake screening, Classification interview and upon transfer to another facility for their risk of being sexually abused by other inmates or sexually abusive towards other inmates. Information from the risk screening will be used to separate those inmates at high risk of being sexually victimized from those at high risk of being sexually abusive.

4. The assessment shall be objective and consider, at a minimum, the following criteria to assess inmates for risk of sexual victimization:

    a. whether the inmate has a mental, physical, or developmental disability;

    b. the age of the inmate;

    c. the physical build of the inmate;

    d. whether the inmate has previously been incarcerated;

    e. whether the inmate's criminal history is exclusively nonviolent;

    f. whether the inmate has prior convictions for sex offenses against an adult or child;

    g. whether the inmate is or is perceived to be gay, lesbian, bisexual, transgender, intersex, or gender nonconforming;

    h. whether the inmate has previously experienced sexual victimization;

    i. the inmate's own perception of vulnerability;

j. whether the inmate is detained solely for civil immigration purposes;

k. prior acts of sexual abuse;

l. prior convictions for violent offenses;

m. history of prior institutional violence or sexual abuse.

5. Each inmate will be reassessed for risk of sexual victimization or abusiveness based on any additional information received by the facility since the intake screening within 30 days from the inmate's arrival at the facility.

6. Continual risk assessment for all inmates will be conducted upon each report, referral, and incident of abuse or receipt of additional information that may affect the inmate's risk of sexual victimization or abusiveness.

7. Inmates may not be disciplined for refusing to answer, or for not disclosing complete information in response to, questions asked regarding sexual victimization or abusiveness.

   a. Transgender, Intersex, Lesbian, Gay and Bisexual Inmates:

      i. To ensure proper housing for transgender, intersex, lesbian, gay and bisexual inmates;

         a) decisions will be based on a case-by-case evaluation and will consider the risk to the inmate's health and safety, and whether the placement would present a management or security problem.

         b) placement and programming assignments for each transgender or intersex inmate shall be reassessed at least twice each year to review any threats to safety experienced by the inmate.

         c) a transgender or intersex inmate's own views with respect to his or her own safety shall be given serious consideration

         d) transgender and intersex inmates shall be given the opportunity to shower separately from other inmates.

e) The agency shall not place lesbian, gay, bisexual, transgender, or intersex inmates in dedicated facilities, units, or wings solely on the basis of such identification or status, unless such placement is in a dedicated facility, unit, or wing established in connection with the consent decree, legal settlement, or legal judgment for the purpose of protecting such inmates.

b. Civil Immigration Detainees

i. Inmates detained solely for civil immigration purposes by an immigrant services agency shall have reasonable communication with rape crisis organizations and victim advocacy agencies, in as confidential a manner as possible.

ii. Inmates must be informed, 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.

XIII. Sexual Assault Victim Protection

A. All staff are required to immediately report any knowledge that an inmate is subject to a substantial risk of imminent sexual abuse. The agency shall take immediate action to protect the inmate.

B. All supervisors who receive a report from staff that an inmate is at substantial risk of imminent sexual abuse will immediately respond, assess and take appropriate action necessary to protect the inmate.

C. All inmates and staff who report sexual abuse or sexual harassment or cooperate with sexual abuse or sexual harassment investigations have the right to be free from retaliation by other inmates and/or staff.

a. All reports of retaliation against those who have reported sexual abuse or sexual harassment or have cooperated with sexual abuse or sexual harassment investigations shall be investigated immediately, and if warranted, forwarded to the Jail Crime

Investigations unit and/or Internal Affairs Unit for a thorough investigation. The PREA Coordinator will also be notified for the purposes of recordkeeping.

1. Inmates who are the victim of retaliation or fear retaliation for reporting sexual abuse or sexual harassment or for cooperating with investigations shall be provided emotional support by being referred to ACHS Mental Health.

2. Staff who are the victims of retaliation or fear retaliation for reporting sexual abuse or sexual harassment or for cooperating with investigations shall be provided emotional support by being referred to Employee Assistance Services.

D. Following the report of sexual abuse, the Classification unit and ACHS Mental Health will monitor the conduct of inmates of sexual abuse for at least 90 days following the report to monitor the conduct and treatment of inmates who have reported sexual abuse and inmates who have reported to had suffered sexual abuse to determine if there are changes in the inmate's behavior that may suggest the inmate has also the victim of retaliation by other inmates or staff. Immediate action will be taken to prevent any retaliatory action. Classification and Mental Health shall continue to monitor beyond 90 days if the initial monitoring indicates the continuing need. Monitoring shall also include periodic status checks.

E. Inmates who are victims, or at risk of being a victim, of retaliation will be protected by employing measures such as housing changes, facility transfers for any victims or abusers and emotional support services for inmates or staff who fear retaliation for reporting sexual abuse or sexual harassment or for cooperating with investigations.

F. An agency's obligation to monitor shall terminate if the agency determines that the allegation is unfounded.

XIV. Official Response to Complaints:

A. No time limit will be imposed on when an inmate may submit a grievance regarding allegations of sexual abuse. All otherwise applicable time limits

will apply to any portion of a grievance that does not allege an incident of sexual abuse. PREA regulations shall not restrict the agency's ability to defend against an inmate lawsuit on the grounds that the applicable statute of limitations has expired.

B. The agency shall not require an inmate to use any informal grievance process, or to otherwise attempt to resolve with staff, any alleged incident of sexual abuse.

C. Staff receiving a grievance alleging or providing information that the inmate is subject to a substantial and immediate risk of imminent sexual abuse shall immediately notify the sergeant for review and immediate corrective action.

D. In situations where it was determined the inmate was not at risk of sexual abuse, Classification shall verbally advise the inmate within 48 hours and provide, within 5 days, the written response to the inmate that will advise the inmate of the department's determination of risk and any action taken in response to the report or grievance.

E. Inmates may file a grievance alleging or providing information that the inmate is subject to a substantial and immediate risk of sexual abuse. The DOC will ensure the following:

1. any inmate alleging sexual abuse may submit a grievance without submitting it to the a staff member who is the subject of the complaint and such grievance will not be referred to the staff member who is the subject of the complaint;

2. any staff member receiving such a grievance will contact a supervisor immediately and are prohibited from sharing any information or aspect of the grievance with any person except to cooperate with any resulting investigation;

3. The inmate will receive notice of the department's decision on the merits of any portion of a grievance alleging sexual abuse within 90 days of the initial filing of the grievance. Computation of the 90-day time

period shall not include time consumed by inmates in preparing any administrative appeal;

a. The agency may claim an extension of time to respond, of up to 70 days, of the normal time. If the response is insufficient to make an appropriate decision, the agency shall notify the inmate in writing of any such extension and provide a date by which a decision will be made.

b. At any level of the administrative process, including the final level, if the inmate does not receive a response within the time allotted for reply, including any properly noticed extension, the inmate may consider the absence of a response to be a denial at that level.

F. Inmates filing grievances alleging or providing information that the inmate is subject to a substantial and immediate risk of sexual abuse may be assisted by third parties, including fellow inmates, staff members, family members, attorneys, and outside advocates in filing a request for administrative remedies relating to allegations of sexual abuse. Third parties shall also be permitted to file such requests on behalf of inmates.

G. If a third-party files such a request on behalf of an inmate, the facility may require, as a condition of processing the request, that the alleged victim agreed to have the request filed on his or her behalf, and may also require the alleged victim to personally pursue any subsequent steps to the administrative remedy process.

1. If the inmate declines to have the request processed on his or her behalf, the agency shall document the inmate's decision.

H. Inmates wishing to submit a grievance alleging the inmate is subject to a substantial risk of imminent sexual abuse may do so following the established inmate grievance policy or by verbally notifying any staff member of the situation.

1. Staff receiving such a verbal complaint will immediately isolate the inmate for his/her protection and notify the

supervisor who will assess the situation, and take the immediate action, to include any appropriate investigation necessary to resolve the complaint. The supervisor, via the chain of command, will notify the Facility Commander and the Classification unit.

2. After receiving an emergency grievance alleging the inmate is subject to reasonable risk of imminent sexual abuse (or any portion thereof that alleges the substantial risk of imminent sexual abuse) and immediate corrective action has been taken, the Classification unit shall provide an initial response within 48 hours. The Classification unit shall issue a final written agency decision within five calendar days. The initial response and final agency decision shall document the agency's determination whether the inmate is at substantial risk of imminent sexual abuse and the action taken in response to the emergency grievance.

I. An inmate may be disciplined for filing a grievance related to alleged sexual abuse only if there is evidence that the inmate filed the grievance in bad faith.

XV. Inmate Education

A. A pamphlet entitled "Sexual Assault Awareness" shall be distributed to every inmate in each custody facility, initially at Booking Intake but is also available in each housing unit. A PREA informational video shall also be shown to inmates within each housing unit at regular intervals. Both the pamphlet and the video explain the Department's "zero-tolerance" policies on both sexual harassment and acts of sexual violence. In addition, both the pamphlet and video outline reporting options for victims of sexual harassment or assault, and the right for any inmate to grieve his/her condition of their confinement.

B. Each housing unit has posted signs containing information for inmates to report sexual abuse.

1. Inmates with Disabilities and Inmates who are Limited English Proficient

a. All inmates will have meaningful access to all aspects of the agency's effort to prevent, detect, and respond to sexual abuse and sexual harassment; including inmates with disabilities and limited English proficiency. All PREA communications, both written and verbal, will provide effective communication and understanding for disabled and non-English speaking inmates.

b. Staff will document, on the PREA Reporting Information Worksheet, all steps taken to provide effective communication and understanding to inmates with disabilities or limited English proficiency.

c. Inmate interpreters, inmate readers, or other types of inmate assistance will not be used except in limited circumstances where an extended delay in obtaining an effective interpreter would compromise the inmate's safety, the performance of first-response duties, or the investigation of the inmate's allegations.

XVI. Medical and Mental Health Care

A. If, during the intake screening process, it is determined that the inmate has experienced prior sexual victimization, whether it occurred in an institutional setting or in the community, and the inmate remains in custody, ACHS/Mental Health will conduct, within 14 days, a follow-up meeting with the inmate.

B. If, during the intake screening process, it is determined that an inmate has previously perpetrated sexual abuse, whether it occurred in an institutional setting or in the community and the inmate remains in custody, ACHS/Mental Health will conduct, within 14 days, a follow-up meeting with the inmate.

C. Medical and mental health staff shall obtain informed consent from inmates before reporting information about prior sexual victimization that did not occur in an institutional setting.

D. ACHS shall offer medical and mental health evaluations and, as appropriate, treatment to all inmates who have been victimized by sexual abuse in any prison, jail, lockup, or juvenile facility. The care provided will be consistent with the community level of care.

1. Inmate victims of sexual abuse by vaginal penetration while incarcerated shall be offered a pregnancy test.

2. If pregnancy results from sexual abuse by vaginal penetration while incarcerated, such victims shall receive timely and comprehensive information about, and have timely access to, all lawful pregnancy-related medical services.

3. Inmate victims of sexual abuse while incarcerated shall be offered tests for sexually transmitted infections as medically appropriate.

4. Treatment services shall be provided without financial cost to the victim inmate regardless of whether the victim names the abuser or cooperates with any investigation arising out of incident.

5. Investigators responsible for investigations of inmate complaints of sexual abuse will make available to the victim inmate an advocate from the rape crisis center (YWCA), or a qualified staff member from Adult Custody Mental Health Services. To function as a qualified agency staff member, the employee must be screened for appropriateness and have received general education concerning sexual assault and forensic examination issues.

6. If requested by the victim inmate, the advocate or ACHS Mental Health staff member shall accompany and support the victim throughout the forensic medical examination process and investigatory interviews and shall provide emotional support, crisis intervention, information, and referrals as necessary.

7. Following the report of sexual abuse, the Classification unit and ACHS Mental Health will monitor the conduct of victim inmates for at least 90 days following the report. ACHS

Mental Health will monitor the conduct and treatment of inmates who have reported sexual abuse and inmates who have reported to had suffered sexual abuse to determine if there are changes in the inmate's behavior that may suggest the inmate has also been the victim of retaliation by other inmates or staff. Immediate action will be taken to prevent any retaliatory action. Classification and ACHS Mental Health shall continue to monitor beyond 90 days if the initial monitoring period indicates the continuing need. Monitoring shall also include periodic status checks.

E. Inmates identified as known inmate-on-inmate sexual abusers shall be referred to ACHS Mental Health for an evaluation and treatment, as deemed appropriate within 60 days of learning of such history.

XVII. Staffing Considerations and Video Monitoring

A. Prior to the annual Staff Transfer, each Custody Captain shall assess authorized staffing levels and submit documentation to the PREA Coordinator for any recommended changes to authorized staffing levels as well as any requests for video monitoring systems enhancements and other monitoring technology with respect to sexual abuse prevention within the custody facilities.

B. The PREA Coordinator will review the information and attach any additional recommendations for staffing and/or monitoring systems enhancements and submit the recommendations, via the chain-of-command, to the Undersheriff, Personnel Division Captain and the Director of Sheriff's Administrative Services.

1. In determining staffing levels and the need for video monitoring with respect to sexual abuse prevention within the custody facilities, the following criteria shall be taken into consideration:

   a. generally accepted detention and correctional practices;

   b. any judicial findings of inadequacy;

   c. any findings of inadequacy from federal investigative agencies;

d. any findings of inadequacy from internal or external oversight bodies;

e. all components of the facilities physical plant, including blind spots or areas where staff where inmates may be isolated;

f. the composition of the inmate population;

g. the number and placement of supervisory staff;

h. institution programs occurring on a particular shift;

i. any state or local laws, regulations, or standards;

j. the prevalence of substantiated or unsubstantiated incidents of sexual abuse;

k. any other relevant factors.

XVIII. Discipline

A. Inmate Sanctions:

1. Inmates who engaged in inmate-on-inmate sexual abuse or were found guilty of inmate-on-inmate sexual abuse shall be subject to disciplinary sanctions pursuant to a formal disciplinary process.

2. Sanctions shall be commensurate with the nature and circumstances of the abuse, the inmate's disciplinary history, and the sanctions imposed for comparable offenses by other inmates with similar histories.

3. The disciplinary process shall consider whether an inmate's mental disabilities or mental illness contributed to his or her behavior in determining what type of sanction, if any, should be imposed.

4. If found guilty as a result of the inmate disciplinary process, the inmate may be required to participate in such interventions as a condition of access to programming or other benefits.

5. An inmate may be disciplined if found guilty of sexual assault upon a staff member or sexual contact with a staff member without consent.

6. If available, therapy, counseling, or other interventions designed to address and correct underlying reasons or motivations for the abuse, consideration shall be given whether to require the offending inmate to participate in such interventions as a condition of access to programming or other benefits.

7. For the purpose of disciplinary action, a report of sexual abuse made in good faith based upon a reasonable belief that the alleged conduct occurred shall not constitute falsely reporting an incident or lying, even if an investigation does not establish evidence sufficient to substantiate the allegation.

8. An agency may, in its discretion, prohibit all sexual activity between inmates and may discipline inmates for such activity. An agency may not, however, deem such activity to constitute sexual abuse if it determines that the activity is not coerced.

B. Staff Sanctions:

1. Any discipline resulting from violations of the sexual abuse or sexual harassment policies 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 histories.

2. All staff terminations for violations of agency sexual abuse or sexual harassment policies, or resignations by staff in lieu of being terminated, shall be reported to the law enforcement agencies of jurisdiction, unless the activity was clearly not criminal.

C. Contractor/Volunteer Sanctions

1. Any contractor or volunteer who engages in sexual abuse or sexual harassment shall be prohibited from contact with inmates and shall be reported to law enforcement agencies, unless the activity was clearly not criminal, and to relevant licensing bodies.

2. The facility shall take appropriate remedial measures, and shall consider whether to prohibit further contact with inmates, in the case of any other violation of agency sexual abuse or sexual harassment policies by a contractor or volunteer.

XIX. Supervision and Monitoring

A. Each shift Sergeant or Watch Commander will conduct and document unannounced rounds to identify and deter staff sexual abuse with particular attention to remote (isolated) areas of the facility.

B. Staff is prohibited from alerting other staff members during supervisory rounds, unless such announcements are related to an emergency or a legitimate operational function.

1. Maintaining Authorized Staffing Levels:

a. Prior to the beginning of each shift, the on-duty Administrative Sergeant will ensure that all reasonable efforts are taken to maintain authorized staffing levels.

b. At the beginning of each shift, the on-duty Sergeant will notify the on-duty Watch Commander of the staffing levels, and, if under the authorized levels, the reasons why and the efforts made to meet authorized staffing levels.

c. In the event authorized limits are not maintained, the on-duty Watch Commander will ensure the required documentation is submitted to the Facility Captain.

d. The Facility Captain will maintain the documents and submit a quarterly report to the PREA Coordinator.

XX. Compliance

A. All data collected per PREA regulations shall be securely retained for at least 10 years after the date of the initial collection unless federal, state, or local law requires otherwise.

XXI. Data Retention/Collection:

A. PREA regulations require tracking of incidents of sexual offenses, sexual assaults or sexual misconduct involving inmate-on-inmate or staff-on-

inmate events. In addition to investigating the allegations, staff will notify their immediate supervisor and complete the appropriate documentation.

B. Retention of data and records of any claims associated with any sexual offense, sexual assault, including but not limited to rape, and sexual misconduct will be securely maintained with the PREA Coordinator per Departmental Policy.

C. The agency shall collect accurate, uniform data for every allegation of sexual abuse in facilities under its direct control using a standardized instrument and set of definitions.

D. The agency shall maintain, review, and collect data as needed from all available incident-based documents, including reports, investigation files, and sexual abuse incident reviews.

1. The incident-based 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 Department of Justice.

2. The agency shall aggregate the incident-based sexual abuse data at least annually.

3. Upon request, the agency shall provide all such data from the previous calendar year to the Department of Justice no later than June 30.

4. All sexual abuse data required to be made available to the public shall be collected from all facilities and made available to the public at least annually through the department's website or other means.

    a. All personal identifiers will be removed from all sexual abuse data made available to the public.

E. Records and data will be collected, maintained and tracked either via the JIS PREA Tracking System or manually by the following categories:

1. The number of reported incidents of inmate-on-inmate sexual violence

2. Staff-on-inmate sexual misconduct

3. Allegations

4. Confirmed incidents involving serious bodily harm, or threats

5. Locations where incidents occurred (i.e. victim's cell, common area, or outside of facility)

XXII. Data Collection for Corrective Action

A. PREA data will be collected from all department facilities and aggregated in order to assess and improve the effectiveness of the sexual abuse prevention, detection, and response policies, practices, and training, by including:

1. Identifying problem areas

2. taking corrective action on an ongoing basis

3. Preparing any of its' findings and corrective actions for each facility, as well as the agency as a whole.

B. PREA data reports shall include a comparison of the current year's data and the corrective actions taken as a result of prior years and shall provide an assessment of the agency's progress in addressing sexual abuse.

C. The Department's PREA Data Report shall be approved by the agency head and made readily available to the public through the Department's website or through other means as necessary.

D. Specific information contained in the PREA Data Report may be redacted if publication would present a clear and specific threat to the safety and security of the facility. The nature of the information redacted must be disclosed in the Report.

XXIV. Policy Revision

A. As staffing allows, all Department Policies will be reviewed not less than once a year.

PREA Reporting Information Worksheet

ENTERED IN JIS: ☐ Y ☐ N

IR# _____-_____

Reporting location: ☐ MCN JAIL ☐ ELMWOOD ☐ RRC ☐ Other, explain_____

Name: **Date:** ____/____/_____

Booking #: **PFN:**

Gender: ☐ Male ☐ Female ☐ Transgender **DOB:** ____/____/_____

Race/Ethnic origin: ☐ White (not of Hispanic Origin) ☐ Black (not of Hispanic origin) ☐ Hispanic or Latino ☐ Asian ☐ American Indian/Alaska Native (not of Hispanic origin) ☐ Native Hawaiian/Other Pacific Islander ☐ Other

Was the incident reported? ☐ Y ☐ N ☐ Refused to answer If yes, to whom?

☐ [redacted]

Report taken? ☐ Y ☐ N

Reporting Agency contacted? ☐ Y ☐ N **Agency:**_ _____

Reporting Agency Report #:

Date of incident occurrence: ____/____/_____

SART exam completed? ☐ Y ☐ N

Location of occurrence: City State_____ Country _____

Suspect known: ☐ Y ☐ N

Suspect description (if known): Age **Gender:** ☐ Male ☐ Female ☐ Transgender

Suspect Race/Ethnic origin: ☐ White ☐ Black ☐ Hispanic/Latino ☐ Asian ☐ Other ☐ American Indian/Alaska Native ☐ Hawaiian/Other Pacific Islander

Additional suspects, please use a separate sheet of paper and attach to this sheet.

Mental/physical disabilites: ☐ Y ☐ N

If yes, please explain:

Language Barrier: ☐ Y ☐ N If yes, language spoken:

Language Services offered: ☐ Y ☐ N Language services used: ☐ Y ☐ N

☐ [redacted]

Referred to Medical staff? ☐ Y ☐ N **Time reported to Medical staff:** _____ hours

Referred to Mental Health?: ☐ Y ☐ N **Time reported to M/H staff:** _____ hours

Attach Employee's Report and/or Crime Report, if applicable. **CR#** _____-_____-_____

Reporting Employee: _____ **Badge#:** _____

Intake / Classification Assessment
Supplemental PREA Work Sheet

Inmate: _____ PFN: _____

Date: _____

Instructions: As indicated in the left column, the following questions will either be asked of the inmate or indicated based on staff observations by checking the "YES" or "NO" boxes. If a "YES" answer is stated or indicated, explain the answer in the appropriate area corresponding to the question.

Medical / Mental Health:		
Date:	Time:	Staff Name:
Inmate:	#1 Do you have a mental, physical or developmental disability? ☐ YES ☐ NO	
Staff:	#2 Does the inmate exhibit any signs of mental, physical or developmental disability? ☐ YES ☐ NO	

Receiving Deputy:		
Date:	Time:	Staff Name:
Inmate:	#3 Have you ever experienced sexual victimization? ☐ YES ☐ NO ☐ Referred to MH	

Check all that apply:

☐ CITE & RELEASE INMATE ☐ FORWARDED TO CLASSIFICATION FOR INTERVIEW

☐ IF CITE & RELEASE, RELEASE DEPUTY TO FORWARD TO PREA COORDINATOR

Classification Deputy:		
Date:	Time:	Staff Name:

Inmate:	#4 Have you ever experienced sexual victimization? ☐ YES ☐ NO
Staff:	#5 Does the inmate's age present any possible victimization risk factors? ☐ YES ☐ NO
Staff:	#6 Does the inmate's physical build present any possible victimization risk factors? ☐ YES ☐ NO
Inmate:	#7 Have you ever been previously incarcerated? ☐ YES ☐ NO
Staff:	#8 Does the inmate's criminal history indicate the inmate has been previously incarcerated? ☐ YES ☐ NO
Inmate:	#9 Have you ever been arrested and/or convicted of a violent crime? ☐ YES ☐ NO
Staff:	#10 Does the inmate's criminal history indicate exclusively nonviolent crimes? ☐ YES ☐ NO
Inmate:	#11 Have you ever been convicted for sex offenses against an adult or child? ☐ YES ☐ NO

Staff:	#12 Does the inmate's criminal history indicate convictions for sexual crimes against an adult or child? ☐ YES ☐ NO
Inmate:	#13 Do you perceive yourself as gay, lesbian, bisexual, transgender, intersex, or gender nonconforming? ☐ YES ☐ NO
Inmate:	#14 Have others ever perceived you to be gay, lesbian, bisexual, transgender, intersex, or gender nonconforming? ☐ YES ☐ NO
Inmate:	#15 Do you perceive yourself as vulnerable? ☐ YES ☐ NO

Classification Comments: **Please indicate whether the inmate is at risk to be a victim/predator of sexual assault/abuse.
The above collective information has been reviewed and assessed for the purpose of determining victim potential and appropriate housing. Signature: Date: Time:

☐ REFERRED TO MENTAL HEALTH ☐ FORWARDED TO PREA COORDINATOR

County of Santa Clara

Office of the Sheriff

Investigative Services Division
55 West Younger Avenue
San Jose, California 95110-1721
Phone (408) 808-4500 • Fax (408) 808-4545

Sexual Assault Checklist

IR# _____

VICTIM: _____ SUSPECT: _____

VICTIM ADVISEMENT: (Prior to commencement of exam or any interview)

- ☐ Record Statement w/ digital recorder (Video recorded statement @ 110 preferable) (2) & (3)
- ☐ Confidentiality Form (pursuant to 293(a) PC) (2)
- ☐ Notification of local Rape Crisis Center (Must be done per AB807)
- ☐ Victim Advocate and/or support person during exam (AB807)
- ☐ Victim Advocate and/or support person during interviews (AB807)

EVIDENCE TO BE OBTAINED FROM THE VICTIM:

- ☐ Blood Samples (1)
- ☐ Full body photo and photos of injuries (2) & (3)
- ☐ Clothing worn at time of assault (3)
- ☐ S.A.R.T Kit (Completed by the examining S.A.R.T Nurse) (4)
- ☐ Medical Report (2) & (3)

EVIDENCE TO BE OBTAINED FROM THE SUSPECT:

- ☐ Blood Samples (1)
- ☐ Full body photo and photos of injuries (2) & (3)
- ☐ Clothing worn at time of assault (3)
- ☐ Suspect Forensic Evidence Kit (Instructions inside) (4)

EVIDENCE FROM THE SCENE: (as applicable)

- ☐ Swabs from any surface where DNA could be left (3)
- ☐ Photos (35 mm/Digital as needed) (2) & (3)
- ☐ Detailed description of scene in narrative (Sketch if applicable)
- ☐ Blankets/sheets etc. (Anything which may be of evidentiary value (3)
- ☐ List all witnesses and/or any persons the victim has disclosed to and the date they disclosed Note: Ask and write down Home Phone#, Cell Phone#, E-mail, Home Addresses)

(1) Booked at AIB
(2) Attach to original report
(3) Booked at Sheriff's Office Evidence Room
(4) After receiving the S.A.R.T Kit from the examining nurse, place it in the evidence refrigerator in the evidence room. The Suspect Evidence Kit will be processed in the same manner. Be sure to complete and Evidence Report. The keys to the refrigerator are at Operations.

NOTE: Dry wet clothing or other evidence in the Investigations drying room before booking into evidence. Describe all injuries in the report as well as documenting with photographs.

COUNTY OF SANTA CLARA

Department of Correction Office of the Sheriff Custody Bureau Policy and Procedure Manual	Policy Number: 15.01 No. of Pages: 15 Date of Origin: 01 Feb 1992 Date Revised: 10 Jul 2012
Chapter: Inmate Rules and Discipline	**Subject:** Inmate Discipline Process
Supersedes: Policy #15.01, Inmate Rules and Discipline, rev. date 07/09/09	**Distribution:**
References: ACA 3-ALDF-3A-09, 3C-01, 3C-02, 3C-03, 3C-04, 3C-05, 3C-06, 3C-07, 3C-08, 3C-09, 3C-10, 3C-11, 3C-12, 3C-13, 3C-14, 3C-15, 3C-16, 3C-17, 3C-18, 3C-19,3C-20, 3C-21, 3C-22, 3D-02, and 3D-07; Penal Code Sections 147, 673, 4019.5, CCR Title 15, Sections 1080-1084,1265,1247, Freitag v. Ayers 468F.30528 (9th Cir. 2006), Title II 703, Title 29 Sec 1604.11; Padilla v. Ryan Settlement Agreement, 01/15/99, Wolf v. McDonnell, 418 U.S. 539 (1974); Josey v. Goord, 9 N.Y. 3d386 (2007).	
Signature of Issuing Authority: JHirokawa John Hirokawa, Chief of Correction	Current Policy Review: Date of Review: 10 Jul 2012 Revisions Made: ☒ Yes ☐ No

POLICY: It is the policy of the Department of Correction to have in place a system of inmate discipline that will: serve to protect the public, inmates, and staff; maintain order in the jail through the impartial application of inmate rules of conduct; and a hearing procedure that incorporates all applicable due process requirements.

PURPOSE: To describe the inmate discipline process used to enforce the rules of inmate conduct

DEFINITIONS:

Criminal Rule Violation: Behavior which constitutes a direct danger to the health and safety of other inmates, visitors, or staff; or which significantly interferes with the order and security of the facility and may be subject to prosecution in the courts.

Community-Based Inmate Assistance Organization (CBO): A group contracted by the County to assist inmates with various needs while incarcerated. (e.g. Friends Outside)

Custody Input Form: A form used to document an inmate's behavior (positive or negative) or any progressive discipline, i.e. dayroom restrictions while in custody, and is kept in the inmate's classification record.

Dayroom Restriction: A period of time (up to four hours) used as an informal progressive disciplinary measure which confines inmates to their room/cell/bunk during a time when they would normally be allowed to spend time out in the dayroom area or on the sundeck. It is normally utilized for Minor rule violations.

Due Process Safeguards: Those procedures that ensure just, equal and lawful treatment of an individual involved in all stages of the criminal justice system, such as advance written notice of allegations, limited opportunity to call witnesses and present documentary evidence consistent with institutional safety, impartial and objective fact finding, and a written statement by the fact finder of the evidence relied upon and reasons for the disciplinary action.

Hearing Officer (HO): A Sergeant or Lieutenant designated by the Division Captain who attends infraction hearings; reviews charges; completes investigation of facts and when necessary determines and imposes disciplinary sanctions for inmates who are found to have committed Department, facility or criminal rule violations.

Infraction Coordinator: A person assigned by the Division Captain to coordinate Infraction Hearings.

Infraction Hearing: A hearing made available to inmates who plead not guilty to a Major rule violation to present their version of events to an impartial Hearing Officer.

Infraction Hearing Appeal Form: A form submitted by inmates to the Division Captain within 3 days of their Major Infraction Hearing to appeal the Hearing results.

Inmate Infraction Form: A form used as a written notice of a rule violation detailing the violation, circumstances and disposition of any disciplinary action.

Infraction Process Form: An informational form utilized for tracking dates and times of completed actions required for each infraction and the final disposition by the Hearing Officer. Additional information is included but not limited to; housing location, number of prior infractions, release date, full sentence date, and/or commissary status.

Major Rule Violation: Behavior which constitutes a direct danger to the health and safety of other inmates, visitors, or staff; or which significantly interferes with the order and security of the facility. Inmates found guilty of a Major rule violation will be subject to discipline by the Hearing Officer.

Minor Rule Violation: Behavior which does not constitute a direct danger to the health and safety of other inmates, visitors, or staff; or which does not significantly interfere with the order and security of the facility. Inmates found guilty of a Minor rule violation will be subject to discipline by the staff member handling the infraction.

Record of Finding: An internal tracking form utilized to document guilty or not guilty findings by the Hearing Officer or investigating sergeant and the associated discipline, if any.

Work Detail: An assignment given to an inmate as a form of progressive discipline who has committed a Minor rule violation in lieu of a formal infraction.

PROCEDURE:

I. Inmate Rules of Conduct

A. Inmates will be required to conform to the standards of conduct reflected in the Department's Inmate Orientation and Rule Book. An inmate violating any rule may be subject to disciplinary action under the provisions of this policy and/or the Inmate Orientation and Rule Book.

1. Staff will enforce the rules and document any inmate behavior that does not conform to the standards of conduct reflected in the Department's Inmate Orientation and Rulebook.

2. Staff will ensure inmates are not allowed to create an intimidating, hostile, or offensive working environment for staff or non-staff by enforcing the County's sexual harassment policy which is reflected in the Inmate Orientation and Rulebook.

3. The Hearing Officer shall act on all formal charges; investigate facts; and when necessary, impose discipline for those inmates found to be guilty of violating a Department rule(s). The Hearing Officer will impartially impose inmate discipline without regard to race, sex, gender, or religious beliefs.

a. Imposed disciplinary action will be progressive and commensurate with the seriousness of the rule violation (s). The degree of punitive

action taken by the Hearing Officer shall be directly related to the severity of the rule infraction.

1. All disciplinary actions will be reviewed by the Division Captain or designee who shall not be the Hearing Officer. He or she may affirm, reduce or dismiss discipline but it cannot be increased.

b. The behavioral history of the inmate while in custody may be considered when determining the degree of disciplinary action to be imposed.

4. Inmates will be entitled to a hearing before a Hearing Officer if they plead *not guilty* to a rule violation (for Major or Criminal) in the formal inmate infraction process.

a. All deaf or hearing-impaired inmates will be afforded access to a qualified interpreter for any complex, confidential and important communication.

b. Any inmate with compromised communication skills, such as illiteracy, non-English speaking, or otherwise unable to meaningfully participate in an infraction hearing may be provided the assistance of a fellow inmate or a staff member.

c. Inmates are not entitled to representation at disciplinary hearings, and no representation is provided by the County/Department. Inmates can contact community-based inmate assistance organizations (CBO) as recognized by the County/Department (e.g. Friends Outside) to inquire about available services in connection with disciplinary hearings such as copying and assistance gathering evidence and witnesses.

1) If the inmate uses the services of a CBO representative the Infraction Coordinator shall forward a copy of the Inmate Infraction to the CBO representative as a courtesy.

2) The CBO representative will be permitted to attend the hearing to assist the inmate, but shall not act as a representative or advocate for the inmate.

5. Inmates may be immediately rehoused pending disposition of disciplinary proceedings or pending disposition of a criminal violation referred to the District Attorney, where the nature of the charges or violation reported

reasonably indicate a need to protect the inmate's personal, mental, physical health, or presents a threat to the safety and security of the facility.

6. Inmates shall not be subjected to group punishment for unacceptable behavior by one or more of the group. However, a temporary lockdown is acceptable to establish control of a situation potentially disruptive of the good order of a unit. In such cases, a Sergeant shall be immediately notified and it shall be noted in the Post Log Book.

B. General rules applicable to all facilities, special rules applicable to specific individual facilities, and corresponding major, minor and criminal sanctions for any rule violation shall be listed in the facility Inmate Orientation and Rule Book.

1. A copy of the Inmate Orientation and Rule Book shall be provided to each inmate during the booking process prior to initial housing assignment.

a. All inmates shall be required to sign for the Inmate Orientation and Rule Book. The signed acknowledgment form shall be maintained in the inmate's custody record.

b. Prior to the assignment of inmate housing, Classification staff or the Intake/Class Movement officer will ensure inmates have received a copy of the Inmate Orientation and Rule Book.

2. The Inmate Orientation and Rule Book shall be available in English, Spanish and Vietnamese. When literacy or language understanding or disability prevents an inmate from understanding the Inmate Orientation and Rule Book, a staff member or qualified interpreter (hearing impaired only) shall assist.

3. The Inmate Orientation and Rule Book will be posted in the housing units and intake holding cells.

C. All staff who work with inmates shall receive sufficient training so they are thoroughly familiar with the rules of inmate conduct, the reasoning for the rules, and the sanctions available. It is the responsibility of all staff to address violations of established inmate rules of conduct.

D. Inmate rule violations shall be acted upon through the formal disciplinary process (inmate infraction process) or informally depending on the type of rule violation and prevailing circumstances.

1. **Major, Criminal** or repetitive minor rule violations within a short period of time have serious inmate and facility management implications and shall be acted upon through the inmate infraction process.

    a. Sheriff's Enforcement supervisory personnel shall conduct, or authorize others to conduct, criminal investigations for any allegation of criminal misconduct by an inmate.

    b. Criminal prosecution will not delay the infraction process.

2. **Minor** rule violations may be handled through the formal disciplinary process or informally through actions such as counseling or advising the inmate of expected conduct, assignment to extra work detail, or removal from work assignment without loss of work time credit. The inmate's physical ability will be considered when assigning an extra work detail as an informal discipline.

    a. Minor rule violations may also be handled informally by badge staff with a dayroom restriction (up to 4 hours).

    b. Minor rule violations that result in a dayroom restriction must be documented on a Custody Input form and approved by a Sergeant prior to implementing the restriction.

        1) The Sergeant will review the Custody Input Form and determine if a dayroom restriction is warranted.

        2) The inmate who is receiving the dayroom restriction may appeal to the reviewing Sergeant at the time of determination.

        3) Completed Custody Input forms shall be forwarded to the Classification Unit for filing.

    c. Dayroom restrictions shall **not** be an option used in housing units where the program time is already limited such as maximum-security hard-lock units.

    d. Dayroom restrictions must not be issued consecutively in a 24-hour period. Staff will complete an Inmate Infraction form if the inmate has served a dayroom restriction within the last 24 hours.

II. Inmate Infraction Process (Formal Disciplinary Process)

A. Rule violations handled through the formal disciplinary process shall be initiated and documented by the staff member observing the violation or receiving report of a violation on an Inmate Infraction form (attachment).

1. Infractions must be initiated within 10 days of the rule violation occurring. Any delay beyond 10 days must be approved by a Sergeant.

2. Staff initiating an inmate infraction shall document the following information on the Inmate Infraction form:

   a. Name, booking number and housing location of inmate
   b. Time and location of the occurrence
   c. Specific rule(s) violated, including Minor, Major or Criminal rule violations
   d. Formal statement of the charges
   e. Staff or inmate witnesses
   f. Summary of incident
   g. Reporting staff member's signature, date and time of report
   h. Date and time of initial notification to inmate

3. Staff shall give a copy of the completed Inmate Infraction form to the involved inmate, which serves as a notice to the inmate that he or she has been infracted.

4. Staff shall attach an Infraction Process form (attachment) to the front of the Inmate Infraction form with the appropriate information marked on the form and forward the completed form, along with the completed Inmate Infraction form, to the Sergeant for review and processing.

5. Evidence pertaining to a rule violation may be presented in the following manner:

   a. Staff may secure and store any related physical evidence and present the evidence at the time of an infraction hearing.

   b. Staff may take photographs of the evidence and submit with the infraction forms in lieu of handling and storing the actual physical evidence itself.

   c. Staff may testify at an infraction hearing about the related physical evidence in lieu of photographs or the actual physical evidence if unavailable.

B. The reviewing Sergeant shall ensure that both infraction forms have been documented appropriately, verify that the reported misconduct corresponds with the type of rule violation documented (e.g. Minor, Major, or Criminal) and that the inmate has received a copy of the Inmate Infraction form.

C. The Sergeant processing the inmate infraction shall ascertain the facts of the violation through his/her independent investigation and:

1. Meet with the inmate to discuss the alleged violation, explain the nature of the violation and the facts underlying the violation, and afford the inmate the opportunity to explain.

   a. Notification of charges occurs when the staff member gives the involved inmate the copy of the Inmate Infraction form.

   b. This meeting must take place no more than 72 hours after the notification of charges. If the meeting takes place after 72 hours from the time of notification, the Sergeant shall dismiss the infraction and forward the infraction form indicating the dismissal to the Infraction Coordinator for processing.

2. Inform the inmate of the alleged violation and the possible consequences of disciplinary action if he/she admits to committing the rule violation. If the rule violation is a Major or Criminal rule violation, the Sergeant will inform the inmate of his/her right to an Infraction Hearing if the inmate wishes to plead not guilty to the violation.

3. Obtain the inmate's plea to the violation and document on the Infraction Process form (not guilty plea/deny or guilty plea/admit), noting whether the inmate has requested an Infraction Hearing (for Major or Criminal). The inmate shall sign the Infraction Process form to verify that his/her plea has been recorded accurately by the Sergeant.

   a. A Major rule violation may be treated as a Minor rule violation at the discretion of the Sergeant reviewing/processing the infraction if the Sergeant makes the decision prior to conducting the interview with the inmate based on an independent investigation, or the Sergeant makes the decision when interviewing the inmate and the inmate agrees to have the violation reduced to a Minor rule violation and will plead guilty.

   b. If the inmate does not agree to the reduced violation, the inmate may plead not guilty to the original Major rule violation and request an Infraction Hearing before the Hearing Officer.

4. Document all appropriate information on both the Inmate Infraction form and the Infraction Process form (e.g. date and time of interview, inmate's explanation, if any, inmate's plea, recommended disciplinary action, if any).

D. If the inmate admitted to committing the violation (guilty plea) or the violation is a Minor rule violation of which the inmate has pled not guilty and the Sergeant has determined guilt or innocence, the completed forms will be forwarded to the Watch Commander for review and disciplinary disposition.

1. The Watch Commander will review the infraction forms, determine and impose the appropriate disciplinary action, if any, and document accordingly on the infraction forms.

2. The Watch Commander will forward the completed infraction forms to the Division Infraction Coordinator who will ensure distribution of copies to the inmate, the inmate's booking record, the Classification Unit for placement in the inmate's file and the Divisional infraction file.

3. The Infraction Coordinator will promptly notify affected support units of any imposed inmate disciplinary sanctions, as applicable.

E. If the inmate denied committing a Major or Criminal rule violation (not guilty plea) and requests an Infraction Hearing, the forms will be forwarded to the Division Infraction Coordinator for scheduling of an Infraction Hearing with the Hearing Officer.

1. A hearing date shall be set by the Infraction Coordinator.

a. The inmate is entitled to be present at the hearing concerning his/her conduct, unless a legitimate institutional concern for the safety and security of the facility exists preventing the inmate's presence.

c. The Infraction Coordinator shall give the inmate notice of the date and time of the hearing. Notification should be made in a manner that allows the inmate a reasonable amount of preparation time (at least 24 hours prior to hearing).

d. Scheduled hearings may be postponed or continued for a reasonable time for a good cause approved by the Hearing Officer or Watch Commander. All attempts will be made to remain within Title 15 guidelines.

e. Absent exigent circumstances, inmates will be escorted to the hearing by a staff member not involved in the hearing.

2. The Hearing Officer will ask the inmate if he/she understands the nature of the proceedings and what he/she has been charged with.

   a. If the inmate indicates he/she does not understand the charges or otherwise objects to the clarity of the infraction or there is any question about it, the Hearing Officer will either;

      1) Discontinue the hearing until such time a clarified charge is presented to the inmate in writing.

      2) Proceed with the hearing if the Hearing Officer determines that a reasonable person reading the charge would be able to understand the nature of what the inmate was charged with and there is no rational reason why the particular inmate might not have been able to understand the charge (e.g. inmate's inability to read or limited intellectual capacity).

   b. When the inmate is incapable of hearing or understanding the English language or is incapable of expressing himself/herself in the English language so as to be understood directly by the Hearing Officer, assistance will be made available.

3. The hearing shall **not** be governed by the formal rules of evidence except that all facts presented shall be relevant and material to the issue of whether or not the inmate in question has or has not committed the charged violation. Hearsay and written statements shall be admissible evidence.

   a. All evidence shall be presented in the presence of the inmate unless the evidence presents a security risk in which case a photo of the evidence may be submitted if available. If the infraction omits customary details (e.g. date/time/witness names) to protect the identity of an informant the Hearing Officer will document the reason for the missing information on the infraction form.

      1. Staff may testify at an infraction hearing about the related physical evidence in lieu of photographs or the actual physical evidence if unavailable.

   b. The inmate shall have the right to present relevant evidence on his/her behalf, at no expense to the County, provided that it will not jeopardize facility safety or correctional goals.

1) Inmates are entitled to a limited opportunity to call witnesses and present documentary evidence, at no expense to the County, provided that it will not jeopardize facility safety or correctional goals, or a proposed witness' testimony is irrelevant, duplicative, or unnecessary to an adequate presentation of the inmate's case.

2) Documentary evidence submitted by the inmate will be reviewed on a case-by-case basis to determine if relevant to the case matter.

3) Any denial of evidence will be detailed in written format on the Infraction and Record of Finding forms.

4. At the conclusion of the hearing, the Hearing Officer will render his or her decision orally; thereafter he or she will record the decision on the Record of Finding form.

   a. The Hearing Officer will consider the report by the officer who observed the violation or to whom it was reported, the investigating Sergeant's report, the testimony of the inmate, reported facts, and any other evidence presented.

   b. The Hearing Officer shall determine whether the rule violations occurred.

5. If the inmate is found ***not guilty*** of the violation, the Hearing Officer will verbally notify the inmate of the findings and no disciplinary action shall be taken against the inmate. All copies of the Infraction, Record of Finding, and the Infraction Process forms shall be marked "Found Not Guilty."

   a. The Hearing Officer will record the decision, including any supporting facts for the decision, on the Infraction and Record of Finding forms.

   b. The Disciplinary Hearing Officer will forward the Inmate Infraction, Record of Finding, and all infraction process forms to the Division's Infraction Coordinator.

6. If the inmate is found ***guilty*** of the violation(s), the Hearing Officer will verbally notify the inmate of the findings and that disciplinary action shall be taken against him/her, and advise him/her of their right to appeal the decision within 3 days.

a. The Hearing Officer shall determine the discipline to impose. All copies of the Infraction, Record of Finding, and the infraction process forms shall be marked "Found Guilty."

b. A written statement by the fact finder (Hearing Officer) of evidence relied upon for the disciplinary action taken is **required** for **each** charged violation. This will be written in the narrative section at the bottom of the Infraction form and on the Record of Finding form.

c. All disciplinary hearings and actions will be reviewed by the Division Captain or designee who shall not be the Hearing Officer. He or she may affirm, reduce or dismiss discipline but it cannot be increased.

d. If no appeal is submitted, disciplinary action, as determined by the Hearing Officer and affirmed by the Division Captain or designee, shall be imposed promptly.

7. Inmate appeal requests shall be conducted in the following manner:

a. The inmate may submit his or her written appeal to the Division Captain via mail or give the appeal to any badge personnel who shall immediately forward it to the Division Infraction Coordinator. The appeal must be submitted ~~be~~ in writing within three business days of the hearing conclusion.

b. All appeals shall be reviewed and considered by the Division Captain.

1) The appeal decision may be to affirm or reverse the decision, or reverse and remand the decision for a rehearing. The Division Captain may also reduce, but not increase, the sanction imposed by the Hearing Officer.

2) The appeal decision shall be final and shall be given to the inmate in writing.

3) If the Division Captain affirms the discipline, it will be imposed promptly.

c. The Division Captain may review any major or minor disciplinary action, regardless of whether an appeal is submitted, and reverse the decision or reduce the sanction imposed whenever he or she feels such action is warranted.

8. The Infraction Coordinator will ensure distribution of copies of the completed infraction forms to the inmate, the inmate's booking record, the Classification Unit for placement in the inmate's file and the Divisional file for infractions. The Infraction Coordinator will promptly notify affected support units of any imposed inmate disciplinary sanctions, as applicable.

III. Pre-Hearing Detention or Rehousal

A. Prior to the infraction hearing, an inmate may be immediately rehoused, pending disposition of disciplinary proceedings when the nature of the infraction and the violation reported reasonably indicate there may be a threat to the safety and security of the facility.

1. A rehousal of an inmate prior to an infraction hearing shall be reviewed and approved by a Sergeant.

2. Detention in such housing pending disposition of the disciplinary proceedings shall be warranted when:

a. The inmate's violation involves assaultive conduct;

b. The inmate has a record of assaultive and/or disruptive behavior;

c. The inmate presents an escape risk;

d. The inmate has requested, or security requires, protective custody.

3. A rehousal of an inmate shall not deprive that inmate of Good Time if the inmate is not found guilty of the offense.

IV. Disciplinary Sanctions

A. Formal sanctions for Minor rule violations include such restriction as:

1. Loss of privileges such as social visitation (one visit), commissary (one purchase period), or Inmate Worker or program status.

2. Assignment of up to 8 hours of extra work detail.

3. Housing unit confinement/lockdown for up to 23 hours. Lockdown shall not include restrictions of attorney or official visits, regular meals at scheduled times, clothing/linen issue, showering, required exercise, mail, or access to legal/court services, medical/mental health services or chaplaincy services.

B. Formal sanctions for Major rule violations include such restrictions as:

1. Any of those sanctions which may be imposed under a Minor rule violation.
2. A rehousal to another unit with the approval of Classification staff.

3. Disciplinary Housing up to, but not longer than, ten consecutive days per rule violation.

   a. When approved by the Division Captain, Disciplinary Housing may include a disciplinary diet. Medical staff must be consulted for any continuation of the diet every 72 hours after the initial placement.

   b. Continuous confinement for more than 30 days requires the review and approval of the Classification Unit and Division Captain and consultation with medical staff.

4. Loss of good and/or work time credits for sentenced prisoners as permitted under Penal Code Section 4019.

5. Assignment of up to 16 hours of extra work detail.

C. The Penal Code and the State Constitution expressly prohibit all cruel and unusual punishment. Additionally, there shall be the following limitations on disciplinary sanctions:

1. The maximum sanction for rule violations is no more than 60 consecutive days of imposing discipline for all violations arising out of one incident.

2. If an inmate is in Disciplinary Housing status for 30 consecutive days, the Division Captain shall review the inmate's status before the Disciplinary Housing status is continued. This review shall include consultation with medical staff and will continue every 15 days thereafter until the Disciplinary status has ended.

   a. The cell or cells used for Disciplinary Housing shall have the minimum furnishings and space specified in Title 24, Section 2-470A.2.6 and 2.7.

   b. Inmates in Disciplinary Housing shall be issued clothing and bedding as specified in Articles 12 and 13 of Title 24 and shall not be deprived of them through any portion of the day except that those inmates who engage in the destruction of bedding or clothing may be deprived of such articles. The decision to deprive inmates of such articles of clothing and bedding shall be reviewed by the

Watch Commander each 24-hour period and shall be documented on an employee's report to the Division Captain.

3. Pursuant to Penal Code 4019.5 and Title 15, the delegation of authority to any inmate or group of inmates to exercise the right of punishment over any other inmate or group of inmates is expressly prohibited.

4. In no case shall a safety cell or any restraint device be used for disciplinary purposes.

5. No inmate may be deprived of the implements necessary to maintain an acceptable level of personal hygiene as specified in Title 15, Section 1265.

6. Food shall not be withheld as a disciplinary measure.

7. The disciplinary diet shall only be used for major rule violations with approval of the Division Captain.

8. Correspondence privileges shall not be withheld except in cases where the inmate has violated correspondence regulations, in which case correspondence may be suspended for no longer than 72 hours, without the review and approval of the Watch Commander.

9. In no case shall access to courts and legal counsel be suspended as a disciplinary measure.

V. Disciplinary Records

A. Pursuant to Penal Code 4019.5 and Title 15, the Department will keep a record of inmate infractions, disciplinary records and the sanctions imposed.

B. The retention for disciplinary records shall be in accordance with Department Policy #1.61, Records Retention, Maintenance and Destruction.

VI. Procedures Following an Emergency

A. In the event of a widespread institutional disruption that requires emergency action, any and all portions of these regulations may be temporarily suspended.

B. Any inmate involved in the emergency may be detained without a hearing throughout the course of the emergency.

C. Upon the restoration of order, all inmates who were detained shall be accorded all disciplinary procedures as provided for by this policy.

VII. Policy Review

A. All Department policies will be reviewed by the Custody Bureau Administrative Services Division.

SANTA CLARA COUNTY DEPARTMENT OF CORRECTION
INFRACTION PROCESS FORM

OFFICER

DATE INFRACTION WRITTEN:	TIME:
SUBJECT: NOTICE OF VIOLATION OF FACILITY RULES	DATE INFRACTION OCCURED:

ON: (DATE) AT (TIME), , WAS GIVEN THE GOLDENROD INFRACTION COPY (INMATE'S NAME & BKG #)

BY (REPORTING OFFICER): BADGE #:

You are hereby given notice that you have been charged with having violated the following rule(s), **MAJOR INFRACTION.** A copy of the violation(s) report is attached.

Rule #: Description:

Rule #: Description:

Rule #: Description:

Rule #: Description:

SERGEANT

Read to Inmate Being interviewed	1. If you deny committing the violation(s), you will be given a review hearing. 2. The Hearing Officer will determine whether or not you committed the violation(s). 3. You will be allowed to be present at the hearing. You also have a limited right to call witnesses and present evidence. 4. If you admit committing the violation(s) or if the Hearing Officer finds that you did commit the violation(s) the Hearing Officer will review the matter and determine what disciplinary action will be taken against you. 5. You may appeal the Hearing Officer's discipline within 3 days of the hearing. 6. If the Hearing Officer finds that you did not commit the violation, no disciplinary action will be taken against you.

Do you admit or deny having committed the violation: ADMIT DENY

INTERPRETER:	☐ YES ☐ NO	WITNESSES:	

I have read and understand this notice including my rights as set forth above and have indicated my wishes above.

Inmate's Signature	**Sergeant's Signature**	**Date of Notification**

INMATE

Officer Notified of Infraction hearing by SGT:

CHANGE OF PLEA: I admit having committed this violation.

Inmate's Signature	**Witness**	**Date of notification**

SGT OFC

H OFC

DAY	DATE	TIME	INFRACTION PROCESS
			1. Inmate given first copy of infraction and infraction submitted to Sgt by reporting Officer.
			2. Sgt interview conducted (Within 72 hours after step #1. If more than 72 hours from step #1 Infraction will be dismissed.)
			3. Infraction hearing held within ten (10) judicial days of writing the infraction.
			4. If guilty verdict or plea, the Hearing Officer determines disciplinary sanctions within (3) days.

☐	(Loss of Visit logged)	☐	Commissary Notified (Loss of commissary logged)	☐	Classification Notified (Disc. Housing Completed)	☐	Booking Notified (Loss of Days)

Rev. 7/09

SANTA CLARA COUTNY
DEPARTMENT OF CORRECTION
OFFICE OF THE SHERIFF CUSTODY BUREAU

MAJOR INFRACTION HEARING RIGHTS WAIVER

☐ Main Jail ☐ Elmwood Men's ☐ Elmwood Women's ☐ Support Services

Inmate Name:					
Booking #:		Date:		Time:	
Violations:					

RIGHT TO A 24-HOUR DELAY IN MAJOR INFRACTION HEARING

☐ I am waiving my rights to a 24-hour delay of the Major Infraction Hearing for the violations listed above, and request an immediate hearing on the rule violation(s) brought against me.

☐ I do not want to waive the 24-hour delay in the Major Infraction Hearing. (No signature required.)

Inmate Signature:		Date:	
Officer/Deputy Signature:		Date:	

RIGHT TO BE PRESENT AT HEARING WAIVER

☐ I have been advised of my right to appear before the Hearing Officer. I do not wish to appear, and thereby waive that right.

Inmate Signature:		Date:	

☐ It is the Hearing Officer's opinion that the inmate's presence at the Major Infraction Hearing would be disruptive.

Hearing Officer Signature:		Date:	

SANTA CLARA COUNTY
DEPARTMENT OF CORRECTION
OFFICE OF THE SHERIFF CUSTODY BUREAU

INFRACTION HEARING NOTICE TO INMATE

THE INMATE LISTED BELOW HAS AN INFRACTION HEARING SCHEDULED ON:

INMATE NAME: _____

BOOKING #: _____ **PFN:** _____

DAY: _____

DATE: _____

TIME: _____

SANTA CLARA COUNTY
DEPARTMENT OF CORRECTION
OFFICE OF THE SHERIFF CUSTODY BUREAU

MAJOR INFRACTION HEARING APPEAL FORM

You have the right to appeal the Hearing Officer's decision to the Division Captain. You must submit this form to the Division Captain ***within 3 business days of hearing****. The Division Captain will either affirm or reverse the decision of the Hearing Officer. You will be notified of the Division Captain's decision.*

Inmate Name:			
Booking #:		PFN #:	
Date:			
Facility:	☐ Main Jain ☐ Elmwood Men's ☐ Elmwood Women's ☐ Support Services		
Housing Unit:			

REASON FOR APPEAL

_____

_____

_____

_____

_____

_____

_____

DIVISION CAPTAIN RESPONSE

_____

_____

_____

_____

_____

_____ Date: _____

Rev. 07/10/12

SANTA CLARA COUNTY
DEPARTMENT OF CORRECTION
OFFICE OF THE SHERIFF CUSTODY BUREAU

INFRACTION HEARING RECORD OF FINDING

MAIN JAIN ☐ ELMWOOD ☐ SUPPORT SERVICES ☐ OTHER ☐

Infraction Report Deputy/Officer: _____ Badge # _____

Involved Inmate: _____ Booking # _____

An Infraction Hearing was held pursuant to Policy #15.01 on (date) _____ at (time) _____.

Hearing Officer: _____ Badge # _____

The above listed inmate has been charged with the following major rule violations:

Rule #	Violation Description

As to the responsibility for the above listed infraction(s), it is the finding of this hearing that the above listed inmate is:

Rule #	Guilty	Not Guilty	Dismissed

*See Reverse Side for Explanation

The inmate was advised of his/her right to appeal the hearing findings? Yes No

FACILITY CAPTAIN ADMINISTRATIVE REVIEW:

SIGNATURE: **DATE:**

Revised 07/10/2012

SANTA CLARA COUNTY
DEPARTMENT OF CORRECTION
OFFICE OF THE SHERIFF CUSTODY BUREAU

Hearing Disposition

The Hearing Officer is required to provide a narrative of the facts that he/she relied upon to reach the final disposition. If the inmate admits guilt to any of violation during the hearing, he/she is required to sign each individual rule that he/she admitted to violating.

Rule # **Inmate Admits Guilt:** Yes / No

Inmate Signature Indicating Admission of Guilt: _____

Guilty Verdict Explanation:

_____
_____
_____
_____

Rule # **Inmate Admits Guilt:** Yes / No

Inmate Signature Indicating Admission of Guilt: _____

Guilty Verdict Explanation:

_____
_____
_____
_____

Rule # **Inmate Admits Guilt:** Yes / No

Inmate Signature Indicating Admission of Guilt: _____

Guilty Verdict Explanation:

_____
_____
_____
_____

Rule # **Inmate Admits Guilt:** Yes / No

Inmate Signature Indicating Admission of Guilt: _____

Guilty Verdict Explanation:

_____
_____
_____
_____

COUNTY OF SANTA CLARA

Department of Correction Policy and Procedure Manual	**Policy Number:** 16.01 **No. of Pages:** 7 **Date of Origin:** 01 Feb 1992 **Date of Revision:** 03 Apr 2003
Chapter: Sanitation and Hygiene	**Subject:** Sanitation Inspections and Housekeeping Plan
Supersedes: Policy 12.01, Sanitation Inspections, date of origin 02/01/92	**Distribution:**
References: ACA 3-ALDF-4D-01, 4D-04, 4D-05; California Code of Regulations, Title 15, Section 1280; California Penal Code, Section 6030.1; Health and Safety Code, Section 101045	
Signature of Issuing Authority James W. Babcock, Chief of Correction	**Current Policy Review** **Date of Review:** 03 Apr 2003 **Revisions Made:** ☒Yes ☐No

POLICY: It is the policy of the Department of Correction to conduct regularly scheduled sanitation inspections of its facilities and follow established housekeeping guidelines to maintain appropriate sanitary conditions.

PURPOSE: To establish guidelines and protocols for maintaining sanitary conditions throughout Department facilities.

DEFINITIONS:

Facility Inmate Worker: An inmate who is selected and cleared by Classification to perform various work assignments throughout the facilities and is allowed to perform his/her work assignment outside of his/her housing unit.

Housing Unit Inmate Worker: An inmate who is selected to perform various work assignments only within his/her Housing Unit such as routine housekeeping and dispensing prepackaged food.

PSP Worker: Public Service Program

PROCEDURE:

I. Sanitation Inspections

A. Staff will conduct daily, weekly and monthly sanitation inspections in accordance with the guidelines set forth in this policy.

B. The State Board of Corrections will inspect the facility biennially per Penal Code 6031.1. to ensure compliance with California Code of Regulations Title 15.

C. Department sanitary practices and conditions will be reviewed by the federal, state or local health authority at least annually per Health and Safety Code 101045.

D. The facility may be inspected annually by the Juvenile Justice Commission when the facility, in the preceding calendar year, was used for confinement of an inmate known to be under the age of eighteen years. The Juvenile Justice Commission reports the results of such inspection together with its recommendations to the Juvenile Court and California Youth Authority. This inspection is the duty of the Juvenile Justice Commission and shall be initiated by that authority.

II. Sanitation Inspections by staff

A. Staff will conduct a daily sanitation inspection of their assigned area. The sanitary condition, any sanitary deficiencies and the actions taken to correct those deficiencies will be documented on the post log.

B. The Facility Commander will ensure that supervisory staff is assigned to conduct weekly sanitation inspections of the inmate housing areas.

1. The weekly inspection of inmate cells and housing areas will take place every Wednesday on day shift.

2. The inspection will include a scoring and award system that will provide inmates with an incentive to maintain an appropriate level of sanitation and cleanliness within their housing areas and cells.

a. The particular scoring system implemented by a facility will be at the discretion and direction of the Facility Commander (e.g. pass/fail, rating scale of 1 to 100).

b. To receive incentive awards, inmates must pass or score high enough on the inspection.

c. The incentive award may be awarded based on an individual basis, housing unit group effort, or housing units may compete for the incentive awards against other housing units.

d. The Facility Commander will determine incentive awards (e.g. soda, chips).

Note: Main Jail Module 8A does not participate in the incentive award program.

4. The inspection results will be documented on an inspection form. The inspection form will indicate, based on the scoring system in use, which inmates or housing areas passed the inspection and which inmates or housing units failed the inspection.

a. The completed inspection forms will be forwarded to the facility administration.

b. The facility administration shall process the information and distribute a list to the night shift Sergeants indicating the award distribution.

c. Incentive awards will be passed out on Saturday nights according to the list provided by the facility administration.

C. The facility's Safety Officer/designee will conduct a monthly sanitation inspection of the facility. This inspection may be conducted in conjunction with the monthly fire life safety inspection.

1. The facility's Safety Officer/designee will provide a report of the sanitation inspection results and include present deficiencies and corrections made from past deficiencies.

2. A copy of the report will be forwarded to the Facility Commander.

D. Facility Commanders shall designate cleaning responsibilities between day shift and night shift teams.

III. Sanitation Inspections by the Board of Corrections

A. The Board of Correction will inspect Department of Correction facilities biennially to ensure compliance with Title 15 standards.

B. The inspection process will include sanitary conditions and sanitation related issues.

C. Upon completion of the inspection, the Board of Corrections will generate a report that details any deficiencies towards compliance with Title 15. The report will be forwarded to the Chief of Correction.

D. The Department will officially respond to the Board of Corrections detailing the deficiencies that have been corrected.

IV. Sanitation Inspections by the Health Department

A. The County Health Department will review and inspect Department sanitary practices and conditions at least annually.

B. Upon completion of the inspection, the County Health Department will generate a report that details any deficiencies with Department sanitary conditions and practices. The report will be forwarded to the Chief of Correction.

C. The Department will officially respond to the County Health Department detailing the deficiencies that have been corrected.

V. General Housekeeping Responsibilities

A. Staff are responsible for the cleanliness of their individual work assignment area.

B. Civilian janitorial staff are contracted by the Department to maintain the cleanliness of Administrative offices, staff locker rooms, staff restrooms, Administrative Booking area, Personnel, and any other areas outside the jail security perimeter or as directed by the Facility Commander.

C. The Department's Health Authority may employ a civilian janitor to maintain the cleanliness of designated areas within the Infirmary and the 8A Module.

D. Inmate Workers, under staff supervision, will be utilized to maintain the cleanliness of lobbies, public restrooms, elevators, corridors, sallyports, briefing rooms, visiting rooms or other areas designated by the Facility Commander.

1. Security level, housing designation and classification factors will dictate the type of Inmate Worker who may clean and sanitize a particular area within or around the facility (e.g. PSP Worker, Facility Inmate Worker, Housing Unit Inmate Worker).

2. Refer to Department policy 18.19, Inmate Work Program, Selection and Assignment For Inmate Workers for further information and guidelines for the use of Inmate Workers.

E. Inmates are responsible for the cleanliness of their individual cells or sleeping areas at all times. Inmate Workers within the housing unit, inmate volunteers, or designated inmates assigned on a rotating basis will maintain the cleanliness of the common areas.

1. Staff will monitor the distribution of cleaning materials and products to inmates to ensure accountability.

2. Staff will supervise cleaning activities performed by inmates.

VI. Housekeeping Plan Schedule and Guidelines

A. The following housekeeping tasks will be performed in inmate housing areas on a daily basis:

1. Remove trash
2. Clean table/counter tops in common area
3. Sweep/mop floors
4. Sweep exercise yard/sundeck

5. Wipe down telephones
6. Dust/wipe down bookcases and furniture
7. Clean and disinfect inmate showers/toilets
8. Clean and disinfect staff restroom
9. Clean sinks and refill soap and paper towel dispensers as needed
10. Clean doors and walls as needed
11. Clean out hot water pot
12. Other cleaning designated by staff

B. The following housekeeping tasks will be performed in inmate housing areas on a weekly basis:

1. Dust/wipe down recreation equipment
2. Clean windows
3. Mop exercise yard/sundeck
4. Organize and straighten books in bookshelf
5. Dust windowsills, over doors, stairs and railings
6. Clean air vents
7. Organize and clean storage rooms and janitor closets
8. Other cleaning designated by staff

C. The following housekeeping task will be performed in inmate housing areas on a monthly basis:

1. Strip and wax floors or spray and buff floors

D. The following housekeeping tasks will be performed in floor station/core unit areas on a daily basis:

1. Collect trash from housing units and place in appropriate area for removal
2. Sweep out inmate side of visiting rooms
3. Sweep and mop floors
4. Wipe down visiting booth telephones
5. Clean and disinfect staff restroom
6. Clean visiting booth windows
7. Clean interview rooms
8. Other cleaning designated by staff

E. The following housekeeping tasks will be performed in floor station/core unit areas on a weekly basis:

1. Clean off air vents
2. Spot clean walls and doors
3. Clean windows
4. Organize and clean storage rooms and janitor closets
5. Other cleaning designated by staff

F. The following housekeeping task will be performed in floor station/core unit areas on a monthly basis:

1. Strip and wax floors or spray and buff floors, as needed

G. The following housekeeping tasks will be performed, as applicable, in administrative areas, offices, public lobbies, public/staff restrooms, briefing rooms, staff locker rooms, visiting areas, sallyports and other areas designated by the Facility Commander. These housekeeping tasks may be performed by either civilian janitorial staff, PSP Inmate Workers or Facility Inmate Workers depending on the location of the areas that are being cleaned.

1. Daily

a. Empty wastebaskets and remove trash
b. Vacuum carpets
c. Sweep floors
d. Spot mop floors
e. Clean and disinfect toilets, urinals, showers and hand washing fixtures
f. Clean and disinfect all restroom fixtures
g. Clean windows and mirrors
h. Refill soap and paper towel dispensers
i. Dust desks, file cabinets and furniture
j. Other cleaning designated by staff

2. Weekly

a. Strip and wax floors or spray and buff floors
b. Clean off air vents
c. Spot clean walls and doors
d. Clean windows
e. Other cleaning designated by staff

3. Monthly

a. Strip and wax floors or spray and buff floors
b. Wash out waste baskets/garbage containers
c. Other cleaning designated by staff

VII. Pest Control

A. Monthly pest control service and inspection shall be provided by an outside contractor through the General Services Agency (GSA).

B. Staff will notify the Operations Unit or GSA at 299-4181 if pest control services are needed between regularly scheduled monthly services and inspections.

C. The facility's Operations Unit staff will act as a liaison between facility staff and GSA staff for the purpose of obtaining pest control services.

VIII. Policy Revision

A. All Department policies will be reviewed not less than once a year. The Professional Compliance and Audit Unit will establish an annual schedule identifying policies to be reviewed during a specific month.

County of Santa Clara
Department of Correction
Professional Compliance and
Audit Unit (PCAU)
(408) 957-5322

By Direction of the Chief

NOTICE TO ALL STAFF

Policy 16.03 amendment effective 10/29/07

Policy Amendment

16.03 Inmate Clothing, Bedding and Linens

The Department is amending Policy 16.03 Inmate Clothing, Bedding and Linens to inform staff, that the Department will no longer use yellow bags for contaminated laundry. Blue plastic laundry bags will now be used for contaminated laundry.

The following modifications to the policy are shown as strikethroughs for deletion and underlined in bold font for an addition.

Sections: III., E., 4.

E. Dirty laundry items collected from a clothing exchange will be placed in laundry storage bins and sent to the Laundry Services Unit for cleaning.

4. Clothing, blankets and linens that are soiled with contaminants, such as blood, feces, urine or vomit or infected with vermin, such as crabs, scabies or lice will be secured in a plastic **blue** ~~yellow~~ contaminated laundry bag and transported to the nearest storage bin for contaminated laundry.

Division Commanders/Unit Managers must ensure that this notice is ***read at all briefings*** and/or a copy given to each staff member. A copy of this notice must also be attached to the beginning of Policy 16.03 in the Policy manuals located in their respective Divisions or Units. Any questions regarding this policy amendment should be directed to PCAU at 957-5322.

COUNTY OF SANTA CLARA

Department of Correction Policy and Procedure Manual	**Policy Number:** 16.03 **No. of Pages:** 7 **Date of Origin:** 02 Mar 1992 **Date of Revision:** 05 Jun 2003
Chapter: Sanitation and Hygiene	**Subject:** Inmate Clothing, Bedding and Linens
Supersedes: Policy 12.02, Inmate Clothing, Bedding and Linen Supplies rev. 04/09/98	**Distribution:**
References: ACA 3-ALDF-4D-06, 4D-07, 4D-08, 4D-09, 4D-10, 4D-11; California Code of Regulations, Title 15, Sections 1260, 1261, 1262, 1263, 1264, 1271, 1272; Penal Code, Sections 4015, 4600; Health and Safety Code, Section 101045	
Signature of Issuing Authority James W. Babcock, Chief of Correction	**Current Policy Review** **Date of Review:** 05 Jun 2003 **Revisions Made:** ☒Yes ☐No

POLICY: It is the policy of the Department of Correction to provide inmates with clean, reasonably fitting clothing that is climatically suitable and clean bedding and linen.

PURPOSE: To describe the procedures and guidelines for the issue and cleaning of inmate clothing, bedding and linens.

DEFINITIONS:

Bedding: Blankets and mattresses

Clothing: Pants, shirts, undergarments, socks, shower sandals and jackets

Contaminated Laundry Items: Inmate clothing, bedding and linen worn or utilized by inmates that has been or is suspected of having been soiled with contaminates such as blood, feces, urine or vomit or infected with vermin such as crabs, scabies or lice.

Dirty Laundry Items: Inmate clothing, bedding and linen worn or utilized by inmates that requires normal laundering.

Linen: Sheets and towels

PROCEDURE:

I. General Guidelines

A. The Department shall maintain a supply of clean clothing, blankets, mattresses and linens for issue at a level adequate to supply the actual and replacement needs of the inmate population.

1. Clothing, blankets and linens will be climatically suitable, durable and stand up to normal wear and washing.

2. Clothing, blankets and linens shall be of good quality fabric, reasonably fitted, and cleaned prior to issuance. Staff will make reasonable efforts to replace torn, worn-out, stained or unsuitable items of clothing, bedding and linens.

3. Mattresses shall be enclosed in easily cleaned non-absorbent ticking, conform to the size of bunks/beds and be certified by the manufacturer as meeting all requirements of the State Fire Marshal and the Bureau of Home Furnishings' test standard for penal mattresses.

B. Inmates admitted to a facility will not be permitted to wear their personal clothing while incarcerated (exception: documented medical prescription orthopedic footwear).

1. A standard clothing, bedding, and linen issue shall be provided to all inmates upon being housed in a facility.

a. Prior to being housed, inmates will exchange their personal clothing for their standard issue of inmate clothing.

b. Upon release, inmates shall be given their personal clothing in exchange for the facility's clothing. Facilities may store a supply of donated clothing to give to inmates who do not have appropriate clothing at the time of release.

II. Standard and Special Issue of Clothing, Bedding, and Linens

A. The following are standard clothing, bedding and linen issues for both male and female inmates. As part of the standard issue of bedding, all inmates will have a mattress on their assigned sleeping bunk/bed.

1. Standard clothing, bedding and linen issue for male inmates:

a. One pair of pants
b. One shirt
c. One roll, which includes one pair of underwear, one pair of socks, one T-shirt and one towel
d. One pair of shower sandals
e. Two sheets
f. Two blankets
g. One thermal (issued only during inclement weather to inmates housed at Main Jail South and the Elmwood Men's Facility)
h. One denim jacket (issued only to minimum-security inmates)

2. Standard clothing, bedding and linen issue for female inmates:

   a. Two pairs of pants
   b. Two shirts or maternity smocks
   c. Two thermals
   d. Seven pairs of underwear
   e. Three bras
   f. Three pair of socks
   g. One pair of shower sandals
   h. Two blankets
   i. Two sheets
   j. One washcloth
   k. Two towels
   l. One nightgown
   m. One paper/plastic bag for storage of dirty laundry clothes.

B. Each facility has Facility Inmate Workers who perform work for the facility outside of the inmate's own housing unit.

   1. Facility Inmate Workers are generally issued a different color of clothing identifying them as Inmate Workers.

   2. Special issue clothing and safety equipment, including but not limited to protective boots, goggles, gloves, aprons, hats or helmets, hair or beard nets, coveralls, respirators, particle masks, belts or exchange for clean clothing, shall be provided to inmates at the job site when a specific job assignment requires these items.

C. Inmates participating in special facility specific programs may be issued clothing that identifies them as belonging to that particular program (e.g. inmates participating in the Regimented Corrections Program are issued orange jumpsuits and boots).

D. Inmates are issued a certain color of jail clothing that identifies the inmate's classification code and housing facility. Refer to Department policy 13.01, Classification Policy, Goals and Objectives for information on inmate classifications and their corresponding housing assignment and clothing colors.

E. Medical may prescribe special clothing requirements for inmates, including but not limited to daily exchanges of clothing items, extra sheets or blankets, thermal tops or personal shoes for orthopedic reasons.

   1. These requirements must be approved by a Sergeant.

   2. Inmates receiving special clothing, bedding or linen requirements prescribed by medical staff must have a medical slip or wristband, issued by medical staff, specifically requiring the special needs.

F. Inmates will be responsible for the condition of clothing, bedding and linen after they have been issued to them.

III. Clothing, Bedding and Linen Exchange

A. Facility Commanders shall ensure that a process and schedule for exchange of clothing, bedding and linen is implemented at their facility. The process and schedules shall be detailed in work area post orders.

B. Clothing, bedding and linen exchange processes and schedules will allow for the following exchanges to be completed within the designated time frame:

1. Outer clothing shall be exchanged at least once a week.

2. Undergarments, socks and towels shall be exchanged at least twice a week. (Female inmates exchange these items once a week, but they are issued more than one of each item)

3. Sheets shall be exchanged at least once a week.

4. Blankets shall be exchanged every three months or as requested or needed.

5. Mattresses shall be exchanged as needed due to damage, wear and tear or contamination.

C. The Laundry Services Unit of the Department's Inmate Services Division is responsible for storing, laundering and ensuring that sufficient clean clothing, bedding and linens are available to meet Department exchange schedules and inmate population.

1. Facility Clothing Room staff are responsible for scheduling and coordinating clean laundry deliveries and dirty laundry pick-ups with the Laundry Services Unit. Deliveries and pick-ups should correspond with facility exchange schedules.

2. Facility Clothing Room staff shall maintain a supply of clothing, bedding and linens at a level adequate to supply their facility's inmate population.

D. Clothing, Bedding and Linen exchanges shall be conducted on a one for one exchange basis under the supervision of assigned staff.

1. If there is a shortage of clothing, blankets or linens, staff shall contact the Clothing Room C.S.A. for the needed items. In the event that sufficient clean clothing, blankets or linens are still unavailable, staff shall notify the Sergeant and document the shortage in the post logs.

2. If, for any reason, an exchange cannot be completed, staff shall notify the Sergeant and document the circumstances surrounding the incomplete clothing exchange on the post log.

E. Dirty laundry items collected from a clothing exchange will be placed in laundry storage bins and sent to the Laundry Services Unit for cleaning.

1. Do not mix contaminated laundry items with dirty laundry items. The Department's internal Laundry Services Unit does not launder contaminated laundry items.

2. The Department contracts with an independent laundry service that will safely launder contaminated laundry items. The Department's contracted laundry service will provide each facility with large blue colored storage bins with which to temporarily store contaminated laundry until it is picked up for cleaning.

3. The storage bins for contaminated laundry are located in the following areas within each facility:

   a. Main Jail Complex, (eighth floor)
   b. Elmwood Men's Facility, (laundry sorting area of the Elmwood Laundry Room)
   c. CCW, (W1 yard)

4. Clothing, blankets and linens that are soiled with contaminants, such as blood, feces, urine or vomit or infected with vermin, such as crabs, scabies or lice will be secured in a plastic yellow contaminated laundry bag and transported to the nearest storage bin for contaminated laundry.

5. The Department's contracted laundry service will pick-up the storage bins with contaminated laundry once a week at a predetermined scheduled time at both the Main Jail and Elmwood Complex.

6. Staff will use standard precautions and available personal protective equipment when bagging or transporting contaminated laundry items. In the event that Inmate Workers or other inmates are bagging contaminated laundry items, staff will maintain continuous supervision of this process and ensure that standard precautions and available personal protective equipment are used by the inmates to promote their safety. (Refer to policy 10.37, Exposure Control Policy for further information)

IV. Accountability and Restrictions of Clothing, Bedding and Linens

A. Inmates will be responsible and accountable for all clothing, bedding and linen supplies issued to them. Inmates found to have damaged clothing, bedding or linen items may be infracted or prosecuted under P.C. 4600, "Damage or Injury to Jail Property".

B. Standard issued clothing, bedding or linen items may be withheld from an inmate when the inmate's behavior, mental condition or intoxication demonstrates that the issuance of such items would pose a threat to the safety of the staff, inmate or other inmates within the facility. Staff must get the approval of a Sergeant to withhold such items.

1. The Facility Commander must be notified if the items will be withheld for an extended period of time.

2. Clothing, bedding or linens will be returned to the inmate as it becomes safe and practical to do so.

3. Clothing, bedding and linens shall not be withheld from an inmate as a form of punishment.

V. Inmate Dress Code

A. Inmates will wear at least the following items of clothing from their standard issue within all areas of their housing units except the bathroom/shower areas or the exercise yard.

1. Male Inmates

a. Pants
b. Shirt or T-shirt
c. Shower sandals (or shoes purchased through the commissary or medically prescribed orthopedic shoes)

2. Female Inmates

a. Pants or nightgown
b. Shirt or thermal
c. Undergarments
d. Shower sandals (or shoes purchased through the commissary or medically prescribed orthopedic shoes)

B. Inmates will wear their complete standard issue of clothing when going to court or a medical appointment, participating in a visit or reporting for an interview or other appointment.

C. Inmate Workers who are issued special clothing or safety equipment items specifically for their job assignments will only wear those items while working on the job site.

D. Under no circumstances will any inmate be given possession of, or given permission to wear, any item(s) which other inmates are not permitted to own and have in their possession, unless issued by medical staff or by special permission of the Facility Commander.

VI. Policy Revision

A. All Department policies will be reviewed not less than once a year. The Professional Compliance and Audit Unit will establish an annual schedule identifying policies to be reviewed during a specific month.

COUNTY OF SANTA CLARA

Department of Correction Policy and Procedure Manual	Policy Number: 16.05 No. of Pages: 6 Date of Origin: 01 Feb 1992 Date of Revision: 28 May 2003
Chapter: Sanitation and Hygiene	**Subject:** Inmate Hygiene
Supersedes: Policy 12.03, Inmate Hygiene rev 02/01/92	**Distribution:**
References: ACA 3-ALDF-2C-08, 2C-09, 2C-10, 4D-13; California Code of Regulations, Title 15, Sections 1265, 1266, 1267(a),(b),(c) and Title 16, Chapter 9, Sections 979, 980; California Penal Code, Section 4020	
Signature of Issuing Authority James W. Babcock, Chief of Correction	**Current Policy Review** **Date of Review:** 28 May 2003 **Revisions Made:** ☒Yes ☐No

POLICY: It is the policy of the Department of Correction to provide inmates with personal care items, shower and wash facilities and hair cutting services to maintain their personal hygiene.

PURPOSE: To provide guidelines for the availability and use of personal hygiene resources and facilities.

DEFINITIONS:

Sharps Container: A special container used for disposing of contaminated sharps, such as needles or razors.

Facility Inmate Worker: An inmate who is selected and cleared by Classification to perform various work assignments throughout the facilities and is allowed to perform his/her work assignment outside of his/her housing unit.

Housing Unit Inmate Worker: An inmate who is selected to perform various work assignments only within his/her Housing Unit such as routine housekeeping and dispensing prepackaged food.

PROCEDURE:

I. Personal Hygiene

A. Inmates will be required to maintain a high level of personal cleanliness and will be provided the means to do so. Supervisory staff may compel an inmate to shower or submit to a haircut if necessary for hygienic reasons.

B. Inmates will be permitted freedom in personal grooming as long as their appearance does not conflict with the facility's requirements for safety, security, identification and hygiene.

C. Facility Inmate Workers and Housing Unit Inmate Workers will follow all hygiene and sanitation guidelines and standards for their specific job assignments

D. All inmates shall be issued a personal hygiene kit upon their initial housing assignment, which contains the following:

1. Toothbrush
2. Toothpaste
3. Comb
4. Pencil
5. Spork
6. One plastic cup
7. One packet of Tylenol

Note: The Tylenol packet will be taken out of the hygiene kit and discarded by the escorting officer for those inmates being housed in Module 8A.

E. The housing units shall be supplied with the following personal care items, to be issued as needed:

1. Sanitary napkins and lotion (for female inmates)
2. Grooming Kit containing eyebrow tweezers and small/large nail clippers (for female inmates)
3. Bar soap
4. Nail clippers
5. Toilet paper

F. Replacement personal hygiene kits may be ordered by inmates through the commissary.

1. The cost of hygiene kits ordered by inmates through the commissary will be deducted from their individual money accounts.

2. Inmates that do not have money on their money accounts or are indigent may still order hygiene kits through the commissary.

a. The cost of the kit will be charged to their account and the account will reflect a negative balance.

b. Any money that is received by the inmate prior to their release will be applied towards the negative balance.

c. If the inmate still has a negative balance at the time of his or her release, the Department will attempt to collect any balances due from the inmate upon the inmate's return to custody.

G. Those inmates with the appropriate amount of funds in their inmate money accounts may purchase additional personal hygiene items, including shampoo, conditioner, lotion and soaps through the commissary.

H. Personal care items, shower, wash and toilet facilities and hair-cutting services used to maintain personal hygiene shall not be denied to an inmate for punitive reasons.

II. Shower, Sink and Toilet Facilities

A. Inmates shall have access to operable showers.

1. Absent exigent circumstances, all inmates shall have the opportunity to shower at least every other day.

2. Water temperature for showers shall be thermostatically controlled to temperatures ranging from 100 to 110 degrees Fahrenheit to prevent burning and reduce energy costs.

B. Inmates shall have access to operable washbasins (sinks) with hot and cold running water within their housing areas.

C. Inmates shall have access to operable toilets within their housing units.

III. Razor Issuance and Control

A. Inmates housed within Department of Correction facilities will be issued a razor for personal hygiene based on their classification, housing assignment and the safety and security of the facility.

B. Absent exigent circumstances, inmates shall be afforded the opportunity to shave on a daily basis.

1. Inmates who are a danger to themselves or others will normally not be issued razors for safety reasons. The denial of a razor by a staff member shall be brought to the attention of the on-duty Sergeant and documented in the post log along with the circumstances surrounding the denial.

a. Inmates that are on a suicide watch will normally not be allowed to use a razor. If, however, an inmate is scheduled for court and requests a razor for shaving purposes, officers shall consult with mental health and the on-duty Sergeant to determine whether or not the inmate in question may be issued a razor. If the on-duty Sergeant approves the inmate's request for a razor, Officers must maintain direct observation of the inmate.

b. Inmates housed in Module 8A that are not on suicide watch will be allowed to shave upon request and only under direct observation by Officers.

c. Inmates who may not shave for reasons of identification, required by court order, will be denied a razor.

C. Inmates may or may not retain possession of their issued razor, depending on the facility, housing assignment of the inmate and classification of the inmate.

1. Inmates who are not allowed to retain possession of razors shall be issued a razor during their housing units designated shaving period. At the end of the designated shaving period, staff will collect the razors and dispose of them appropriately.

2. For those inmates allowed to retain possession of their issued razor, the issuing officer shall document the inmate's classification card with a notation indicating that the inmate has been issued a razor (e.g. "issued razor").

a. If an inmate is being rehoused or transferred from a housing area or facility which allows the possession of a razor to a housing area or facility which does not allow possession of a razor, the transporting/escorting officer shall confiscate the inmate's razor and dispose of it appropriately.

b. The transporting/escorting officer shall document the inmate's classification card appropriately to show that the inmate is no longer in possession of a razor.

D. Razor exchanges shall be conducted on a one for one basis only. Inmates are required to turn in their old razor before a new one will be issued.

E. Staff shall inspect all collected razors to ensure that the blades have not been tampered with.

F. Razors collected after having been used, discarded or left behind by an inmate upon release or transfer to another facility will be disposed of in an approved Sharps container. Used razors shall not be disposed of in regular trash receptacles.

1. Staff will use Universal Precautions and Personal Protective Equipment (e.g. latex gloves) when issuing or collecting razors.

2. At no time will staff allow razors to be traded, shared, or given to another inmate when an inmate is released or reassigned to a different housing unit.

G. All new, unused inmate razors will be stored in a secured area that is inaccessible to inmates.

IV. Hair-Cutting Services

A. Inmates shall be allowed hair-cutting services at least once a month. Each facility shall maintain, and make available to inmates, hair-cutting implements.

1. Hair-cutting implements shall be contained within the facility's barber kits.

2. The contents of the barber kits, as well as the number of barber kits available for each facility, will be determined by the Facility Commander.

B. Facility Commanders shall ensure that a schedule is developed and maintained for inmates within all housing units in their facility to have access to hair-cutting services.

C. Officers shall be responsible for maintaining a haircut sign-up list in their assigned work areas (housing units only). The list shall be maintained in an area accessible to inmates for the purposes of signing up on the list.

1. Each time haircuts are performed, the barber inmate worker will start at the top of the sign up list and perform as many haircuts as possible in the allocated time frame. If names remain on the list after the allotted time frame, those names will move to the top of the list for the next scheduled hair cut time.

2. If an inmate is not available for a hair cut at their scheduled time, he or she will be removed from the list and have to sign up for the next scheduled haircuts.

3. Staff will document in the post log each time haircuts are performed within their units.

D. Before beginning haircuts, the supervising officer shall:

1. Inventory the barber kit and account for all items within its contents. This process shall be repeated at the conclusion of the haircuts to ensure that all items have been returned to the kit.

2. Ensure that the barber inmate worker sterilizes the barber equipment with the barbicide disinfectant, which is located in each barber kit.

E. Per Penal Code 4020, when it is considered necessary for the purpose of protecting public health, or to prevent the introduction or spreading of disease, or to protect or improve the health of inmates under sentence the inmate's hair shall be cut.

F. Upon request of an arresting or prosecuting agency, new identification photographs will be taken of an inmate whose outward appearance changes or is altered as a result of a change in hairstyle.

V. Policy Revision

A. All Department policies will be reviewed not less than once a year. The Professional Compliance and Audit Unit will establish an annual schedule identifying policies to be reviewed during a specific month.

COUNTY OF SANTA CLARA

Department of Correction Policy and Procedure Manual	**Policy Number:** 17.01 **No. of Pages:** 9 **Date of Origin:** 01 Feb 1992 **Date of Revision:** 15 Mar 2003
Chapter: Inmate Communication, Mail and Visits	**Subject:** Inmate Social Visiting
Supersedes: Policy 16.01, Inmate Visits, origin date of 02/01/92	**Distribution:**
References: ACA 3-ALDF-5D-10, 5D-11, 5D-12, 5D-13, 5D-15, and 5D-16. Penal Code 4570.5, 4571, 4573.5, 4573.6, 4574, 825(b), 825.5,	
Signature of Issuing Authority James W. Babcock, Chief of Correction	**Current Policy Review** **Date of Review:** 15 Mar 2003 **Revisions Made:** ☒Yes ☐No

POLICY: It is the policy of the Department of Correction to permit inmates to have visits with family and friends under conditions consistent with the security of the jail.

PURPOSE: To establish guidelines for conducting inmate visits at Department of Correction facilities.

DEFINITIONS:

Window Visiting: A program that permits inmates to visit with designated person(s). The area includes a glass-partitioned barrier that prohibits physical contact, and communication is by use of a telephone on each side of the glass partition.

Contact Visiting: A program that permits inmates to visit with designated person(s). The area is free of obstacles or barriers that prohibit physical contact.

Special Visit: A visit that is not held during regularly scheduled visiting hours or is in addition to the regular number of visits allowed.

Valid Government Issued Identification: A required identification for the purpose of participating in the visiting program that includes any of the following acceptable forms of identification:

1. A current California or Out of State Driver's License
2. A current California Department of Motor Vehicles Identification Card

3. A valid U.S. or foreign passport if it is constructed as identification with a picture.
4. A current U.S. Military Identification Card
5. An Immigration and Naturalization Service Alien Identification (Green Card)
6. An Immigration and Naturalization Service Work Authorization Identification.
7. A valid Mexican Consulate Identification

PROCEDURE:

I. Visiting guidelines

A. The Department of Correction will permit inmates to have visits with family and friends as facility schedules, space, and number of personnel allow. Each inmate will be allowed no fewer than two visits totaling at least one hour per week absent exigent circumstances. Inmates will not be denied visitation with persons of their choice except where there is evidence that such visitation would jeopardize the safety and security of the facility, inmate or visitor; however, inmates may refuse a visit.

B. The operation of a visiting program, including the assignment of sufficient staff to manage all aspects of the operation, will be the responsibility of the Division Commander at each facility. The Division Commander will consider the physical plant, available space, staff's ability to supervise, other activities such as meals and programming; and the classification of inmates when establishing the visiting regulations. Each facility will develop specific visitor registration requirements.

C. Department of Correction facilities are "No Hostage" facilities. All attempts will be made to ensure the safe release of anyone held hostage. However, no inmate will be released in exchange for a hostage.

D. All persons entering a Department of Correction facility are subject to search for contraband. If contraband is found on the person or in the clothing of a visitor, the Officer will:

1. Confiscate the contraband.

2. Detain the visitor pending further investigation.

3. Immediately notify a supervisor.

4. Notify a Sheriff's Sergeant if the incident is related to a criminal matter.

5. Complete required reports.

E. Bringing firearms, explosives, alcoholic beverages, narcotics or any controlled substances into a Department of Correction facility is cause for arrest and subsequent criminal prosecution.

F. Visitors under the influence of alcohol or drugs will not be allowed to visit and may be subject to arrest.

G. Social visitors are not allowed to bring cameras, tape recorders, cell phones, purses, bags, briefcases, or similar objects into a Department of Correction.

H. Pursuant to Penal Code 4571, persons having been previously convicted of a felony and confined in a State prison shall not be allowed a visit without the prior approval of the Division Commander. Any person requesting such exception must send a written request to the Division Commander of that facility.

1. In special circumstances, the Watch Commander may review such requests and approve or deny the visit.

2. Visitors who have a prior felony conviction, who have been confined in a state prison and who do not have prior approval from the Division Commander/designee may be subject to a felony arrest if they are on jail property without authorization.

I. Visitors who have been incarcerated in a Santa Clara County Department of Correction facility will not be denied access, regardless of their release date, solely on the fact that they have been recently released. However, access may be denied for legitimate reason in accordance with this policy and the law.

J. Visitors on any form of conditional release including, but not limited to, Work Furlough, PSP, or EMP must obtain written permission of either the individual or agency supervising such conditional release and the facility's Division Commander.

K. Requests for Special Visits are subject to approval by the Division Commander or designee and will be reviewed and authorized on a case-by-case basis.

L. As an incentive for the Inmate Workers, the Division Commander at each facility may, at his or her discretion, allow inmate workers to have more visits per week or more time per visit.

II. Facility visiting regulations and information

A. The Division Commander at each facility will establish the facility's visiting regulations and provide visiting information to the public and inmates.

B. The regulations or information will include, but not be limited to the following:

1. Providing the address of the jail and available means of public transportation to the jail.

2. Establishing a minimum of two visits per week for inmates at each facility.

3. Establishing additional visiting privileges for inmate workers when applicable.

4. Establishing a limit of two adult visitors and minor children. The visiting program at each facility will facilitate supervised visits by minor children unless circumstances warrant denial.

    a. A child will be allowed to visit when accompanied by an adult provided that either the visitor or the inmate is the child's parent or legal guardian. The adult visitor must present a certified court document stipulating guardianship for the child if he or she is not the parent.

    b. A child, 17 years of age or younger, must provide a valid government identification card or birth certificate.

    c. Visitors who have reached the age of 18 or older will be counted as an adult visitor.

5. Ensuring that visits for juvenile inmates are held in an area separate from adult inmates.

6. Maintaining visiting records and specific visitor registration information for every visitor that contains, but is not limited to, the name, address, date of birth, and relationship of each visitor and the date and time of each visit.

7. Ensuring notice is provided to both visitors and inmates of contraband restrictions.

8. Ensuring a notice is posted that visitors are subject to search.

III. Facility visiting schedules

A. The Division Commander for each facility will ensure that the facility's visiting schedule is posted. The Department's Public Information Officer will ensure all visiting schedules are posted on the Department's website. Copies of the visiting schedule will be made available to the visitors at each facility.

B. The visiting schedule for the Main Jail Complex is for all inmates housed at the Main Jail North facility or the Main Jail South facility. The scheduled days for visiting are as follows:

Hours	Mon.	Tues.	Wed.	Thurs.	Friday	Sat.	Sun.
0700-0800	NO	NO	NO	NO	YES	YES	YES
0810-0910	YES	YES	NO	YES	YES	YES	YES
0920-1020	YES	YES	NO	YES	YES	YES	YES
1030-1130	YES	YES	NO	YES	YES	YES	YES
NO VISITS BETWEEN 1130 AND 1400 HOURS							
1400-1500	YES	YES	NO	YES	YES	YES	YES
1500-1610	YES	YES	NO	YES	YES	YES	YES
1620-1720	YES	YES	NO	YES	YES	YES	YES

C. The visiting schedule for the Elmwood Men's Facility is for all inmates housed at the Elmwood Men's facility. The scheduled days for visiting are as follows:

Hours	Mon.	Tues.	Wed.	Thurs.	Friday	Sat.	Sun.
0700-0730	NO	NO	NO	NO	NO	YES	YES
0800-0830	NO	NO	NO	NO	NO	YES	YES
0900-0930	NO	NO	NO	NO	NO	YES	YES
1000-1030	NO	NO	NO	NO	NO	YES	YES
NO VISITS BETWEEN 1100 AND 1300 HOURS							
1300-1330	YES	YES	NO	YES	YES	YES	YES
1400-1430	YES	YES	NO	YES	YES	YES	YES
1500-1530	YES	YES	NO	YES	YES	YES	YES
1600-1630	YES	YES	NO	YES	YES	YES	YES
NO VISITS BETWEEN 1630 AND 1900 HOURS							
1900-1930	YES	YES	NO	YES	YES	NO	NO
2000-2030	YES	YES	NO	YES	YES	NO	NO
2100-2130	YES	YES	NO	YES	YES	NO	NO
2200-2230	YES	YES	NO	YES	YES	NO	NO

D. The visiting schedule at the Correctional Center for Women is for all inmates housed at CCW but visits are scheduled according to the inmate's housing unit. Visitors need to know where the inmate is housed and visit on the scheduled day for that housing unit. The schedule by housing unit is as follows:

Hours	Mon.	Tues.	Wed.	Thurs.	Friday	Sat.	Sun.
0700-0800	NO	W4B	NO	NO	W2-S2	W2-S1	RCP/Trusty
0800-0900	NO	W4B	NO	NO	W2-S2	W2-S1	RCP/Trusty
0900-1000	NO	W4B	NO	NO	W2-S2	W2-S1	RCP/Trusty
NO VISITS BETWEEN 1000 AND 1400 HOURS							
1400-1500	W4A	NO	Spec Hsg*	W4C*	NO	W4B	W2-S2
1500-1600	W4A	NO	Spec Hsg*	W4C*	NO	W4B	W2-S2
1600-1700	W4A	NO	Spec Hsg*	W4C*	NO	W4B	W2-S2

NO VISITS BETWEEN 1700 AND 1900 HOURS							
1900-2000	W4C*	RCP/Trusty	W2-S1	W4A	W2-S2	SpecHsg*	W2-S2
2000-2100	W4C*	RCP/Trusty	W2-S1	W4A	W2-S2	SpecHsg*	W2-S2
2100-2200	W4C*	RCP/Trusty	W2-S1	W4A	W2-S2	SpecHsg*	W2-S2
* Inmates housed in W4C-1, Special Housing or Observation Cells will only be allowed a half hour visit							

IV. Visitor registration

A. Prospective visitors are subject to an approval inquiry before visiting is allowed.

1. Prospective visitors must have Valid Government Issued Identification to visit.

2. Persons under the age of eighteen may visit only with the permission of a parent or guardian.

3. Persons on active probation, parole or other forms of conditional release must obtain the permission of both the agency supervising such conditional release and the facility's Division Commander.

4. Persons previously convicted of a felony and confined in a state prison must have written permission from the facility's Division Commander to visit.

5. Persons visiting an inmate at the Elmwood Complex must get approval in advance by coming to the facility and completing a blue Visitor Registration Application. This application process takes approximately 3 days to process; however, it only has to be done once, absent exigent circumstance or when information for the visitor changes.

6. Persons visiting an inmate at the Main Jail Complex must get approval on the same day they would like to visit. The visitor must complete a white Visitor's Request form that is processed on a first come first serve basis.

7. Persons approved to visit may be granted either a Contact Visit or a Window Visit. The type of visit is based on the facility's regulations and is determined by the inmate's eligibility not the visitor's. There is no Contact Visiting at the Main Jail Complex or for visitors who have been in custody during the preceding six months.

   a. When a Contact Visit is allowed:

      1) Visitors and inmates are permitted to embrace and kiss at the beginning and end of a visit. Visitor shall be seated immediately after a brief appropriate greeting. Adult visitors must sit across from the inmate and not on the same side of the table.

2) Prolonged kissing and inappropriate touching are grounds for immediate termination of the visit.

b. When a Window Visit is allowed:

1) Visitors will utilize a phone system to communicate during their visit.

2) If a visitor brings documents for an inmate to sign, the Officer will review this request. If the request is legitimate, the Officer will make the appropriate arrangements.

B. At the Elmwood Complex, once the visitor is approved, he or she may schedule a visit in person or by phone. On the day of the visit, the visitor will be required to:

1. Arrive at least 30 minutes prior to the scheduled visiting time.

2. Complete a white Visitor's Request form

3. Comply with the visiting rules and regulations.

C. At the Main Jail Complex, visitors must schedule a visit in person each time they would like to visit. Space for visits will be allocated on a first come first serve basis. A visitor will be required to:

1. Register at least one hour before a same day visit.

2. Complete a white Visitor's Request form.

3. Comply with visiting rules and regulations.

V. Visitor admittance

A. Visitors will not be permitted to bring food, beverages, money, or tobacco products into any Department of Correction facility.

B. Visitors will be searched prior to their visit. A sign will be clearly posted at the entrance of each facility indicating that all visitors are subject to search.

C. Searches of incoming visitors will include use of metal detection equipment and visual inspection. Visitors must empty the contents of their pockets and remove jackets, coats or sweaters for search. When a visitor is unable to clear the metal detector due to medical constraints or implanted hardware, the Officer may utilize discretion to allow entry (e.g. use of a metal detecting wand, visual inspection, or medical documentation) or the officer will contact the supervisor for further direction.

D. Visitors must deposit purses and other packages or items in secure lockers (for which the visitor will retain the key) located in the lobby. Only the following items may be allowed into the facility with the visitor:

1. The visitor's keys and identification
2. For visitors with infants, one baby bottle and one diaper per infant.
3. For visitors with medical conditions, certain medications such as nitroglycerin or inhaler.

E. Visitors must adhere to the basic dress standards listed below:

1. Visitors must wear shoes.
2. Visitors must be fully clothed.
3. Shorts and skirts will not expose more than the mid-thigh.
4. Buttons and zippers will remain fastened.
5. Transparent clothing, strapless, halter, spaghetti straps, bare midriff clothing, tank tops, and attire displaying obscene/offensive language or drawings is prohibited.
6. Undergarments must not be visible.
7. Clothing that resembles custody issued inmate clothing will not be allowed.
8. Law enforcement or military patterned clothing will not be allowed.

VI. Denial or termination of a visit

A. Visiting privileges may be terminated or suspended as necessary for the safety and security of the facility, staff and visitors. Visitors who are disruptive or cause a disturbance will be required to leave the facility and may be subject to arrest.

B. A visit may be denied or terminated and visiting privileges suspended under the following conditions:

1. Visitor under the influence of drugs or alcohol
2. Insufficient space available
3. Ex-felon without prior approval from the Division Commander
4. Persons on active probation, parole or other forms of conditional release without prior approval from the Division Commander and the agency supervising the conditional release.
5. Refusal by a visitor to submit to search procedures
6. Refusal or failure to produce sufficient identification or the falsifying of identifying information by a visitor
7. Violation of jail rules by a visitor or an inmate
8. Failure to prevent children from disturbing other people in the visiting area
9. Inappropriate display of affection, suggestive activity, or inappropriate dress

10. Other conduct or conditions deemed by the Watch Commander as disruptive to visiting operations or to security and good order.
11. Anything that would jeopardize the safety and security of the facility.

C. Inmate disciplinary actions may include the loss of general visitation privileges for a specified period of time; however, that sanction will not include attorney visits.

VI. Policy Revision

A. All Department policies will be reviewed not less than once a year. The Professional Compliance and Audit Unit will establish an annual schedule identifying policies to be reviewed during a specific month.

COUNTY OF SANTA CLARA

Department of Correction Policy and Procedure Manual	**Policy Number:** 17.03 **No. of Pages:** 4 **Date of Origin:** 27 Jan 1995 **Date of Revision:** 03 Apr 2003
Chapter: Inmate Communication, Mail and Visits	**Subject:** Inmate Hospital Visits
Supersedes: Policy #9.09, Hospital Visits, rev. date 06/16/98.	**Distribution:**
References: ACA 3-ALDF-5D-12, 5D-15 California Code of Regulations, Title 15, Section 1062 Penal Code sections 2601, 4025, 4570, 4570.1, 4573, 4573.5, 4573.6, 4574	
Signature of Issuing Authority James W. Babcock, Chief of Correction	**Current Policy Review** **Date of Review:** 03 Apr 2003 **Revisions Made:** ☒Yes ☐No

POLICY: It is the policy of the Department of Correction to permit inmates who are hospitalized to have visits with family and friends under conditions consistent with the security of the inmate, staff and the hospital.

PURPOSE: To establish guidelines for conducting inmate visits at a hospital.

DEFINITIONS: Special Visit: A visit that is not held during regularly scheduled visiting hours or is in addition to the regular number of visits allowed

PROCEDURE:

I. Authorization for hospital visits

A. An inmate who is hospitalized will be permitted to have visits with family and friends consistent with the Department's Policy 17.01, Inmate Social Visiting, this policy, and rules of the hospital.

B. Requests to visit either a male or female inmate at the hospital will be handled by Main Jail staff regardless of the inmate's previous housing.

C. Visits at the hospital will be considered Special Visits and it is the Watch Commander's responsibility to review and authorize these visits on a case-by-case

basis, taking into consideration the inmate's health, security requirements and hospital rules.

1. Unless otherwise approved by the Watch Commander, a maximum of two visitors will be allowed to visit at the hospital.

2. Unless otherwise approved by the Watch Commander, visits at the hospital will be limited to two half hour visits a week. The visit must be during normal hospital visiting hours.

D. Attorneys of Record, police officers, and Official Visitors may visit at any time when the inmate's medical condition allows after contacting the Main Jail Sergeant for approval and presenting proper identification to the Officer guarding the inmate.

II. Authorization for a hospital visit for a pregnant inmate

A. The request and approval process will be the same as the request and approval for any other visit to the hospital. However, no more than one adult will be allowed to visit during the delivery unless otherwise approved by the Watch Commander.

1. The inmate may choose one visitor to visit during the delivery.

2. The visitor can make arrangements with the Sergeant up to three weeks in advance of the scheduled delivery date to get pre-approved for visiting during delivery.

3. The visitor must be able to show a valid form of identification and present an approved Visitor's Request form to the Officer guarding the inmate.

4. The visitor will be allowed to visit with the inmate for one hour before delivery, all during the delivery, and one hour after delivery unless otherwise prohibited by hospital staff.

5. Following delivery, if the inmate remains at the hospital, visiting will be handled in the same manner as regular hospital visits.

III. Hospital visiting procedure

A. Visitors must register for a visit at Main Jail Facility by completing a Visitor Request form to determine eligibility. The eligibility criteria for a hospital visit are the same as that for a jail visit.

1. If the visitor is eligible to visit, the request will be reviewed by the Watch Commander who may approve or deny the visit.

2. Unless specifically waived by the Division Commander, or designee, a visitor must have an approved Visitor Request Form and a matching identification before the Officer guarding the inmate will admit the visitor at the hospital.

3. If the visitor is approved for a visit at the hospital, the Main Jail Sergeant or designee will provide the Officer guarding the inmate with advance notification of such visit.

C. Visitors at the hospital shall be subject to search for weapons or contraband prior to and during the visit, if warranted. In the case of a female visitor, where a search is deemed necessary, a female officer will conduct the search.

D. Visits will be denied for those visitors refusing to be searched.

E. Physical contact between the inmate and visitor, other than when the inmate is in intensive care, is prohibited. If the Officer guarding the inmate observes physical contact, the visit will be immediately terminated.

F. Visitors will not be permitted to leave any item with or take any item from an inmate at the hospital.

1. Visitors will not be allowed to bring in purses or other items when visiting.

2. Visitors will not be allowed to bring food for the inmate.

G. Visiting privileges may be terminated or suspended as necessary for the safety and security of the inmate, staff or visitors. Visitors who are disruptive or cause a disturbance will be required to leave.

IV. Hospital Guard responsibilities during a visit

A. The Officer at the hospital will be armed and in uniform.

B. The Officer will ensure the inmate is secured to the bed at all times, unless an inmate's injuries make it obvious that the inmate could not present an escape risk.

C. The Officer will ensure the visitor has the appropriate approval and identification before permitting the visit.

D. The Officer will continuously and visually monitor a visit at the hospital.

1. If the officer is assigned to guard multiple inmates in more than one hospital room, the Main Jail Sergeant will make arrangements to provide an additional officer to monitor the visit.

2. If the officer is assigned to guard a pregnant female inmate and the visitor goes into the delivery room, the officer will remain inside the delivery room as long as the visitor is present.

E. The Officer will search the visitor for weapons with a hand held metal detector.

F. The Officer will not allow the visitor to bring items or purses into the inmate's room. All items and purses will be secured at the station unless the visitor prefers to leave them in his or her car.

G. The officer monitoring the visit may terminate the visit at anytime at the request of hospital staff; if the visitor becomes argumentative or disruptive; or the officer determines that the safety and security of the inmate, visitor, hospital staff, or the officer is in jeopardy. In such cases where a visit is terminated, the Officer will notify the Main Jail Sergeant and document the incident.

V. Policy Revision

A. All Department policies will be reviewed not less than once a year. The Professional Compliance and Audit Unit will establish an annual schedule identifying policies to be reviewed during a specific month.

Arrestee's Name and Booking Number _____

Please print

NOTICE OF TELEPHONE MONITORING POLICY

It is the policy of the Santa Clara County Department of Correction to randomly monitor and/or record, for security reasons, all of the inmate telephone lines within the jails. To ensure the confidentiality, the known telephone number(s) of attorneys with offices in Santa Clara, Santa Cruz, Monterey, and San Mateo counties will be blocked from monitoring or recording. In order to place a confidential call to an attorney with an office in another county or one whose telephone number is not listed as barred in the telephone monitoring system, or to a licensed physician or to a religious advisor, you must submit an Inmate Request Form forty-eight hours in advance of the call.

I understand that if I choose to use the inmate telephones in any of the Santa Clara County Department of Correction jail facilities, I am doing so with the full knowledge that the telephone call my be monitored and/or recorded.

Arrestee's Signature:

_____

Witnessing Officer:

_____

(Signature and Badge Number)

Date:

_____

COUNTY OF SANTA CLARA

Department of Correction Policy and Procedure Manual	Policy Number: 17.05 No. of Pages: 5 Date of Origin: 01 Feb 1992 Date of Revision: 04 Dec 2008
Chapter: Inmate Communication, Mail and Visits	**Subject:** Inmate Access to Telephones and Telecommunication Devices
Supersedes: Inmate Access to Telephones and Telecommunication Devices rev. 05/28/02	**Distribution:**
References: ACA 3-ALDF- 3D-21, 3D-22 and 3D-23; Penal Code Section 851.5 California Code of Regulations, Title 15, Section 1067 Americans with Disabilities Act of 1990, Title II ; Department Policy 17.07 Inmate Telephone Monitoring System	
Signature of Issuing Authority Edward C. Flores, Chief of Correction	**Current Policy Review** **Date of Review:** 04 Dec 2008 **Revisions Made:** ☒Yes ☐No

POLICY: It is the policy of the Department of Correction to ensure all inmates are afforded reasonable telephone access to maintain essential community and legal contacts.

PURPOSE: To describe the guidelines and procedures for permitting inmates access to telephones.

DEFINITIONS: Emergency Phone Calls: A call regarding serious family illness, death or impending disaster related to the inmate's property or general well-being.

Telecommunication Device: A Teletext Device for the Deaf (TDD) or Teletypwriter (TTY) machine that allows a deaf or hearing-impaired person to use the telephone for written conversation.

PROCEDURE:

I. Inmate Access to Telephones and Telecommunication Devices Upon Admission

A. Per Penal Code 851.5, an arrested person will be allowed to make at least three free telephone calls within the local dialing area, or at his/her own expense if outside the local area to three of the following:

1. An attorney of his or her choice or, if he or she has no funds, the public defender.

2. A bail bondsman.
3. A relative or other person.

B. These phone calls will be given immediately upon request, or as soon as practicable.

1. These phone calls may be delayed if the behavior of the inmate is destructive or potentially dangerous to himself/herself or others.

2. The phone call to an attorney or call for bail will be granted as soon as possible when there is no longer a danger.

C. Telecommunication Devices will be made available to deaf or hearing-impaired inmates, as necessary, to make these phone calls. Hearing inmates may also have access to communicate with deaf or hearing-impaired persons.

1. The officer responsible for tracking a deaf or hearing-impaired inmate through the booking process is also responsible for providing the inmate with a copy of the *Notice to Hard of Hearing and Deaf Persons form*, attachment 1, which explains the inmate's right to his or her phone calls.

2. Permanent and portable TDD/TTY equipment is available at intake-booking and at each facility.

3. Amplified phones are available at intake and at each housing unit.

D. Upon admission, every inmate will be notified of the department's telephone monitoring policy. The inmate will be asked to acknowledge this notification by signing the *Notice of Telephone Monitoring Policy form*, attachment 2.

II. Inmate Access to Telephones and Telecommunication Devices Upon Housing

A. Telephones and telecommunication devices are available throughout all facilities.

1. Reasonable telephone access is given to all inmates based on the number of inmates in each unit, the type of housing configuration, and the security of the facility.

2. Inmates are allowed to use the telephones during open dayroom hours or scheduled out of cell time.

3. Unscreened toll-free communication to certain agencies is available to inmates through a speed-dial system. The *Speed-Dial Notice*, attachment 3, shall be posted throughout the facilities to inform inmates of this service, to

list the available agencies and to explain the procedure on how to use the speed-dial.

a. The Classification Commander or designee will maintain the Speed-Dial Notice and will be responsible for issuing current notices to the Facility Commanders for distribution.

b. The Facility Commanders or designee will ensure the Speed-Dial Notices are posted throughout the facility to inform inmates of this service.

c. Officers are responsible for notifying their facility administration when this signage has been removed, destroyed or defaced.

4. After an inmate has been on the telephone for 15 minutes, the telephone will make a clicking noise. If there is another inmate in line to use the phone, the inmate must hang up the telephone and allow the next inmate in line to use the telephone. The officer will be responsible for monitoring the telephone use and limiting its use to 15 minutes when necessary. If there is no one else waiting to use the phone, the inmate may start another telephone call.

5. An officer may use his or her discretion in the housing units to limit the length of a telephone call in emergency situations or for the safety and security of the facility.

6. The housing unit officer where a deaf or hearing-impaired inmate is housed shall ensure the inmate has access to a Telecommunication Device upon housing and upon request. The officer shall ensure the request and the use of a Telecommunication Device is documented on the post log book and on the *TDD/TTY Telephone Log*, attachment 4.

a. Each facility is equipped with at least one or more permanent TDD/TTY device.

b. Each facility maintains two or more portable TDD/TTY devices.

c. Each housing unit is equipped with at least one amplified phone.

d. Hearing inmates may also access Telecommunication Devices to communicate with deaf or hearing-impaired persons.

B. Inmates will have their telephone privileges restricted when serving disciplinary detention.

1. Access to legal counsel shall not be restricted; however, any such telephone call shall be verified and dialed by the officer.

2. Access to the telephone for an emergency may be allowed if approved by the supervisor.

C. Inmates are not allowed incoming telephone calls. However, if an officer or staff member receives an incoming telephone for an inmate and the person calling says it is an emergency, the officer will take a message with the caller's name, phone number and nature of emergency. The officer will immediately advise his or her supervisor of the call.

1. It is the supervisor's responsibility to contact the caller to verify the emergency.

2. The supervisor may give the message to the inmate and allow him or her to contact the caller using the inmate telephones, or, at the discretion of the supervisor and with the Watch Commander's approval, the inmate may be allowed to contact the caller on a County telephone.

D. All inmate telephone calls will be collect calls, made at the expense of the inmate or the person called. At his or her discretion, the Watch Commander may authorize a telephone call to be charged to the department.

III. Court Ordered Telephone Calls

A. Upon receipt of a court ordered phone call, the officer shall allow completion of the call pursuant to the order. The department's *Court Order Compliance Form*, attachment 5, must be attached to the court order to document compliance.

B. The officer shall document the date and time the telephone call was completed on the Court Order Compliance Form and the post logbook and forward the court order and Court Order Compliance Form to the division's administration.

C. If the telephone call cannot be completed, the officer will document each attempt and advise his or her supervisor.

IV. Use of County Extensions by Inmates

A. With the approval of a supervisor, an inmate who requests to communicate with another inmate due to family emergency or other applicable emergency, where a letter or other correspondence would not be appropriate, may be allowed a telephone call.

1. The approving supervisor will first advise the supervisor in the facility where the other involved inmate is housed.

2. The supervisors or designees will make arrangements for both inmates to use the County telephones for a reasonable time under the direct supervision of staff.

B. With the approval of a supervisor, a person from the Criminal Justice System requesting to speak directly to an inmate for business purposes may be allowed to speak to the inmate on a County telephone. The approving supervisor will verify the identity of the person.

C. Pro per inmate phone calls will be handled in accordance with Department Policy 14.09, Pro Per Inmates.

V. Service for Telephones or Telecommunication Devices

A. If there is an unscheduled interruption of telephone services in the jail that last longer than 1 hour, staff shall notify their supervisor and the facility's control officer to report the interruption of service.

1. The reporting person will document the interruption and report of such interruption on the post log book.

2. The facility's control officer will ensure that the contract telephone services provider is immediately notified and document that notification on the Daily Jail Report.

B. If a permanent or portable Telecommunication Device is not working properly, staff shall notify their supervisor and complete an Employee's Report. If it is a portable device, the reporting person will also send the device to the facility's Administrative Sergeant or ADA Representative as appropriate to the facility.

VI. Policy Review

A. All Department policies will be reviewed by the Professional Compliance and Audit Unit.

UNSCREENED - TOLL FREE – COMMUNICATIONS

It is the policy of the Santa Clara County Department of Correction to randomly monitor and/or record for security reasons all of the inmate telephone lines within the jails. You may make a toll free, unscreened call to the agencies listed below.

Instructions for speed-dial calls:

Lift the receiver and at the "dial tone":

Press "1" for English, "2" for Spanish or "3" for Vietnamese

Press "0" in response to the "Collect Call" prompt

Press "*" followed by the two numbers listed for the destination of your call.
The complete telephone number is automatically dialed. You will hear a "ring" signal until the call is answered.

Note: If all outgoing toll free lines are busy you will hear "High Pitched Beeps". Hang up and try again later.

Toll Free Agencies Office	Speed-dial Code	
Public Defender	*21	(Public Defenders are in court most of the day. The best times to reach a Public Defender are: 8:00 am-9:00 am, 11:30 am - 2:00 pm or after 4:00 pm)
Public Defender	*22	
Child Protective Services	*23	
Alternate Public Defender	*25	
Adult Probation Department	*26	
Mexican Consulate (San Jose)	*28	(For citizens of the Republic of Mexico)
Santa Clara County Human Relations	*37	
Public Interest Law Firm	*38	
Department of Correction Internal Affairs	*39	
INS Pro Bono	*51	
Department of Correction Investigations Unit	*55	

COUNTY OF SANTA CLARA

Department of Correction Policy and Procedure Manual	**Policy Number:** 17.09 **No. of Pages:** 3 **Date of Origin:** 04 Nov 2008 **Date of Revision:** New Policy
Chapter: Inmate Communication, Mail and Visits	**Subject:** Inmate Request Form
Supersedes: Main Jail Procedure 710, Elmwood Procedure 1408 and Elmwood Women's Facility Procedure 1404	**Distribution:**
References: None	
Signature of Issuing Authority Edward C. Flores, Chief of Correction	**Current Policy Review** **Date of Review:** New Policy **Revisions Made:** ☐Yes ☐No

POLICY: It is the policy of the Department of Correction to provide an Inmate Request Form to all inmates requesting such. All requests will be handled in an expeditious manner, at the lowest administrative level and returned to the inmate as soon as possible.

PURPOSE: To provide guidelines for formally processing inmate requests and communications, documenting a response to the inmate in writing, and retaining documented records of all such inmate requests and staff responses and actions taken.

DEFINITIONS: None

PROCEDURE:

I. General Information

A. Inmate Request Forms shall be provided to all inmates upon request. Unit officers will maintain an ample supply of these forms at every officer station.

B. Inmate requests will be documented and processed on an Inmate Request Form.

1. There shall only be one (1) request per form.

II. Accepting an Inmate Request Form from an Inmate

A. Officers shall review the Inmate Request Form to ensure that all the spaces are filled out correctly, completely and legibly. The inmate's full name, housing area, date, CEN (booking) number and PFN must be filled in.

B. The officer shall review the Inmate Request Form to determine whether or not the request can be processed at their level.

1. If the officer can process the request at their level, they will and complete the following sections:

a. Section titled "response to the inmate" and "action taken". Sign and date the form.

b. Return the pink and canary colored copies to the inmate. Forward the original copy (white) to Administration for further processing.

C. If the officer is unable to handle the inmate's request at their level, the request form must be forwarded to the requested department/unit or Administration for further action.

NOTE: THE OFFICER SHALL INITIAL AND WRITE THEIR BADGE NUMBER INSIDE BOX #2 (LEGIBLY) IF FORWARDING AND UNABLE TO RESPOND.

1. The inmate will retain the pink copy of the Inmate Request Form as a receipt.

2. The white and yellow copies shall be retained and processed by the inmate's unit officer.

3. Once action has been taken, the white original copy of the completed form will be maintained as a custody record in the appropriate inmate file.

a. Classification/housing requests and responses shall be filed in the inmate's classification recordt.

b. Medical, dental, and psychiatric requests and responses shall be filed in the inmate's medical records.

c. All other request and responses shall be returned to the facility's Administration for processing.

4. The yellow copy will be forward to the inmate.

III. Responsibilities and Guidelines

A. Inmate Request Forms should be submitted by the inmate to the housing unit officer.

C. Requests forms must be distributed during the shift and not left for the next shift to process.

D. Those requests which cannot be directly answered by the unit officer but can be handled by staff working in the facility shall be forwarded to the appropriate staff via the staff mail boxes/mail slot.

E. Requests for specific contact information to a person or program shall be forwarded to the appropriate office or staff mailbox, i.e., Programs, Chaplain, Friends Outside, Classification, Public Defender, etc.

F. Grievances submitted on an Inmate Request form must be identified by the officer who will attempt to resolve the grievance. If the grievance cannot be resolved at the officer's level the officer will issue the inmate a Grievance form with instructions on resubmitting their complaint in accordance with Department Policy 14.05, Inmate Grievance Process.

IV. Policy Review

A. All Department policies will be reviewed by the Professional Compliance and Audit Unit.

COUNTY OF SANTA CLARA

Department of Correction Policy and Procedure Manual	**Policy Number:** 17.11 **No. of Pages:** 6 **Date of Origin:** 03 Apr 2003 **Date of Revision:** 13 Feb 2009
Chapter: Inmate Communication, Mail and Visits	**Subject:** Inmate Attorney & Official Visits
Supersedes: 17.11 rev 04/03/03	**Distribution:**
References: ACA 3-ALDF-3E-02; California Code of Regulations, Title 15, Section 1068; Penal Code sections 2601(B), 4570, 4570.5, 4571, 4573.5, 4573.6, 4574, 4575 and 825(b); California Govt. Code 27706	
Signature of Issuing Authority Edward C. Flores, Chief of Correction	**Current Policy Review** **Date of Review:** 13 Feb 2009 **Revisions Made:** ☒Yes ☐No

POLICY: It is the policy of the Department of Correction to permit inmates to have visits with attorneys and official visitors under conditions consistent with the security of the jail.

PURPOSE: To establish guidelines for conducting inmate attorney and official visits at Department of Correction facilities.

DEFINITIONS:

Attorney: A person legally empowered to act as agent for, or in behalf of, another.

Attorney of Record: An attorney at law in good standing who is entered on the docket or record of a court as appearing for or representing a party in a legal proceeding.

Official Visitor: A person of proper authority who comes to see an inmate in a professional or business capacity such as law enforcement personnel, Administration of Justice employees, or other professional persons designated by the court to conduct official business related to the incarceration/adjudication of the inmate.

Window Visiting: A program that permits inmates to visit with designated person(s). The area includes a glass-partitioned barrier that prohibits physical contact, and communication is by use of a telephone on each side of the glass partition.

Contact Visiting: A program that permits inmates to visit with designated person(s). The area is free of obstacles or barriers that prohibit physical contact.

Special Visit: A visit that is not held during regularly scheduled visiting hours or is in addition to the regular number of visits allowed.

Valid Government Issued Identification: A required identification for the purpose of participating in the visiting program that includes any of the following acceptable forms of identification:

1. A current California or Out of State Driver's License
2. A current California Department of Motor Vehicles Identification Card
3. A valid U.S. or foreign passport if it is constructed as identification with a picture.
4. A current U.S. Military Identification Card
5. An Immigration and Naturalization Service Alien Identification (Green Card)
6. An Immigration and Naturalization Service Work Authorization Identification.
7. A valid Mexican Consulate Identification

PROCEDURE:

I. Attorney and Official Visiting Guidelines

A. Attorney and Official Visitors will be subject to the applicable visiting guidelines found in Department Policy 17.01, Inmate Social Visiting. Other visiting guidelines include, but are not limited to, the following:

1. Attorney and Official Visitors must proceed directly to their designated interview area. Anyone found loitering in an unauthorized area is subject to removal from the facility.

2. Attorney and Official Visitors who would like to leave written documents or court ordered tape players with an inmate must get prior approval from jail staff. The tape player shall not have AM or FM radio or recording functions. Any tape brought with the tape player must be labeled and numbered sequentially. No tapes for entertainment purposes are allowed.

3. Attorney and Official Visitors may not carry cell phones or other wireless communication devices into the secure perimeters of Department facilities without the expressed permission of the Division Captain. If approval is granted to carry a cell phone inside the jail facility, it will not be provided to an inmate for any reason.

4. Attorney and Official Visitors who would like to use recording devices or photographic equipment must declare their intentions to use such devices

and make their equipment available for inspection before and after the visit.

5. Attorney and Official Visitors may bring documents/paperwork related to the inmate's incarceration/adjudication, writing pads and a writing pen.

B. Attorney and Official Visitors requesting a visit with an inmate will be granted access in accordance with the California Code of Regulations, Title 15, section 1068 and this policy.

1. Attorney visits for newly arrested inmates who have not been housed may be subject to delay. The Booking Sergeant may arrange for the visit to be conducted in one of the holding cells of the Main Jail basement, only after the inmate has been properly booked and identified.

2. Attorney visits during meals, counts or emergencies may be subject to delay. If the delay is anticipated to be longer than 30 minutes, the Officer will advise the attorney and the sergeant.

3. Official Visits will not be allowed during meals, counts or emergencies (no visits between 1000 hours and 1400 hours or between 1600 hours and 1900 hours).

4. An inmate may refuse to see any attorney

C. Due to constraints of facility schedules and the limitation on staff availability special interviews such as Polygraph testing, court ordered forensic examinations, or other professional evaluations with an inmate must be requested at least 24 hours in advance.

D. Requests for Special Visits are subject to approval by the Division Captain or designee and will be reviewed and authorized on a case-by-case basis.

E. The time allowed for a visit with an Attorney or Official Visitor will be limited only by reasons of jail security.

F. The operation of a visiting program is the responsibility of the Division Captain. Each Division Captain will ensure space is allocated for confidential Attorney visiting.

G. Conversations between inmates and their Attorneys may be visually observed by officers, but not listened to or recorded in any manner. All reasonable precautions shall be taken to preserve the confidentiality of the attorney/client relationship.

II. Attorney and Official Visits

A. Public Defenders and any Federal, State, or Local Law enforcement agents will be accommodated with a contact visit, unless the requesting party only needs a window visit.

1. Private attorneys will be granted a contact visit under the following circumstances, which can be reasonably verified by staff:

a. The attorney is the inmate's attorney of record either by appointment of the court or at the inmate's request;

b. A judge has requested the attorney interview a named inmate for purposes of possible appointment as counsel by the court;

c. The attorney is requesting to visit an inmate who may be a witness directly relevant to a legal process, purpose or proceeding.

Note: The attorney of record may be for a criminal or civil matter (e.g. the inmate has an attorney of record for his/her criminal case and a different attorney of record for an ongoing divorce case).

2. An interpreter or private investigator may accompany an Attorney if the Attorney requests prior clearance and approval for the interpreter or private investigator.

a. The request must be submitted in writing to the Division Captain on the Attorney's official letterhead.

b. If approved, the interpreter or private investigator must remain with the Attorney at all times.

3. Law enforcement agents may be accompanied by an interpreter provided they arrive and remain together at all times. The designated interpreter will not be required to obtain advance clearance for entry.

4. Private attorneys who do not qualify for contact visits as determined by policy guidelines shall be granted window visits, as available (e.g. an inmate interviewing Attorneys in a selection process will only be granted a window visit with the Attorney being interviewed).

B. The following Official Visitors will be accommodated with a window visit, but may request a contact visit for a specific articulated purpose.

1. Doctors / Psychiatrist conducting a court ordered evaluation, or employed by the inmate or the inmate's Attorney to conduct an evaluation for the purpose of assisting in the preparation of the inmate's defense

2. Polygraph examiners

3. Mental Health Advocacy members / Conservatorship investigators

4. Legal aides, paralegal, private investigators, interpreters, and legal students when accompanied by an Attorney, Public Defender, District Attorney, Parole Officer, or Probation Officer

5. Certified Clergy

C. The following Official Visitors may be accommodated with a window visit. Upon request, the visiting booth will be one that contains a pass-through slot.

1. Paralegals
2. Social Workers
3. Private Investigators
4. Legal aides
5. Interpreters
6. Alternative Program / Placement Agency Counselors
7. Clergy members not associated with the Department of Correction's Jail Chaplaincy Program
8. Drug Rehabilitation Counselors
9. Foreign Consuls (*Note: These visits will be allowed at any time*)
10. Law Students
11. Military Command Staff visiting military personnel in custody

III. Attorney and Official Visitors Entry and Exit

A. Attorney and Official Visitors are subject to an approval inquiry at the entrance of each facility before a visit is approved.

B. An Attorney requesting to see an inmate is required to show his or her Bar card in addition to Valid Government Issued Identification.

C. An Official Visitor is required to provide Valid Government Issued Identification and may also be required to provide any of the following additional information:

1. A Security Clearance (each facility has a Security Clearance list of those persons who have been cleared)

2. A Court Order

3. A letter from the Attorney or agency representing the Interpreter, Legal Aid, paralegal, private investigator or law student. The letter must be pre-approved and written on official letterhead with proper signature and explanation

4. Employee identification for persons from another Department with this County.

5. Employee identification and badge for Law Enforcement.

D. Once the Attorney or Official Visitor is properly identified and approved, the officer will issue the visitor a Visitor's Pass, noting the number of the pass in the ID# column of the security area register. Private Attorneys must surrender their bar card and Official Visitors must surrender Official Identification in exchange for the visitor's pass. The visitor's pass must be returned upon exiting the facility, and the Attorney or Official Visitor must sign in and out on the security area register.

E. Attorney and Official Visitors must store all items not approved for entry and clear the metal detector upon entry to the facility.

F. Law enforcement officers must secure their weapons, ammunition, and chemical agent in one of the gun-lockers located at the entrance of each facility. The gun-locker key must be returned upon exiting the facility.

G. Central Control staff will ensure that Attorneys and Official Visitors display proper identification when entering and leaving the facility.

IV. Policy Review

A. All Department policies will be reviewed by the Professional Compliance and Audit Unit.

COUNTY OF SANTA CLARA

Department of Correction Policy and Procedure Manual	**Policy Number:** 17.13 **No. of Pages:** 7 **Date of Origin:** 01 Feb 1992 **Date of Revision:** 13 Feb 2009
Chapter: Inmate Communication, Mail and Visits	**Subject:** Inmate Correspondence
Supersedes: Old Department Policy, 16.03 rev. 01/25/96; Main Jail Procedure #706, Elmwood Procedure #1601;Elmwood Women's Facility Procedure #1601	**Distribution:**
References: ACA 3-ALDF-3D-16, ACA 3-ALDF-3E-07, ACA 3-ALDF-5D-01 thru 5D-08, Title 15 Sections 1063, 1066, Penal Code Sections 2601(b); 4570; 4535, Department policy 13.15, Snow vs. Jeanne S. Woodford	
Signature of Issuing Authority Edward C. Flores, Chief of Correction	**Current Policy Review** **Date of Review:** 13 Feb 2009 **Revisions Made:** ☒Yes ☐No

POLICY: It is the policy of the Department of Correction to encourage inmate correspondence and to maintain an orderly flow of incoming and outgoing correspondence while preserving the safety and security of staff and inmates.

PURPOSE: To provide guidelines for handling the acceptance and distribution of inmate correspondence and to ensure an orderly flow of all incoming and outgoing inmate correspondence.

DEFINITIONS:

Contraband: Any item possessed by inmates or found within the facility that is illegal by law or prohibited by those legally charged with the administration and operation of the facility or program.

Correspondence: Communication to or from inmates through letters, postcards, greeting cards, and photographs and parcels.

CSA: Custody Support Assistant.

Legal Mail: Correspondence to or from persons and organizations including, but not limited to, courts, counsel, officials of a confining authority, state and local agency officers, grievance system administrators or paroling authority.

PROCEDURE:

I. Inmate Correspondence

A. Correspondence shall be encouraged between inmates and their families, friends and/or associates. The only restrictions to this right shall be those necessary to ensure the safety of the institution or other person.

B. There shall be no limitation on the volume of mail which an inmate may send or receive. If accumulated mail presents a security or safety hazard in the housing area, it shall be removed and placed with the inmate's personal property in the property room. A receipt shall be given to the inmate.

C. Inmates who are indigent or who have less than one dollar in their account shall be provided, postage paid, two (2) stamped envelopes, writing paper, and pencils per week to permit correspondence with family members and friends. There is no limitation to the number of postage paid letters for correspondence with attorneys or the courts.

D. Inmates may purchase, receive, and read any and all newspapers, periodicals, and books accepted for distribution by the United States Post Office. These items must be sent directly from the publisher and delivered prepaid.

1. All books must be soft-bound. Hard-bound bibles may be allowed in the Elmwood Complex minimum camp areas with Captain approval.

E. Inmates are permitted to correspond, confidentially, with state and federal courts, any member of the State bar or holder of public office, and the Corrections Standards Authority provided the correspondence has been inspected and searched for contraband, cash, checks and money orders. Such searches must be conducted in the presence of the inmate.

F. Inmate letters, both incoming and outgoing, may be inspected for contraband, but may not be censored.

1. Letters shall not be read or rejected except where there is reliable information the letter(s) contain a threat to facility security or are being used for the furtherance of illegal activity.

2. The Division Captain must approve any review of inmate mail.

3. Inmates shall be notified when incoming or outgoing letters are rejected.

G. All incoming and outgoing letters and legal packages will not be held for more than 24 hours, excluding weekends and holidays.

H. Inmates in special management units can correspond in the same manner as inmates in the general population.

II. Unacceptable Correspondence

A. Correspondence which falls into one or more of the following categories shall not be permitted:

1. Mail that violates the legal postal restrictions, i.e., mail which displays sexually explicit material depicting illegal sexual acts to include, but not limited to, sex with an animal, sex with children, display of naked children in a lurid manner, etc.

2. Mail that contains contraband including, but not limited to, personal checks, drugs, stamps, envelopes or any item with a gummed surface, greeting cards with any manner of electronic device, laminated cards, altered photographs, or other restricted items.

3. Packages, except those clearly marked as legal mail.

4. Mail containing information regarding escape, advocating violence within the facility or advocating racial, religious or national hatred in such a way as to create a serious danger to the safety and security of staff and/or inmates.

5. Correspondence between inmates housed in any Santa Clara County Jail Facilities is prohibited. Officers will check outgoing mail to ensure it meets facility rule prior to sending it to the Mailroom.

a. Inmate mail received from the housing units and addressed to another SCCDOC inmate will not be taken to the Post Office and will be placed in a "dead mail" file by the Mailroom CSA.

b. Inmate mail received from the Post Office indicating the sender is a County or State inmate will be placed in the inmate's property.

c. Inmate mail addressed to other County or State inmates will be processed as regular mail. The receiving facility will determine if the mail is authorized or approved.

B. Mail inspected and determined to be unacceptable shall be returned to the sender unless prior approval has been obtained from the Division Captain or designee. If the mail cannot be returned to the sender and does not present a threat to facility security, it may be stored until the inmate recipient is released.

C. All mail received for which the person is not in custody will be stamped "Return-to-Sender" and placed in the next outgoing mail shipment.

D. Personal checks or cash received in the mail shall be returned to the sender. If the mail cannot be returned to the sender and does not present a threat to facility security, it may be stored until the inmate-recipient is released.

III. Inspection and Separation of Incoming Mail

A. A CSA will process the mail daily, except on Sundays and holidays. Each day, a different inmate worker will observe the processing of the mail. The inmate's name will be recorded by the CSA at the top of the Legal Mail Log. No inmate shall be allowed to read, touch, handle, possess or in any way deliver any mail.

B. The CSA assigned to the mail room will verify the inmate housing location/in-custody status for each piece of mail, excluding Sunday's and holidays, and separate the mail into the following groups:

1. Mail addressed to inmates in custody will be further separated by housing units.

a. Mail sent to inmates housed at other Department of Correction facilities will be forwarded via County Pony mail system.

2. Mail addressed to inmates not in custody (NIC) shall be marked "Not in Custody" and "Return to Sender" and be placed in the next outgoing mail shipment.

C. With an inmate present to view the procedure, the inmate mail shall be opened and carefully searched for contraband, personal property, checks, money orders or anything that may pose a threat to the safety or security of the facility.

1. Only letters, postcards, greeting cards, money orders, cashier's checks, and publications from a publisher are authorized for forwarding to inmates.

2. Any cardboard backing will be removed from photographs.

3. Mail shall not be read or censored except where there is a valid security reason to justify such action, and the Division Captain has given approval.

4. If the incoming mail contains any of the items listed below, it shall be handled according to the following procedure:

(a) <u>Contraband:</u> Illegal contraband sent to an inmate of the facility in violation of existing statutes or department policy (narcotics, etc.) and the envelope/package that it came in, with any letters or notes shall be seized and processed in accordance with department policy #9.09 Processing Contraband, Evidence, and Found Property. The Team Sergeant is to be notified immediately on discovery of any such contraband.

(b) Personal Property: Property which an inmate cannot possess while in custody, but which is not illegal, shall be returned to the sender. If there is no return address the letter is to be placed in the inmate's property envelope and a receipt completed indicating "contraband mail placed in property". A copy of the receipt will be sent to the inmate indicating the reasons for the withholding.

(c) Money Orders: Money orders must be received by mail and will be set aside to be processed after all other mail has been opened, checked, and prepared for distribution. There is $300.00 limit per money order. The inmate will receive a pink receipt inside his/her mail advising him/her of the receipt of the money order.

IV. Legal Mail

A. When the legal mail addressed to an in-custody inmate is processed, the mail shall be stamped "Confidential Mail" and shall not be opened at that time.

B. The legal mail shall be marked with the addressee inmate's housing unit, and it shall be delivered to that unit, where an officer will deliver it to the inmate.

1. In the presence of the inmate, the officer will open the letter and inspect it for contraband only, but shall not read it.

2. If no contraband is found during the search, the officer will give the inmate the contents of the envelope.

3. The officer delivering the legal mail and the inmate receiving it will sign and date the envelope in the appropriate spaces of the "Confidential Mail" stamp. The envelope will then be placed in the inmate's custody jacket.

VI. Delivery of Inmate Correspondence

A. The unit officer will deliver the mail to the inmates.

1. The officer will announce mail call over the facility intercom.

2. The officer shall identify the inmate by his inmate wristband/photograph and booking number, and shall hand the mail to the inmate.

3. Mail not claimed by the addressee shall remain at the officer's station. After seven (7) days, unclaimed mail shall be returned to the CSA for processing as Return-to-Sender mail.

B. Disciplinary Housing

1. Correspondence will not be left in the cell. The officer will give the inmate his/her new correspondence at the beginning of the shift and collect it at the end of the shift. Correspondence privileges may be suspended for up to 72 hours for violation of correspondence regulation; however, that sanction shall not be applied to correspondence with the courts, any member of the state bar, holder of public office or the Corrections Standards Authority.

VII. Newspapers, Magazines, and Books

A. Inmates will be allowed to receive and possess newspapers, magazines and books if they come directly from the publisher and are delivered prepaid by the U.S. Mail.

1. Newspapers, magazines and books not meeting the above criteria will be returned to sender as soon as possible.

2. Publications that cannot be returned shall be disposed of according to the policy of the Division Captain.

B. No inmate will possess any more than the following number of items at one time:

1. Two newspapers (his own, none from the common areas)

2. Two magazines or other periodicals

3. One dictionary (two if different languages)

4. Five books (No hard bound books. See exception Section I, D, 1.)

5. Six magazine or newspaper clippings

C. Any reading materials stored in the inmate's housing area in excess of the above numbers shall be removed and placed with the inmate's personal property. The inmate will be given a receipt for any items taken and stored in his property.

D. Inmates will not display any newspaper or magazine clippings or photos in any area of the facility.

VIII. Outgoing Mail

A. Every housing area is equipped with an outgoing mailbox.

B. Outgoing mail will be placed into a locked and secure mailbox. Once each shift, designated officers will pick up all outgoing mail from all mailboxes. The mail will be placed in the Outgoing Mail Bin located at Central Control.

C. A designated CSA will pickup the outgoing mail and deliver it to the U.S. Post Office.

D. No outgoing packages will be accepted from inmates. Any packages found in the outgoing mail boxes will be confiscated as contraband.

E. All outgoing mail will be stamped "County Jail Generated Mail".

IX. Policy Revision

A. All Department policies will be reviewed by the Professional Compliance and Audit Unit.

COUNTY OF SANTA CLARA

Department of Correction Policy and Procedure Manual	**Policy Number:** 17.15 **No. of Pages:** 2 **Date of Origin:** 04 Nov 2008 **Date of Revision:** New Policy
Chapter: Inmate Communication, Mail and Visits	**Subject:** Video Conferencing and Video Visiting
Supersedes: Elmwood procedure 1607	**Distribution:**
References: ACA 3-ALDF-5D-10, 5D-15	
Signature of Issuing Authority Edward C. Flores, Chief of Correction	**Current Policy Review** **Date of Review:** New Policy **Revisions Made:** ☐Yes ☐No

POLICY: It is the policy of the Department of Correction to provide video conferencing and video visiting to inmates housed at the Elmwood Complex. Video conferencing and video visiting will be available for official and social visitors on a daily basis. Priority will be given first to the Probation Department and Public Defender then to other official visitors before being given to social visitors.

PURPOSE: To establish guidelines for video conferencing and video visiting for the inmate population at the Elmwood Complex.

DEFINITIONS: None.

PROCEDURE:

I. Location of Video Conferencing and Video Visiting Units

A. Video visiting is available at the Elmwood Complex and the Santa Clara County Probation Department. The Elmwood Complex locations are listed below:

1. M8 Visiting Booths #9, #10, and #11.

B. Video conferencing is available at the Elmwood Complex locations listed below:

1. M5, Interview Room #2
2. M4, Interview Room
3. M8, Interview Rooms #1 and #2.

II. Availability of Video Conferencing and Video Visiting

A. The Probation Department and Public Defender have first priority in using the video conferencing/video visiting units.

B. Official visitors have priority over social visitors in using the video conferencing/video visiting units.

C. Social visits by video conferencing/video visiting will be considered to be the inmate's one (1) visit per week. An inmate cannot have both a visit at M8 and a video conferencing visit in the same week.

III. Video Conferencing and Video Visiting Process

A. The Probation Department will coordinate directly with M8 Control to arrange video conferencing interviews.

B. The Public Defender Office will coordinate directly with M4 & M5 Control to arrange video conferencing interviews.

C. Other official or social visitors will contact the West Gate to request a visit. The West Gate officer will ensure the availability of the video conferencing units at the West Gate and M8.

D. The West Gate officer will check the identification of the visitor and the availability of the inmate. Video conferencing/video visiting visitors must meet the same requirements as other visitors. Refer to DOC Policy 17.01, Inmate Social Visiting, and Policy 17.11, Inmate Attorney and Official Visits for further information.

E. If the visitor is cleared and the inmate is available, the West Gate officer will call M8 and advise them to place the inmate in the multi-purpose room and then direct the visitor to the video conferencing station at the West Gate. The West Gate officer will instruct the visitor to wait for the inmate to appear before picking up the handset to begin the visit.

F. Video social visits will be limited to thirty minutes.

1. Official visits will not be limited unless there are other official visitors waiting to use the video conferencing/video visiting system.

G. The West Gate officer and the M8 control officer will log the visit in their post log books. The M8 Housing Unit Officer will record the visit in the M8 Post Log Book.

IV. Policy Review

A. All Department policies will be reviewed by the Professional Compliance and Audit Unit.

COUNTY OF SANTA CLARA

Department of Correction Policy and Procedure Manual	**Policy Number:** 18.01 **No. of Pages:** 3 **Date of Origin:** 27 Sep 2001 **Date Revised:** New
Chapter: Inmate Programs and Services	**Subject:** Programs Unit Goals and Objectives
Supersedes: All Previous Orders	**Distribution:**
References: ACA 3-ALDF-1A-03	
Signature of Issuing Authority _____ Timothy P. Ryan, Chief of Correction	**Current Policy Review** **Date of Review:** **Revisions Made:** ☐ Yes ☐ No

POLICY: It is the policy of the Department of Correction to provide the broadest range of programs, activities, and services to meet the needs of inmates consistent with security and safety considerations as well as the Department's Mission.

PURPOSE: To describe the philosophy that underlines all programs activity in the jail and to maximize opportunities for inmates to participate in programs that reduce criminal behavior and enhance the inmate's integration into the community.

PROCEDURE:

I. Programs and Services

A. Consistent with inmate security and supervision needs, inmates will be provided the broadest possible range of programs and services to improve their skills and knowledge in a manner that will enhance their self-esteem, economic status and community reintegration.

1. These programs will be available equitably to male and female inmates limited only for reasons of security or physical plant.

2. Inmates will have the option of refusing to participate in all programming except work assignment; intake and release physical examinations as required by state law; reception, orientation, and pre-release programming; evaluation and classification meetings and tests; and alcohol or drug treatment in accordance with specific court orders.

B. Programs will be scheduled in advance, and notice of those activities will be posted prominently on bulletin boards in all housing units.

1. To participate in a program, inmates may submit an Inmate Request Form to the Programs Unit.

2. Inmates in maximum-security locked units, who request program access, will have their requests evaluated by Program/Classification staff. Some programs, with the approval of the Division Commander, may be available in individual cells, but no congregate program activities will be permitted in these units.

II. Available Programs

A. Voluntary programs available will include, but not be limited to, the following:

1. education and vocational training
2. religious services
3. social services and counseling
4. psychological services
5. psychiatric treatment (except when involuntary treatment may be medically necessary and is permissible under applicable statute and case law)
6. library services
7. recreational activity
8. involvement in community groups
9. correspondence and visiting

B. Programs and classes are offered through a variety of sources, which includes but is not limited to:

1. Contract providers such as Milpitas Adult Education and Inmate Literacy. Contract providers are selected to provide services through a formal contract bidding process as determined by County procedure.

2. Community volunteer groups.

III. Program Reporting

A. Most programs in the jail are voluntary, but effective program selection involves the inmates and the Rehabilitation Officers. The Programs Manager will assess programs annually to determine applicability, usefulness, or recidivism rate.

B. The Programs Commander will keep the Chief of Correction apprised of the status of all major program areas, accomplishments, major problems, and plans for correcting any deficiencies.

IV. Policy Revision

A. All Department policies will be reviewed not less than once a year. The Professional Compliance and Audit Unit will establish an annual schedule identifying policies to be reviewed during a specific month.

COUNTY OF SANTA CLARA

Department of Correction Policy and Procedure Manual	Policy Number: 18.03 No. of Pages: 4 Date of Origin: 01 Feb 1992 Date Revised: 27 Sep 2001
Chapter: Inmate Programs and Services	Subject: Educational Programs and Services
Supersedes: All Previous Orders	Distribution:
References: A.C.A. 3-ALDF-5B-01, 5B-02 California Educ. Code 1900-1909, 41841.5, 41841.6, 41841.8, 4691 and 52616.6 C.C.R. Title 15, section 1045 and 1061 P.C. - 4018, 4018.5, 4025, 4029	
Signature of Issuing Authority _____ Timothy P. Ryan, Chief of Correction	Current Policy Review Date of Review: 27 Sep 2001 Revisions Made: ☒ Yes ☐ No

POLICY: It is the policy of the Department of Correction to provide educational program and service opportunities for both sentenced and pretrial inmates that will enhance their community integration and economic self-sufficiency. Educational programs shall include vocational training, as well as, academic education. Inmates shall be allowed to participate within the security parameters of the Department. Reasonable criteria for eligibility shall be established and an inmate may be excluded or removed from any class based on facility security or the inmate's failure to abide by facility rules and regulations.

PURPOSE: To provide guidelines for a comprehensive educational and vocational program that will allow inmates to strengthen self-esteem, grow in social responsibilities, expand occupational skills and achieve academic success.

DEFINITIONS: G.E.D.: General Equivalency Degree

E.S.L.: English as a Second Language

PROCEDURE:

I. Program Information

A. The Santa Clara County Department of Correction is committed to making a variety of learning opportunities available to inmates during their incarceration. Access to programs will be made without regard to an inmate's disability or special needs;

however, inmate classification and segregation requirements shall be considered an initial and ongoing issue in the delivery of education programs.

B. The Programs Unit Commander and staff shall contract with program providers, establish the programs offered and set the guidelines for participation.

C. A variety of schedules for classes may be utilized as determined by Programs staff. Some classes will be offered 5 days a week, other classes may be available 2 or 3 times a week and some classes may be an independent study program. Programs staff facilitate class schedules to inmates either through orientation of new classes, posting of signs in the dorms, responding to inmate request forms, or individual assessment of inmates needing programs.

D. The inmate orientation video, a copy of the inmate rulebook given to arriving inmates, and postings in the housing units inform all inmates that programs are offered and available to inmates while in custody. In addition, hearing impaired and juvenile inmates will be specifically interviewed for an individual assessment and informed of programs by a Programs Rehabilitation Officer within 72 hours of incarceration.

E. Some housing units, because of security considerations, do not have classroom type instruction available, but may still have independent study programs available. Inmates who are not disqualified because of security can request re-housing to units where a preferred program is available.

II. Educational Programs

A. The following provides a general overview of the main educational programs and classes offered:

1. **ENGLISH AS A SECOND LANGUAGE (ESL)**: ESL is offered to inmates of all ethnic backgrounds with little or no English speaking skill. The teaching focus is primarily on survival language skills; i.e., to acquire the basic English necessary to work, go shopping, see a doctor, visit a restaurant, and participate in a variety of day to day activities essential to living and raising a family in the United States. Although speaking and listening skills are emphasized, reading and writing are also taught as the students advance.

2. **GENERAL EDUCATION DIPLOMA (GED)**: This course prepares students in the five subjects of the General Education diploma (high school equivalency); Literature and the Arts, Social Studies, Science, Mathematics and Writing. All GED classes are open-entry. Students work at their own pace and instruction is individualized depending upon the knowledge and proficiency of the inmate in each subject. Each participant takes a pretest prior to enrollment to determine appropriate placement in course of study.

3. **INMATE LITERACY PROJECT**: The Inmate Literacy Project is one component of the Santa Clara Library Reading Program. Community and peer tutors work individually with inmates to improve basic skill and functional literacy skills in reading, writing, math and GED preparation. Individuals with lower reading levels are targeted first.

III. Vocational Programs

A. Correctional Industries which provides goods and services to Non-profit and Government Agencies throughout the United States is committed to educating and training in-custody inmates who want to better themselves and use their time constructively.

B. The following provides an overview of the main vocational programs and classes offered:

1. **Computer Lab**: Computer training is available on a daily basis. The software utilized includes tutor and GED study programs for those inmates who need assistance in obtaining their GED and typing skill. With the assistance and guidance of the instructors, the inmates learn how to use software programs such as Windows, Word Perfect, Lotus and Excel.

2. **Blueprint reading**: Understanding of autographic project drawings, pictorial drawings and detail and assembly drawings.

3. **Cabinet Making**: This class is designed to teach both basic woodworking principles and techniques, as well as more advanced skills related to the design and construction of cabinetry and other types of furniture.

4. **Machine Shop**: The students learn shop and facility maintenance and the basics of tool and die making.

5. **Refinishing**: The students learn how to finish products in a process that involves sanding, painting, glossing, and polishing.

6. **Safety Awareness**: This class emphasizes safe working practices and procedures.

7. **Upholstery**: The students learn how to upholster and re-upholster all types of furniture or fixtures. They learn fundamentals of this trade, which includes; padding, sewing and stapling.

8. **Welding**: This class is designed to teach students the operation of various machines: Oxyacetylene Cutting, Shielded metal/arc welding (stick), gas metal arc welding and flux core welding. In addition, students learn machine maintenance, shop math, theory, blueprint, reading/sketching, basic layout and fixture designs.

IV. Program Participation

A. Reasonable criteria for eligibility shall be established for inmates who wish to voluntarily participate in a program. Inmates shall be allowed to participate within the security parameters of the Department. Inmates may be removed from any class based on facility security or the inmate's failure to abide by facility rules and regulations.

B. An inmate who wishes to participate in a program can do so by submitting an Inmate Request Form to the Programs Unit requesting to participate in a specific program. An inmate may also participate in some programs, offered in the housing units or activity rooms, by putting his/her name on a sign-up sheet or responding to a verbal announcement.

1. Programs staff shall evaluate and respond to Inmate Request Forms and determine eligibility for placement in a program

C. To ensure hearing impaired inmates are provided equal access to programs, the Booking Supervisor shall fax the Hearing Impaired Tracking Form to the Programs Unit whenever a hearing impaired inmate is booked and housed in the jail. Programs staff shall arrange to interview the inmate as soon as possible, but not later than 72 hours, after incarceration, excluding weekends and holidays, to provide program information and availability. Programs staff shall be responsible for identifying and providing any additional services for participation in a program.

D. To ensure compliance with the academic educational requirement for juveniles as specified by the California Education Code, the Classification Officer shall fax the Juvenile In-Custody Notification Form to the Programs Unit whenever a juvenile is booked and housed in the jail (this does not apply to inmates who are only suspected of being a juvenile). Programs staff shall arrange to interview the juvenile inmate as soon as possible, but not later than 72 hours, after incarceration. Programs staff shall be responsible for ensuring the Department's Education Provider implements an education plan within two weeks of the juvenile's incarceration, absent exigent circumstances.

V. Policy Revision

A. All Department policies will be reviewed not less than once a year. The Professional Compliance and Audit Unit will establish an annual schedule identifying policies to be reviewed during a specific month.

COUNTY OF SANTA CLARA

Department of Correction **Policy and Procedure Manual**	**Policy Number:** 18.05 **No. of Pages:** 3 **Date of Origin:** 01 Apr 1992 **Date Revised:** 27 Sep 2001
Chapter: Inmate Programs and Services	**Subject:** Library Services
Supersedes: All Previous Orders	**Distribution:**
References: ACA 3-ALDF-5E-01, 5E-02, 5E-03 and 5E-04 C.C.R. Title 15 section 1064, 1069 and 1045	
Signature of Issuing Authority _____ Timothy P. Ryan, Chief of Correction	**Current Policy Review** **Date of Review:** 27 Sep 2001 **Revisions Made:** ☒ Yes ☐ No

POLICY: It is the policy of the Department of Correction to ensure all of its facilities maintain library services that offer inmates access to legal reference materials, current information on community services and resources, and religious, educational and recreational reading materials.

PURPOSE: To describe the library services that will be available to inmates.

PROCEDURE:

I. Goals and Objectives for Library Services

A. The Department of Correction will provide inmates access to a library or library services as organized by the Department's Programs Unit. To accomplish these goals, the Department shall:

1. Maintain and provide access to comprehensive library services, including a reference collection, general and specialized materials, and planned and continuous acquisition of such materials that meet the needs of the inmates. When appropriate, the resources of the libraries for the blind and developmentally disabled should be used.

2. Ensure that the contract provider for library services defines the principles, purpose and criteria used in selection and maintenance of library materials.

3. Ensure that the contract provider uses a systematic approach for determining the library services needs of the inmate population, at least annually.

4. Provide regular library services, including evenings and weekends, administered and coordinated by qualified Santa Clara County Library staff or contract provider.

5. Participate in available inter-library loan programs to increase diversity of materials accessible to inmates.

B. The Programs Unit Commander shall be responsible for contracting library services for the Department.

C. Each facility shall maintain a Law Library for inmates. (Refer to the Department's Policy, "Inmate Law Library")

II. Selection of books and resources for the General Library

A. The library shall maintain a variety of fiction, nonfiction and reference materials to serve a diverse group of literacy levels, ethnic backgrounds, and foreign language readers.

B. The major sources of books and magazines for the library are provided by Friends Outside and shall include, but not be limited to:

1. Donations, both solicited and unsolicited
2. Publishers and vendors

C. Programs staff or library services contract provider may survey the inmate population to determine needs, selection of books, materials, and programs. The library selections shall include but shall not be limited to:

1. Materials that serve the interests and needs of the inmates and are selected based on accuracy, currency and cultural, inspirational, or recreational values.

2. Selections at reading levels consistent with inmate abilities.

III. Access to Library Services

A. Inmates will have access to recreational reading materials as follows:

1. Inmates at **Main Jail South** will have access to recreational reading materials by means of a movable cart that is kept in a storage room. A Friends Outside volunteer comes twice weekly and takes the cart to each housing area to pass out and collect reading material and/or collect requests for certain reading material not contained on the book cart.

2. Inmates at **Main Jail North** will have access to recreational reading materials in the multi-purpose room of every housing unit. During their out-of-cell time, inmates have either direct access to the books themselves or may ask the Officer assigned to the housing unit for assistance. For certain reading materials not available, the inmates may request the reading material on an Inmate Request Form directed to Friends Outside.

3. Inmates at the **Correctional Center for Women** will have access to recreational reading materials in one of two locations based on the inmate's security level and housing. Minimum security inmates and some medium security inmates housed in W2 will have access to reading materials in the W2 Library. A librarian, scheduled to provide services at both Elmwood and CCW, will handle all library services requests. All other medium security inmates and maximum security inmates will have access to reading materials in the multi-purpose room of their housing unit. These inmates may access the reading materials during their out-of-cell time or request other reading materials by request using an Inmate Request Form.

4. Inmates at the **Elmwood Complex** will have access to recreational reading materials in one of two locations based on the inmate's security level and housing. Minimum-security inmates and some medium security inmates will have access to reading materials at the Elmwood Library located in the M1 Bldg. A librarian, scheduled to provide services at both Elmwood and CCW, will handle all library services requests. All other medium security inmates who are not allowed to leave their housing area will have access to reading materials in the multi-purpose room of their housing unit. These inmates may access the reading materials during their out-of-cell time or request other reading materials by request using an Inmate Request Form.

B. All inmates will have certain restrictions based on the safety and security of the facility.

1. Each inmate shall be allowed to have in his/her possession a maximum of 5 books and/or magazines at any one time.

2. Inmates in disciplinary housing who have been found guilty of a rule violation and are serving a disciplinary lockdown term may be restricted in their access to reading materials according to the facility procedures for this type of housing unit.

IV. Policy Revision

A. All Department policies will be reviewed not less than once a year. The Professional Compliance and Audit Unit will establish an annual schedule identifying policies to be reviewed during a specific month.

COUNTY OF SANTA CLARA

Department of Correction Policy and Procedure Manual	**Policy Number:** 18.07 **No. of Pages:** 6 **Date of Origin:** 01 Feb 1992 **Date Revised:** 27 Sep 2001
Chapter: Inmate Programs and Services	**Subject:** Exercise and Recreation
Supersedes: All Previous Orders	**Distribution:**
References: ACA 3-ALDF-3D-20, 3D-24, 4F-01, 5C-01 and 5C-02 C.C.R. Title 15, Section 1065	
Signature of Issuing Authority _____ Timothy P. Ryan, Chief of Correction	**Current Policy Review** **Date of Review:** 27 Sep 2001 **Revisions Made:** ☒ Yes ☐ No

POLICY: It is the policy of the Department of Correction to provide exercise and recreation programs and activities to all inmates under conditions of security and supervision that ensure, to the greatest extent possible, their safety and welfare. Exercise and recreation programs will be scheduled to allow inmates a minimum of three hours of such activity distributed over a period of seven days or to exceed the minimum requirement when possible.

PURPOSE: To describe the exercise and recreational programs that will be made available to inmates confined in the Department of Correction.

PROCEDURE:

I. Exercise and Recreation Programs and Activities

A. Each facility will provide a comprehensive indoor and outdoor recreational program that includes leisure-time activities.

1. Recreation activities will include, but not be limited to, softball, basketball, volleyball, table games, sporting competitions between housing units, holiday activities, and special programs such as art, horticulture and musical presentations.

2. The Facility Division Commander or designee must approve other special programs or activities.

B. General population housing units and locked housing units with dayrooms will provide activities such as dominoes, checkers, cards and television within the limits imposed by safety and security.

1. Inmates may also be permitted to engage in independent recreation activities such as board games, properly supervised small group activities or in-cell hobby crafts.

2. Television-viewing dayrooms will cease operation after the evening count unless the housing unit is operating on a 24-hours basis for the purpose of giving inmates their out-of-cell time.

3. Television viewing, to the extent available, may be scheduled to include English, Spanish and Vietnamese programs in housing units with a Hispanic or Vietnamese population.

4. Close-captioning will be available on all televisions.

C. Inmates will be granted access to outdoor exercise using a variety of fixed and movable equipment. Inmates shall be offered a minimum of three hours of supervised outdoor recreation each week as required by Title 15 regulations. Outdoor exercise will be permitted during varying weather conditions; however, outdoor exercise may be cancelled during inclement weather.

1. Outdoor exercise will be supervised and include such activities as basketball, volleyball, and weightlifting with fixed-weight equipment (not free weights).

2. Staff may issue portable equipment. Staff will be responsible for inspecting all items and their condition upon return.

3. Staff will conduct security searches of recreation areas before and after their use for the purpose of detecting altered or damaged equipment, hidden contraband, and security breaches.

4. Inmates housed in maximum-security locked units will not exercise with general population inmates. Special precautions will be taken by staff in those units to ensure that inmates needing separation from each other do not exercise together.

D. Scheduling of out-of-cell activity at all facilities shall be done so that inmates are afforded the maximum amount of exercise and recreation time available within the constraints of the unit operation, but not less than three hours of such activity distributed over a period of seven days.

1. Staff assigned to a housing unit will maintain a schedule for out-of-cell activity and document on the Post Log Book or activity sheet, who has access, when and under what circumstances.

2. Absent emergency situations that may jeopardize the safety of staff or inmates, scheduled out-of-cell time ***shall not*** be cancelled without authorization from a supervisor. The Officer shall document restrictions of activities or out-of-cell time due to a facility lockdown or other reason on the Post Log Book. The documentation shall include the time, reason for restriction, name of supervisor, and time the unit was re-opened for normal operation.

3. Staff assigned to the housing unit manage the issuance of equipment and board games, the monitoring of the television and the supervision of those activities.

II. Inmate Participation in exercise and recreational activities

A. Inmates may participate in approved exercise and recreational activities under the following conditions:

1. When adequate supervision of the event is provided and is consistent with the security needs of the inmate.

2. When the Classification Unit has approved their participation through appropriate housing.

B. Inmates may request to participate in other structured activities as organized by Programs staff.

1. Programs staff will verbally announce or post a written announcement in a housing unit when an organized activity is available to inmates.

2. Inmates may request to participate by completing an Inmate Request Form to Programs staff or by signing their name to a list for interested participants.

III. Facilities and Equipment

A. Through the annual budget process, the Programs Commander shall submit an annual plan for replacement and renewal of equipment used for recreational activities. This plan shall ensure adequate availability of program supplies through consideration of anticipated changes in the inmate population. This plan shall include the following considerations:

1. Recreation areas
2. Basketball Courts
3. Weight Lifting Area

B. Staff responsible for issuing portable equipment and/or conducting security checks of fixed equipment in any exercise area shall report when the equipment is damaged or not in working order. The equipment shall be taken off line until it is repaired or replaced.

C. The Facility Commanders may approve the replacement of equipment used for recreational activities as needed.

IV. Access to Exercise and Recreation Programs and Activities by facility

A. ***Main Jail North*** has an exercise area in each housing unit that is available to inmates during their out-of-cell time. Inmates shall have scheduled out-of-cell time based on their classification and housing status. Inmates in general population who can program together will generally have more access to indoor and outdoor recreation than inmates who, for security reasons, can only program individually. Each housing unit will have a schedule for staff to follow.

1. Inmates housed on the 4th floor in B or C units will be scheduled for out-of-cell time individually. The assigned officer will offer each inmate access to the dayroom and exercise area a minimum of one hour every other day on a rotating schedule. The assigned officer will maintain an activity log and document the out-of-cell time for each inmate or his refusal of time offered.

2. Inmates housed on the 2nd floor, both male and female, are generally housed there due to a medical condition or disability requiring additional medical staff supervision. This housing area requires the assigned officer to schedule out-of-cell time for inmates on a daily basis depending on the classification level or sex of the inmates housed at the time.

a. Male and female inmates shall not be allowed access to the dayroom and/or exercise area at the same time.

b. Inmates will be scheduled in compatible groups such as general population, protective custody or maximum security. The officer will contact classification whenever there is a question of compatibility.

3. Inmates housed on the 8th floor in 8A, both male and female, who require inpatient psychiatric services shall be given access to the dayroom and exercise area as determined by mutual agreement between Mental Health staff and Custody staff. Access to out-of-cell time will be individualized based on inmate

behavior. Scheduling shall be designed to allow as many persons out as can be safely handled. Male and female inmates shall not be allowed access to the dayroom and/or exercise area at the same time.

B. ***Main Jail South*** has only one outdoor exercise area for all inmates. Access to the exercise area must be coordinated through the use of a master schedule that details who has access and when. Staff must escort an inmate or group of inmates to the exercise area and document the inmates' participation or refusal on the schedule.

1. Main Jail South staff shall review the master schedule annually and ensure it is designed to meet Title 15 requirements for all inmates' access to an exercise area.

2. Except for the inmates housed in a single cell, observation cell or maximum-security cell, all other housing units at Main Jail South have an indoor dayroom area with access to recreation supplies and a television.

3. E-dorm is the designated housing unit for Juveniles. Exercise and recreation for a juvenile in custody shall be in accordance with the Department's policy, Juvenile Inmates. Whenever a juvenile inmate is housed in E-dorm, the Main Jail South supervisor will review the master schedule to ensure sufficient time is allocated for the juvenile(s).

C. ***Elmwood Complex Minimum Compound*** has a large exercise yard shared by all inmates housed on the Minimum Compound. In addition, immediately outside of all the housing units, there is a large open area that the inmates have access to a major part of the day. Each housing unit on the Minimum Compound has a dayroom area with tables and a television for indoor recreation. As a minimum-security housing area, the inmates housed here are generally allowed to move about in and out of their housing area daily. A Custody Support Assistant is assigned to open the exercise yard from 1300 to 1500 daily unless otherwise ordered by a Watch Commander. The CSA is responsible for issuing equipment as requested by inmates and supervising the activity on the yard. When the exercise yard is open, an officer is also assigned to monitor the exercise yard and respond to any disturbance.

D. ***Elmwood Complex Medium Security Locked Housing Units*** each have an exercise area available for outdoor recreation accessible to the inmates on a daily basis for one or more hours. The assigned officer is responsible for following the posted schedule for access to the exercise area and for issuing equipment to the inmates as requested and available. Each housing unit also provides a dayroom area with tables, chairs and television(s) that are available to inmates for indoor recreation.

E. ***The Correctional Center for Women*** houses minimum to maximum-security inmates. All minimum-security inmates share a large exercise yard. The inmates are allowed access to the exercise yard daily for one or more hours unless otherwise ordered by a Watch Commander. Each minimum-security housing unit has a dayroom and televisions available for indoor recreation. The W4A exercise yard is used to provide outdoor exercise for medium-security inmates housed in W2D, E and F units. Each unit is given access to the exercise area on a rotating basis five times a week for one hour. An officer assigned to these units will announce when it is time to go to the exercise area and will escort those inmates wishing to participate. Medium security inmates housed in W4A and B units, administratively segregated inmates and maximum-security inmates housed in W4C unit, and inmates housed in Special Housing each have an exercise area and dayroom in their respective units. These inmates are allowed access to the exercise area and dayroom area during their out-of-cell time. A schedule is posted and maintained in each unit. Custody staff assigned to each unit will ensure that access to the exercise area is provided a minimum of 3 hours per week.

F. Inmates at CCW or Elmwood who voluntarily participate in the ***RCP program*** spend a considerable time outdoors marching. These inmates are required to participate in a daily structured exercise program and also have access to a dayroom and an outdoor exercise area during their "free time."

IV. Policy Revision

A. All Department policies will be reviewed not less than once a year. The Professional Compliance and Audit Unit will establish an annual schedule identifying policies to be reviewed during a specific month.

County of Santa Clara
Department of Correction
Professional Compliance and
Audit Unit (PCAU)
(408) 957-5322

By Direction of the Chief

NOTICE TO ALL STAFF

Policy 18.09 amendment effective 06/04/07

Policy Amendment

18.09 Religious Programs and Services

The Department is amending Policy 18.09, Religious Programs and Standards to reflect The Religious Land Use and Institutionalized Persons Act of 2000, which now supercedes the Religious Freedom Restoration Act of 1993.

The following modifications shown as strikethroughs are for deletion and in highlighted red font for an addition to this policy.

Section III, B., 3., a.

3. The Programs Commander will review all inmate requests that are forwarded for review by the Chaplain. The Commander will ~~designate staff to formally review and approve or deny the request~~ coordinate with County Counsel and the Director of Chaplaincy Services to formally review and approve or deny the request.

~~a. The designated individuals, one of whom must be of a management level, will review the request within 10 days and make the decision to approve or deny it.~~

a. All requests will be reviewed within 10 days, with a decision to approve or deny request, unless more time is needed due to the nature and complexity of request.

Division Commanders/Unit Managers shall ensure that this notice is **read at all briefings** and/or a copy given to each staff member. A copy of this notice must also be attached to front of Policy 18.09 in the Policy Manuals located in the respective Divisions or Units. This amendment may also be viewed online at Department workstations. Any questions regarding this policy amendment should be directed to PCAU at 957-5322.

COUNTY OF SANTA CLARA

Department of Correction Policy and Procedure Manual	**Policy Number:** 18.09 **No. of Pages:** 5 **Date of Origin:** 01 Feb 1992 **Date Revised:** 27 Sep 2001
Chapter: Inmate Programs and Services	**Subject:** Religious Programs and Services
Supersedes: All Previous Orders	**Distribution:**
References: ACA 3-ALDF-5F-01, 5F-02, 5F-03, 5F-04, 5F-05, 5F-06, 5F-07, 5F-08 thur 10 C.C.R. Title 15 section 1072, Penal Code 4027 Civil Rights of Institutionalized Persons Act, 42 U.S.C. § 1997	
Signature of Issuing Authority Timothy P. Ryan, Chief of Correction	**Current Policy Review** **Date of Review:** 27 Sep 2001 **Revisions Made:** ☒ Yes ☐ No

POLICY: It is the policy of the Department of Correction to make available to inmates a range of religious services and programs that, to the extent practical, satisfy the beliefs of most faith groups confined in the jail.

PURPOSE: To describe the religious programs and services available to inmates.

PROCEDURE:

I. Religious Programs and Services

A. A Chaplain, in cooperation with the Programs Commander or designee, plans, directs, and supervises all aspects of the religious program, including approval and training of both lay and clergy volunteers from faiths represented by the inmate population.

1. The Chaplain will have a verified clinical pastoral education and carry the endorsement of his or her religious certifying body.

2. The Chaplain will have access to all areas of the jail limited only by safety and security concerns. To the degree practical, all faith groups will be granted equal access to the facilities for their worship activities.

3. Under supervision and direction of the Chaplain, trained volunteers and contract employees will be used to minister to inmates of various faiths.

4. The Chaplain will interview inmates who are referred to them by custody staff or who request such an interview.

5. The Chaplain will be notified as soon as possible when information is received concerning death or serious injury/illness of an inmate, a member of an inmate's family or events that may be disturbing to the inmate. The Chaplain will assist in notifying the inmate.

6. The Chaplain and volunteer chaplains and staff will not attempt to influence an inmate to change religious preference or faith.

7. The Chaplain may provide inmates with information on how to get married in the jail but shall not perform any marriage ceremony.

8. The Chaplain, in cooperation with the Programs Commander, shall develop and maintain communication with faith communities and develop and approve donations, equipment, or material for use in religious programs. These items must be approved by the Facility Commander if they are brought into any facility.

B. The Department will adequately provide for funding of the Chaplain's position and other expenses necessary to the functioning of religious programs.

1. Additional staff may be provided to supervise large-group activities when approved by the Division Commander.

2. Space will be made available for necessary programs, equipment, supplies, vestments and other items incidental and necessary to the religious program. Ordinarily, religious services and activities will be held in the multipurpose room of the housing units. Individual counseling activity may be held in rooms identified for that purpose or in the Chaplain's office.

C. Religious services and counseling will be available to all inmates. Inmates will have the opportunity to participate in those practices of their religion that are deemed essential by the governing body of that faith, subject to reasonable constraints necessary to ensure the safety, security and order in the jail.

1. Inmates may ask to see a Chaplain at any time. Chaplains will respond to requests as promptly as possible, as indicated by the urgency of the situation.

2. No inmate will be compelled to attend any religious program, service or activity.

3. When a representative of the faith to which an inmate subscribes is not available in the jail, the inmate may contact a properly credentialed representative of that

faith and communicate by telephone, visit or correspondence. The Chaplain will assist inmates in finding a religious counselor.

4. Religious programs and services in the jail may include, but are not limited to, the following:

   a. religious services and prayer
   b. baptism, communion, and other sacramental rituals
   c. religious education and classes
   d. religious counseling
   e. choirs, ensembles, and singing groups

5. The Chaplain or his/her designee will post a schedule of all religious activities in locations available to inmates. All such activities will be supervised by custody staff.

6. Inmates may receive, through the Chaplain, religious publications and other materials that do not have security implications. The Chaplain will provide a list of religious publications or items that have been approved by the Department. Custody staff may refer to this list to determine what is not contraband in the facility.

II. Visiting Clergy and Volunteers

A. All clergy of an officially recognized religion may visit an inmate under the following conditions:

   1. The inmate or his/her family member must initiate the visit.

   2. The clergy member must furnish identification confirming his/her status in an officially recognized religion.

B. Visits from clergy shall only be allowed between the hours of 8:00 am and 9:00 pm except in cases of emergencies with the approval of the Watch Commander.

C. Under direction of the Chaplain, volunteers and contract employees shall be used to enhance the religious programs and services provided to inmates and will be given access to the jail.

   1. All volunteers or contract employees must receive a security clearance through the Department's Security Clearance Coordinator prior to being allowed access to the jail and shall wear a Visitor's Clearance Pass while in any of the facilities.

2. Religious volunteers may be clergy or lay people.. The following list describes some of these volunteers and the service they provide.

   a. Volunteer Assistant Chaplain: Augment chaplains in answering inmate requests, and have access to all areas of the facility as does the Chaplain.

   b. Bible Study Leaders: Conduct Bible Study.

   c. Worship Teams: Conduct worship services.

3. Clergy, volunteers or contract employees are not permitted to deliver alcohol for communion, letters or property to inmates. Food items must have prior approval from the Watch Commander.

III. Inmate Requests for Religious Services

A. Inmates must submit an Inmate Request Form to see the Chaplain, to request religious materials, to request individual counseling, to request a religious diet, or to request information on matters related to religious practice or counseling.

1. Custody staff may contact the Chaplain by phone on behalf of the inmate if a situation is urgent.

2. The Chaplain will review all requests for religious diets. If the Chaplain approves, a Diet Order Form will be submitted to the facility's dietician.

B. Inmates who make a request based on their right to freedom of religious expression shall be referred to the Chaplain. The Chaplain shall be familiar with the policy established by the Department of Correction and shall review all requests to determine the appropriate action.

1. If the request falls within the guidelines of this policy, the Chaplains may approve the request.

2. If the request falls outside of the guidelines of this policy or if the Chaplains cannot approve the request, the Chaplain shall forward the request to the Programs Commander.

3. The Programs Commander will review all inmate requests that are forwarded for review by the Chaplain. The Commander will designate the staff to formally review and approve or deny the request.

   a. The designated individuals, one of whom must be of a management level, will review the request within 10 days and make the decision to approve or deny it.

   b. The denial of any request that restricts or imposes a substantial burden on the right to free exercise of religion of an inmate shall only be made if imposing that burden is in furtherance of a compelling state interest and is the least restrictive means of meeting that interest.

   c. The approval or denial of such request will be documented on the Inmate Request Form or letter to the inmate. A copy will be kept in the inmate's classification file.

IV. Policy Revision

A. All Department policies will be reviewed not less than once a year. The Professional Compliance and Audit Unit will establish an annual schedule identifying policies to be reviewed during a specific month.

COUNTY OF SANTA CLARA

Department of Correction Policy and Procedure Manual	**Policy Number:** 18.11 **No. of Pages:** 5 **Date of Origin:** 01 Feb 1992 **Date Revised:** 27 Sep 2001
Chapter: Inmate Programs and Services	**Subject:** Social Services
Supersedes: All Previous Orders	**Distribution:**
References: ACA 3-ALDF-4F-01, 4F-02, 4F-03, 4F-04, and 4F-05 C.C.R. Title 15 section 1070	
Signature of Issuing Authority _____ Timothy P. Ryan, Chief of Correction	**Current Policy Review** **Date of Review:** 27 Sep 2001 **Revisions Made:** ☒ Yes ☐ No

POLICY: It is the policy of the Department of Correction to offer the broadest range of social service programs to inmates and to facilitate cooperation with appropriate public or private agencies for individual and/or family social service programs.

PURPOSE: To describe the social service programs that will be available to inmates in the jail and to maximize opportunities for inmates to participate in programs that enhance the inmate's reintegration into the community.

DEFINITIONS:

Counseling: Planned use of interpersonal relationships to promote social adjustment.

MAEP: Milpitas Adult Education Program

P.A.C.T.: Parents and Children Together

Social Service Programs: Planned activities designed to promote the inmate's social adjustment and assist in resolving personal and interpersonal problems.

Volunteer: A person who donates time and/or effort to enhance the activities and programs of the Department. They are selected on the basis of their skills and personal qualities to provide services in a variety of activities such as recreation, counseling, education and religion.

PROCEDURE:

I. Social Service Programs

A. The Santa Clara County Department of Correction is committed to making a variety of individual and/or family social service programs available to inmates during their incarceration.

1. All inmates shall be afforded the opportunity to participate in social service programs restricted only for safety and security concerns and/or disciplinary concerns.

2. The programs and services offered to inmates shall be coordinated through the Programs Division. The range and source of such services shall be at the discretion of the Programs Commander.

B. Social service programs may include, but not be limited to:

1. Religious Services:

Inmates shall have access to a range of religious resources, services, instruction and counseling that, to the extent practical, satisfies the beliefs of most major faith groups confined in the jail. Participation shall be on a voluntary basis and inmates shall be informed of opportunities available in religious programming on a continual basis. Inmates may ask to see a Chaplain at any time and Chaplains will respond to these requests as promptly as possible as indicated by the urgency of the situation. *(Refer to the Department's policy, "Religious Programs and Services")*

2. Library Services:

Each facility shall maintain library services that offer inmates access to legal reference materials, current information on community services and resources, and religious, educational and recreational reading materials. *(Refer to Department's policy, "Library Services" and/or "Inmate Law Library")*

3. Recreational Programs:

Each facility will provide a comprehensive indoor and outdoor recreation program that includes leisure-time activities. *(Refer to the Department's policy, "Exercise and Recreation")*

4. Educational and Vocational Programs:

Inmates shall have access to a range of Educational and Vocational programs that offer a variety of learning opportunities such as the Inmate Literacy Project. Participation shall be within the security parameter of each facility. *(Refer to the Department's policy, "Educational Programs and Services")*

5. Substance abuse programs for drug and alcohol addiction

MAEP provides and supervises several programs that are offered to inmates with alcohol and addiction problems. Inmates may be referred to these programs by the courts, staff or themselves.

a. Substance Abuse Rehabilitation, offered by MAEP, is a 180-hour course offered in eight-week cycles. Inmates are introduced to the elements of recovery and encouraged to apply this knowledge as a vital tool to maintaining a drug-free life. The program structure includes lecture, interactive discussion and written exercises.

b. Substance Abuse Rehabilitation, provides an intensive psycho-educational program which is eleven weeks of in-custody training followed by 12 months of after care relapse prevention.

c. Twelve Steps Programs, available throughout the facilities, offers inmates an opportunity to attend 12-step meetings for Alcoholics Anonymous, Narcotics Anonymous, and Cocaine Anonymous.

6. Pre-release programs

Inmates will have access to programs that will prepare them for release.

a. The Transition-Re-Entry Program makes available weekly guest speakers from community-based organizations to provide re-entry information. The organizations may include Alcohol and Drug Treatment Programs, Clean and Sober Living Residential Programs,

Domestic Violence Programs, Rape and Sexual Abuse Crisis Centers, Living and Dying, and Child Care Centers.

b. The Regimented Corrections Program is a coordinated effort between the courts, the Department of Correction, the Probation Department, MAEP, Friends Outside and other service providers, collaborating to assist inmates to effect a successful re-entry into the community. Phase 1 is provided while the inmate is in custody and phases 2 & 3 are provided while the inmate is out of custody.

7. Individual and group counseling

Counseling for inmates is available upon request or referral by staff. A provider agreement between Santa Clara Valley Health and Hospital System and the Department is in effect to provide mental health services and counseling to inmates.

a. The Mental Health authority shall arrange for the availability of emergency and basic mental health care services and custody staff shall provide support for making the services accessible to inmates. Mental Health staff will respond immediately to any calls for emergency or crises intervention. In all other cases, they shall respond as soon as possible.

c. Parenting classes are provided on a weekly basis and recognized by the court. A certificate is given to each inmate who completes a 16-hour class. Inmates are given information on the risks associated with substance abuse, the proper parenting skills through stress reduction and emotional control and how to re-unite the family through counseling.

Female inmates may also be approved to participate in the P.A.C.T. program where inmates visit with their children on a weekly basis. The visits are supervised by the parenting instructor and are pre-approved by the Social Services Department of Santa Clara County.

d. Prenatal/Women's Health Issues is a program focused primarily on pregnant women to provide comprehensive counseling and assistance.

II. Community Referrals

A. Information on services and resources available in the community are provided to inmates through several sources including but not limited to:

1. Program instructors give inmates community resource information during classroom instruction relative to their needs.

2. Facility Chaplains provide inmates with community resource information for individual and/or family counseling.

3. Representatives from various community resources and Volunteers provide information on employment, counseling, after care, legal assistance and regional center services for the developmentally disabled.

III. Inmate Refusal to Participate in Programs

A. Programs staff and custody staff shall encourage inmate participation in social service programs in order to increase morale and reduce tension.

B. Inmates are allowed to refuse to participate in programs. Such refusals shall be documented on a "Programs Refusal Form" and placed in the inmate's custody jacket.

IV. Policy Revision

A. All Department policies will be reviewed not less than once a year. The Professional Compliance and Audit Unit will establish an annual schedule identifying policies to be reviewed during a specific month.

COUNTY OF SANTA CLARA

Department of Correction Policy and Procedure Manual	**Policy Number:** 18.13 **No. of Pages:** 4 **Date of Origin:** 01 Feb 1992 **Date Revised:** 27 Sep 2001
Chapter: Inmate Programs and Services	**Subject:** Volunteer Program Coordination
Supersedes: All Previous Orders	**Distribution:**
References: ACA 3-ALDF-1G-01, 1G-02, 1G-03, 1G-04, 1G-05, 1G-06, 1G-07, 1G-08, 1G-09	
Signature of Issuing Authority _____ Timothy P. Ryan, Chief of Correction	**Current Policy Review** **Date of Review:** 27 Sep 2001 **Revisions Made:** ☒ Yes ☐ No

POLICY: It is the policy of the Department of Correction to use non-staff resources, primarily in the form of Volunteers, to provide important ancillary services for the benefit of staff and inmates.

PURPOSE: To establish guidelines which will govern the operation of the Volunteer services program for the Department of Correction and to ensure the efficient use of Volunteers.

DEFINITIONS: Volunteer: A person who donates time and/or effort to enhance the activities and programs of the Department. They are selected on the basis of their skills and personal qualities to provide services in a variety of activities such as recreation, counseling, education and religion.

PROCEDURE:

I. Mission of the Volunteer Services Program

A. The Volunteer services program is designed to encourage increased personal contact for inmates, to broaden community resources for the jails, to increase public awareness of the correctional system and to develop management skills among staff.

B. Volunteers shall not displace a paid worker, nor be assigned in a job slot for which funding is available. Tasks assigned to a paid worker shall not be removed for the purpose of creating assignments for Volunteers.

II. Coordination and Supervision of the Volunteer Services Program

A. The Department of Correction Programs Lieutenant/Manager or designee shall coordinate and supervise the Volunteer program. He or she shall work with Department

administrators, managers, and supervisors, and Volunteer organizations in providing and coordinating the activities of the Volunteers, as well as, assisting in evaluating programs with which they are involved.

B. Volunteers offering a specific skill or educational background for tutorial, pastoral, vocational, or psychological benefit shall provide the evidence or proper credentials showing the Volunteer is qualified to perform these services.

C. Items or equipment to be used by the Volunteers shall have prior approval by the facility Division Commander or designee before being allowed into the facility. At no time shall any individual be allowed to remove any article from the facility without the approval of the Programs Lieutenant or Watch Commander.

D. The Programs Lieutenant/Manager or Watch Commander shall have the discretion to curtail, postpone or discontinue the services of a Volunteer or Volunteer organization for, but not limited to, the following:

1. Breach of confidentiality.
2. Unlawful conduct or breach of facility rules and regulations.
3. Improper contact or conduct with an inmate or an inmate's family or associates.
4. Inability to cooperate with staff.
5. Erratic or unreliable attendance.
6. Any activity that threatens the facility's order or security or the Volunteer's safety.

E. Requests for Volunteer services must be submitted to the Programs Lieutenant/Manager. The requests must include a written description of the services needed to include, but not limited to:

1. A statement of major objectives, duties and/or activities that will serve as a guide to the Volunteer.

2. Qualifications desired, including skills, experience or any unusual requirements.

3. Number of hours and minimum length of commitment required.

F. Volunteers shall be placed on assignments according to their interests and capabilities, in accordance with security requirements of the facility.

G. An employee, to whom a Volunteer is assigned, shall be that Volunteer's supervisor and shall coordinate, assist, and report activities of that Volunteer to the Programs Manager.

H. A schedule of all Volunteer activities may be posted on inmate bulletin boards.

III. Recruitment of Citizen Volunteers

A. Based on staff and inmate needs, Volunteers shall be recruited from all parts of the community without regard to their race, creed, religion, color, sexual preference or national origin.

B. Any person of good character, who is at least twenty-one years of age and sufficiently mature to handle responsibilities involved, may be eligible to become a Volunteer.

C. Inmate relatives may not serve as Volunteers. Ex-inmates may be accepted as Volunteers, subject to the Facility Commander's approval, using the same criteria as for considering an ex-inmate for a staff position.

D. Interested Volunteers must complete a security clearance application. The Programs Manager will ensure that only Volunteers with an approved security clearance will be allowed entry to any of the facilities.

1. Each facility maintains a security clearance list at the entrance of the facility. Volunteers must show picture identification at time of entrance.

2. A Volunteer cleared to enter a facility will be issue a visitor's pass that must be prominently displayed by the Volunteer while in the facility.

3. The Facility Commander, at his/her discretion, may approve a one-day security clearance to a Volunteer; however, the person must be supervised at all times by custody staff while in the facility.

E. The Programs Manager, or designee shall interview all interested Volunteers. Following the interview, the Programs Manager, or designee, shall note recommendations on the application.

IV. Orientation and Training for Volunteers

A. The Programs Coordinator shall conduct an orientation for approved Volunteers <u>prior</u> to their assignment. The orientation shall include the following:

1. The history of the Department and an overview of Department policies. Volunteers will be briefed on all pertinent rules and procedures, particularly the hostage policy, confidentiality of all information gained through their facility activities, the chain of command, and their responsibility to staff while in the facility.

2. An overview of the programs available for service and a description of the Volunteer's duties, and the needs, attitudes, and lifestyles of the inmate population.

3. A general overview of the safety and security issues, along with a tour of the facilities.

B. Inmates shall receive an orientation designed to explain the role of Volunteers, the limits of the Volunteer's authority, and the mutual responsibilities of the inmates and Volunteers.

C. The Programs Lieutenant/Manager shall encourage Volunteers to contribute suggestions relating to the improvement of the Volunteer Services Program and policies.

D. The Programs Lieutenant/Manager shall be responsible for advising Volunteers of any changes to Department policies or procedures that may affect the service they provide.

IV. Policy Revision

A. All Department policies will be reviewed not less than once a year. The Professional Compliance and Audit Unit will establish an annual schedule identifying policies to be reviewed during a specific month.

COUNTY OF SANTA CLARA

Department of Correction Policy and Procedure Manual	**Policy Number:** 18.15 **No. of Pages:** 3 **Date of Origin:** 01 Feb 1992 **Date of Revision:** 10 Mar 2002
Chapter: Inmate Programs and Services	**Subject:** Correctional Industries
Supersedes: All Previous Orders	**Distribution:**
References: ACA 3-ALDF-5A-14, 5A-15, 5A-16, 5A-17, 5A-18, 5A-19. Penal Code 4017, 4019(b), 4019.3; County Ordinance Code 19.18 Section 5 of Article XIV of the Constitution of the State of California	
Signature of Issuing Authority _____ Timothy P. Ryan, Chief of Correction	**Current Policy Review** **Date of Review:** 10 Mar 2002 **Revisions Made:** ☒ Yes ☐ No

POLICY: It is the policy of the Department of Correction to provide training and work experience to inmates through a Correctional Industries Program. The program will be designed to afford inmates the opportunity to perform work that will equate to work performed in the community and to provide inmates with a variety of job opportunities of mutual benefit to the government, the inmate and society.

PURPOSE: To establish guidelines for the Correctional Industries Program and encourage inmates to develop skills and work experience that will enhance their ability to find employment after release.

DEFINITIONS: Work Time Credit: Per Penal Code 4019(b), a sentenced inmate receives one day work time credit for every six days of confinement unless the inmate has refused to perform labor as assigned.

PROCEDURE:

I. Correctional Industries Program

A. The Department is authorized by the State of California, to enter into contracts with public entities and nonprofit or for profit organizations, entities, or businesses for the purpose of conducting programs which use inmate labor. The Department will select particular industry programs based on:

1. The value of the training to the inmate in gaining usable skills; and

2. The demand for the services or products.

B. The Correctional Industries Program will be managed in accordance with generally accepted manufacturing and accounting practices and will produce goods and services within the scope of the county ordinance.

1. Program costs may be supplemented by revenues generated by the program and contributions from the Inmate Welfare Fund.

2. Program staffing may include, but not limited to, county staff, instructors from the Regional Occupational Program, Adult Education programs and qualified volunteers.

C. The Correctional Industries Program will be located within the secure portion of the jail to employ the maximum possible number of inmates. Selection and assignment of inmates will be in accordance with the Department's policy, *Inmate Work Program, Selection and Assignment for Inmate Workers*.

1. An inmate will be allowed to participate if he or she meets the program requirements and if the program is not filled to capacity.

a. An inmate with a special skill necessary to specific production needs of the industry program may receive priority for hiring.

b. Medical staff may impose medical limits as necessary to ensure assignments are in the best interest of both the inmate and the jail.

2. A disabled inmate will be afforded the opportunity to participate if all other qualifications are met.

3. To the degree possible, the jail workplace will approximate that of a community as to variety, general work conditions and hours.

4. An inmate assigned to the Correctional Industries Program will receive Work Time Credit.

D. The Correctional Industries Program will be operated in accordance with applicable federal, state and county safety standards. The Safety Officer will maintain documentation of inspections.

E. The Correctional Industries Program includes, but is not limited to: welding, upholstery, refinishing, cabinet making and landscaping.

II. Correctional Industries Advisory Board

A. The Correctional Industries Advisory Board is comprised of seven members appointed by the Board of Supervisors based upon nominations received from the following representative organizations and the Chief of Correction. Positions on the Advisory Board will represent the following interests or institutions:

1. Organized labor;
2. Chamber of Commerce;
3. Friends Outside;
4. Adult Education;
5. Superior or Municipal Court;
6. Department of Correction;
7. At large position.

B. Members of the Advisory Board will:

1. Review and make recommendations on all proposed industry trade areas. This review should include feasibility as well as social and economic impact.

2. Review existing programs yearly to determine the advisability of continuance.

3. Make recommendations for new industrial programs.

4. Perform other duties as requested by the Chief of Correction.

III. Private industrial operations / Joint venture agreements

A. Subject to any other provision of county, state, or federal law, the Chief of Correction may entertain a proposal by a private-sector firm to employ inmates in industrial employment. Any such proposal will have, at a minimum, the following elements:

1. Payment of prevailing wage rates for that locality and type of work.

2. All necessary inmate supervision.

3. All necessary searches and inspections of incoming and outgoing materials and products.

4. A scale for payment of room, board, and other costs by the inmate to the county.

5. Compensation to the county by the firm for utilities and other reasonable costs incidental to the location of the private factory on county property.

6. Provision for all other fiscal and administrative safeguards required for a county-run factory.

IV. Policy Revision

A. All Department policies will be reviewed not less than once a year. The Professional Compliance and Audit Unit will establish an annual schedule identifying policies to be reviewed during a specific month.

COUNTY OF SANTA CLARA

Department of Correction Policy and Procedure Manual	**Policy Number:** 18.19 **No. of Pages:** 7 **Date of Origin:** 07 Nov 2001 **Date Revised:** New
Chapter: Inmate Programs and Services	**Subject:** Inmate Work Program, Selection and Assignments for Inmate Workers
Supersedes: All Previous Orders	**Distribution:**
References: ACA 3-ALDF-5A-01, 02, 03, 04, 05, 06, 07, 08, 09, 10, 11, 12, and 13 CCR, Title 15 Section 1029(a)(1) Penal Code 4017, 4017.1, 4018 and 4019	
Signature of Issuing Authority _____ Timothy P. Ryan, Chief of Correction	**Current Policy Review** **Date of Review:** **Revisions Made:** ☐ Yes ☐ No

POLICY: It is the policy of the Department of Correction to allow inmates to participate in inmate work programs if they meet the program requirements. The work programs will afford inmates the opportunity to use and learn a variety of job skills and develop good work habits.

PURPOSE: To establish a procedure for the selection and assignment of inmate workers.

DEFINITIONS:

Assignment Officer: An officer whose primary assignment is to manage the selection and assignments of inmate work crews for Elmwood Men's facility.

Facility Inmate Worker: An inmate who is selected and cleared by Classification to perform various work assignments throughout the facilities and is allowed to perform his/her work assignment outside of his/her housing unit.

Housing Unit Inmate Worker: An inmate who is selected to perform various work assignments only within his/her Housing Unit such as routine housekeeping and dispensing prepackaged food.

PROCEDURE:

I. Inmate work program

A. All sentenced minimum-security inmates are allowed to participate in a work program unless assigned to an approved education or training program or unless prohibited by Classification criteria/restrictions.

B. The inmate work program shall provide a variety of job opportunities that will be of mutual benefit to the inmate, the facility and society.

1. Unsentenced inmates are not required to work except to do personal housekeeping, but may volunteer to work if they so choose.

2. Work furlough and work release programs are available to inmates through the Probation Department.

C. To successfully operate an inmate work program, the goals of the Department shall include, but not be limited to, the following goals:

1. Provide full-time work and/or program assignments for sentenced inmates, subject only to the number of work opportunities available and the maintenance of facility security.

2. Provide a variety of work assignments that afford inmates an opportunity to learn job skills and develop good work habits and attitudes that they can apply to jobs after they are released.

3. Provide inmates with a workday that is equal to the standard in the community.

4. Ensure that inmate-working conditions comply with all applicable federal, state and local work safety laws and regulations.

5. Provide inmates the opportunity to participate in programs or work assignments without regard to race, religion, national origin, sex, or disability.

6. Ensure that staff operating inmate work programs use the advice and assistance of labor, business and industrial organizations to assist in providing skills relevant to the job market.

D. An inmate's ability to qualify for the work program will be determined by his/her classification and those factors associated with it, such as charges, bail, escape-risk and assault history. Classification staff ***must*** approve all inmate workers and medical staff ***must*** clear all inmate workers who handle food. Once an inmate qualifies for a work program, he/she may be assigned to a work assignment. Assignment of inmate workers at each facility is limited by security level as listed below:

1. ***Minimum-security inmate workers at Elmwood Men's Facility and the Correctional Center for Women***:

   a. Sentenced minimum-security inmates will be interviewed by the Assignment Officer for the Elmwood's Men's Facility or by the inmate work program officer at CCW to determine placement in a specific work assignment. Work assignments will be made to the areas where workers are most needed at the time while keeping the inmate's interest in mind.

   b. Work assignments may include, but not be limited to:

      1) Grounds Maintenance
      2) Laundry
      3) Kitchen
      4) Bakery
      5) Building Maintenance
      6) Janitorial
      7) Construction and repair
      8) Equipment and facility repair
      9) Messenger (runner)
      10) Shops and Industries

2. ***Medium-security inmate workers at Elmwood Men's Facility, the Correctional Center for Women, and the Main Jail Complex.***

   a. The only position available to medium-security inmates is the Housing Unit Inmate Worker position. The duties are maintaining the cleanliness of the housing unit, and assisting with laundry exchange and meal distribution within the unit.

   b. Medium-security Housing Unit Inmate Workers are restricted to work inside their housing unit. However, they may be permitted to clean common areas outside of their housing unit when they are under the direct supervision of an officer and are not left unattended.

3. ***Medium-security inmate workers at Main Jail South***

   The Main Jail Complex does not house minimum-security inmates; therefore, a specific housing unit at Main Jail South has been designated as a Facility Worker housing unit which houses medium-security inmates that have been cleared by Classification and Medical to work as Facility Inmate Workers.

a. Medium-security inmates housed in the Inmate Worker housing unit are issued white shirts that identify them as Facility Inmate Workers and may be assigned to any of the following assignments:

1) Food service
2) Janitorial
3) Barber
4) Utility

b. The only position available to all other medium-security inmates at Main Jail South who are not housed in the inmate worker housing unit is the Housing Unit Inmate Worker position. The duties are maintaining the cleanliness of the housing unit, and assisting with laundry exchange and meal distribution within the unit.

4. ***Maximum-security and administrative segregation inmates at the Correctional Center for Women and the Main Jail Complex.***

a. Maximum-security inmates or inmates in administrative segregation are responsible for the cleanliness of their own cell. They shall not be used as inmate workers except to clean the common areas within their own housing unit.

1) The officer will select an inmate from within the housing unit to clean the common areas. The selection will be done on a rotational basis.

2) The officer shall maintain constant supervision of the inmate while the inmate is cleaning the common areas within the unit.

b. Maximum-security inmates or inmates in administrative segregation shall not be allowed outside of their locked unit to clean.

II. Housing Unit Inmate Workers

A. Each housing unit at each facility has Housing Unit Inmate Workers who are responsible for routine housekeeping and food handling.

1. The Housing Unit Inmate Workers will be the same classification level as the other inmates housed in that housing unit.

2. The Housing Unit Inmate Workers typically will have the responsibility of helping to serve meals in the housing unit; therefore, they must be medically cleared before being given such assignment.

a. The housing unit officer must complete the Request for Medical Clearance Form and forward it to the medical unit.

3. If the housing unit is comprised of all Facility Inmate Workers, they may develop a rotating schedule to handle the responsibility for the housekeeping and food handling within their unit in addition to their other job responsibilities or they may assign a Facility Inmate Worker as the Housing Unit Worker.

B. Custody staff assigned to a Housing Unit shall select the Housing Unit Inmate Worker; however, classification and medical staff must clear the inmate prior to assignment.

1. Housing Unit Inmate Workers shall not be allowed to perform work outside of their assigned housing units unless under direct supervision by custody staff.

2. Housing Unit Inmate workers will not be allowed to wear a different color of clothing like the Facility Inmate Workers.

III. Facility Inmate Workers

A. Each facility has Facility Inmate Workers who perform work for the facility outside of the inmate's own housing unit.

1. Facility Inmate Workers are generally issued a different color of clothing identifying them as Inmate Workers.

2. Special issue clothing and safety equipment, including but not limited to protective boots, goggles, gloves, aprons, hats or helmets, coveralls, respirators, particle masks or exchange for clean clothing, shall be provided to inmates at the job site when a specific job assignment requires these items.

3. Facility Inmate Workers will be prepared, report for work on time, and check in and out with the staff person supervising them during working hours.

B. Sentenced inmates may be ordered to work. Sentenced inmates who refuse to work may be infracted and disciplined accordingly.

IV. Screening criteria for the selection and termination of inmate workers

A. Most minimum-security inmates are eligible for Facility or Housing Unit Inmate Worker status following a review by classification staff. A minimum-security inmate will be ineligible for the following reasons:

1. Escape history

2. Suspected or known gang affiliation
3. Unsentenced inmates participating in the "F" project
4. Negative behavior or major infraction in the previous 30 days, unless otherwise approved by classification staff
5. Medical concerns that have the potential to jeopardize their safety or the safety of others
6. Unsentenced inmates in "No State Prison" status
7. Roll-ups from outside programs such as PSP, Work Furlough or WWP in the previous 30 days.

B. Most medium-security inmates are only eligible for Housing Unit Inmate Worker status following a review by classification staff, except for the Facility Inmate Worker housing unit at Main Jail South. A medium-security inmate will be ineligible for the following reasons:

1. Current assault or violent charges, or have demonstrated these traits while in custody
2. Recent history of discipline problems
3. Having a communicable disease that would medically prohibit them from handling or working around food.
4. Imminent escape risk or escape history
5. Suspected or known gang affiliation
6. Charged as a three-striker
7. Charged with a parole violation.

C. Inmates can be removed from inmate worker status for safety or security reasons, rule violations, or an infraction. The reason for removing an inmate shall be documented and filed in the inmate's classification file.

D. Inmates can be removed from a specific work assignment due to the inmate's inability to perform his/her duties. When possible, the inmate should be reassigned to more suitable work.

E. Inmates with disabilities will be afforded the opportunity to participate in the inmate work program if all other qualifications for the inmate worker position are met.

1. To accommodate disabled inmates requesting an inmate worker position, inmates can be reassigned to create an opening for a suitable assignment and reasonable modifications can be made.

2. If necessary, inmates with disabilities can be provided with auxiliary aids and services for the hearing or visually impaired.

F. When an officer writes a Major Infraction report on an inmate worker, the infraction will be referred to the Duty Sergeant for processing. The inmate worker receiving the infraction will be rolled-up from his/her work assignment pending the infraction hearing. If the inmate worker is found "Not Guilty" of the infraction, the inmate worker will be reinstated as an inmate worker. If the inmate is found "Guilty" of the infraction, the inmate will be subject to disciplinary action and/or rehousing.

V. Safety and security of staff and inmate workers

A. In order to ensure the safety and security of staff and inmates, Officers shall:

1. Conduct inspections of the areas where inmate workers are assigned and check for contraband and cleanliness.

2. Conduct unscheduled pat searches of inmate workers leaving or re-entering the housing unit.

3. Log and track cleaning supplies and equipment issued to each inmate worker.

a. Inmate workers who have been issued supplies or equipment are responsible for returning all issued supplies or equipment.

b. Staff issuing supplies and equipment are responsible for reporting when the equipment or supplies are damaged or missing.

4. Supervise inmate workers directly or intermittently as required, but at minimum twice every hour.

B. Staff responsible for inmate workers shall:

1. Maintain and issue any protective garments and safety equipment necessary for the work assignment.

2. Report and document any work-related injuries or illnesses.

VI. Inmate work stoppages

A. Each Division Commander will develop a plan to respond to inmate work stoppages. In the event of a work stoppage, the Division Commander shall implement actions that strive to mitigate adverse impact to the facility and maintain a safe and secure jail operation.

1. Staff made aware of an inmate work stoppage or planned work stoppage shall immediately notify his/her supervisor who will notify the Watch Commander.

2. The Watch Commander will be responsible for implementing the facility's action plan and making the appropriate notifications.

B. If a work stoppage threatens the safety of the facility, its inmates or staff, or the public, the Division Commander may temporarily suspend any Title 15 standard or requirement that is directly affected. The Division Commander or designee of the Department will notify the Chief of Correction. If appropriate, the Chief of Correction will notify the Board of Corrections in writing in the event that such a suspension lasts longer than three days. In no event shall such a suspension continue more than 15 days without the approval of the chairperson of the Board of Corrections for a time specified by him or her as per Title 15 section 1012.

VII. Policy Revision

A. All Department policies will be reviewed not less than once a year. The Professional Compliance and Audit Unit will establish an annual schedule that identifies specific policies to be reviewed during a specific month.

COUNTY OF SANTA CLARA

Department of Correction Policy and Procedure Manual	**Policy Number:** 18.21 **No. of Pages:** 3 **Date of Origin:** 22 Aug 2008 **Date of Revision:** New Policy
Chapter: Inmate Programs and Services	**Subject:** Inmate Commissary
Supersedes: Main Jail Procedure 703, Elmwood Procedure 201 and CCW Procedure 201	**Distribution:**
References: ACA 3-ALDF-1B-16, 1B-17, 2E-13, Title 24 Section 470A.2.16, PC 6030	
Signature of Issuing Authority Edward C. Flores, Chief of Correction	**Current Policy Review** **Date of Review:** New Policy **Revisions Made:** ☐Yes ☐No

POLICY: It is the policy of the Department of Correction to provide a system by which inmates may use their personal funds to purchase approved items. Inmates without funds will be provided with certain basic items.

PURPOSE: To provide guidelines for the coordination of the inmate commissary system.

DEFINITIONS:

Commissary: An area or system where approved items are available for purchase by inmates.

Indigent Inmate: An inmate with $2.00 or less in his/her personal fund account at the time his or her commissary order is processed.

Indigent Hygiene Kit: Package consisting of one 4" toothbrush; one 6oz tube of toothpaste; 1 package containing 2 Tylenol™; one 5" comb; and one spork.

Indigent Stationary Kit: Package consisting of one 4"golf pencil; one eraser cap; two 8½" x 11" sheets of lined writing paper, and two stamped envelopes.

PROCEDURE:

I. Contract Agency

A. The Department of Correction contracts with an agency by which commissary items may be purchased.

B. Commissary distribution will be conducted by the contract agency and monitored by officers at each individual housing area.

II. Commissary Operations

A. Each facility will have assigned commissary order form collection dates and commissary delivery dates.

1. A supply of commissary order forms will be made available at the officer's station and distributed to the inmates on the night prior to their scheduled commissary delivery.

B. Inmates will be allowed to purchase up to $100.00 worth of commissary once each week in addition to the cost of one pre-paid international phone card.

C. Commissary items may be restricted based on the specific needs of each housing area to ensure safety and security. All restrictions are identified on the inmate commissary order forms.

D. Inmates who have lost their commissary privileges through the infraction process will not receive commissary for the designated week(s) listed on the inmate infraction.

III. Commissary Distribution

A. Every inmate must have an identification wristband with photograph attached to his/her wrist in order to receive commissary. The commissary delivery staff shall verify the identity of the inmate by booking number, name and I.D. wristband. Inmates without a wristband will not receive commissary.

1. Inmates will verify the accuracy of their order at the time of receipt and all exchanges or adjustments will be made at that time.

2. Inmates housed at a different facility (e.g. VMC) at the time of commissary delivery may not receive their commissary for that week. A Void Sale will be posted and their account will be credited back the monies taken out for that order if the commissary staff is unable to deliver their commissary that week.

IV. Indigent Inmates

A. Indigent inmates may order hygiene kits, stationary kits, and over the counter medication on their regular commissary day.

B. Any commissary purchased using the Inmate Welfare Fund monies shall result in a negative balance on the inmate's personal fund account. If the inmate receives money during his/her incarceration, or when he/she returns to custody at a later date, the money shall be applied toward the negative balance.

V. Razors

A. Inmates do not need to purchase razors. Razors will be supplied by custody staff.

B. Officers will ensure inmates dispose of their used razors in the appropriate hazardous waste containers.

VI. Policy Revision

A. All Department policies will be reviewed not less than once a year. The Professional Compliance and Audit Unit will establish an annual schedule identifying policies to be reviewed during a specific month.

COUNTY OF SANTA CLARA

Department of Correction Policy and Procedure Manual	**Policy Number:** 18.23 **No. of Pages:** 6 **Date of Origin:** 26 Nov 2008 **Date of Revision:** New Policy
Chapter: Inmate Programs and Services	**Subject:** Inmate Funds
Supersedes: Main Jail procedure 708, Elmwood procedures 203 and 901	**Distribution:**
References: ACA 3-ALDF-4A-01, 4A-02, 4A-04, California Code of Regulations, Title 15 Section 1029(c)(1)	
Signature of Issuing Authority Edward C. Flores, Chief of Correction	**Current Policy Review** **Date of Review:** New Policy **Revisions Made:** ☐Yes ☐No

POLICY: It is the policy of the Department of Correction to ensure all inmate funds are accounted for and tracked via computerized cash register, money cards and controls implemented by the Santa Clara County Department of Correction Fiscal Unit.

PURPOSE: To establish guidelines for the accountability of all inmate money transactions and a reporting system for such transactions.

DEFINITIONS:

Contraband Money: All paper or coin money regardless of amount is considered contraband.

County Warrant: Negotiable check issued using funds from an inmate's money account.

Money Account: Every inmate in custody from the time of booking until release will have established a permanent record of all monetary transactions. Transactions are conducted via computer and each transaction will be identified by a unique transaction number.

PROCEDURE:

I. Inmate Arrivals at Main Jail Intake

A. During the intake and booking process, the arrestee's personal property (including all monies) will be colleted, inventoried and documented on the arrestee's Pre-Booking Sheet.

B. All monies received from arrestee's will be processed in the following manner:

1. The Intake/Receiving Officer will inventory and document the arrestee's money on the Pre-Booking Sheet. A copy of the completed Pre-Booking Sheet will be given to the arrestee and will serve as the arrestee's property receipt.

   a. The Intake/Receiving Officer will write the arrestee's name, booking number, PFN if available, and the amount of money, indicating individual denominations, on an orange money envelope.

   b. The Intake/Receiving Officer will place and secure the money in the envelope and initial the envelope, including his/her assigned badge number. If the total amount of money is $400.00 or more, a second receiving officer or Sergeant will verify the amount and initial the money envelope.

   c. The Intake/Receiving Officer will drop the orange money envelope through the slot opening of the appropriate "Keeper" or "Citable" wooden money safe at the end of the Intake counters.

      1) No money envelopes will be taken into the booking area.

      2) All arrestee money envelopes will be dropped into the appropriate wooden safes at the end of the Intake counter area immediately following the receiving process.

   d. The Intake/Receiving Officer will process the pre-booking packet through the normal CJIC process.

2. At the end of the booking process, the Booking Officer entering a "keeper" arrestee in CJIC will also enter the dollar amount received during the Intake process into the Keefe Commissary system.

   a. The Keefe Commissary system will automatically print out a receipt for the money deposited. The Booking Officer should ensure the amount on the receipt matches the amount indicated on the Pre-booking Sheet and the amount entered in CJIC.

   b. The booking officer will then drop the Keefe money receipt into the "Keeper" safe through the same drop slot as the "Keeper" money envelope.

3. The "Keeper" safes are accessed on a daily basis (Monday through Friday) by DOC Fiscal personnel.

   a. The "Citable" safe will be accessed as needed for the release of citable arrestees from the Intake area by the Release Officer and Intake Training Officer.

b. The Intake Sergeant, Release Officer and Intake, Booking and Receiving Training Officers have corresponding keys to open the designated drop safes.

4. Any monies that are contaminated will be secured in a plastic bag and identified as contaminated.

a. Contaminated monies will not be incorporated into inmate money accounts. Contaminated monies will be maintained in a secure storage area within the Department of Correction Financial Services Unit.

b. Contaminated monies not claimed within four (4) months after release will be forwarded to the Federal Government for destruction.

II. Inmate Arrivals at Elmwood

A. If an inmate arrives at Elmwood Processing with money in his/her possession, the Processing Officer shall:

1. Remove all money from the inmate's possession and count the money in the presence of the inmate. If other personal property is being inventoried at the same time, the amount of money shall be noted on the property inventory sheet.

2. List each denomination and total the amount on the right side of an orange money envelope.

a. The Processing Officer will fill in the inmate's name, booking number, PFN if available, the officer's name and badge number and total the amount of the deposit. DO NOT SEAL THE ENVELOPE.

b. If the amount of money totals more than $400.00, a second Processing Officer must also verify the amount of money and sign the envelope.

3. Immediately take the envelope to the money processing station. The Processing Officer shall open the inmate's account in the computer and enter the amount of the deposit.

4. Print a receipt (each receipt will print twice). The Processing Officer shall have the inmate verify the amount of the deposit and sign each receipt.

a. One copy will be placed inside the orange envelope and one copy will be given to the inmate.

b. The orange envelope will then be sealed and deposited in the drop safe at the money processing station.

III. Release of Inmate Funds to Other Persons

A. Inmates wishing to release money from their account to persons outside the facility may do so via a Property Release form. Fiscal Unit staff, in conjunction with Friends Outside staff, will coordinate the release of inmate funds to other persons.

B. No inmate may transfer money from one inmate account to another inmate account.

C. Staff shall report any suspicious deposits or releases to the ADC via the Chain of Command.

1. The ADC, in conjunction with Fiscal Unit staff, will investigate the matter. The team Sheriff Sergeant will be notified to assess possible criminal matters, if necessary.

2. Fiscal Unit staff may place a hold on the inmate's account, as necessary.

IV. Inmates Released from Custody

A. Inmates being released from custody will receive their monies in the form of a county warrant, cash or any other means approved by the Department at the time of their release.

B. If the arrestee is being released from the Main Jail Intake area on a citation, the Release Officer will retrieve the appropriate dropped money envelope that matches the arrestee from the "Citable" wooded keeper safe at the end of the Intake counter.

1. The Release Officer will then escort the arrestee along with their personal property and money to the release station for pending release.

a. Any missing money from a citable arrestee will immediately be reported to the Intake Sergeant.

b. The Release Officer will report the event on an Employee's Report immediately following the discovery. A copy of the Employee's Report shall be forwarded to the Internal Affairs Unit and Fiscal Unit.

c. The Intake Sergeant will initiate an investigation into any report of missing money and notify the team Lieutenant.

d. The Release Officer shall provide the arrestee instructions on how to file a claim for the missing money.

2. The Release Officer will open the money envelope and count back the dollar amount, as verified by the inventoried money and money envelope, to the arrestee.

3. The Release Officer will denote the money being released by stamping the form with the Inventoried Money Release stamp, fill in the required information related to the amount of money being released, and date and time of release.

   a. The Release Officer will then have the arrestee sign both of the Prisoner Signature sections on the form and stamped areas.

   b. The Release Officer will then sign his/her name, badge number, and date and time of release of property/money.

C. During the release process, the Processing/Release Officer shall have the inmate sign the printed transaction record prior to turning the money over to the inmate.

1. The release process will automatically close the account and a zero balance will be shown.

2. Any discrepancies to the account shall be forwarded to and addressed by Fiscal Unit staff. No alterations to the account will be made by the Processing/Release Officers.

   a. Inmate debit cards may be read by Fiscal Unit staff and remaining balances credited to the inmate's account.

   b. Main Jail inmates who have had money withdrawn for commissary and are being released prior to the time of commissary distribution, may have that amount credited to their account before 3 p.m. Inmates released after that time or from Elmwood must be directed to the Fiscal Unit for credit.

      1) Any claims by the inmate stating they refused their commissary order should be forwarded to Fiscal unit staff.

D. All inmate money discrepancies or claims must be made by the inmate to the Department of Correction Fiscal Unit. No inmate shall be permitted to give his county warrant to another inmate.

V. Contraband Money

A. When an inmate is found to be in possession of contraband money, the money will be immediately seized and an appropriate investigation regarding the circumstances surrounding the incident shall be conducted.

B. Regardless of the amount of contraband money possessed, such possession constitutes a major infraction of facility rules and the investigating officer may complete an Inmate Infraction Report.

1. If it is determined that the money is the result of illegal activities, the money shall be confiscated and placed into an inmate welfare account with a 300 day hold by the reporting officer and the supervisor's approval. The inmate will receive the money when released or the 300 days elapses. An additional 300 day hold may be placed on the money with the Division Commander's approval.

2. If it is determined that the money is not the result of illegal activity, it shall be confiscated and placed into the Inmate's Trust Account and the inmate shall be charged with a major infraction. The inmate will receive the money when released from custody.

VI. Policy Revision

A. All Department policies will be reviewed by the Professional Compliance and Audit Unit.