

Policy 1900 - Communications, Mail, and Visiting

1900 - Inmate Mail

Inmates will be permitted to send and receive unlimited correspondence in order to maintain communication with their families, friends, business associates and government authorities, except when there is reasonable cause to justify limitations for reasons of public safety or facility order, security, or to stop a state or federal crime.

1900.1 – General

- a) All incoming and outgoing inmate mail is governed by federal law, State Jail Standards and Jail Procedures.
- b) There are no limits placed on the number of letters an inmate may send or receive.
- c) Mail may not be dropped off at a facility.
- d) All incoming mail will be screened by mailroom CST's.
- e) Federal law prohibits malicious tampering or mishandling of mail. The law prohibits withholding inmate mail except under certain circumstances and in conformance with the following regulations:
 1. Inmates may send and receive mail containing critical and uncomplimentary remarks concerning the jail or other related agencies.
 2. Inmates assigned to disciplinary housing may have their mail privileges temporarily withheld for violation of mail regulations. The withholding of mail privileges shall not exceed 72 hours unless the Division Commander has reviewed the matter and authorized further withholding of mail privileges. In no case shall the mail privileges with any members of the State Bar, holders of public office, the courts or Division Commander be suspended.

1900.2 - Unacceptable Items Received in the Mail

- a) All incoming mail will be screened for unacceptable materials. The following items will be deemed unacceptable and will be processed out accordingly:
 1. Mail that violates federal or state law.
 2. An addressee not in custody at any of the Orange County Jail facilities. (Returned via U.S. Post Office or other original carrier).
 3. Any books, magazines or newspapers not received directly from a source deemed secure by jail administrators. (Note: If an inmate can show special circumstances, the inmate may petition the Division Commander for permission to receive the published materials from other sources).
 4. Obscene publications or items as determined by the Division Commander and mail containing obscene publications or items are not permitted. Obscene publications or items include, but are not limited to:
 - i. Photographs or pictures of any kind showing complete nudity, partial nudity, sadomasochism, bestiality, penetration, oral copulation, defecation, urination or ejaculation.
 - ii. Personal photographs that display nudity of any kind or items that are sexual in nature are not permitted.
 5. Material promoting illegal activity to include, but not limited to:
 - i. Any representation tending to incite murder, arson, riot, violent racism, or any other form of violence;
 - ii. Any matter concerning unlawful gambling or an unlawful lottery;
 - iii. Any publication concerning the cultivation or illegal production of narcotics or drugs.
 6. Oversized packages or boxes will not be accepted and will be returned to the sender unless previously approved by the Division Commander. (A package is defined as any item larger than a 9"x12" legal size manila envelope). Boxes will not be accepted unless they are from an approved secure source.
 7. A CST will make an entry in the logbook whenever a package or box is returned to sender.
 8. Mail containing correspondence material (envelopes, paper, pencils, stamps, etc.) will not be accepted. All correspondence material must be purchased through commissary or ordered and shipped directly from the

United States Postal Service online store (www.USPS.com). Only stamps, envelopes and postcards are accepted directly from the USPS online store.

9. There is a maximum limit of 10 items of correspondence per envelope. See CCOM 1600.3(b) - Mail for further details.
 10. Items that cannot be inspected by normal means or without damaging the item such as:
 - i. Multilayered cards, multilayered photographs (e.g., Polaroids), laminated items.
 11. Greeting cards, cardstock paper and colored paper, with the exception of postcards. Only mail written on postcards or white paper (plain or lined, not cardstock) is permitted.
 12. Items containing foil or metal of any type, glass, wood, hard plastic, rubber or other prohibited substances.
 13. Items that may compromise the security of the facility.
 14. Wall posters, travel brochures, wall calendars, or any other item larger than a legal size piece of paper.
 15. Credit cards, personal checkbooks, original certificates (e.g., marriage, driver's license, diplomas, etc.).
 16. Any unlawful item or any item that could constitute a security hazard or tend to incite violence or other prohibited conduct.
 17. Any food item.
 18. Any article of clothing, hygiene item or other personal property.
 19. Any item that contains any unknown substance (e.g., stains, perfume, lipstick, etc.).
 20. Any outgoing or incoming mail containing writing, marks, or artwork other than the inmate's name/address and the name/address of the person to/from whom the letter is being sent. Only proper directions to the Post Office will be permitted on the envelope.
 21. Torn pages or torn articles from publications are not allowed.
- b) If an item is received that is deemed unacceptable, the employee determining unacceptability shall complete a "Rejection of Mail Item" in triplicate.
1. The employee shall fill in all blank spaces on the form and shall check the appropriate reason for rejection. If the item is rejected for any reason other than those explained, the "OTHER" section shall be checked and the reason shall be written legibly in that space.
 2. Mail without a return address will not be accepted.
 3. The Correctional Services Technician (CST) shall sign legibly and enter his/her badge number in the appropriate spaces.
 4. The original of the form shall be inserted into the mail item. The mail item will be resealed and stamped "Return to Sender". The "Not Here" or "Unacceptable" area of the stamp will also be checked. The second copy of the form will be forwarded to the inmate; the third copy filed in the mailroom. The copy for the Mailroom will be stored for one (1) year then destroyed.

1900.3 - Incoming Inmate Mail

- a) Incoming and outgoing mail will be picked up and delivered to each facility by one of the Mailroom CSTs. Outgoing mail will be personally delivered to the U.S. Post Office representative Monday through Saturday. A staff member will sign for and accept all certified letters, special deliveries, and postage due mail.
 1. If for any reason the mail is not delivered or picked up, the Mailroom CST will have the responsibility to contact the Post Office and find out why the mail was not delivered or picked up. The CST will make a log entry detailing the reason(s) why the mail was not delivered.
- b) Incoming and outgoing mail will not be held for more than twenty-four (24) hours. Mail will be processed and distributed daily, excluding Sundays and holidays.
- c) All incoming inmate mail will be separated into legal mail and regular mail to ensure that no legal mail will be opened by mistake.
- d) All incoming mail from state and federal courts, state and federal elected officials, attorneys, legitimate legal service organizations that consist of an established group of attorneys involved in the representation of offenders in judicial proceedings (including the American Civil Liberties Union and the National Association of Criminal

Defense lawyers), the Corrections Standards Authority and the Division Commander or the Captain, shall be considered "legal mail," and shall only be opened and inspected in the presence of the inmate by a deputy in the inmate's housing area. This mail shall not be read or copied, but may be inspected in the presence of the addressee for contraband. STRICT ADHERENCE TO THIS PROCEDURE IS MANDATORY.

1. EXCEPTION: When legal mail is first received by the Mailroom, the type of postage will be noted. Any mail received with "bulk rate" postage will NOT be deemed legal mail, and may be opened and inspected along with regular mail. Per County Counsel, "bulk rate" postage will be prima facia evidence that its contents are advertisement in nature, and not true legal mail.
- e) All incoming mail other than from state and federal courts, any member of the State Bar or holder of public office, and the State Board of State and Community Corrections will be opened and inspected for contraband and money prior to delivery to the intended inmate. Mailroom CSTs will also scan letters for words such as, "Kill," "Escape," etc.
 1. Mail will not routinely be read. However, if at any time a deputy has reason to believe that reading the mail of a certain inmate is necessary in the interest of jail security or the prevention of criminal activity, the deputy may do so with the approval of the Watch Commander or his/her designee.
- f) When suspected drugs or narcotics are found, a sergeant will be notified. At the sergeant's direction, a deputy will be assigned to take custody of the evidence. The evidence will be booked at the Sheriff's Property/Evidence Room and a DR will be written. The assigned deputy will be from the facility that houses the inmate. This will expedite any interview and search of the inmate and his/her cell.
- g) Incoming mail will be handed only to the addressed inmate by a deputy or CST. Mail for inmates released prior to delivery shall be returned to the Post Office. Mail for inmates temporarily out of the housing area will be retained by the deputy in the housing area and given to the inmate at the earliest opportunity.
- h) Mail for inmates who have transferred to another facility will be returned to the Mailroom CST for delivery via the "pony" system.
- i) Currency, Money Orders or Checks Received in the Mail
 1. If any cash, money orders, cashier's checks or checks are received in the mail, the Mailroom CST will first verify that the inmate is still in custody, then:
 - i. Verify booking number
 - ii. Verify name
 - iii. Obtain housing location
 2. Cash: If cash is received in the mail, the CST will prepare a receipt in triplicate documenting the inmate's name, booking number, housing location, amount received, and received from whom and sending party. Cash will be hand carried to the Cashier's Officer no later than 1615 hours, the same day it was received. Under NO circumstances will the cash be left in the Mailroom overnight.
 - i. One (1) copy - stapled to cash
 - ii. One (1) copy - to inmate
 - iii. One (1) copy - Mailroom
 3. Government Checks: If a government check is received in the mail, the CST will take it to the inmate in his/her housing unit and obtain the inmate's signature/endorsement prior to delivery to the Cashier.
 4. Personal Checks/Payroll Checks: These items are not acceptable for deposit to the inmate's account unless they are from a government agency. If the check is unacceptable, the CST will return the check to the sender.
 5. Cashier Checks: Cashier checks will not be accepted.
 6. Inmate Funds Received in Mail Log: All currency forwarded to the Cashier for deposit to the inmate's account shall be recorded on the Inmate Funds Received in Mail Log. One copy shall accompany the cash, money orders, and government checks sent to the Cashier's Office; the second copy will be retained by the Mail Room. Each entry shall indicate the type of deposit (e.g., cash, money order, etc.).

7. Mail received for inmates no longer in custody will be returned to the sender via the post office. A stamp will be placed on the envelope by the CST stating the "subject is no longer in custody."
 - i. Anytime a "Rejection of Mail Item" form is prepared with cash or checks being returned to sender, the amount and check number will be recorded on this form.
 8. The Intake/Release SSO will place the items in the inmate's property and note the additional property on the property receipt.
- j) Mail Requiring Special Handling
1. Occasionally, mail is received that requires special handling. This mail is generally delivered by Postal Service Express Mail, UPS, or Federal Express and requires a signature by the receiving party.
 2. All special handling mail will be accepted/signed for by the warehouse CST or designee.
 - i. The signature represents acceptance of the mail for further delivery, and does not transfer responsibility for the contents.
 3. Mail will not be accepted for anyone not in the custody of the Sheriff.
 4. This procedure applies only to mail delivered by an official source requiring a signature.

1900.4 - Outgoing Inmate Mail

- a) There is no limit on the amount of outgoing mail or number of pages allowed to be sent.
- b) Each housing unit will have a mailbox in which inmates will deposit their outgoing mail.
- c) The mailroom CST will collect all outgoing non-legal mail. Outgoing mail must be unsealed, have the correct postage affixed on the front, and have a mailing and return address including the inmate's name and booking number.
- d) Deputies may inspect each envelope or contents for contraband and/or gang related material (e.g., monikers, gang symbols, coded writings, or admissions of gang membership or discussion of gang related business). In the event any gang related material is located, the following procedure will be followed:
 1. The material will be copied and the copy forwarded to the Custody Intelligence Unit.
 2. The envelope will be sealed and mailed with all other outgoing mail.
- e) Inmates, in the presence of a deputy, can seal outgoing legal mail only after the envelope has been checked for contraband. The deputy will then initial the back of the envelope.
- f) Outgoing mail, other than to state and federal courts, any member of the State Bar or holder of public office, and the State Board of State and Community Corrections may be read if at any time a deputy has reason to believe that reading the mail of a certain inmate is necessary in the interest of jail security or the prevention of criminal activity, the deputy may do so with the approval of the Watch Commander or his/her designee. No copies of such correspondence shall be furnished to any agency, unless:
 1. Ordered in writing by a court of competent jurisdiction
 2. The reading and inspection disclosed planned criminal activity (e.g. solicitation of perjury, escape, etc.).
 3. Any violation of state/federal laws.
 4. An approved mail cover is on file.

1900.5 - Free Postage

- a) Those inmates who are without funds (verified by the cashier at time of submission) shall be permitted the following:
 1. At least two postage-free letters each week. (Personal Correspondence)
 - i. Two postage-free personal letters may be requested on the commissary order form ("Welfare Pack") once per week.
 - ii. When the inmate has funds placed in his/her jail account, the computer will automatically debit the Inmate's account.
 2. Postage-free letters for legal correspondence as needed.

- i. The request shall be made on an Inmate Message Slip addressed to the Mail Room.
- ii. The Mail Room will provide the postage free envelope to the requesting inmate through the Guard Station or Module Staff.
- iii. Staff will check the contents for contraband and verify the communication is for a legitimate legal purpose.
- iv. The inmate will seal the envelope and staff will initial across the seal of the envelope.

1900.6 - Inmate Subscriptions to Books, Magazines, and Newspapers

- a) Inmates will be permitted to receive through the mail, any newspapers which are not provided by the jail, and magazines or paperback books that may lawfully be transmitted through the U.S. Postal Service. These items are subject to reasonable withholding for inspection for contraband and security purposes. Inmates may also receive hard cover books upon prior request and showing of need. The Division Commander will review any request.
 1. All books, magazines, correspondence and other material received by the Mailroom for inmates shall be delivered as soon as possible. Module deputies will adhere to the five (5) book/magazine limit set for inmates.
 2. All books must be new and through any publisher, book store or book distributor that does mail order business. Publications shall be shipped directly to the jail facility from the vendor. Torn pages or torn articles from publications are not allowed.
 - i. Books may not be purchased at a store and shipped to the jail facility.
 - ii. The package must be accompanied by an invoice listing the purchaser, recipient, contents, and the name of the online store.
 - iii. Exceptions to this policy must be made by the Division Commander.
 3. Once the subscribed publication is received, it will be considered the personal property of the inmate and subject to Orange County Jail Rules. Inmates will not possess more than five books and/or magazines at one time. Excess items will be discarded or mailed out of the facility at the inmate's expense.
 4. Upon delivery of the book, magazine or newspaper and after verification of the identity of the ordering inmate, a staff member will write the inmate's name and booking number on the book, magazine or newspaper in permanent marker.

1900.7 - Inmate Message Slips

- a) Inmates are permitted to send Inmate Message Slips to jail personnel, Sheriff's Department personnel, or other persons in agencies located in the Civic Center area where messenger service (pony) is available. Housing Deputies may answer routine inquiries addressed to Jail Administration, but all other inquiries shall be forwarded promptly to Inmate Records for distribution to the intended receiver.
 1. Inmates may correspond confidentially with the Division Commander.

1902 - Visiting

Jail Operations Administration encourages inmates to maintain ties with their family and friends through regular visits. Visiting is scheduled to allow such access on a regular basis limited only by staff availability, capacity of the designated visitation areas, and the safe operation of the jail facilities.

1902.1 - Visiting Hours

- a) Regular visiting will be conducted Friday through Monday 0800-1800.
 1. Only one visit is permitted per day.
 2. Visits last a minimum of 30 minutes.
 3. A maximum of two adults plus one child under five years of age is permitted at one time.
- b) All visitors must check in at the Visiting/Reception desk.
- c) If available closed circuit video monitors will be viewed by the Visiting/Reception Guard Station Officer to ensure against vandalism, escapes, physical assaults between visitors, and other violations of law.

- d) The visiting policy will be reviewed annually by Jail Administration to confirm that the policy meets the need of all parties.

1902.2 - Rules for Visitors

In the interest of providing proper visiting periods, maintaining order, protecting public property, and the rights/safety of those citizens in the visiting area, certain procedures and guidelines have been established. These guidelines must be adhered to during public visiting periods.

- a) Deputies and Sheriff's Special Officers (SSO) will observe and patrol the visitor's lobby and Visiting corridors to ensure the safety and reasonable comfort of visitors and to see that they are not annoyed or intimidated by other visitors or persons in the waiting area. Prior to visiting each day, the Deputy/SSO shall check the public side of the visiting area to ensure the area is secure. This check may include all hallways, windows, window frames, ceilings, and doors.
- b) Rules for Visiting Order will be maintained in accordance with the following guidelines:
 1. Bringing cellular phones, cellular watches, laptops, and other electronic devices into any jail facility is prohibited.
 - i. See 1902.4(d) 1 for laptop computer rules specific to Official/Legal Visits.
 2. No food, drink or gum permitted inside the building.
 3. No recording (audio or visual) or photography is allowed in any jail visiting area without prior approval of the Division Commander. Any person(s) found in violation shall have his or her visit terminated and escorted off the jail facility premises. At the discretion of the Division Commander(s), violator(s) may be prohibited from future visits at Orange County Jail Facilities.
 4. Smoking is not allowed inside the building or within twenty (20) feet of any doorway or window.
 5. Horseplay and/or roughhousing are forbidden and are cause for termination of the visit (CPC 602.1(b) - Disrupting Business).
 6. Visitation with any one inmate is limited to three visitors at one time and shall consist of at least one adult in the following combinations:
 - i. One or two adults
 - ii. One adult plus one minor over the age of five
 - iii. Two adults plus one minor under the age of five
 - iv. One adult plus one minor over the age of five and one minor under the age of five
 7. Children left outside the building or in the lobby MUST be supervised by a person 18 years or older who is responsible for their well-being and safety.
 8. Any malicious damage to public or private property will be cause for arrest (PC 594).
 9. Any violation of law may be cause for arrest.
 10. Visitors waiting for visits will not wander around the Facility. Visitors will proceed to their assigned visiting booth and remain there until the inmate arrives.
 11. Upon prior request of the Watch Commander, unaccompanied minor children may visit any relative in custody.
 12. Penal Code Section 4571 prohibits persons convicted of a felony, AND WHO HAVE SERVED TIME IN ANY CALIFORNIA STATE PRISON, from entering upon the jail premises, or lands belonging or adjacent thereto, without permission from the Division Commander or his/her designee. Violation of this section is a felony. If this visitor rule is violated, he or she will be directed to leave the premises or may be subject to arrest under Penal Code Section 4571.
 13. Visitors who have been released from any jail within the preceding sixty (60) days are ineligible to visit. However, if the visitor was released from any jail within the preceding sixty (60) days, and the requesting

visitor is a direct relative (i.e., mother, father, sister, brother, or child) or spouse, then the visitor may be allowed the visit, subject to approval from the Division Command or his/her designee.

14. Notwithstanding sections (m) and (n), a visitor on formal probation or parole may be required to provide written permission to visit from their probation or parole officer.
 15. Bringing firearms, explosives, alcoholic beverages, narcotics or any controlled substances into any jail facility is a crime and the person(s) involved is subject to arrest. (CPC 4574a)
 16. Visitors under the influence of alcohol or drugs will not be allowed to visit and may be detained and/or arrested.
 17. A visitor whose conduct is disruptive, offensive, or in any way not conducive to the orderly conduct of the jail will be directed to leave the facility. (CPC 148, CPC 602.1(b))
 18. Any visitor found visiting an inmate, other than the inmate identified by the visitor at check-in, is in violation of CPC 4570, Unauthorized Communication. The visit will be terminated and the visitor will be subject to arrest. (CPC 148)
 19. Visitors will not give anything to or take anything from an inmate without prior approval from the Module Deputy or Prowler. (CPC 4570, 4573.5, 4573.8, 4573.9, 4574, 148)
 20. When the visit ends, the visitor will leave the visiting booth clean and free of trash.
 21. Violation of visiting rules, laws, regulations or procedures by a visitor may result in the visitor being removed, denied visiting privileges, and/or subject to criminal charges/arrest.
 22. Any person(s) in the lobby that creates an excessive amount of noise, thereby prohibiting the staff from conducting visiting business, will be directed to exit the lobby. The visitor will be advised what time his/her visit is scheduled and instructed to return at that time.
 23. Visitors with babies may take the necessary items such as strollers, diapers and bottles, separate from the diaper bag. However, each item will be subject to search. Nursing mothers shall be discreet and covered when breastfeeding their child in the visiting area. Failure to do so may result in termination of visiting for that day.
- c) Visiting Lobby Locker Procedure
1. The following procedures have been adopted to expedite the visitors to their visits by reducing the time needed to properly search personal property and reduce the amount of personal property brought to the Visiting areas. These procedures will be adhered to twenty-four (24) hours a day, seven (7) days a week.
 - i. Locker fee is .25 cents (one quarter)
 - ii. Staff will NOT make or provide change.
 - iii. Tokens will be made available to indigent individuals, at the discretion of the staff assigned to visiting.
 - iv. Only one locker per inmate receiving a visit.
 - v. NO food or drink will be stored in the lockers.
 - vi. All bulk property (e.g., purses, make-up bags, day planners, books, cigarettes, lighters, backpacks, baby diaper bags, etc.) will be placed inside a locker, left in the visitor's vehicle, or at home. Only an identification card will be retained by the visitor.
 - vii. Property may not be left outside the lockers.
 - viii. If a locker is unavailable, the property must remain in the visitor's vehicle.
 - ix. Visiting officers/deputies from other agencies and within the Orange County Sheriff's Department who do not work at the jail which he/she is visiting will not store items behind the visiting guard station counter.
 - x. Any suspicious packages or items are subject to search prior to locker use.
 - xi. At the completion of the visit, the visitor must retrieve their property from the locker.
 - xii. At 1830 hours all lockers will be visually inspected for property not picked up and/or missing keys.
 - xiii. Staff will open lockers with property left inside.

- xiv. The property will be removed from the locker and searched, stored, or discarded at the discretion of the Operations Sergeant. In either case, a report will be written to document the action taken.
 - xv. If a key for a locker is missing, the locker will be tagged "Out of Service" until the key is returned or replaced. A memo will be sent to inmate programs regarding the "Out of Service" locker(s).
2. Replacing keys is the responsibility of inmate programs.
 3. Exceptions to locker use include legal counsel, religious guidance and other visits of an official nature.
 4. Inmate Programs will collect the money generated from the lockers on a regular basis. This money will go toward the maintenance and repair the lockers through the inmate welfare fund.
- d) Parolee / Felon Visiting Procedure
1. A parolee/felony convict who served time in state prison must obtain permission from the Division Commander prior to being allowed to visit. Permission may be obtained by the parolee/ felon "Request to Visit" form available in the Visiting/Reception area.
 - i. The person wishing to visit will complete the form and return it to the staff in visiting for review. It is the responsibility of the staff to verify the booking number and name of the person to be visited to confirm accuracy, and that the person is in custody. The form will be checked by the staff for completeness. Incomplete forms will not be accepted.
 - ii. The staff will send the completed form to Classification to verify all parole information and conviction charges. Once all information is verified, the form will be forwarded to the Captain or their designee for final approval or denial.
 - iii. Once the form is approved or denied and signed by the Captain or their designee, it will be sent back to the Visiting Guard Station where it will be kept on file for future reference. Parolees and felons wishing to visit can follow-up with staff at visiting to determine if their request to visit has been approved or denied.

e) Service Animals

Under the ADA, State and local governments, businesses, and nonprofit organizations that serve the public generally must allow service animals to accompany people with disabilities in all areas of the facility where the public is normally allowed to go.

1. Definitions

- i. Service animal means any dog (and in limited circumstances a miniature horse) that is individually trained to do work or perform tasks for the benefit of an individual with a disability, including a physical, sensory, psychiatric, intellectual, or other mental disability. Other animals, whether wild or domestic, trained or untrained, are not service animals for the purposes of this definition.
 - A. The work or tasks performed by service animals must be directly related to the individual's disability. Examples of work or tasks include, but are not limited to:
 1. Assisting individuals who are blind or have low vision with navigation and other tasks.
 2. Alerting individuals who are deaf or hard of hearing to the presence of people or sounds.
 3. Providing non-violent protection or rescue work.
 4. Pulling a wheelchair
 5. Assisting an individual during a seizure
 6. Alerting individuals of the presence of allergens
 7. Retrieving items such as medicine or the telephone
 8. Providing physical support and assistance with balance and stability to individuals with mobility disabilities and helping patrons with psychiatric and neurological disabilities.
 9. Interrupting impulsive or destructive behaviors.

- ii. The crime deterrent effects of an animal's presence and the provision of emotional support, well-being, comfort or companionship do not constitute work or tasks for purposes of the ADA.
2. Determination and Procedures
- i. Staff shall not ask about the nature or extent of a patron's disability.
 - ii. If it is not readily apparent that an animal is trained to do work or perform tasks for an individual with a disability, staff may make two inquiries to determine whether an animal qualifies as a service animal:
 - A. Is the animal required because of a disability?
 - B. What work or task has the animal been trained to perform?
 - iii. Staff shall not require documentation, such as proof that the animal has been certified, trained, or licensed as a service animal, nor ask that the animal demonstrate its ability to perform the work or task.
 - iv. Any decision to exclude an animal claimed to be a service animal shall be referred to the Facility Watch Commander or his/her designee for final determination.
 - A. If an animal is properly excluded because the Watch Commander determines it does not qualify as a service animal, staff shall provide the individual with the disability the opportunity to participate in the visit without the service animal.
3. Responsibilities
- i. Custody personnel are not responsible for the care or supervision of a service animal.
 - ii. A service animal shall be under the control of its handler. A service animal shall have a harness, leash, or other tether, unless the handler is unable to because of a disability to use a harness, leash, or other tether, or the use of a harness, leash, or other tether would interfere with the service animal's safe, effective performance of work or tasks, in which case the service animal must be otherwise under the handler's control (e.g., voice control, signals, or other effective means).
 - iii. Staff may ask an individual with a service animal to remove the animal from the premises if the animal is out of control and the handler does not take effective action to control it, or the animal is not housebroken.
 - A. If the animal is properly excluded, staff shall give the individual with the disability the opportunity to participate in the visit without having the service animal on the premises.
 - B. Notification will be made to the Watch Commander regarding the circumstances involved with the exclusion.

1902.3 - Regular Visit Procedure

- a) All visitors must register at the Visiting Guard.
- b) The Visiting Officer will check the Sheriff's Data System (SDS) to determine if the inmate being requested is in custody, what his/her housing location is, and whether the inmate is eligible for a visit. Inmates will not be eligible for a visit if:
 - 1. They are unavailable due to court appearance, hospital visit, currently on an off-facility work crew, etc.
 - 2. They have lost their visiting privileges for disciplinary reasons.
 - 3. They already had one visit that day or fulfilled the minimum visiting time required for the week.
 - 4. They are in the process of being released or transferred.
 - 5. They have not completed the booking process.
 - 6. They are a weekender.
- c) Visitors must provide official proof of identity in the form of:
 - 1. Inmate Programs Volunteer ID cards alone does not meet the required ID
 - i. Valid U.S. Government issued picture ID card (ex. State Driver's License, Identification Card, etc.).
 - ii. Valid Passport
 - iii. Valid United States Military Identification Card

- iv. US issued Naturalized Citizen Card
 - v. Matricula Consular Card issued after April 22, 2002.
 - A. If the deputy/SSO has a concern about the age and/or identity of a visitor, the deputy/SSO may request that a records/warrant check be run on that individual.
 - B. The sergeant will be notified of any arrests made.
 - vi. Identification required for "Official Visits" will be valid city, county, state, or federal identification.
 - vii. Visitors that are minors (Less than 18 years of age) are not required to provide identification.
- d) The Visiting SSO will enter the appropriate booking number into the SDS system to determine if the inmate has had a prior visit.
- e) Visitors must successfully pass through a metal detector.
- f) Refusal to pass through the metal detector is grounds for visit denial. Anyone refusing will be interviewed to determine his/her reason(s) for refusal. The sergeant will be informed of any refusal and will have the final authority to deny the visit.
- 1. Metal Detector Activation: Those who activate the metal detector must display the item (s) that caused the activation or be denied the visit.
 - 2. Anyone found attempting to enter the visiting area with weapons, tools or explosives will be detained for questioning by the Operations Sergeant or deputies.
- g) If the requested inmate refuses to visit or is unavailable for a visit at that time, the Module Deputy will inform the appropriate Visiting Guard Station SSO. The visitor will be called back to the Guard Station and informed of the inmate's unavailability, or refusal to visit. If possible, the visitor will be advised of the inmate's future availability.
- h) Rescheduled Visit: If the inmate was unavailable to visit due to being in court, at work, attorney/bondsman/official visitation, etc., and the visitor wishes to reschedule the visit for later that day, the visitor must recheck-in following the normal procedure at a later time.
- i) Public Address (PA) System Announcements: The Visiting Guard Station SSO will periodically remind the visitors that there is no smoking, eating or drinking in the visiting area, and that small children must be kept under supervised control. A failure to follow these rules will result in the loss of the visit.
- j) Deputy/Sheriff Special Officer (SSO) Movement: When possible, SSO's will patrol all visiting areas and corridors and check passes to ensure visitors are in the proper location and are observing all visiting rules.
- k) End of Visit
- 1. The Visiting Staff will monitor the length of each visit. When the visiting period is over, the staff will notify the visitor(s) that their visiting period has concluded. Inmates who fail to leave the visiting area immediately when directed are in violation of jail rules.
- l) Public Visiting Privileges
- 1. The Watch Commander or designee may deny an approved visitor access to a facility; or may terminate or restrict a visit in progress for violations of law, facility policy (such as stated in C.C.R. Title 15), or for any reason related to a legitimate penological interest such as:
 - i. Visitor appears to be under the influence
 - ii. Visitor does not provide proper identification
 - iii. Visitor refuses to submit to a search or inspection of his/her person and property
 - iv. Visitor refuses to submit to a metal detector search unless there is a valid medical reason such as a pacemaker. In that instance other search methods would be used.
 - v. Conduct in violation of facility procedures, including refusal to follow staff instructions, disruption of the visiting/processing area, destruction/alteration of visiting documents, or any other behavior that would constitute a violation of law or repetition of less serious violations and disregard for a warning about such violations.

- vi. The visitor is not appropriately dressed or is wearing clothing that encourages violence, is sexually provocative, or is unsafe for the facility (example high heel or high sole shoes on uneven surfaces).
2. The Watch Commander or designee may suspend any future visitation for reasons related to legitimate penological interests. Written notification (Forms Document Center - Notice of Visitor Suspension) shall be provided to the visitor and to the inmate (Forms Document Center - Inmate Notice of Visitor Suspension) to be visited when action is taken by the Watch Commander to suspend visitation. The written notification shall contain information instructing the visitor how to appeal the action to the Division Commander.
 - i. The notification can be personally delivered to the visitor or via Certified U.S. Mail if the visitor is no longer at the facility.
 - ii. A hard copy of the notification shall be maintained in the issuing facility's Watch Commander's office.
 - iii. Notification outlining the reason for the suspension shall be delivered to the inmate to be visited.
3. Entry to the appropriate SDS screen shall be made including (to be accomplished):
 - i. The visitor's name
 - ii. The inmate to be visited
 - iii. The facility issuing the suspension
 - iv. The expiration of the suspension
4. The term of suspension shall be dependent on the violation
 - i. Violation of facility policy shall be between 1-30 days.
 - ii. Convictions for violation of law involving violence, gang activity or moral turpitude, 30 days or more.
5. The suspension may, be inmate specific, facility specific, or jail system wide, depending on the nature of the violation.
6. If a visitor or inmate desires to appeal the suspension, it must be in writing to the Division Commander where the suspension was generated no later than five calendar days from the date listed on the suspension notice. The Division Commander or designee will respond in writing to any appeal within five calendar days from the receipt of the appeal.

1902.4 - Attorney, Bondsman and Official Visitors

- a) Location of Visits: See facility specific Appendix
- b) Visiting Schedule: No limitations will be placed on the number of visits or length of visits by the official visitors, unless the inmate is restricted for medical reasons, or by court order. All official visitation requests will be honored at any time, unless the inmate is at court, delayed due to meal service, counts, or prohibited from attending by Correctional Health Services (CHS) staff.
- c) All authorized visitors will strictly adhere to all posted rules in the visiting area. Any incident involving attorneys or other authorized visitors will be documented and referred to the Division Commander for review. Attorneys or other authorized visitors who violate the law or jail rules or who disobey staff direction may be denied future official and/or contact visits.
- d) All visitors and their property are subject to search per 1902.4(g).
- e) Authorized Visitors (Contact visits permitted except if otherwise stated in this policy):
 1. Attorneys: Attorney visitation requests will be made by a licensed Attorney. Proper identification must be presented at the time of the request to visit. An attorney's "Bar Card," or other proof of bar admission verifying that the attorney is an active member entitled to practice law, is required. If a bar card is presented, it must be signed by the attorney and must be of the current year. If other proof of bar admission is presented, that state's online attorney database should be reviewed to verify the attorney's active membership. A current Driver's License or official government photo ID will also be presented as an additional form of identification. Violations of Jail Policy and Procedures by attorneys may be referred to the State Bar Investigative Unit. When entering an attorney's information into the SDS system for a visit, the Visiting Guard Station staff will use the attorney's bar number, business address and phone number.

- i. Attorneys have a right to a contact visit but they may request either a contact or non-contact visit. Attorneys may possess a laptop computer for official use during the visit. However, electrical outlets are not available within the visiting areas of the jail. All computers and related accessories are subject to search at any time.
 - ii. Laptops must be used for official use only. Official use includes steps necessary for court/case proceedings and may include viewing documents, photos, case videos, etc.
 - A. Laptop computers are subject to search if an attorney wishes to possess it during a contact visit. The scope of the search will be limited to:
 1. Powering on and off the laptop computer.
 2. Verifying the battery compartment and disc drives have not been altered for the purpose of hiding weapons or contraband.
 - B. Records stored on the computer will not be read.
 - C. The purpose of the search is to detect and prevent the introduction of weapons or other contraband within the facility.
 - iii. The Watch Commander will be notified of any violations of this section.
 - A. The Watch Commander may immediately revoke the privilege to use a laptop for any violation of this laptop policy.
 - B. All options, including potential criminal charges will be explored for any violation of this policy.
 - C. The violator may be restricted from the privilege of laptop use during future visits.
 - D. Exceptions may be made by the Watch Commander or their designee.
2. Official Agency Visits: This type of visitation consists of any peace officer as defined In California Penal Code Sections 830.1 and 830.2, parole agents, probation officers, or federal officers.
- i. Official Agency Identification: Identification for an official agency visitor can include their department identification card, an Orange County I.D. card, or an I.D. card issued by the Sheriff's Department. Identification Card must include a photo.
 - ii. Federal Public Defender Investigators need an approved security clearance to meet with federal prisoners (contact or non-contact). A valid form of federal identification showing Public Defender Investigative status must be shown at time of visit.
3. Law Students, Paralegals, Legal Runners, Licensed Investigators, and other Professionals under the Supervision of a Licensed Attorney
- i. A licensed attorney may designate one or more individuals who will be allowed to have official contact visits with inmates. In order for a non-attorney to have contact visits with an inmate the following requirements apply:
 - A. A licensed attorney may designate only those individuals associated with the attorney who are one of the following: a law student, paralegal, legal runner, licensed investigator, or other professional working under the supervision of the attorney who is designating the individual.
 - B. The licensed attorney who wishes to designate a non-attorney representative shall submit a letter of designation on the attorney's letterhead identifying, by name, the individual or individuals being designated.
 1. The letter shall indicate that the individual being designated works for or is otherwise associated with the attorney, and in what capacity, i.e., a law student intern.
 2. The letter of designation shall serve as a cover letter to a completed security clearance application for each individual designated by the licensed attorney and include all supporting documentation required to process the security clearance application.

3. Once the security clearance application has been processed the attorney will be notified of whether the person's clearance has been approved.
 4. An approved security clearance is valid for one year from the date approved.
 - C. Approved individuals will be afforded the same accommodations as licensed attorneys under this policy and be subject to the same jail rules.
 - D. Each time an attorney's designee visits an inmate for the first time, the designee shall present a letter of responsibility signed by the designating attorney to jail visiting staff. The following information shall be included in the letter of responsibility:
 1. The name and booking number of the inmate(s) to be visited by the designee.
 2. A statement that the designating attorney accepts responsibility for all actions taken by the attorney's designee within the scope of the designee's assigned duties and/or at the direction of the attorney.
 3. The attorney's designee shall be allowed contact visits only with those inmates identified in writing by the designating attorney.
 4. The letter may be subject to verification by staff contacting the attorney.
 5. Approved letters will be valid for one year and will be kept on file in the visiting area and a copy will be placed in the inmate's file.
4. Orange County Public Defender's Office Paralegals, Investigative Assistants, Interviewers and Legal Runners that meet all the following criteria:
 - i. Security Clearance on file
 - ii. Proper identification which must include his/her valid OC Public Defender photo identification card.
5. Orange County Public Defender Investigators and Orange County District Attorney Investigators will be granted access provided they have appropriate photo identification from their respective agency. A Security Clearance is not necessary.
6. Clergy Visits
 - i. Clergy are allowed to visit inmates only during regular visiting days and hours. Religious community volunteers who are listed on the Inmate Programs volunteer list may visit inmates at any time. Inmates requesting a clergy visit will be provided with a religious community volunteer to adhere to their legitimate religious practices.
 - ii. Facility Chaplains are the only Community Volunteers who may conduct official visits with inmates in a location specifically designated for pastoral counseling by the Division Commanders. Usually this only occurs within the Central Jails (Central Men's Jail, Central Women's Jail and Intake Release Center).
7. Treatment Center Representatives Conducting Official Visits:
 - i. Recovery center representatives requiring an interview with inmates will complete a security clearance application prior to their first visit; i.e., The Phoenix House, Delancey Street Foundation, and the Witts Inn. The Programs Deputy will determine the legitimacy of each organization and the Correctional Program's Unit Commander will make final approval. The Programs Deputy will maintain and distribute the approved representative list. The interview will be treated the same as an official visit. These representatives will not have a department issued identification card.
8. Consular Officials:
 - i. Visits by Consular Officers are Official Visits
 - ii. Consular visits will be allowed in non-contact visiting areas unless an alternative location is authorized by the Watch Commander
 - iii. The Watch Commander shall be notified prior to the visit.
9. Doctors and Psychiatrists:
 - i. Doctors and psychiatrists will be afforded a non-contact official visit with an inmate pursuant to a letter from the inmate's attorney of record and with an approved or pending security clearance at the

jail facility. The letter from the attorney of record is valid for one year from the date of issue. The letter must contain the following:

- A. The attorney's letterhead
 - B. The attorney's bar number
 - C. Name of the doctor or psychiatrist
 - D. Name and booking number of the inmate to be visited
- ii. Doctors and psychiatrists may only conduct a contact visit pursuant to a valid court order and must have an approved security clearance on file. The court order must specify a contact or non-barrier visit and must be approved by the Watch Commander.
 - iii. If a doctor or psychiatrist insists the inmate requires a contact or non-barrier visit, but the court order does not specify one, the Watch Commander will contact the Office of the County Counsel to contact the court for clarification.
 - iv. All pending and approved security clearances will be accessible to visiting and Attorney/Bonds personnel. A security clearance is valid for one year from the date it is approved.

10. Process Servers:

- i. Process Servers must be operating in their official capacity during their visit. Process Server visits will be conducted inside non-contact visiting areas. Process Servers who do not have security clearance on file (OCSD Employees or Sworn Law Enforcement Personnel are exempt) will follow public visiting procedures and may only visit Friday through Sunday during public visiting hours. Process Server visits which have been restricted to public visiting procedures will not count towards the inmate's one public visit per day allowance. Process Servers who have security clearance on file may conduct their non-contact visit at any time.
- ii. Process Servers must provide the following form of identification prior to their visit:
- iii. Driver's License or California State I.D.
- iv. Process Server Identification/Registrant Card
- v. Staff may inspect the Process Server's documentation and other materials that will be passed to and from the inmate.
- vi. Process Server visits that occur at the Central Men's Jail shall be conducted on the Attorney Bonds side only. However, if the Process Server does not have security clearance on file, the visit shall only occur during public visiting days and hours.

11. Interpreters:

- i. These visitors must have a Security Clearance on file approved by the Division Commander or designee. Interpreters must also be accompanied by another official visitor.

12. Public Guardian (Contact Visits Permitted):

- i. Public Guardians who are visiting and who are operating in their official capacity will require the following:
 - A. A Security Clearance on file
 - B. County ID showing name and picture, or Driver's License/State ID
 - C. Name of Agency
 - D. County or Agency ID number if available
 - E. Work address and phone number
- ii. A Public Guardian operating in their official capacity may also enter the secure area of a facility in conjunction with CHS staff under the provisions of CCOM policy 1902.9.

13. Orange County Social Services/Children's Services:

- i. Orange County Social Services will provide a list of Children's Services staff members authorized for visits.

- ii. Orange County Social Services/Children's Services members who are visiting and who are operating in their official capacity must provide the following:
 - A. County ID showing name and picture, or Driver's License/State ID
 - B. Name of Agency
 - C. County or Agency ID number if available
 - D. Work address and phone number
14. Non-sworn Law Enforcement Investigative Aides/Assistants:
- i. These visitors are not required to have a Security Clearance on file in order to visit. However, they must present a department issued ID card.
- f) Bondsman Area (Contact NOT Allowed):
- 1. Bondsman: Visitation requests must be made by a California State Licensed Bondsman and shall be with unsentenced inmates only. Sentenced inmates can visit with a bondsman ONLY with the approval of the Operations Sergeant or Watch Commander.
 - 2. The bondsman will be required to present to the Visiting/Reception Guard Station SSO a state issued license which contains the bond license number, the bondsman's photograph, and a California Driver's License or other valid picture identification.
 - 3. Effective August 2009-Bail Agent licenses will no longer be issued in paper form. All bail agent's license must be checked by logging onto the California Department of Insurance web site at <http://www.insurance.ca.gov/> and on the main page select "Check license Status." The license status link will provide the term of the license and whether it is currently valid using either the agents full name (last name first-no commas) or license number. A valid picture ID is still required.
 - 4. Any unresolved license status issues should be brought to the attention of the Operations Sergeant.
- g) Visiting Area procedures:
- 1. For purposes of this policy, "Visiting Area" is defined as all areas in the jails established for official visits with inmates, including the hallway between the lobby and the area for official visits with inmates.
 - 2. Official visits are not to be provided to persons who are attorneys, bondsmen, or other officials who seek to visit an inmate for other than official purposes (i.e. visiting a family member or friend).
 - 3. Legal visitations may proceed through a scheduled meal period, and the inmate will receive a tray or sack meal after the visit.
 - 4. Official Visitor Searches:
 - i. Official visitors may be requested to submit to a search of their person and immediate property by Sheriff's Department personnel. This search may be prior to entry into the Visiting Area or at any time while visiting when contact with an inmate is possible. These visitors and inmates may confer in areas where physical contact and contraband passage is possible. Normally, visitors and inmates confer in individual visiting booths where no physical contact or contraband passage is possible. Searches will include passage through the metal detector. Visitors will be allowed to leave prior to visit, if they refuse the search.
 - 5. Pass-Through Window:
 - i. Each visiting area in the IRC and TLF has a pass-through window whereby the official visitor or the inmate may hand documents and legal correspondence materials to a Deputy to give to each other. The items will be inspected for contraband only.
 - ii. Proper Request Form: After determination of the visitor's status, staff will instruct the visitor to complete the appropriate form.
 - iii. Yellow form will be filled-out completely by the requesting attorney or person working under the supervision of an attorney.
 - iv. Pink form will be filled-out completely by the requesting bondsman.

- v. Green form will be filled-out completely by the requesting agency (Probation, Parole, ICE, Police).
- 6. Evaluation of Request:
 - i. Verify Request: Staff will input the visitor's information into the SDS system.
 - ii. Verify Requesting Party: The Guard Station Staff will determine if the requesting party is a licensed attorney, person working under the supervision of a licensed attorney, bondsman, a member of an official agency or a clergy member, or that the visitor has prior approval to visit from the Watch Commander or Operations Sergeant, or by a court order that has been approved by the Watch Commander.
 - iii. Verify Inmate's Custody Status: Staff will check the SDS system to verify that the inmate is in custody and the location of his/her housing.
- 7. Notify Inmate's Housing Area of Impending Visit:
 - i. The visiting staff will call the housing area where the inmate is housed and advise staff the inmate has been requested for an official visit.
- 8. Time Stamp:
 - i. The visiting staff will input the visitor information into the SDS system and the computer will record the time of the request to visit.
- 9. Refusal to Visit:
 - i. If the inmate refuses to visit with the requesting party, the Deputy will inform the visitor of the refusal.
- 10. Inmate Unavailable:
 - i. If the inmate is temporarily unavailable (e.g., court, Anaheim Global, etc.), the housing staff will inform the visitor of the inmate's unavailability and the expected duration.
- 11. Visitation Booth Assignment:
 - i. If possible, attorneys, persons under the supervision of an attorney, legal runners and other official visitors will be assigned to the end booths to better ensure privacy.
- 12. Length of Visit:
 - i. Visits with attorneys and other members of the defense, i.e. court appointed investigators, legal runners, paralegals, experts, etc., may extend for as long as needed.
- 13. Recording and Communication Devices:
 - i. Image recording (photographs, voice recordings, etc.) and two-way communication utilizing any form of electronic media, including but not limited to a mobile phone device, is expressly prohibited in the Visiting Area. (Two-way communications include e-mail, instant-messaging, video-messaging, etc.) Use of these devices are allowed in the lobby area only, except in the presence of inmates.

1902.5 - Scheduled Attorney and Official Agency Visitation

- a) For all attorney and official agency visitation, see facility specific Appendix.
- b) In Custody Depositions should follow the below listed guidelines:
 - i. In custody depositions require a court order requesting the Sheriff's Department to allow the deposition in custody.
 - ii. Depositions will be scheduled in advance and coordinated with the Watch Commander's approval.
 - iii. Depositions should be conducted in a "contact" visiting area.
 - iv. All individuals attending the deposition, including the court reporter, shall submit an application for the necessary security clearance. No person will be allowed in the contact visiting area without a valid security clearance.
 - v. The inmate will remain in jail issued clothing and will be restrained as the Sheriff's Department deems appropriate depending on the security risks presented by the inmate.
 - vi. Video recording equipment is prohibited in the jails. The deposition may only be recorded by a court reporter unless video recording is otherwise authorized by the Division Commander.

- vii. The inmate's participation at the deposition is voluntary and the Sheriff's Department shall not compel the inmate to participate in the deposition.
- viii. If a subpoena or notice of deposition, instead of a court order, is served upon the Department, purporting to require an inmate's deposition in the jail, the Watch Commander should contact the attorney who issued the subpoena or notice of deposition and explain the above policy in relation to conducting depositions in the jail. If the attorney agrees to withdraw the subpoena or notice of deposition, the Watch Commander should send a confirming e-mail to the attorney. If the attorney refuses to withdraw the subpoena or notice of deposition, the Watch Commander should contact County Counsel for assistance.
- ix. A court order for a deposition should be referred to County Counsel for assistance if one or more of the following circumstances exist:
 - A. The court order was obtained without prior notice to the Department (Watch Commander) and the deposition cannot be accommodated for security reasons and the attorney who obtained the court order refuses to modify the order in accord with the above policy;
 - B. The court order requires the deposition on a date that does not allow time for security clearances to be obtained and the attorney who obtained the court order refuses to change the date; and/or
 - C. The court order directs video recording that has not been authorized by the Division Commander and the attorney refuses to agree that video recording will not occur.

1902.6 - Special Visits for Inmates

- a) The Watch Commander may approve a special visit for persons who have traveled a long distance and arrive before or after regularly scheduled visiting hours.
- b) The Watch Commander may approve a special visit for any unforeseen circumstances that arise which preclude a person from visiting during regular visiting hours.
- c) Visitors granted a special visit will follow the same procedures as a routine visit, or as designated by the Watch Commander.
- d) A pregnant inmate may elect to have a support person present during labor, childbirth, and during postpartum recovery while hospitalized. The support person may be an approved visitor or the jail's staff designated to assist with prenatal care, labor, childbirth, lactation, and postpartum care.

1902.7 - Intra-Facility Visiting

See facility specific Appendix

1902.8 - Visitors for Division Commander and Staff

- a) Visitors wishing to see the Division Commander or staff must check in at the Visiting Guard Station. The SSO will contact the Division Commander's clerical staff or the person requested, to determine if the visitor can be admitted.

1902.9 - Visitors Requesting Entry into Security Area of Facility

- a) Visitors claiming to have official business with security area staff must first check in at the Visiting Guard Station and identify themselves with two forms of valid identification, one of which must have a picture.
- b) The SSO will contact the staff member to be visited to determine if the visit can take place in the lobby.
- c) If the visitor needs to enter the security area to conduct his/her business, the Visiting Guard Station will contact the Watch Commander and request approval.
- d) Visitors approved to enter may have to successfully pass through the metal detector.
- e) The Visiting SSO will advise Main Control that a visitor is on his/her way.

- f) Upon reaching the Main Control sally port, the SSO will be required to record in the visitor log book the visitor's name, company or department, the number of the Visitor badge given to the visitor, and the name of the escorting deputy. Visitors will be issued a visitor's badge which must be worn in plain sight at all times.
 - 1. Additionally, the visitor will be instructed to read and sign the Orange County Jail Release of Liability Form. The Main Control will witness the signature.
 - 2. The completed form will be filed by date in the folder maintained in Main Control forms will be purged after thirty (30) days.
- g) Visitors and their packages/containers may be searched prior to entry.
 - 1. Prohibited items:
 - i. Contraband
 - ii. Food or beverages
 - iii. Explosives, weapons, combustibles
 - iv. Other items not approved by the Watch Commander
- h) All visitors will be under escort at all times while in the security area of the facility.
- i) Maintenance personnel not regularly assigned to the facility will be escorted at all times. Tool boxes and containers will be checked prior to entering security. A "Security Clearance" form will be completed on those persons who work at the facility on an ongoing basis.
- j) All visitors must turn in their visitor badges to Main Control when they exit the facility.
- k) Visitors entering the Intake Release Center via the Receiving or Main Control Guard Stations must surrender their valid identification to the staff member requesting it (Deputy/SSO/CST/CSA). They, in turn, will receive a visitor pass. The staff member will then record the visitors' information in the "Visitor Log Book" and document the following information:
 - 1. Visitor's Name
 - 2. Company or department affiliation
 - 3. Visitor pass number
 - 4. Name of escorting personnel
 - 5. Time in and out of facility
 - 6. The visitor's identification will replace the visitor pass in its designated slot. The visitor pass must be visible at all times. The staff member will return the visitor pass to its designated slot upon completion of the visit and return the identification to the visitor. Visitor Log Books will be maintained in both Main Control and Receiving Guard Stations.

1902.10 - Requests for Inmate Signatures

- a) Persons bringing in money orders, checks or legal papers for inmate signature must bring them to the Visiting Guard Station. The SSO will prepare a property release form. This form, along with the item to be signed, is sent to the appropriate housing location for inmate signature.
 - 1. Request Signature: When the form arrives at the housing location, the housing Deputy or Prowler will call the inmate to the guard station and ask if he/she wishes to sign the item. Deputies will not act as a witness in the signing of any documents.
 - 2. Return Document: Once the item is signed or the inmate refuses to sign, it will be sent back to Visiting Staff who will return it to the requesting party. The inmate will return back to his/her housing location. Requests for signature will not count as a visit.

1902.11 - Service of Judicial Documents by Custody Staff

- a) The serving of judicial papers, such as a subpoena, summons or a restraining order on an inmate will follow the same basic procedure as the previous section "Requests for Inmate Signatures". The Deputy will receive the document from the person and hand the document to the inmate. Otherwise, upon receipt of any papers in a

judicial proceeding, the deputy must serve the inmate with the papers along with a note thereon documenting the time of service. The inmate may retain these papers while in custody.

- b) Jail personnel are not to accept writs. Should anyone attempt to serve a writ at any facility location, it shall be refused and the person serving it shall be directed to the Division Commander of Investigations. The jail will only act upon writs of habeas corpus forwarded by investigations.

1902.12 - Warrant Arrests in Visiting

- a) Deputies and SSO's may routinely run warrant checks on citizens who come to the facility to visit inmates. When the record check confirms a warrant, the deputy or SSO will:
 1. Confirm identity using government issued identification or previous in-custody (LARS, ELETE)
 2. Confirm name on warrant matches identification.
 3. Confirm warrant is active using Control One or by phoning Central Warrants
 4. Notify the Operation's Sergeant.
 5. Place under arrest and complete booking process.
 6. Documentation:
 - i. Call dispatch and request Departmental Number (DR#).
 - ii. Call Main Control and request Jail Incident Number (JI#).
 - iii. Write one report using a Follow-up form that includes:
 - A. Date/time of arrest
 - B. Location of arrest
 - C. Name of arrestee
 - D. Date of birth
 - E. Warrant number
 - F. Issuing Court
 - G. Date of issue
 - H. All charges
 - I. Booking number
 - J. JI number
 - K. DR number

1902.13 - Notary Visits

- a) Inmates requiring notary service should make arrangements for service and payment via their attorney or family members. Notaries must be operating in their official capacity during their visit. Notary visits will be conducted inside non-contact visiting areas. Notaries who do not have security clearance on file will follow public visiting procedures and may only visit on Friday through Sunday during public visiting hours. Notary visits will not count towards the inmate's one public visit per day allowance. Notaries who do have security clearance on file may conduct their non-contact visit at any time.
- b) Notaries must provide the following form of identification prior to their visit:
 1. Driver's License or California State I.D.
- c) Staff may inspect the notary's public seal, public journal and other materials that will be passed to and from the inmate.
- d) Notary visits that occur at the Central Men's Jail shall be conducted on the Attorney Bonds side only. However, if the Notary does not have security clearance on file, the visit shall only occur during public visiting days and hours. If the Notary does have security clearance on file, the visit may occur on any day or time.

1902.14 - United States Marshals Service Official Video Conference

The purpose of this policy is to provide United States Marshals Service (USMS) inmates access to their attorneys via video conference. The Sheriff's Department will provide video conference calls for USMS inmates according to the schedule provided by the USMS.

a) Restrictions

1. Video Conferences between a USMS inmate and their attorney or agent of the attorney are privileged and shall not be subject to monitoring.
2. USMS inmates will not be prohibited from other official visits. For any official visit not including video conference visits, follow CCOM Policy 1902.4 – Attorney, Bondsman and Official Visitors.
3. Each video conference system will be limited to one inmate at a time per video conference, unless determined otherwise by the USMS.
4. No limitations will be placed on the number of video conferences or length of conferences, unless the inmate is restricted for medical reasons, by court order, or as directed by the USMS. All scheduled video conferences will be honored at any time, unless the inmate is at court, delayed due to meal service, counts, or prohibited from attending by Correctional Health Services staff (CHS).

b) Video Conference Refusal

1. If the inmates refuses their video conference during their scheduled time, the Deputy will document the refusal on their area log.

1903 – Legal Mail Drop-Off

Legal representatives (i.e. attorneys, legal runners, etc.) will be permitted to drop-off legal mail at the Central Men's Jail Attorney/Bonds for inmates who are housed at the Central Men's Jail (CMJ), Central Women's Jail (CWJ), and/or Intake Release Center (IRC) and at the Theo Lacy Facility (TLF) Lobby for inmates housed at the TLF.

1903.1 – General

a) Legal representatives including but not limited to:

1. Attorneys, law students, paralegals, legal runners, licensed investigators, and other professionals under the supervision of a licensed attorney.

b) Legal representatives will be permitted to drop-off legal mail (e.g. envelope, package, folder, etc.) at:

1. Central Men's Jail Attorney/Bonds for inmates who are housed at the CMJ, CWJ, and/or IRC.
2. Theo Lacy Facility Lobby for inmates who are housed at the TLF.

c) Legal mail will be allowed to be dropped off:

1. During designated facility drop-off times:
 - i. Monday – Friday between 1100 and 1200 hours at the CMJ Attorney/Bonds
 - ii. Sunday- Saturday between 0001 and 2359 hours at the TLF Lobby
2. Legal mail being dropped off outside designated drop-off times will not be accepted.
3. Legal representatives attempting to drop-off legal mail outside designated drop-off times will be notified they can send legal mail via the United States Post Office (USPS) or they may set up an official visit with the inmate (See CCOM Policy 1902.4 – Attorney, Bondsman and Official Visits for more information).
4. There are no limits placed on the number of legal mail items a legal representative may drop-off.
 - i. A "Legal Mail Drop-Off" form will be completed for each item of legal mail being dropped off.
 - ii. The legal representative must provide a valid form of government identification, including:
 - A. Government-issued, picture identification card (i.e. state driver's license, identification card, county identification card/badge, etc.)

- B. Passport
 - C. United States Military identification card
 - D. United States issued Naturalized Citizen card
 - E. Matricula Consular card issued after April 22, 2002
- iii. The Correctional Services Assistant (CSA), Sheriff's Special Officer (SSO), or deputy working CMJ Attorney/Bonds or TLF Lobby will confirm the legal representative's identification matches the information provided on the "Legal Mail Drop-Off" form. Staff will also ensure the inmate is currently housed at the corresponding facility listed on the legal mail.
 - iv. The inmate's full name, booking number, general physical description of the legal mail item (e.g. envelope, package, folder, etc.), and a return address must be provided for each item of legal mail being dropped off.
5. Each legal representative may only drop off legal mail once per day, during designated drop-off times.
- d) A Mailroom CST will collect all legal mail that was dropped off at the CMJ Attorney/Bonds or TLF Lobby and take it to the Mailroom for processing (See CCOM Policy - 1900.3 Incoming Inmate Mail for more information). Legal mail will only be opened and inspected in the presence of the inmate. Any contraband found in the legal mail collected during drop-offs will be documented and legal action may be taken against the legal representative who dropped off the item of legal mail.
 - 1. Any contraband found in the dropped off legal mail will be documented and referred to the Division Commander for review. Legal representatives who violate the law, jail rules, and/or who disobey staff direction may be denied future legal mail drop-off privileges and/or subjected to legal action.
 - e) The completed "Legal Mail Drop-Off" form will be given to Inmate Records and placed on the inmate's file.

1904 - Inmate Telephone Calls

Inmates confined in any Jail Operations facility will have access to telephones in order to maintain community and family ties and communicate with legal representatives or the courts.

1904.1 Housing Telephone Use

- a) Telephones are available for inmate use during dayroom hours.
 - 1. In emergency or court ordered situations, inmates will be permitted to use the telephones in their assigned housing locations.
- b) Telephone calls are made collect and may be monitored. There are no restrictions on the number or duration of calls.
- c) Housing Sergeants will review any inmate's written request to use the non-collect telephone.
 - 1. Examples of approved calls:
 - i. Public agencies, courts, etc.
 - ii. Businesses not likely to accept a collect call. (Determine why call is necessary.)
 - iii. Call to an answering service (i.e., inmate's family has no phone).
 - 2. Examples of disapproved calls:
 - i. Inmate has means to make a collect call, but prefers not to call collect.
 - ii. Inmate does not like making calls while in the dayroom.
 - iii. Inmate refuses to state reason(s) for request.
 - iv. Questionable requests should be referred to the Watch Commander.
- d) Upon completion of non-collect court ordered telephone calls, the deputy shall record the date and duration of the call and enter his/her signature on the Inmate Activity Log.

1. Once all required calls are completed, the Module Deputy will write "Completed" and the date/time on the court order indicating the requirements of court order have been fulfilled. The deputy will then return the court order to Inmate Records to be placed in the inmate's file.

1904.2 - Telephone Restrictions

- a) Inmates placed in disciplinary housing shall have restricted access to the telephone as a condition of the imposed discipline. Inmates will not be prevented from making telephone calls to their legal representatives or the courts in connection with prospective or pending litigation.
 1. All legal phone calls will be unmonitored. The deputy supervising the telephone call may dial the desired number and obtain the party being called to verify that the call is being made as stated.
 2. Disciplinary housing inmates may only use the free local phones to call legal representatives or the courts when the receiving party will not accept the charges from the collect phone call.

1904.3 - Calls Arranged by the Correctional Health Services (CHS) Staff

- a) There may be occasions when members of the CMH staff, during counseling sessions, determine that a particular inmate's tensions and frustrations may be alleviated by being allowed to make a phone call. With the approval of a Sergeant, members of the team may originate the call by dialing the number, verifying that the party wishes to talk to the inmate, and then personally monitoring the conversation and documenting the call's occurrence in the log book.
- b) Inmates in disciplinary housing referred to CMH may be allowed a phone call upon request from CMH and approval of the Watch Commander, if it is believed the phone call would be beneficial to the inmate's treatment.

1904.4 - Special Use Telephones

- a) Each facility will maintain video interpreting services for hearing impaired inmates' use. Requests to use video interpreting services will be honored at the convenience of jail staff, but as soon as reasonably possible.
 1. During booking, hearing impaired arrestees will be advised that video interpreting services are available for use.
 2. A hearing impaired inmate in housing may use video interpreting services during regular telephone hours or pursuant to an approved emergency request.
- b) A cordless telephone is available in medical housing for inmate access, if needed. The cordless telephone is to be utilized only in the extraordinary event an inmate is non-ambulatory, has an urgent need to make a call, and cannot access any other inmate telephone. The deputy will keep the inmate using the telephone under direct visual observation at all times and only provide the telephone for the time necessary to complete the call. When the call is completed, the deputy will collect the telephone, disinfect it if necessary, and return it to the charger in the guard station. These telephones are recorded in the same manner as all other inmate telephones.
 1. Calls between an inmate and his/her attorney or an agent of the attorney are privileged and shall not be subject to auditory monitoring.
- c) Telephone carts are available at the Theo Lacy Facility for use in disciplinary housing cells. The cart will remain outside the cell and the handset passed through the door hatch.

1904.5 - Non-Collect Telephone Calls

- a) Inmates may, for cause, petition the Division Commander or his/her designee to use the non-collect telephone.
- b) All personnel will adhere to the following guidelines when an inmate requests a non-collect telephone call:
 1. Issue an "Inmate Message Slip" to the inmate. The inmate will fill out the request and address it to the Housing Sergeant explaining the reason for requesting the call. The slip will be forwarded to the sergeant for review and approval/denial.
 2. The sergeant shall approve non-collect calls for:
 - i. Verified personal emergencies.

- ii. Special circumstances (all questionable requests will be referred to the Watch Commander for approval).
3. The sergeant shall direct a deputy to remove the inmate from housing to a non-collect telephone. The deputy shall record the date, start/end times of the call, and place his/ her initials and badge number on the slip. The inmate will sign the slip acknowledging the completion of the call.
4. Upon completion of the call, the inmate shall be returned to housing and the original message slip, which will be marked "FILE", shall be forwarded to Inmate Records for inclusion in the inmate's jail file.

1904.6 - Telephone System

The Assistant Sheriff of Custody Operations or his/her designee shall be responsible for ensuring the Inmate Telephone Monitoring/Recording Equipment (TMRE) system is utilized for law enforcement needs and the security of the facility as allowed under State and Federal laws in compliance with applicable State and Federal Statutes. (Cal. Pen. Code §§ 633, 636(a); 18 U.S.C. § 2511(1)(a) and (4); People v. Kelley (2002) 103 Cal. App. 4th 853).

a) Inmate Telephone Monitoring/Recording Equipment (TMRE) System

1. The Inmate TMRE system provides telephone service to inmates housed in Orange County Jail facilities and Juvenile Hall. Phone services include the ability to record, monitor and store all phone calls placed by inmates.
2. Recording Capability
 - i. The Inmate TMRE system maintains digital recordings of calls originating from inmates telephones as well as generates documents of telephonic activity from corresponding computers.
3. Authorized User Responsibilities
 - i. It shall be the responsibility of the designated authorized personnel to routinely monitor outgoing inmate telephone calls.
 - ii. It shall be the responsibility of the designated authorized personnel to access Inmate TMRE system records of stored calls to screen for potential security issues, criminal activity and ensure the Inmate TMRE system is operating.
 - iii. The user shall conduct at least one open source search of the phone number listed in the Inmate TMRE system prior to monitoring any call or listening to any recording(s) to ensure that the target numbers are not attorney, religious advisor or licensed physician phone numbers.
 - iv. Open source searches may include, but are not limited to: Internet search engines such as Google, law enforcement related databases such as CLEAR, or the California State Bar Association.
 - v. It shall be the responsibility of each authorized user of the Inmate TMRE system, to determine if an inmate has Pro Per status and determine the privileges stated in their court order in regards to phone calls. Please reference CCOM Policy 1904.6(a)(8)(iv) "Inmates with Pro Per Privileges."
4. Workstation Access
 - i. The Inmate TMRE system work station provides the user interface to the telephone computer system.
 - ii. The Inmate TMRE system shall be located in a secure room outside of inmate access areas.
 - iii. Access to the Inmate TMRE can only be gained through the workstation which is login and password protected. Use of this workstation shall be restricted to authorized personnel designated by the Commander of Custody Operations or his/her designee, who have received instruction in the use of the Inmate TMRE system.
 - iv. Locations

- A. Intake Release Center
- B. Men's Central Jail Facility
- C. Women's Central Jail Facility
- D. Theo Lacy Facility

5. Authorized User Access

- i. Based on the authorized user's need for offsite monitoring, the Inmate TMRE system may also be accessed through approved computers, laptops, and other mobile devices per the Custody Intelligence Unit (CIU) Captain.

6. Requesting Access to the Inmate TMRE System

- i. Sheriff's Department Employees requesting access to the Inmate TMRE system shall submit an Orange County Sheriff's Department User Name Authorization and Admonishment form to the CIU Captain. The request will be reviewed by the CIU Captain and the Custody Operations Commander. All requests for access to the Inmate TMRE system will be granted on an individual, case by case basis.
- ii. All designated sheriff's personnel accessing the Inmate TMRE system records will have a signed a User Admonishment Form on file maintained by CIU. The admonishment forms maintained by CIU will be retained per the County's Records Retention Schedule.
- iii. Each approved user shall receive training on use of the Inmate TMRE system and understand the full capabilities of the system as well as this policy. An approved user shall not use the Inmate TMRE system prior to completing such training. Training on the policies and use of the Inmate TMRE system will be conducted by CIU. Training records of the Inmate TMRE system will be maintained by CIU.
- iv. Each approved and trained user shall keep their login and password information confidential. Each user login shall only be utilized by the person who is authorized and trained to use the Inmate TMRE system as described herein. Users shall not share their login and/or password with any other person or allow others to access the Inmate TMRE system with their login information.
- v. The CIU Captain will perform an internal audit of the authorized users quarterly to determine their needs of maintaining access to the Inmate TMRE system.

7. Outside Agency Request for Records

- i. Formal requests for phone records in the form of discovery requests from a District Attorney's Office, or Subpoena Duces Tecum(SDT's) will be processed without approval from the Commander of Custody Operations.
- ii. All other requests for recordings, call records, or other telephone records shall be submitted in writing on the requesting agencies' department letterhead. The written request shall include the specific reason for the request, the subject's name and booking number, the name, rank and signature of the requesting official. These requests shall be directed to the Commander of Custody Operations or his/her designee for approval.
- iii. Once approved, all outside agency requests for the Inmate TMRE system records shall be forwarded to CIU. CIU will process the request for records and shall be responsible for completing the Inmate Telephone Communications Cover Release Form and attaching it to the original request for telephone records.
- iv. Each official request for the Inmate TMRE system records, along with the applicable Orange County Sheriff's Inmate Telephone Communications Cover Release Form shall be maintained by the CIU. All forms will be retained per the County's Records Retention Schedule

8. Legal Issues / Notifications

- i. In compliance with California Penal Code Section 636 (a), no Orange County Sheriff's personnel shall knowingly monitor or record privileged conversations between an inmate and his/her legal counsel, physician or religious advisor without the permission of all parties to the conversation.
- ii. Non-Monitored and Non-Recorded Phone Calls
 - A. Phone numbers submitted by the Orange County Public Defender's Office, Orange County Bar Association, Attorney Bonds, approved religious advisors and licensed physicians have been entered into the Inmate TMRE system database to prevent calls to these numbers from being recorded.
 - B. Inmate Request
 1. Phone numbers not included in the non-monitored and non-recorded database may be submitted for entry into the database upon a written request of any inmate to any member of the Jail staff.
 2. All inmate requests must be forwarded immediately to CIU, who will quickly verify that the person requesting unmonitored or unrecorded phone calls, qualifies to be entered into the non-monitored database.
 3. If qualified, CIU will immediately notify an Inmate Programs representative to have the phone number entered into the non-monitored database. The Inmate Programs representative will also notify the inmate that the number has been approved for non-monitored and non-recorded calls.
 - C. Official Request
 1. The Orange County Sheriff's Department will verify the identity and relationship of an inmate's attorney, physician and/or religious advisor when requesting to have their phone numbers placed in the non-monitored and non-recorded database.
 2. Once verified, the Orange County Sheriff's Department will respond to their official request to have their phone numbers placed in the non-monitored and non-recorded database.
 3. Once approved, it will be the responsibility of CIU to forward the information immediately to an Inmate Programs representative. The Inmate Programs representative will then place the phone number in the non-monitored and non-recorded database.
- iii. Recorded Privilege Communication Phone Calls
 - A. In any event where there is reason to believe that a privileged communication phone call is being recorded, the listener shall immediately stop listening to the call.
 - B. The listener shall immediately notify CIU through department email to confirm that the phone number used, belongs to an attorney, physician, or religious advisor.
 - C. Once confirmed, the listener shall notify an Inmate Programs representative to have the phone number added to the non-monitored and non-recorded database.
 - D. When a privileged communication phone call is recorded by the Inmate TMRE system and/or accessed by Orange County Sheriff's Department personnel, the following shall occur:
 1. Orange County Sheriff's Department personnel shall document the incident by writing an information report. The report shall include the inmate's information as well as the date and time the phone call was accessed. The report shall also include any other pertinent information regarding the incident as well as the information which led

Orange County Sheriff's Department personnel to believe that the recording was of a privileged communication.

2. All information reports regarding recorded privileged communication phone calls shall be forwarded to the CIU Captain. The CIU Captain shall notify and send the reports to the District Attorney's office.

iv. Inmates with Pro Per Privileges

- A. Depending on the specifications of a Pro Per inmate's court order, some Pro Per inmates are granted the privilege of unmonitored collect calls and/or non-collect calls.
- B. Non-collect phones are not linked to the Inmate TMRE system, therefore they are not recorded.
- C. Unless a phone number is in the non-monitored and non-recorded database or the terms of a Pro Per inmates court order states otherwise, collect calls will be recorded.
 1. If a Pro Per inmate's court order states collect calls will be unmonitored, no one will be allowed to listen to the phone call or the recording.
- D. It shall be the responsibility of each authorized user of the Inmate TMRE system, to determine if an inmate has Pro Per status and what privileges the inmate has, pursuant to their court order, in relation to phone calls. Authorized users shall determine this accordingly:
 1. The Pro Per Sergeant will provide the CIU Sergeant with a list of Pro Per inmates.
 2. The CIU Sergeant shall make the list available to all CIU staff with access to the Inmate TMRE system and forward the list to non-CIU staff who have access to the recordings database.
 3. The Pro Per Sergeant shall update the list whenever an inmate's Pro Per status has changed.
 4. The list shall reference the type of phone privileges that have been ordered by the court for the particular Pro Per inmate.
- E. If CIU staff or other authorized non-CIU staff members determine that the Pro Per inmate is allowed unmonitored collect calls, any recordings linked to that inmate's PIN shall not be accessed or listened to without further order of the court.
- F. If CIU staff or other authorized non-CIU staff members determine that the Pro Per has not been granted special phone privileges, then the recordings may be accessed or listened to.
 1. If a Pro Per inmate contacts an attorney, physician or religious advisor, and their number is not in the non-monitored or non-recorded database, the phone call could potentially be recorded. If, at any point while listening to a Pro Per's recorded calls, staff determines the communication may be privileged, staff shall immediately cease listening to the recording, and follow the process described in CCOM section 1904.6 (a)(8)(iii) "Recorded Privilege Communication Phone Calls."

- v. The Inmate TMRE system shall play a recorded admonishment that both, the inmate and the recipient of the call will hear prior to the call being accepted by the called party. The pre-recorded prompt will notify the inmate and the recipient of the call that the call they are making/receiving is being recorded and may be subject to monitoring. The admonishment will be played to both inmate and recipient of inmate calls and will be available to them in English, Spanish, Vietnamese, Cantonese, Portuguese, French, Armenian, and Mandarin. The inmate and the recipient are required to "acknowledge" the recording of the calls by pressing "1" before the call will proceed. If either the inmate or the call recipient fails to press "1" the call will be terminated.

- vi. Notices in English, Spanish and Vietnamese, will advise inmates of potential telephone monitoring and recordings. These notices will be prominently posted in the areas next to all inmate telephones. The notice will read as follows:
 - A. "NOTICE! Telephone calls will be recorded and may be monitored."
- vii. Inmates at intake will receive written notice of the fact that calls made on the inmate telephone system are recorded and subject to monitoring. Inmates are expected to sign the form to acknowledge receipt of the notice. If an inmate refuses to sign, the intake Deputy will write "Refused to sign" on the form and the form will be placed in the inmate file.

1905 - Censoring of Newspaper Articles by Jail Personnel

The Watch Commander or his designee may remove articles that are deemed to threaten safety and/or security of the inmates, jail personnel, or the facility. Watch Commanders will notify all jail facilities of the reason to withhold a newspaper article. An article may be withheld in situations, including but not limited to, when the article:

- a) Incites, aids or abets violence.
- b) Depicts or describes procedures for the construction or use of weapons, ammunition, bombs or incendiary devices.
- c) Create[s] an intolerable risk of disorder under the prevailing conditions at a jail facility at a particular time. For example, information about rival gang members that are housed at the same facility.
- d) Contains blueprints, drawings or similar descriptions of jail facilities.
- e) Depicts or describes procedures for the brewing of alcoholic beverages or the manufacture of drugs.
- f) Describes a particular inmate's criminal charges when those charges would subject the inmate to violence (e.g., charges related to child molestation, abuse of children, rape, or incest).

1905.1 - Documentation of Censored Article

The decision to withhold a newspaper article shall be documented in the 24 hour log. Such documentation shall contain at a minimum:

- a) An explanation of the connection between the article's content and the threat to maintaining safety and security of the facility, inmates and/or jail personnel.
- b) The name of the Watch Commander or his designee who made the decision to withhold the information.