

## Policy 1200 – Inmate Classification Procedures

### 1200 - Introduction

Inmate classification is defined as the evaluation and placement of inmates in housing areas with inmates of similar backgrounds and characteristics. The screening instrument utilized by Classification staff will identify specific characteristics and needs of inmates booked into our custody. These characteristics and needs all relate to the health, safety, security, and conditions of confinement for inmates, as well as the safety and security of staff within our jails. The instrument consists of two devices used to determine an inmate's housing location. The first is the Initial Classification Assessment, which includes completion of the Inmate Classification Form (J-200) and the Classification Interview. The second is the Housing Matrix (J-202), which applies the factors related to the individual inmate determined during the Initial Classification Assessment.

#### 1200.1 – Classification Plan

- a) Inmates shall be housed appropriately according to their classification level or according to Correctional Health Services (CHS) staff's recommendations.
- b) The Classification Plan, which consists of this policy, the housing matrix and all classification forms, shall be available in the classification offices.

#### 1200.2 – Classification Plan Review and Update

- a) The Classification Plan will be reviewed annually.
- b) The Plan may be revised at any time pursuant to changes in standards or regulations.
- c) Any changes in the plan must be approved by the Assistant Sheriff of Custody Operations.

#### 1200.3 - Classification Staff Responsibilities

- a) Interview and classify inmates prior to housing using the Inmate Classification Form (J-200).
- b) Assign inmates to housing locations according to their classification level and the current facility housing plans.
- c) Conduct classification reviews and make appropriate classification and housing changes as needed.
- d) Maintain a record of each inmate's classification level, housing assignments, classification reviews, and specialty housing requests.
- e) Monitor inmate jail rule violations and conduct classification reviews as needed.
- f) Monitor racial balance within each housing area.

#### 1200.4 – Location of Classification Interviews

- a) Classification staff shall conduct classification interviews in areas away from inmates, so information obtained is kept confidential and to promote candid interviews with staff.

#### 1200.5 - Classification Instrument and Initial Classification Assessment

- a) Classification staff shall ensure the classification instrument (Inmate Classification Form J-200) is properly and thoroughly completed during the Initial Classification Assessment. This form includes the following information/sections:
  - 1. Identification of the classifying facility.
  - 2. Identification of the interviewer, date and time of the interview.
  - 3. The inmate's identifiers and personal information.
  - 4. Health and mobility screening information.
  - 5. Arrest History.
  - 6. Violence History.
  - 7. Previous State, County, and/or Federal Commitments.
  - 8. Institutional behavior.
  - 9. Escape History.
  - 10. Safety Concerns.
  - 11. Prison Rape Elimination Act (PREA) Victimization and Abusiveness Screening.
  - 12. Gang Association or Involvement.
  - 13. The inmate's signature.
- b) Classification staff shall utilize information systems such as the NCIC, CLETS and JMS to obtain information regarding the inmate's criminal history, institutional behavior and previous classification levels to assist in determining an inmate's classification level.

#### 1200.6 – Housing Matrix

- a) The Housing Matrix (J-202) applies the factors related to the inmate and determines the classification level and housing. The following are the classification options:
  - 1. General Population (GP), Levels 1-7.
  - 2. High Security (HS).
  - 3. Administrative Housing (AH), Levels 1-3.
  - 4. Protective Custody (PC), Levels 1-3.
  - 5. Protective Custody Administrative Housing (PC-AH).
  - 6. Mentally Ill (MI).
  - 7. Mentally Ill Lockdown (MIL).

#### 1200.7 –Specialty Housing Request Form

- a) Every inmate requiring specialty housing upon initial classification shall have a Specialty Housing Request Form (J-201) completed detailing the justification (excluding MI and MIL).
- b) All Specialty Housing Request Forms (J-201) shall be reviewed and approved by a Classification Sergeant prior to housing the inmate.

#### 1200.8 – Classification Reviews and Classification Review Form

- a) All classification reviews will be documented on a Classification Review Form (J-203).
- b) Classification staff shall conduct a classification review of inmates who have been sentenced to reflect any changes from their original charges to their conviction charges.
- c) Classification staff shall conduct a classification review of Problem Inmates (PIM's) every 30 days.
- d) Classification staff shall consider the inmate's discipline history, assaultive behavior toward staff or other inmates, gang involvement, and staff observations when conducting a classification review.
- e) Inmates who have been sentenced to more than 60 days may request a review of their classification rating no more often than 30 days from their last review.
- f) Classification reviews shall be completed when Classification staff receives any of the following:
  - 1. Notification of a supplemental booking.
  - 2. Notification of a CPC 1170(h) conviction.
  - 3. Notification of an amended charge.
  - 4. Incident-based notification.
  - 5. Request from a sentenced inmate.
  - 6. Scheduled PREA review.
- g) All Classification Review Forms (J-203) shall be reviewed and approved by a Classification Sergeant.

#### 1200.9 –Medical and Mental Health Housing

- a) If during a classification interview an inmate has a medical complaint, or is displaying signs of mental illness, Classification staff will refer the inmate to Correctional Health Services (CHS) for immediate treatment.
- b) CHS staff shall be solely responsible for assigning inmates to medical or mental health (MI/MIL) housing.
- c) CHS staff shall complete a Correctional Health Services Checklist form (J-112) for any inmate in need of medical or mental health housing.
- d) Classification staff shall ensure the Correctional Health Services Checklist form (J-112) is received prior to housing such inmates.

- e) Behavioral Health Deputies assigned to mental health housing and Deputies assigned to medical housing shall coordinate with Correctional Health Services and Classification staff to house and program together compatible General Population (GP) inmates of different security levels using the following guidelines:
  - 1. General Population (GP) levels 1-5 may be housed and program together.
  - 2. General Population (GP) levels 6-7 may be housed and program together.
- f) Specialty Housing inmates shall be housed and program according to CCOM Section 1201.15.

#### 1200.10 - Housing Assignments and Changes

- a) According to the inmate's classification level, Classification staff shall be responsible for assigning each inmate to the following:
  - 1. Facility.
  - 2. Module.
  - 3. Sector/Tank.
  - 4. Dorm/Cell.
  - 5. Bunk.
- b) Any request to move an inmate out of the assigned facility, module, or sector/tank/dorm must be submitted to Classification staff on a Classification Review Form (J-203).
- c) A cell/bunk assignment change does not require a J-203. However, Classification staff shall be responsible for making any cell/bunk assignment change.
- d) Gender non-conforming or non-binary inmates will be housed in male or female housing after classification deputies have determined the proper classification and housing location.

#### 1200.11 – Inmate Transfers

- a) Classification staff will screen inmates to determine their eligibility for transfer to any facility in our system.
- b) Classification staff will only transfer inmates whose classification level and medical clearance are appropriate for the receiving facility.
- c) Classification staff shall generate and coordinate all inmate transfers within our facilities.
- d) Generally, all inmates being transferred within any of the Department's jail facilities will be dressed in jail issued clothing according to their classification level.

#### 1200.12 – Prison Rape Elimination Act (PREA) Assessment and Reviews

- a) Classification staff shall follow CCOM 2900.7, Screening for Risk of Sexual Victimization and Abusiveness and Use of Screening Information.

### 1200.13 – Wrong Defendant

- a) If an inmate booked to a warrant protests that he/she is not the individual named in the warrant, the inmate and warrant information will be forwarded to Classification staff.
- b) Classification staff will interview the inmate and check the warrant information to confirm the inmate in custody is the person named in the warrant.
- c) The investigation will include a check of the local arrest record, CII, and the warrant repository for additional information, and, if necessary, contact with the agency that entered the warrant into the system. It may be necessary to obtain a photograph or fingerprints of the named suspect to compare to those of the inmate.
- d) If it is determined that the inmate is not the person named in the warrant, this information, along with the supporting documentation, will be forwarded to the Watch Commander for approval and then to the Records Supervisor who will initiate a “Wrong Defendant” release. The arresting agency must also be notified as soon as practical.
- e) The results of all such inquiries regardless of outcome will be forwarded to Jail Records to be placed in the inmate’s file. Classification staff will note the details of the inquiry in the inmate’s classification history.

### 1201 – Inmate Classifications

#### 1201.1 - General Population (GP) Inmates

- a) Inmates shall be considered General Population (GP) for classification purposes, unless otherwise designated. Every inmate classified as GP will be assigned a security level of 1-7.
- b) Generally, GP inmates will be housed with inmates of the same security level.
- c) The Special Services Bureau Captain may approve GP inmates of different security levels to be housed together to mitigate housing constraints.
- d) A Classification Sergeant may approve GP inmates of different security levels to be placed in holding cells together during the intake process to mitigate holding cell constraints.
- e) GP inmates do not require restraints during movement and can be escorted with other GP inmates.

#### 1201.2 – Specialty Housing Inmates

- a) Inmates assigned to specialty housing may require precautionary control measures. Restrictions will only be placed when there is a legitimate security need or for disciplinary reasons.
- b) Every inmate requiring specialty housing upon initial classification shall have a Specialty Housing Request Form (J-201) completed detailing the justification (excluding MI and MIL).

- c) All Specialty Housing Request Forms (J-201) shall be reviewed and approved by a Classification Sergeant prior to housing the inmate.
- d) Generally, Specialty Housing inmates will be housed with inmates of the same security level.
- e) The Special Services Bureau Captain may approve Specialty Housing inmates of different security levels to be housed together to mitigate housing constraints.
- f) A Classification Sergeant may approve Specialty Housing inmates of different security levels to be placed in holding cells together during the intake process to mitigate holding cell constraints.
- g) The following are the classifications of specialty housing inmates:
  - 1. High Security (HS).
  - 2. Administrative Housing (AH), Levels 1-3.
  - 3. Protective Custody (PC), Levels 1-3.
  - 4. Protective Custody Administrative Housing (PC-AH).
  - 5. Mentally Ill (MI).
  - 6. Mentally Ill Lockdown (MIL).
  - 7. Civil Commitments (Civil-6600/CPC-1332/CC-1209).
  - 8. Problem Inmate (PIM).

#### 1201.3 - High Security (HS) Inmates

- a) HS inmates are those who require a higher level of security than general population inmates. Reasons for placing an inmate on HS status include but shall not be limited to, booking charges, member or associate of a validated prison gang, identified as being extremely influential among other inmates, assaultive toward staff or inmates, or specialty housing while in other institutions.
- b) Staff shall not allow high security inmates to possess razors.

#### 1201.4 – Administrative Housing (AH) Inmates

- a) Title 15, Section 1053 describes “administrative segregation” as separate and secure housing that does not involve any other deprivation of privileges than is necessary to obtain the objective of protecting inmates and staff. Custody Operations defines these types of inmates as Administrative Housing (AH).
- b) There are three levels for AH inmates. Inmates may be classified to a particular level for the following reasons:
  - 1. AH-1
    - i. Prone to escape.
    - ii. Assaultive toward staff or other inmates.
    - iii. Disruptive to the operations of the jail.
    - iv. Associates of a validated prison gang or security threat group.

- v. Facing, or have been sentenced to, the death penalty or a life sentence.
- 2. AH-2
  - i. Previously required protection, though became problematic based on continual assaults, extortions, and/or threats toward other protective custody inmates.
  - ii. Returned to the gang lifestyle.
- 3. AH-3
  - i. Undergoing a classification investigation to determine appropriate housing. Shall require a single-person cell away from other classifications. These inmates may or may not have dropped out of their gang, but may require administrative housing based on potential threats from rival gang members.
  - ii. AH-3 classifications are likely to change and may be integrated into general population, PC or one of the other AH levels based on the outcome of the classification investigation.
  - iii. AH-3 Inmates shall be separated from all classification levels including other AH-3 inmates, unless otherwise approved by the Classification Sergeant/PMU.
- c) Staff shall not allow AH inmates to possess razors.

#### 1201.5 - Protective Custody (PC) Inmates

- a) PC inmates are those who require protection from other inmates. Any time an inmate is identified as needing protective custody, they shall be protected from other classifications of inmates.
- b) Classification staff may classify an inmate as PC based on circumstances surrounding the following:
  - 1. The inmate's booking charges.
  - 2. The inmate's gang affiliations or withdrawal from a gang.
  - 3. The inmate is identified as an informant or a witness where these circumstances may pose a danger to the inmate.
  - 4. The inmate has been identified by other inmates as being a prior PC within a County, State or Federal institution.
  - 5. Staff has confirmed threats against the inmate.
- c) Classification staff shall classify inmates with the following charges as PC Inmates:
  - 1. All sex crimes involving a minor.
  - 2. PC 290 violations where the controlling charge is a sex crime involving a minor.
  - 3. Probation and parole violations where the controlling charge is a sex crime involving a minor.
- d) Classification staff may classify inmates with all other crimes against a minor as PC inmates.

- e) Classification staff may take into consideration the inmate's prior PC or SNY (Sensitive Needs Yard) status, the length of time they were classified as such, and the time that has passed since their last classification.
- f) There are three levels of PC inmates. Inmates may be classified to a particular level for the following reasons:
  - 1. PC-1
    - i. May have been previously classified as Administrative Housing (AH) (generally AH-1) and now require PC housing.
    - ii. Have a history of escape, assaultive behavior, and/or affiliation to a validated prison gang or security threat group.
  - 2. PC-2
    - i. Inmates who are confirmed gang drop-outs with protection needs.
    - ii. Inmates meeting the above criteria for PC who have a classification level of GP 1-5.
  - 3. PC-3
    - i. These inmates are those who have been identified as requiring PC based solely on their charges, such as crimes against minors.
    - ii. May also be inmates meeting the above criteria for PC who have a classification level of GP 6-7.

#### 1201.6 - Protective Custody-Administrative Housing (PC-AH) Inmates

- a) PC-AH inmates are those who need to be protected and separated from other inmates, including PC and other certain PC-AH inmates. Examples of such inmates include but are not limited to, law enforcement officers, ex-law enforcement officers, relatives of law enforcement officers, government officials, attorneys and judges.
- b) PC-AH inmates may be compatible with others having similar classifications or characteristics and may be housed together and/or participate in group activities.

#### 1201.7 - Mentally Ill (MI) Inmates

- a) MI inmates are mentally unstable. Classification staff may refer an inmate Correctional Health Services (CHS) staff to evaluate an inmate for MI status.
- b) Classification staff and Correctional Health Services staff shall coordinate on the classification and housing of MI inmates by use of a Correctional Health Services Checklist form (J-112).
- c) Staff shall not allow MI inmates to have razors.



#### 1201.8 - Mentally Ill Lockdown (MIL) Inmates

- a) MIL inmates are unpredictable, violent, or may pose a safety risk to others due to their mental condition.
- b) Classification staff and Correctional Health Services (CHS) staff shall coordinate on the classification and housing of MIL inmates by use of a Correctional Health Services Checklist form (J-112).
- c) CHS staff will determine the programming and out-of-cell activities for MIL inmates on a case-by-case basis.
- d) Staff shall not allow MIL inmates to have razors.

#### 1201.9 – Civil Detainees

- a) Civil Detainees are committed to the custody of the Sheriff's Department under W&I 6600, CPC 1332, or CC 1209. These detainees are held on civil cases such as Child Support, Civil Contempt or Civil Sexually Violent Predator matters.
- b) Sexually Violent Predators (SVP) are Civil Detainees who have been convicted of a sexually violent offense and have been diagnosed with a mental disorder making them a danger to the health and safety of others in that it is likely he or she will engage in sexually violent behavior again.
- c) In accordance with CPC 4001(3), all Civil Detainees must be confined separately. This includes persons detained as witnesses or held under civil process, or under an order imposing punishment for a contempt.
- d) SVP's and non-SVP Civil Detainees will not be housed in the same cells. In addition, all Civil Detainees will be housed separately from inmates held on criminal charges.
- e) For more information on Civil Detainees, reference CCOM Section 1204 – Civil Detainees.

#### 1201.10 – Problem Inmates (PIM)

- a) PIMs are those who have been a continued disruption to the security and tranquility of jail operations. PIM is a classification and is not a disciplinary status. Justification for placing an inmate on PIM status includes, but is not limited to, assaultive to staff or other inmates, inciting a riot, making threats to staff or witnesses, destruction of facility property, multiple or continual disciplinary actions, or attempted or planned escape.

#### 1201.11 – Juvenile Inmates

- a) Juvenile inmates may only be housed in the Orange County Jail by means of a court order from Orange County Superior Court.

1. The court order will identify the subject as a juvenile, list their charges, and specifically remand them into the custody of the Orange County Sheriff's Department to be housed within the Orange County Jail.
- b) Should a juvenile inmate arrive under any other circumstances, or should an inmate who was thought to be an adult and now there is reason to believe may be a juvenile, the inmate will be immediately separated from all other inmates and the following provisions should be followed:
  1. Notify Shift Sergeant and IRC Classification Sergeant immediately
  2. If not already, transfer to IRC and notify Watch Commander
  3. Classification Sergeant will be responsible for investigation and documentation.
- c) By law, juvenile inmates must be segregated from, and have no contact with, adult inmates.

#### 1201.12 – Propria Persona (Pro-Per) Inmates

- a) Pro-Per inmates are those who the court has authorized to represent themselves in a criminal proceeding. Pro-Per privileges are extended only to those inmates who have a valid court order defining said privileges.
- b) Pro-Per inmates shall be classified in the normal manner.
- c) For more information on Pro-Per inmates, refer to CCOM Section 1203.

#### 1201.13 – Inmates with Disabilities

- a) Classification and Population Management Unit (PMU) staff will take into consideration the inmate's abilities and movement needs when assigning housing locations. Being disabled in any way is not justification for a higher security classification.
  1. Every effort will be made to accommodate inmates with mobility disabilities in their housing assignments. In the event an inmate with a mobility disability is assigned to non-ADA housing or a specific accommodation cannot be met, Classification and PMU staff will ensure that an inmate deemed to require accessible accommodations is provided with such accessible accommodations as soon as possible.
- b) The Inmate Classification Form (J-200) has a Health and Mobility Screening section that applies directly to the inmate's medical and mental health factors, as well as any needs ensuring compliance with the Americans with Disabilities Act (ADA).
- c) For more information on Inmates with Disabilities, refer to CCOM Section 1606 - Inmates with Disabilities.

#### 1201.14 – Escape Risk Inmates

- a) Classification staff shall take into consideration the inmate's history of escape or attempted escape and circumstances surrounding such incidents when classifying inmates into the following categories:
  - 1. No known Escape Risk
  - 2. Moderate Escape Risk
    - i. History of any walk-away/absconding from an alternative confinement program, including:
      - A. Community Work Program (CWP)
      - B. Electronic Monitoring Program (EMP)
      - C. Conservation Camp Program (CCP)
    - ii. History of escaping from law enforcement while outside of a correctional institution.
  - 3. High Escape Risk
    - i. History of escape or attempted escape from a secured correctional institution. The use of force or fear is not mandatory criteria when identifying the inmate as a High Escape Risk.
- b) Classification staff may consult with a Classification Sergeant in the event they are considering an alternative classification based on other circumstances obtained during the initial classification assessment, a classification review, or through any other means of gathering intelligence regarding the potential for escape.

#### 1201.15 – Security Procedures by Classification Level

- a) Generally, staff shall ensure inmates with a specialty housing classification are separated from other classifications. Staff may intermix specific specialty housing classifications during transport and in transportation vehicles based on security and the needs of the Transportation Bureau.
- b) If holding cells become limited, inmates of different classifications may be placed in cells together while restrained.
- c) The following are security procedures within the General Population (GP) and Specialty Housing classifications:

	<b><u>Movement</u></b>	<b><u>Holding</u></b>	<b><u>Housing</u></b>
<b><u>GP</u></b>	Escort with GP inmates.	May be placed in holding cells with compatible GP inmates while restrained.	Generally, house with GP inmates of same security level.

<b><u>HS</u></b>	Waist and leg restraints. Escort with HS inmates.	May be placed in holding cells with compatible HS inmates while restrained.	House with HS inmates.
<b><u>AH-1</u></b>	Waist and leg restraints. Escort with AH-1 inmates.	May be placed in holding cells with compatible AH-1 inmates while restrained.	House with AH-1 inmates.
<b><u>AH-2</u></b>	Waist and leg restraints. Escort with AH-2 inmates.	May be placed in holding cells with compatible AH-2 inmates while restrained.	House with AH-2 inmates.
<b><u>AH-3</u></b>	Waist and leg restraints. Escort with compatible AH-3 inmates.	May be placed in holding cells with compatible AH-3 inmates.	House alone or with compatible AH-3 inmates.
<b><u>PC-1</u></b>	Waist and leg restraints. Escort with PC-1 inmates.	May be placed in holding cells with compatible PC-1 inmates while restrained.	House with PC-1 inmates.
<b><u>PC-2</u></b>	Escort with PC-2 inmates.	May be placed in holding cells with compatible PC-2 inmates.	House with PC-2 inmates.
<b><u>PC-3</u></b>	Escort with PC-3 inmates.	May be placed in holding cells with compatible PC-3 inmates.	House with PC-3 inmates.
<b><u>PC-AH</u></b>	May use waist and leg restraints. May escort with PC-AH inmates.	May be placed in holding cells with compatible PC-AH inmates.	House alone or with compatible PC-AH inmates.
<b><u>MI</u></b>	May escort with compatible MI inmates.	May be placed in holding cells with compatible MI inmates.	May be housed with compatible MI inmates with CHS approval.
<b><u>MIL</u></b>	Waist and leg restraints. Escort alone.	Place in holding cells alone.	May be housed with compatible MIL inmates with CHS approval.
<b><u>Civil-6600</u></b>	Escort with Civil-6600 detainees.	May be placed in holding cells with Civil-6600 detainees.	House with Civil-6600 detainees.
<b><u>Civil-1332/1209</u></b>	Escort with Civil-1332/1209 detainees.	May be placed in holding cells with Civil-1332/1209 detainees.	House with Civil-1332/1209 detainees.

<b><u>PIM</u></b>	Waist and leg restraints. Escort with PIM's.	May be placed alone or in holding cells with PIM's while restrained.	House alone.
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#### 1201.16 - Inmate Identification Cards and Clothing

- Identification cards are issued to inmates to provide a readily recognizable means of identifying inmates and their classification levels.
- Classification staff shall ensure an identification card is printed for each inmate at the end of the classification process. Printed identification cards will be given to Male and Female Booking Prowlers to be issued to inmates prior to being housed.
- If an inmate's classification level is changed for any reason, it will be the responsibility of Classification staff to ensure the inmate receives a new identification card.
- The following are descriptions of identification cards and clothing specific to each classification level of male and female inmates:

### **Male Inmates**

<b><u>Classification Level</u></b>	<b><u>Identification Card</u></b>	<b><u>Clothing</u></b>
General Population (GP)	Orange stripe/"GP" and level printed on front.	Orange Shirt/Orange Pants
High Security (HS)	Red stripe/"HS" printed on front.	Red Shirt/Red Pants
Administrative Housing (AH)	Red stripe/"AH" and level printed on front.	Orange Shirt/Orange Pants
Protective Custody (PC)	Lime green stripe/"PC" and level printed on front.	Lime Green Shirt/Lime Green Pants
Mentally Ill (MI)	Yellow stripe/"MI" and classification printed on front.	Shirt Matches Classification/ Dark Green Pants
Mentally Ill Lockdown (MIL)	Yellow stripe/"MIL" and classification printed on front.	Shirt Matches Classification/ Dark Green Pants
Civil-6600	Gray stripe/"Civil-6600" printed on front.	Dressed According to Classification
Civil-1332/1209	Gray stripe/"Civil-1332/1209" printed on front.	Dressed According to Classification

PIM	Colored stripe of classification/ “PIM” and classification printed on front.	Dressed According to Classification
Inmate Workers	Orange stripe/“IW” printed on front.	Light Blue Shirt/Orange Pants

## **Female Inmates**

<b><u>Classification Level</u></b>	<b><u>Identification Card</u></b>	<b><u>Clothing</u></b>
General Population (GP)	Orange stripe/“GP” and level printed on front.	Orange Shirt/Dark Blue Pants
High Security (HS)	Red stripe/“HS” printed on front.	Red Shirt/Dark Blue Pants
Administrative Housing (AH)	Red stripe/“AH” and level printed on front.	Orange Shirt/Dark Blue Pants
Protective Custody (PC)	Lime green stripe/“PC” and level printed on front.	Lime Green Shirt/Dark Blue Pants
Mentally Ill (MI)	Yellow stripe/“MI” and classification printed on front.	Shirt Matches Classification/ Dark Green Pants
Mentally Ill Lockdown (MIL)	Yellow stripe/“MIL” and classification printed on front.	Shirt Matches Classification/ Dark Green Pants
Civil-6600	Gray stripe/“Civil-6600” printed on front.	Dressed According to Classification
Civil-1332/1209	Gray stripe/“Civil-1332/1209” printed on front.	Dressed According to Classification
PIM	Colored stripe of classification/ “PIM” and classification printed on front.	Dressed According to Classification
Inmate Workers	Orange stripe/“IW” printed on front.	Light Blue Shirt/Dark Blue Pants
Pregnant Inmates	Matches Classification Level	Shirt Matches Classification/Pink Pants

## 1202 – Special Protocols or Handling (J-119)

- a) Certain inmates may require special protocols or handling. Special protocols or handling procedures may be the result of such things as an order from Correctional Health Services (CHS), or an order from a facility administrator or Watch Commander.
- b) When Classification staff receives a Correctional Health Services Checklist (J-112) indicating an inmate requires special protocols or handling procedures due to a medical condition, the following steps shall be taken:
  - 1. Classification staff will document receipt of the J-112 and any other pertinent information in the inmate's automated classification file.
  - 2. Classification staff will then complete a J-119 form detailing the inmate's special protocols or handling procedures and attach it to the inmate's module card.
- c) When Classification staff receives a Correctional Health Services Checklist (J-112) indicating an inmate no longer requires special protocols or handling procedures, the following steps shall be taken:
  - 1. Classification staff will document receipt of the J-112 and articulate CHS's determination in the inmate's automated classification file.
  - 2. Classification staff will make notifications to have the J-119 form removed from the inmate's module card and make an appropriate housing change if needed.
- d) When a facility administrator or Watch Commander determines an inmate requires a special protocol or handling procedure, the following steps shall be taken:
  - 1. A Classification Review Form (J-203) shall be completed and submitted to Classification staff. The form shall contain the reason for the special protocols or handling procedures, any related DR or Jail Incident Number (JI), and the name of the approving administrator or Watch Commander.
  - 2. The completed Classification Review Form (J-203) will be forwarded to Classification staff for processing and approval from a Classification Sergeant.
  - 3. Once the Classification Review Form is approved, Classification staff will complete a J-119 form detailing the special protocols or handling procedures and attach it to the inmate's module card.
- e) When a facility administrator or Watch Commander determines an inmate no longer requires a special protocol or handling procedure, the following steps shall be taken:
  - 1. A Classification Review Form (J-203) shall be completed and submitted to Classification staff. The form shall indicate the inmate is being removed from his/her special protocols or handling procedures and shall have the name of the authorizing administrator or Watch Commander.
  - 2. The completed Classification Review Form (J-203) will be forward to Classification staff for processing and approval from a Classification Sergeant.

3. Once the Classification Review Form (J-203) is approved, Classification staff will make notifications to have the J-119 form removed from the inmate's module card.

### 1203 – Propria Persona (Pro-Per)

- a) Pro-Per inmate are those who the court has authorized to represent themselves in a criminal proceeding. Pro-Per privileges are extended only to those inmates who have a valid court order defining said privileges. Any inmate requesting or claiming to have Pro-Per privileges:
  1. Must have a criminal case pending within the County of Orange, California or appellate criminal case which may or may not be held in the County of Orange, California.
  2. Must furnish a court order or other court paperwork establishing their Pro-Per privileges. All court orders will be confirmed with Inmate Records for a "Watch Commander Approved" copy.
  3. If an inmate has a court order allowing Pro-Per or other special privileges in a civil case, County Counsel should be contacted to possibly object to the order and move to set it aside.
- b) Pro-Per inmates are afforded certain privileges, as may be ordered by the court that granted Pro-Per privileges. They are permitted to have in their possession certain legal materials (court papers, printed copies of case law or other research, discovery from the D.A., etc.). Legal materials and all personal items such as letters, photographs and court papers (no larger than 8" x 10") must remain in expandable folders. For further details regarding personal items and expandable folders, reference CCOM 1600.2 (m) – Property.
  1. Pro-Per inmates shall typically be limited to six expandable folders total (this provision for six expandable folders includes the two expandable folders all inmates are allowed to possess, see Policy 1600.2(m)(5), unless upon request to the Division Commander the inmate is granted, upon a showing of good cause, the privilege to possess additional folders.
  2. Under no circumstances shall personal items and/or legal materials be stored outside the prescribed number of expandable folders, or affixed to a cell or the furnishings therein.
  3. If a Pro-Per inmate accumulates excessive materials that cannot be retained in the number of expandable folders allowed by this policy, they shall be required to give the excess material to the court appointed investigator or other court appointed legal assistant.
  4. If the Pro-Per inmate refuses to reduce the amount of material in their cell to a level that will fit within the authorized number of expandable folders, all jail staff, following at least seven days' written notice to the inmate, may purge the inmate's cell of excessive materials to reduce the volume to an amount that will fit in the authorized number of expandable folders. The seven day notice requirement shall not apply if the amount of accumulated materials presents an immediate safety of security risk that must be eliminated.



5. In the event jail staff must intervene to reduce the amount of materials in a Pro-Per inmate's cell, the removal of items from the cell shall be videotaped. Except as provided in paragraph 6, all excessive materials will be disposed of.
  6. Discovery from the D.A., legal mail, handwritten notes on note pads, and copies of court documents bearing the case number of the case for which the inmate is Pro-Per shall not be disposed of, but rather they shall be placed in the inmate's property.
  7. New legal material from the law library will not be given to Pro-Per inmates if the amount of legal material will cause the total amount of materials in the inmate's possession to exceed six expandable folders. Once the inmate purges the material to allow space in their expandable folders they will be given new legal material. Legal mail will be delivered regardless.
  8. Any stationery items provided by their Pro-Per court order shall not be removed from their cell.
  9. All other property will be handled in accordance with CCOM 1600.2(m) – Property.
- c) Pro-Per inmates are permitted to visit daily with their court appointed investigator or other court appointed legal assistant in the attorney bonds visiting area. Any court appointed investigator or other court appointed legal assistant must have the Department required security clearance prior to the visit in attorney bonds.
  - d) No other restrictions are placed upon Pro-Per inmates. They are afforded all the other rights and privileges of other inmates.
  - e) Pro-Per inmates assigned to the Special Management Unit (SMU) shall be permitted to retain in their possession all legal materials. They will be permitted access to legal books, phone calls as ordered by the court that are related to their case, and normal visitation with their court appointed investigator or other court appointed legal assistant.
  - f) An inmate's Pro-Per status shall automatically terminate upon sentencing (unless specifically extended by order of the court).
  - g) Pro-Per status, including all Pro-Per privileges ordered by the court, will be immediately terminated if the inmate retains counsel or if the court appoints counsel (unless specifically extended by the court) regardless of whether the court enters an order terminating said privileges.
  - h) Pro-Per privileges allowed by jail policy, and those ordered by the court are not cumulative. For example, if the inmate is Pro-Per on three cases, it does not mean that they can have 18 expandable folders, nor does it mean that they can have six hours of access to the collect phones each day.
  - i) A sergeant shall be present during any search of a Pro-Per's cell or personal property contained within their cell/housing location. Pro-Per inmates will not be present during the search of their cell and/or personal property in order to ensure the safety of the deputies performing the search.

Deputies shall not destroy jail or personal property during a search. The results of the search shall be documented on a search log, jail incident report or criminal report based on the findings. Copies of all reports and documents related to Pro-Per inmates (ex: jail incident reports, criminal reports, court orders, etc.) shall be forwarded to the sergeant assigned to Pro-Per duties. In addition, a handheld camera shall be used to document the search of a Pro-Per's cell and/or personal property contained within their cell/housing location. When documenting the search of a Pro-Per inmate's cell, a Deputy/SSO/CSA will activate the handheld camera and record the cell prior to the search, during the search and after the search. For more information on video documentation, reference CCOM Policy 1715 - Video Documentation.

1. If items are discovered in the cell that are perceived to be contraband such items shall not be disposed of until the Pro-Per is given the opportunity to establish that he is entitled by court order to possess the item(s).
  - i. The foregoing provision shall not apply to items that are clearly unrelated to the case, i.e., a weapon, excessive non-stationery commissary items, evidence of a crime, etc.

## 1204 - Civil Detainees

### a) Definition, Purpose and Policy

1. Section 6600 of the Welfare and Institutions Code defines Sexually Violent Predators (SVP), in general, as those individuals who have been convicted of one or more sexually violent offense who have served their criminal sentences and have been found by a court of law to pose a continuing danger to others and those awaiting such judicial proceedings. Persons held pursuant to Penal Code Section 4001(3) includes "persons detained as witnesses or held under civil process, or an order imposing punishment for a contempt." Individuals committed to the custody of the Sheriff under Section 6600 of the Welfare and Institutions Code and Section 4001(3) of the Penal Code will be considered Civil Detainees.
2. "Criminal Inmates" as used herein includes persons committed on criminal process and detained for trial and persons already convicted of crime and held under sentence.
3. While confined in our custody, Civil Detainees will be treated in a manner that ensures their presence at trial, maintains jail security, and allows for the effective management of the facility. Civil Detainees will be housed separately from Criminal Inmates. They will be subjected to strip searches only when there is reasonable suspicion that they are concealing contraband or for safety and security concerns. They will be housed in a segregated housing location in either a single detainee cell, or multi-person cell with those detainees of similar classification.
4. Civil Detainees who are being held in custody under PC 4001(3) will not be housed with SVPs.

5. Staff will enforce the jail rules fairly and impartially, never in a capricious, discriminatory, or retaliatory manner.
6. Civil Detainees are required to read, understand, and comply with all Jail Rules. Any violation of laws or jail rules may result in jail discipline and/or criminal prosecution. If a Civil Detainee has a question, he/she should ask a member of the jail staff for clarification.

b) Procedures

1. Housing

- i. SVP's and non-SVP Civil Detainees will not be co-mingled.
  - A. Housing should be in separate areas from general population.
- ii. The Module dayroom will be available for use by Civil Detainees throughout the day between the hours of 0600 and 2300. Under certain circumstances dayroom times may be reduced but will be more than that of Criminal Inmates.
  - A. Dayroom supplies will not be removed from dayrooms.
  - B. Any changes to dayroom availability shall be approved by the dayshift watch commander on a daily basis.
- iii. Civil Detainees will be allowed to view television throughout the day (at a minimum during their dayroom times).
- iv. Civil Detainees will have telephone access during dayroom.
- v. Civil Detainees will have shower access during dayroom.

2. Recreation and Visitation

- i. Civil Detainees will be allowed to utilize the roof recreation area on a schedule that allows for more opportunities (at least 3 ½ hours per week) than that afforded to Criminal Inmates; however, it should not create an undue burden on the staff or prevent Criminal Inmates from receiving their Title 15 required roof recreation. A roof schedule will be drafted for approval by the Division Commander or his/her designee.
- ii. Civil Detainees will be afforded the ability to receive visitors on a schedule that allows for more opportunities than that afforded to Criminal Inmates. Visits may be for up to one hour per visiting day; however, it should not create an undue burden on the staff or prevent inmates from receiving visits. A visitation schedule will be drafted for approval by the Division Commander or his/her designee.

3. Transportation

- i. Civil Detainees will be placed into the segregated area on the bus, or shall be transferred in a separate vehicle, segregated from Criminal Inmates. They will be segregated from others in the least restrictive manner possible, depending on the seating arrangements available on the particular bus or van, while maintaining complete security. SVPs will be segregated from other, non-SVP Civil Detainees and Criminal Inmates.

#### 4. Clothing

- i. Civil Detainees will be dressed in standard jail issued clothing for identification and security concerns. Civil Detainees will be afforded a complete clothing exchange (whites, shirts, pants, socks and towels) on a schedule that allows for more opportunities (such as twice a week) than that afforded to Criminal Inmates; however, it should not create an undue burden on the staff; and in accordance with Title 15 of the California Code of Regulations.
- ii. Civil Detainees shall be given an additional set of socks, boxers and t-shirts and be allowed to have them in their possession.

#### 5. Personal Property

- i. Civil Detainees may only possess items that have been issued by jail staff, purchased through commissary, permitted at the time of booking, permitted to be received through the mail, or by court order. All other items shall be considered contraband and will result in the item being confiscated. Disciplinary action may also be taken.
- ii. Articles, including food items, personal hygiene items, etc., will not be accepted from individuals or via the mail.
- iii. A reasonable number of letters may be kept by a Civil Detainee in his/her cell, if the letters are neatly maintained in an expandable folder. Any excess mail must be discarded or mailed out of the facility at the Civil Detainee's expense.
- iv. Civil Detainees may have in their cell a reasonable number of photographs no larger than 8 x 10 inches. Photographs must be kept in a folder and may not be affixed to walls, ceilings, bars, bunks, fixtures, or any part of the building. All excess photos are to be mailed out of the jail at the detainee's expense.
- v. Civil Detainees may only possess the items of clothing issued to them and one complete issue of jail bedding.
- vi. No food, except that sold in commissary or provided during in-cell feeding, will be permitted in housing areas. Retention of meal items is not permitted.
- vii. Handcrafted or altered items made by Civil Detainees are not permitted and will be considered contraband.
- viii. Possession of articles issued or belonging to another Civil Detainee, such as clothing, bedding, commissary, or personal property, is not permitted. The detainee in possession of such property may be punished for a violation of jail rules and the incident may be handled as a criminal matter.
- ix. Civil Detainees will possess no more than a combination of ten books and/or magazines as long as they are stored in neat and orderly manner. Excess items shall be discarded or mailed out of the facility at the Civil Detainee's expense.
- x. Property that shall not be counted towards a Civil Detainee's limit are as follows:

- A. Holy book (1)
  - B. Religious pamphlets (3)
- xi. Unauthorized possession or hoarding of medications is not permitted. Possession of another Civil Detainee's medication is not permitted.
- xii. 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:
  - A. Photographs or pictures of any kind showing complete nudity, partial nudity, sadomasochism, bestiality, penetration, oral copulation, defecation, urination or ejaculation.
  - B. Personal photographs that display nudity of any kind or items that are sexual in nature are not permitted.
- xiii. Any material promoting illegal activity to include, but not limited to:
  - A. Any representation tending to incite murder, arson, riot, violent racism, or any other form of violence;
  - B. Any matter concerning unlawful gambling or an unlawful lottery;
  - C. Any publication concerning the cultivation or illegal production of narcotics or drugs.

#### 6. Commissary

- i. Civil Detainees may purchase commissary items three times each week. Order forms are distributed three times a week.
- ii. Civil Detainees without sufficient funds can order a Welfare Pack (per Title 15) of hygiene and stationary items once per week.

#### 7. Reveille

- i. Civil Detainees shall arise for reveille when announcement is made.
- ii. Civil Detainees shall dress in full jail issue clothing prior to the morning meal.
- iii. Full jail issue clothing consists of:
  - A. Underwear
  - B. T-shirt
  - C. Socks
  - D. Jumpsuit or pants and shirt
  - E. Shoes
- iv. Civil Detainees shall maintain immediate access to their full jail issue clothing between the hours of reveille and lights out while in the dayrooms and common areas. Civil Detainees shall be in full jail issue when outside their cell or housing area. Alterations to jail issue clothing may be considered damage to jail property, and the

Civil Detainee may be subject to disciplinary action. The wearing of any item that is not facility issue clothing (e.g., headbands, etc.) is prohibited.

- v. Civil Detainees shall make their bunks up neatly and keep them that way between reveille and lights out unless the bunk is in use by the Civil Detainee. Whenever Civil Detainees are on their own bunks, they may be permitted to cover themselves with blankets, provided that sufficient anatomy is exposed to establish the presence of a person.

#### 8. Count

- i. During the count, Civil Detainees shall stand near their bunks, dressed in full jail issue, unless otherwise directed by jail staff.
- ii. Civil Detainees will respond to the deputy as directed during the count. Talking, horseplay, or other disruptions are not permitted during the count.

#### 9. Religious Services

- i. Correctional Programs is responsible for coordinating all religious activities within each jail facility. The Correctional Programs staff will ensure that the varying religious needs of the Civil Detainees are met and that services and counseling are made available.
- ii. Civil Detainees will have access to religious resources on a voluntary basis. Civil Detainees who do not wish to participate in religious counseling services will not be required to do so.
- iii. Civil Detainees may request counseling, visits, or religious material from any of the Jail Chaplains by completing a Message Slip, and giving it to a staff member. The slips will be forwarded to the Jail Chaplain.
- iv. Chaplains, and/or other members of the clergy, may send messages or literature to Civil Detainees, or may confer personally with them in the visiting area at any time. Private visits are available for those clergymen who submit an application for approval.

#### 10. Law Library

- i. Any Civil Detainee housed in any facility may request legal materials in the same manner as any inmate. All requests will be promptly acted upon.

## 1205 - Community Work Program

### 1205.1 – General

- a) Per Penal Code section 4024.3 and Board Resolution No. 14-064, the Sheriff is authorized to have a *mandatory* Community Work Program for qualified inmates when the average daily inmate

population is 90 percent of the jail system's rated capacity. The average daily jail inmate is the average total number of inmates computed on an annual basis.

If the average daily inmate population is below 90 percent the jail system's rated capacity, Penal Code section 4024.2 and Board Resolution No. 82-553 authorize the Sheriff to have a *voluntary* Community Work Program for qualified inmates.

Inmates who participate in CWP will serve their sentences by performing labor in lieu of confinement, on the public works or ways.

- b) Any violation of law or jail rules may be handled in the following manner:
  - 1. Minor Violation
  - 2. Major Violation
  - 3. Citation
  - 4. Crime Report
- c) Inmate misconduct will be documented in the jail reporting system and sanctions will be imposed in proportion to the severity of the rule violated. Inmates may utilize the formal appeal process to appeal any disciplinary action against them.
- d) Inmates may use the jail grievance system to document a condition in the work program. Inmates assigned to CWP will be provided an inmate grievance form as soon as possible when requested.

#### 1205.2 – Staffing

- a) Deputies and SSOs are assigned to the Theo Lacy CWP Staff.
- b) One or more designated Sergeants will supervise the Theo Lacy CWP Staff.
  - 1. Information Processing Technician and Office Technician.

#### 1205.3 – Responsibilities

- a) The CWP Staff will be responsible for all screening, interviewing and releasing of in-custody inmates who qualify to participate in the Community Work Program.
- b) The CWP Staff is responsible for screening court ordered commitments at the Theo Lacy Facility, and will ensure that each new commitment who is qualified is assigned to the Community Work Program.
- c) The CWP Staff will indirectly monitor the activities of workers and CWP site supervisors to ensure compliance with Community Work Program Rules and Regulations.
- d) The CWP Staff is responsible for keeping the Theo Lacy Facility Inmate Records personnel informed of any changes or modifications concerning an inmate's commitment to the program.

- e) The CWP Staff will be aware of and monitor any inmate or civilian traffic within the Facility Booking/Release area.
- f) The CWP Staff will monitor the assignment of all new inmates throughout the jail system for screening purposes to the Community Work Program. Inmates to be screened fall into two categories:
  - 1. Weekenders
  - 2. Straight Time Inmates: Includes all inmates with commitments of more than five (5) days and no more than two hundred forty (240) days, to their release date.
- g) All pertinent information regarding inmates, their work schedules, absences, no show status, new warrants, modifications, etc., will be documented in the notes for that inmate on the CWP Dashboard.

#### 1205.4 – Patrol Checking Worksites

- a) Work sites will be checked on a regular basis. While at the work site, CWP Staff will search each inmate for contraband and handle any problems that may exist.
- b) Regular checks of the work sites by CWP Staff are necessary to reinforce the rules and regulations of the program and remind the inmates of their status. This time is also necessary to complete any administrative duties pertaining to the Community Work Program.

#### 1205.5 – Vehicles Assigned to CWP

- a) Vehicles assigned to the Community Work Program will be used in the following manner:
  - 1. These vehicles will be used for the purpose of checking work sites and performing administration duties.
  - 2. The vehicles will be returned with a full tank of gas. It will be the responsibility of the person driving to make sure there is sufficient fuel for the next driver.
  - 3. When not in use the vehicles will be parked in their designated areas.
  - 4. Each Community Work Program Staff member will be issued an Orange County Fuel Access Card.

#### 1205.6 – Cellular Phones and Department Radios

- a) Cellular Phones
  - 1. There are cellular phones assigned to the Community Work Program. These phones are to be used for official business ONLY. While not in use, they will be stored at the charging station located outside security. Any problems with the phones will be immediately reported to the CWP Sergeant.
- b) Radios



1. Radios assigned to CWP will be kept in the [REDACTED], on the charger, when not in use. All radios will be accounted for each month on an inventory report.

#### 1205.7 – Requirements for Participation

- a) All facilities will be screened for qualified candidates.
- b) Inmates assigned to the Community Work Program will perform eight to ten hours of labor in lieu of one day of confinement.
- c) The court may restrict or deny a person's eligibility for the program, but the courts cannot require the Sheriff to assign a person to the program if the Sheriff or the Sheriff's assigned CWP staff has concluded that the person is unfit for release to the program.
- d) A \$90.00 Administrative Fee is required of all participants.
- e) All modifications may be charged \$90.00 with the exception of court appearances, Probation Department visits, work site changes, medical emergencies, or any other reason excused by the CWP staff.
- f) With supervisor approval inmates residing out-of-county may be assigned to CWP.

#### 1205.8 – Disqualifying Charges

- a) The CWP Staff uses various forms of information while screening inmates for CWP. This information may include, but is not limited to the following:
  1. Current/Prior charges
  2. Interview of inmate
  3. Standing in the community
  4. Criminal history/sophistication
  5. Personal references
  6. Work history
  7. Overall background
  8. Means of transportation

#### 1205.9 – Screening CWP Inmates

- a) The CWP staff will regularly review and screen the inmate population and eliminate names of inmates that are not qualified for participation. Staff will select the most appropriate reason for disqualification from the drop down menu on the CWP Dashboard.
- b) If an inmate successfully passes the screening process, he/she will be required to participate in the program. Program participation will be required if the average daily inmate population is 90 percent of the jail system's rated capacity per PC 4024.3.

The inmate will complete an Inmate Information Sheet and be interviewed before being placed on the program.

If the average daily inmate population is below 90 percent of the jail system's rated capacity, CWP will be operated as a voluntary program per PC 4024.2. If the inmate successfully passes the screening process, he/she will be offered the program.

- c) Once the screening process is complete, the inmate will be assigned to a work site.
- d) Medical Screening: All inmates placed on CWP must be medically fit for work. If the CWP staff does not know the inmate's medical status, he/she will contact the jail Medical Staff for verification.

#### 1205.10 – Weekender Screening

- a) The same charges are disqualifying for a weekender inmate as a straight time inmate, however, only the current booking charge will be considered.
  - 1. Screening of weekenders is based on their current booking charges only.
  - 2. The Facility's medical staff must medically screen the weekender inmate.

#### 1205.11 – Screening Data

- a) All inmates placed on CWP must successfully pass all areas of the screening criteria. Exceptions to this policy will be made only with authorization from the CWP sergeant.
- b) The Sheriff's Data System (SDS) will be utilized to facilitate the release of in-custody inmates.

#### 1205.12 – Releasing Inmates to CWP

- a) Pre-booking Process:
  - 1. Inmates may pre-book 24 hours a day, Saturday through Thursday. At the time of pre-booking, the CWP staff will:
    - i. Screen the pre-booker for the Community Work Program.
    - ii. If the pre-booker is eligible for the program, assign him or her to a work site. If the pre-booker is not eligible, he/she will be directed to the Classification Deputy for classification. Females who have been pre-Booked at the IRC, but are not eligible for the program will be directed to report to the IRC on the date and time instructed by their court commitment papers.
    - iii. Update SDS to reflect any change in the status of the inmate. In most cases it should be changed from [REDACTED].
- b) Long Term and Short Term Inmates:
  - 1. CJX
    - i. When screening inmates at the CJX for the Community Work Program, CWP Staff will:

- A. Upon arrival at the CJX, CWP Personnel will provide a list of the CWP release candidates to the Housing Guard Stations utilizing the department approved CWP Candidate List form. The CWP Candidate List form will contain the names and booking numbers of inmates to be interviewed and considered for the Community Work Program. The inmates will be called to an area designated by the staff at the CJX from their respective housing location. The CWP Candidate List form will be collected by CWP personnel at the conclusion of candidate interviews.
  - B. After the interviews have been completed, accepted candidates will be placed on the department approved Final CWP Release List. The Final CWP Release List will be provided to the IRC Screening Deputy and Housing Guard Stations to facilitate the inmate's transfer to the Theo Lacy Facility for the release process. All inmates accepted to the program will be released to the program from the Theo Lacy Facility. Prior to being transferred, all inmates will be dressed in their street clothing and their property shall accompany them to the Theo Lacy Facility.
  - C. The Final CWP Release List will be provided to the IRC Records Supervisor to facilitate the transfer of the inmates to the Theo Lacy Facility. CWP staff will collect the inmate record jacket for each inmate to be released from the IRC Records Supervisor and transport the inmate record jacket to Theo Lacy.
- 2. James Musick Facility
  - i. When screening inmates at the Musick Facility for the Community Work Program, CWP staff will:
    - A. Upon arrival at the Musick Facility, CWP Personnel will provide a list of the CWP release candidates to the Watch Staff utilizing the department approved CWP Candidate List form. The CWP Candidate List form will contain the names and booking numbers of inmates to be interviewed and considered for the Community Work Program. The inmates will be called to the visiting area or other area designated by the staff at the Musick Facility from their respective housing location. The CWP Candidate List form will be collected by CWP personnel at the conclusion of candidate interviews.
    - B. After the interviews have been completed, accepted candidates will be placed on the department approved Final CWP Release List. The Final CWP Release List will be provided to the Work Deputy, the Watches and Main Control to facilitate the inmate's transfer to the Theo Lacy Facility for the release process. All inmates accepted to the program will be released to the program from the Theo Lacy Facility. Prior to being transferred, all inmates

will be dressed in their street clothing and their property shall accompany them to the Theo Lacy Facility.

- C. The Final CWP Release List will be provided to the Records Supervisor at the Intake Release Center to facilitate the transfer of the inmate record jacket to the Theo Lacy Facility. CWP staff will collect the inmate record jacket for each inmate to be released from the IRC Records Supervisor and transport the inmate record jacket to Theo Lacy.

### 3. Theo Lacy Facility

- i. When screening inmates at the Theo Lacy Facility for the Community Work Program, CWP staff will:
  - A. CWP Personnel will provide a list of the CWP release candidates to the Housing Guard Stations utilizing the department approved CWP Candidate List form. The CWP Candidate List form will contain the names and booking numbers of inmates to be interviewed and considered for the Community Work Program. The inmates will be called to an area designated by the staff at Theo Lacy from their respective housing location. The CWP Candidate List form will be collected by CWP personnel at the conclusion of candidate interviews.
  - B. After the interviews have been completed, accepted candidates will be placed on the department approved Final CWP Release List. The Final CWP Release List will be provided to the Records Supervisor to facilitate the release process. All inmates accepted to the program will be released to the program from the Theo Lacy Facility.
- ii. Upon the inmate's arrival at the Theo Lacy Facility for the release process, CWP Staff will:
  - A. Notify the Lobby Staff and Cashier of the pending release.
  - B. Complete the work assignment paperwork. Have the inmate read and sign the Community Work Program Rules and Regulations, work assignment paperwork, and sign a Work Status Form.
  - C. Instruct the inmates they have seven (7) days in which to pay the administrative fee, which can be paid at the IRC or the Theo Lacy Cashier's office. If the inmate has the money on his or her books the fee will be taken when they are released from custody. Each inmate will be left with a minimum of \$10.00 when released. If there is not enough money on the books to cover the CWP administrative fee, it is the inmate's responsibility to pay the remainder of the fee owed. Inmates will be released on the same day as the workload of Theo Lacy personnel allows.

- D. Verify the inmate's identity by asking the inmate his/her birth date, place of birth, and social security number and comparing the answers with the information on the mod card and pre-booking form. Additional verification will be made by checking the inmate's wristband and comparing the inmate's fingerprints with the fingerprints taken of the inmate when he/she was booked into custody to verify the inmate's identity.
    - E. Release Male inmates according to standard Theo Lacy Facility release procedures.
  - iii. When releasing inmates from Theo Lacy to the Community Work Program, CWP Staff will:
    - A. Notify the Housing Guard Station, Lobby Staff, Cashier and the Clothing Room CST of the pending release.
    - B. A prowler deputy will escort the inmate to the Booking Loop for release to the CWP Program.
    - C. Complete the work assignment paperwork then have the inmate read and sign the Community Work Program Rules and Regulations, work assignment paperwork, and sign a Work Status Form.
    - D. Instruct the inmates they have seven (7) days in which to pay the administrative fee, which can be paid at the IRC or the Theo Lacy Cashier's office. If the inmate has the money on his or her books the fee will be taken when they are released from custody. Each inmate will be left with a minimum of \$10.00 when released. If there is not enough money on the books to cover the CWP administrative fee, it is the inmate's responsibility to pay the remainder of the fee owed. Inmates will be released on the same day as the workload of Theo Lacy personnel allows.

c) Releasing Female Inmates housed at TLF to CWP

1. Female inmate(s) housed at Theo Lacy Facility to be released to CWP, will be processed out by CWP staff as follows:
  - i. Arrange with the TLF Clothing Room to have the female CWP candidate(s) clothing and property pulled from the storage area and staged in the Clothing Room.
  - ii. Ensure holding cell 16 and/or 17, and the Clothing Room on the booking loop are clear of any male inmates.
  - iii. Ensure the hallways and booking loop are clear for female inmate movement.
  - iv. With the assistance of a female Deputy or a female Correctional Services Technician, CWP staff will escort the female inmate(s) to the Clothing Room. The female Deputy or female CST will stand by as the female inmate(s) change into their personal clothing.

- v. Female inmates will be escorted and placed in holding cell 16 and/or 17 for processing.
- vi. Complete the work assignment paperwork utilizing the Release Guard Station's pass through windows in a timely manner. Have the inmate read and sign the Community Work Program Rules and Regulation Forms, work assignment paperwork, and sign a Work Status Form.
- vii. Instruct the female inmate she has seven (7) days in which to pay the administrative fee, which can be paid at the IRC or the Theo Lacy Cashier's office. If the inmate has the money on her books the fee will be taken when she is released from custody. Each inmate will be left with a minimum of \$10.00 when released. If there is not enough money on her books to cover the CWP administrative fee, it is the inmate's responsibility to pay the remainder of the fee owed. Female inmates will be released on the same day or as soon as the Theo Lacy personnel workload permits.
- viii. Verify the inmate's identity by asking the inmate her birth date, place of birth, social security number and comparing the answers with the information on the module card and pre-booking form. Additional verification will be made by comparing the inmate's fingerprints with the fingerprints taken of the inmate when she was booked into custody to verify the inmate's identity as well as the inmate(s) jail issued photo identification card.
- ix. Prior to releasing the female inmate(s), verify with the Lobby that the Lobby Corridor is clear for female inmates to enter. Have the female inmate(s) line up in the release sally-port next to the release corridor door. Collect the inmate's jail issued photo ID card. The female inmate(s) will enter the release corridor and proceed directly to the Lobby.
- x. Update the CWP computer and enter the inmate's work site in the CWP computer. Theo Lacy Facility Classification will update the SDS to reflect the release of the inmate to CWP. The change should be from [REDACTED]. An [REDACTED] should be placed in the CWP box on the update screen, which will automatically change the inmate's custody status to CWP in the SDS.

d) Releasing Female Inmates housed outside of Theo Lacy to CWP:

1. Upon arrival of female inmates at the Theo Lacy for release to CWP, CWP Staff will:
  - i. Ensure holding cell one and/or two on the booking loop is clear of any inmates.
  - ii. Place the female inmate(s) in cell one and/or two for processing.
  - iii. Complete the work assignment paperwork in front of holding cells one and two in a timely manner. Have the inmate read and sign the Community Work Program Rules and Regulation Forms, work assignment paperwork, and sign a Work Status Form.

- iv. Instruct the female inmate she has seven (7) days in which to pay the administrative fee, which can be paid at the IRC or the Theo Lacy Cashier's office. If the inmate has the money on her books the fee will be taken when she is released from custody. Each inmate will be left with a minimum of \$10.00 when released. If there is not enough money on her books to cover the CWP administrative fee, it is the inmate's responsibility to pay the remainder of the fee owed. Female inmates will be released on the same day or as soon as the Theo Lacy personnel workload permits.
- v. Verify the inmate's identity by asking the inmate her birth date, place of birth, social security number and comparing the answers with the information on the module card and pre-booking form. Additional verification will be made by comparing the inmate's fingerprints with the fingerprints taken of the inmate when she was booked into custody to verify the inmate's identity as well as the inmate(s) jail issued photo identification card.
- vi. Prior to releasing the female inmate(s), verify with the Lobby and Receiving Deputy/SSO/CSA that the Lobby and Receiving Corridor are clear for female inmates to enter. Have the female inmate(s) line up in the receiving sally-port next to the Receiving Corridor door. Collect the inmate's jail issued photo ID card. The female inmate(s) will enter the Receiving Corridor and proceed directly to the Lobby.
- vii. Update the CWP computer and enter the inmate's work site in the CWP computer.
- viii. Theo Lacy Facility Classification will update the SDS to reflect the release of the inmate to CWP. The change should be from [REDACTED]. An [REDACTED] should be placed in the CWP box on the update screen, which will automatically change the inmate's custody status to CWP in the SDS.

#### 1205.13 – Assigning New Bookings

- a) New bookings will appear on a "Candidate List" once they receive a booking number.
  - 1. They must meet all other screening criteria before being placed on the Community Work Program.
- b) Female inmates who have pre-booked at the IRC will not be considered for the Community Work Program until IRC Records works up their file.
  - 1. They must meet all other screening criteria before being placed on the Community Work Program.
  - 2. If assigned to CWP, their housing status in SDS must be updated from [REDACTED] to [REDACTED] and the [REDACTED] box must be checked.

#### 1205.14 – CWP Job Assignments

- a) The CWP staff will attempt to assign an inmate to a work site as close to his or her home as possible. Although some work sites are available seven days a week, there are several that are available only weekends or weekdays. The CWP staff will check to see which days a work site is available before assigning the inmate. Filling a work site to minimum staffing will take precedence over assigning an inmate close to home.
- b) The Community Work Program Staff will have the inmate read and sign the Community Work Program Rules and Regulations (one original and one copy).
  - 1. Rules 18 and 19 apply only to weekender inmates.
- c) The CWP staff will fill out the work assignment record (with three copies attached) for each inmate assigned to the Community Work Program.
- d) The Commitment Clerks from the Theo Lacy Inmate Records will compute the number of days the inmate is to work, in lieu of incarceration, for inmates housed at the Theo Lacy Facility and all new court ordered bookings.
- e) The commitment clerks from IRC inmate records will compute the number of days to be worked, in lieu of incarceration, on inmates housed at Musick and CJX
- f) Have the inmate sign the assignment record.
- g) Attach a photograph of the inmate, and fingerprint his/her right index finger on the assignment record.
- h) Give the inmate the original assignment record (to be presented to the work site supervisor on the first day) a copy of the assignment record, a copy of the rules and regulations that the inmate has signed (there are rules and regulations in Spanish for those inmates who require them), and a map to the work site.
- i) The Cashier will collect the Administrative Fee from the inmate, if he/she is able to pay at that time.

#### 1205.15 – Disposition of Paperwork

- a) Forward the pink copy of the work assignment to Theo Lacy Inmate Records/Commitments.
- b) Staple the application, rules and regulations, module card, and yellow copy of the work assignment record together and file the paperwork according to work assignment location. The original mod cards for the inmates released from the James A. Musick Facility will be forwarded to the Theo Lacy Facility via inter-departmental mail and placed into the inmate's record jacket.
- c) The original work assignment record, with a picture and fingerprint, must be given to the inmate to take to the work site.



#### 1205.16 – Inmates Attendance and “No-Shows”

- a) On the back of each Work Assignment Card is a Daily Attendance Record.
- b) If the inmate is present, the work site supervisor will date, mark the inmate present, and initial the work site attendance record.
- c) If the inmate is a "no-show" the work site supervisor will mark the inmate absent on the back of the assignment record. The "no-show" paperwork will be returned to the Community Work Program staff by the supervisor after the inmate has been missing for a week.
- d) The work site supervisor will not accept the inmate back to work without a sentence modification. Work site supervisors are instructed to notify the CWP personnel of all "no-shows" on a daily basis, via fax, email or by the telephone.

#### 1205.17 - Rosters

- a) Each night work site rosters will be generated for the following day.
  - 1. Rosters will be faxed to the work sites that have a fax available.
  - 2. CWP Staff will complete the rosters prior to the end of shift.
  - 3. Work site rosters will be kept in the CWP office for referral when the work site calls in “no shows”
- b) Every morning CWP Staff will print out a "Completion Roster". Staff will take the "Completion Roster" and pull the completed inmates' files from the work site drawer. The roster and files will be forwarded to Theo Lacy Records/Commitments immediately.

#### 1205.18 – Processing Paperwork Returned from Worksites

- a) Each day the work site supervisor will take attendance from the roster, sign the document, and fax it to the Theo Lacy CWP's fax machine prior to 1000 hours.

#### 1205.19 – Returned Work Rosters

- a) Enter the "No Shows" in the CWP computer from each work site. The staff will file the returned work roster in its respective folder.

#### 1205.20 - CWP Injuries

- a) Minor Injuries:
  - 1. Small skin abrasions, cuts, scrapes, etc.
  - 2. Minor injuries can be treated at the scene by the work site supervisor or by someone (not another inmate) with knowledge of first aid, without obtaining emergency medical treatment.
  - 3. The work site supervisor will submit a "CWP Medical Incident Report" form detailing the injury and how the injury occurred. A departmental Medical Aid Report describing the

circumstances of the injury will be written by the CWP staff. A JI number and a DR number must be issued for each report.

4. The Medical Aid will be filed in the Theo Lacy Shift Commander's office after a sergeant has approved it. Copies will be forwarded to Theo Lacy Inmate Records for inclusion into the inmate's file, and to the Classification/CWP Sergeant.

b) Significant Injuries:

1. Sprains, broken fingers, etc.
2. Significant injuries are injuries that require medical attention, but time is not extremely urgent.
3. Male inmates will be brought to the Theo Lacy Facility and female inmates will be sent or brought to the Intake Release Center by the work site supervisor or the CWP staff to be examined by the medical staff. If the work site supervisor is transporting an inmate for treatment, CWP staff will be notified as soon as possible.
4. The work site supervisor will submit a "CWP Medical Incident Report" to the CWP staff. The CWP staff will write a Medical Aid Report on a departmental form.
5. Usually the inmate will remain on the Community Work Program. The participant will be modified and returned to a suitable work site as soon as practical.
6. This only applies to injuries incurred while at a CWP work site.
7. The CWP staff may return the inmate to active custody status if it is determined that the inmate will not be able to return to work within a reasonable time period.

c) Serious Injuries:

1. Fractures, eye injuries, profuse bleeding, etc.
2. Serious injuries are injuries that require immediate medical attention. Paramedics should be called when warranted.
3. The inmate will be taken to the nearest emergency hospital by the work site supervisor, paramedics, or an ambulance when necessary. The hospital will forward a bill to the County Auditor for expenses incurred.
4. A CWP Deputy will respond to the hospital and obtain a statement from the victim and all parties involved.
5. The work site supervisor will submit a CWP Medical Incident Report to CWP. The CWP Deputy will write a departmental Medical Aid Report. The CWP staff will write a jail incident report.
6. If the inmate is to remain hospitalized, he or she will be admitted to the hospital where he or she was taken.
7. The inmate will usually not be placed into custody unless he or she requests it.
8. If the inmate is placed into custody, an Authorization for Treatment form will go with [REDACTED]

9. When an inmate needs follow-up care, he or she will report to the doctor or clinic advised by the emergency room staff.
10. If an inmate has incurred expenses for his or her treatment, such as prescriptions or bandages, Risk Management will be contacted and they will send a claim form to the inmate's residence.
11. In the event an inmate reports an injury that allegedly occurred while assigned to a CWP work site, a written report will be required and Risk Management will be informed.
12. In a situation where the injury is not witnessed and reported after the fact, it shall be documented on a departmental Casualty Form. A DR and JI entry will be generated in the Theo Lacy Log.

#### 1205.21 - Modifications

- a) "No show" inmate is an inmate that has missed one or more days of work and has not modified.
  1. If an inmate is a "no-show" he or she must come to the Theo Lacy Facility for a sentence modification before he or she can return to work.
  2. A roster of all current no shows will be generated once per week.
  3. No shows will be called in an attempt to have them return to Theo Lacy for a modification. All contacts and attempted contacts will be documented in the CWP Dashboard notes.
  4. Inmate files will stay in the work site file until they are pulled for failures.
- b) In order for an inmate to return to work after missing a day, he or she must have a sentence modification before he or she can return to work. Inmate supervisors are instructed not to accept any inmate worker back after missing a day of work unless he or she has a sentence modification in their possession or the inmate supervisor has been sent one by the Community Work Program staff.
- c) If the inmate misses work during the first week of his or her work assignment it will be up to the discretion of the CWP staff whether the inmate will be returned to custody.
- d) The CWP staff will use their discretion in modifying inmates. All inmate "no-shows" must contact the Community Work Program staff immediately, excused or not excused.
- e) Follow the same procedure in modifying a weekender "no-show" only after the weekender has gone back to court and the necessary amended court paperwork has been received from the court. The inmate's copy of the court paperwork will not be used to modify his or her sentence.
- f) Verify the date and time an inmate is to resume his or her sentence. Make applicable notes in the CWP Dashboard. The inmate cannot return to his or her assigned work site until the "stay date" and time on the court paperwork.
- g) Weekend inmates sentenced out of West Court do not need amended court paperwork for sentence modifications after becoming a "no-show".
- h) Fill out the modification form and have the inmate sign it. Distribute the copies in the following manner:

1. Original copy is given to the inmate to give to his/her work site supervisor.
  2. White copy gets attached to the inmate's CWP file.
  3. Pink copy is given to Theo Lacy Records/Commitments.
  4. Yellow copy is the inmate's copy.
- i) Work assignment or time changes:
1. If the specific inmate has missed days and is listed as a no show, modify the change as a no show inmate.
  2. Inmates with court modifications, or site change requests, will be processed in the same manner as all other modifications.

#### 1205.22 – CWP Removal

- a) Some examples of routine reasons for removing an inmate from the Community Work Program are poor attitude, numerous no-shows, poor work performance, violation of rules and regulations, creating a disturbance at the work site, warrant, work site supervisor recommendation, significant physical injury, inability to report to a work site, or voluntary removal. Unless the court has issued an arrest warrant for retaking the person into custody, all non-voluntary returns to custody must be accompanied by an "Order to Retake Community Work Program Participant into Custody" signed by the Sheriff, Special Services Bureau Captain, or the Sheriff's designee.
- b) Non-Disciplinary Removal of Straight Time Inmates from Community Work Program.
1. The CWP staff will notify the Classification Deputy and Theo Lacy Records staff of a CWP returnee.
  2. Provide the inmate's mod card to the Classification Deputy. If there is not a mod card attached to the CWP paperwork print a copy of it from the photo capture computer.
  3. The Classification Deputy is responsible for changing the status of the inmate in the SDS computer and assigning him a housing assignment. Female inmates will be transported to the IRC for classification and/or housing assignment.
  4. After the inmate has been "failed" in the CWP computer, run a Work Log History Roster. Stamp the word "Returnee" on the roster, indicate whether the inmate is being returned to custody with "broken time" or "no broken time", staple it to the inmate's assignment paper work and forward it to the commitment clerk.
- c) Disciplinary Removal from Community Work Program
1. Disciplinary returnees will be done in the same manner as a non-disciplinary returnee.
  2. A Follow-up Report, titled, "Information Report", with a DR# and a JI# will be completed for each inmate that is returned to custody for disciplinary reasons. The CWP staff member requesting removal of the inmate from the program is responsible for completing the Follow-up Report.

d) Removal of a Weekender from Community Work Program

1. Follow the same procedure to remove a weekender from the program as used to remove an inmate doing straight time, with the following exceptions:
  - i. The weekend commitment is not placed back into custody until his or her court paperwork dictates. He or she will only continue with his or her scheduled weekends.
  - ii. If the weekender is removed because he is a no show, he must go back to court before returning for his in-custody weekends.
  - iii. If the weekend inmate is removed from the work program, or from the work site, for disciplinary reasons, he or she will be returned to the Theo Lacy Facility to complete the remainder of his or her weekend. Female inmates will be transported to the IRC.

1205.23 – CWP Failures

- a) Each week a "no-show" roster will be generated from the CWP computer. Those who have not had a court amendment to their sentence will be considered a failure. Inmates who fail to complete the CWP Program will be handled as follows:
  1. In the case of a straight time no-show who fails to contact the CWP staff: When an inmate who is sentenced to a straight time commitment does not report to his or her assigned work site the CWP staff may fail the inmate.
  2. The Sheriff, the Special Services Bureau Captain, or their designee will be requested to sign an "Order to Retake Community Work Program Participant into Custody." It is within the discretion of the Sheriff, the Special Services Bureau Captain and/or their designee to execute an "Order to Retake Community Work Program Participant into Custody." In the absence of such an order (or an order from the Court) the inmate shall remain on CWP and shall not be retaken into custody.
  3. A crime report will be written. A DR number will be drawn from Sheriff's Dispatch, for CPC 4024.3(c) Failure to Complete Work Program. If the Sheriff is operating CWP as a voluntary program under CPC 4024.2, then a DR number will be drawn from Sheriff's Dispatch for CPC 4024.2(c) Failure to Complete Work Program.
  4. The inmate will be entered as a "Failure" in the CWP computer.
  5. An entry will be made in the AJCLIA section of the Sheriff's Data System documenting the reason for the failure.
  6. Copies will be distributed as per procedures for all other crime reports.
  7. Staple an additional copy of the crime report to the inmate's module card along with CWP application and assignment record, and forward the documents to Theo Lacy Inmate Records staff.
- b) A Weekend commitment on CWP will be considered a Weekend removal, after the following criteria has been met:

1. When an inmate who is sentenced to a weekend commitment does not report to his or her assigned work site the CWP staff may fail the inmate.
2. Theo Lacy Records staff has not received court amended paper work from the court.
3. All weekend removals will be processed in the same manner as straight time failures.

#### 1205.24 – Failure Reports

- a) Failure reports will be written as needed.
- b) Failures are to be entered into the computer right after the report is written.
  1. As needed each week after the CWP Staff has exhausted all possible leads on an inmate who is a no show, the inmate's CWP paperwork (file) will be submitted to commitments to start the failure procedure/paperwork.
- c) All failure reports will be written and filed with the District Attorney's Office by CWP staff using the Electronic Directions for Complaint (EDC) in a timely manner. A master case log will be maintained by all CWP staff on the TLF Audio drive which is accessible by all CWP staff members and supervisor.

#### 1205.25 – Return to Custody

- a) CWP Staff will call the inmates as soon as they appear on the no show roster.
- b) Unless the court has issued an arrest warrant for retaking the person into custody, the CWP deputy will complete the "Order to Retake Community Work Program Participant into Custody" form (hereinafter "Order") that must be presented to be signed by the Sheriff, the Special Services Bureau Captain, or the Sheriff's designee:
  1. Completely fill out all of the inmate's personal information.
  2. Attach a copy of the inmate's CWP personal information sheet.
  3. Attach a picture of the inmate to the front of the Order and a mod card to the back.
  4. Have the Sheriff, the Special Services Bureau Captain, or the Sheriff's designee sign and date the Order.
  5. CWP Staff will review the inmate's jacket to confirm the inmate is active and has not received a court order releasing him/her from the program.
  6. CWP Staff will attempt to locate and re-arrest the inmate for whom the Sheriff, the Special Services Bureau-Captain, or the Sheriff's designee has signed an Order.
    - i. An Operational Plan will be completed prior to any attempt to re-arrest an inmate at their residence, or other location approved by the CWP supervisor. A supervisor shall be present at the location of the operation prior to putting it into motion. The department approved CWP/EMP Operation Plan is located in the Document

Center. Reference Field Operations Manual Section 51 - Critical Incident Management for details regarding operations plan, tactics and perimeter.

7. Male inmates will be returned to the TLF.
8. Female inmates will be returned to the IRC.
- c) Fail inmate out of the CWP computer.
  1. Make sure to run an "INMATE WORK LOG" for the inmate before failing the inmate out of the computer, then turn in paperwork to records.
- d) Copies of the failure report will be distributed per the department's procedure for all crime reports.
  1. One copy is placed into the inmate's record jacket.
  2. Input the inmate's name into the computer data base for past CWP failures, returnee's, and removals.

#### 1205.26 – Arrest and Transportation of CWP Inmates

- a) CWP staff will be used to transport CWP inmates. When possible, [REDACTED] will be used for transporting CWP inmates. At least [REDACTED] must be a deputy. At no time will any CWP staff member transport an inmate in a vehicle without a cage. If no cage is available, CWP staff will contact dispatch and request a patrol unit with a cage for transportation.
- b) When contacted by a work site supervisor reporting a problem with an inmate, the CWP staff member will obtain enough information to determine the correct course of action.
  1. The inmate may be brought to the Theo Lacy Facility lobby by the work site supervisor for treatment of minor injuries as well as CWP rule violations. For violations, CWP staff will interview the inmate to determine if they are fit to remain on the Community Work Program.
  2. A CWP staff member, and when possible a supervisor, will respond to the work site in the event of more serious problems.
  3. The Classification/CWP Sergeant will be notified in the event a significant incident occurs.
  4. CWP Staff will respond if transportation is needed. A CWP staff member will draw a DR# and write the appropriate report, if necessary.
- c) "No Show" inmates will be arrested as time permits.
  1. Unless the court has issued an arrest warrant for the retaking of the person into custody, an "Order to Retake Community Work Program Participant into Custody" will be signed by the Sheriff, the Special Services Bureau Captain, or the Sheriff's designee prior to returning an inmate to custody. (CPC 4024.2(c), 4024.3(c).) This signed document, a printout of the inmate's status, along with a photograph of the inmate, will be taken to the location of the arrest.
  2. The inmate's location will be verified prior to the arrest.

3. CWP Staff will review the inmate's record jacket to confirm the inmate is active and has not received a court order releasing him/her from the program before attempting to re-arrest the inmate.

d) CWP Arrests

1. Regardless of jurisdiction, the Emergency Communications Bureau desk will be notified of the location of the pending arrest prior to the arrest.
2. A supervisor will be present when the CWP staff responds out of county to make contact or attempt an arrest of a CWP worker residing outside the County of Orange.
3. The inmate will be transported to the appropriate facility by the CWP Deputy. The CWP staff will document the incident on a Follow-up Report, titled, "Information Report", with a DR# and a JI#.
4. Theo Lacy Inmate Records will be notified of the CWP arrest. The CWP staff will process the inmate and record the failure in the CWP computer. The inmate will be rehoused at the appropriate facility.
5. If the arrest is made after a failure report has been submitted, a Follow-up Report, titled, "Information Report" with the DR# from the failure report will be completed with a new JI#.
6. The inmate will be issued a new booking number and be booked to the original charge. The Commitment Clerk will ensure the time owed in-custody is correct.

#### 1205.27 – CWP Statistics

a) Daily Statistics/Community Work Program Count

1. At the end of each shift, the CWP Staff will do a count of all inmates currently participating on the program. This list will be generated after each "End of Day" transaction.

#### 1206– Immigration

Although enforcing immigration law is a federal government responsibility and not shared by members of OCSD, OCSD may allow members of Immigration and Customs Enforcement (ICE) into our custodial facilities for the purpose of interviewing inmates for immigration violations, provided the requirements of Government Code section 7283, et seq (the "Truth Act") are met. Members of this Department may not transfer an individual in Department custody to immigration authorities unless authorized by a judicial warrant or judicial probable cause determination, or that individual has been convicted of the crimes, or otherwise has met the criteria set forth in Government Code sections 7282 and 7282.5 (the "Trust Act" as amended by Senate Bill 54 (the "California Values Act")).

#### 1206.1 – Definitions

- a) Hold Request means a federal Immigration and Customs Enforcement (ICE) request that a local law enforcement agency maintain custody of an individual currently in its custody beyond the



time he or she would otherwise be eligible for release in order to facilitate transfer to ICE and includes, but is not limited to, Department of Homeland Security (DHS) Form I-247D.

- b) Notification Request means an Immigration and Customs Enforcement request that a local law enforcement agency inform ICE of the release date and time in advance of the public of an individual in its custody and includes, but is not limited to, DHS Form I-247N.
- c) Transfer Request means an Immigration and Customs Enforcement request that a local law enforcement agency facilitate the transfer of an individual in its custody to ICE, and includes, but is not limited to, DHS Form I-247X.
- d) Judicial Probable Cause Determination means a determination made by a federal judge or federal magistrate judge that probable cause exists that an individual has violated federal criminal immigration law and that authorizes a law enforcement officer to arrest and take into custody the individual.
- e) Judicial Warrant means a warrant based on probable cause for a violation of federal criminal immigration law and issued by a federal judge or a federal magistrate judge that authorizes a law enforcement officer to arrest and take into custody the person who is the subject of the warrant.

#### 1206.2 – Immigration Interview Procedure

- a) The Facility Watch Commander shall be notified of an ICE Agent's arrival and request to interview inmates for immigration violations.
- b) Prior to being interviewed, a Classification Deputy will provide the inmate with a written consent form (Truth Act Interview Consent Form) which is available in one of eight languages as follows:
  - 1. English
  - 2. Chinese
  - 3. Farsi
  - 4. Korean
  - 5. Spanish
  - 6. Tagalog
  - 7. Vietnamese
  - 8. Arabic
- c) The form will explain the purpose of the interview, the voluntary nature of the interview, and that the inmate may decline to be interviewed or may choose to be interviewed only with his or her attorney present.
- d) If the inmate chooses to have his or her attorney present, the interview will be postponed until the attorney can be present.
- e) Upon completion of the written consent form, the inmate will be provided with a duplicate copy and the original will be placed in the inmate's record jacket.

- f) If the inmate agrees to be interviewed, a Classification Deputy will be assigned to escort the inmate to the ICE Agent's location.

### 1206.3 –Receiving a Notification/Transfer Request

- a) Upon receiving a Notification/Transfer Request, Inmate Records shall provide a copy of the Notification/Transfer Request for the referenced inmate to Classification.
  - 1. This includes a Notification/Transfer Request placed by persons outside of OCSD, or already lodged on an inmate prior to their intake or after intake when the OCSD becomes aware of such Notification/Transfer Requests.
- b) The on-duty Classification Sergeant, or in his or her absence, the on-duty Operations Sergeant will designate an on-duty Classification deputy or other deputy to provide a copy of the Notification/Transfer Request to the inmate and inform the inmate whether OCSD intends to comply with the Notification/Transfer Request in accordance with Government Code section 7282, et seq. (the "Trust Act", as amended by Senate Bill 54 (the "California Values Act")).
- c) The on-duty Classification Sergeant, or in his or her absence, the on-duty Operations Sergeant will designate an on-duty Classification deputy or other deputy to provide the Truth Act Notification form to the inmate to complete the name and address of the inmate's attorney or other person whom the inmate may designate for the purpose of OCSD providing notice to that attorney or other person if ICE is notified of the inmate's release date.
- d) Upon completion of the top portion of the Truth Act Notification form, the Classification deputy or other deputy will return the form to Inmate Records and the form will be placed in the inmate's Inmate Record Jacket.

### 1206.4 – Screening Inmates in Accordance with the Trust Act and the California Values Act

- a) All inmates who have a Notification/Transfer Request will be evaluated in accordance with Government Code sections 7282 and 7282.5, which criteria are set forth in CCOM 1206.6. The evaluation will be conducted by an on-duty Classification Deputy designated by the on duty Intake Release Center Classification Sergeant, or in his or her absence, the on-duty Intake Release Center Operations Sergeant.
- b) OCSD will comply with Notification/Transfer Requests by notifying ICE and releasing the inmate to ICE custody when the referenced inmate qualifies in accordance with Government Code sections 7282 and 7282.5.
  - 1. Inmates who qualify under Government Code sections 7282 and 7282.5 may be processed for release at Sentence Ending Date (SE Date) or Pre-trial release and released in-custody to ICE.
    - i. These inmates will not be held past their release date.
    - ii. No inmate will be detained or held on the basis of an ICE Hold Request.

2. ICE will be notified in a timely manner for all inmates who qualify under Government Code sections 7282 and 7282.5 to afford ICE the opportunity to pick up the inmate. ICE will not be notified if the inmate does not qualify under Government Code sections 7282 and 7282.5.

#### 1206.5 – Release of Inmates with a Notification/Transfer Request

- a) Records Supervisors will notify the on-duty Intake Release Center Classification Sergeant, or in his or her absence, the on-duty Intake Release Center Operations Sergeant when an inmate with a Notification/Transfer Request is preparing for release.
- b) The on-duty Intake Release Center Classification Sergeant, or in his or her absence, the on-duty Intake Release Center Operations Sergeant will designate an on-duty Classification deputy to screen the inmate per section 1206.4 above.
- c) When ICE is notified that an inmate is being, or will be released, on a certain date, the on-duty Intake Release Center Classification Sergeant, or in his or her absence, the on-duty Intake Release Center Operations Sergeant will designate an on-duty Classification Deputy to promptly complete the bottom portion of the Truth Act Notification form and provide a copy of the original to the inmate, mail a copy of the original to the inmate's attorney or other person designated by the inmate and return the original to the inmate's Inmate Record Jacket.
- d) Members of this Department may not transfer an individual in Department custody to immigration authorities unless authorized by a judicial warrant or judicial probable cause determination, or that individual has been convicted of the crimes or otherwise has met the criteria set forth in Government Code sections 7282 and 7282.5 (see CCOM 1206.6).

#### 1206.6– Criteria for Responding to a Notification/Transfer Request

- a) OCSD personnel may provide information in response to a Notification Request, or may transfer an inmate to immigration authorities only under the following circumstances, as permitted by Government Code sections 7282 and 7282.5:
  1. The individual has been convicted of a serious or violent felony identified in subdivision (c) of Section 1192.7 of, or subdivision (c) of Section 667.5 of, the Penal Code. (See below for list of serious felonies and violent felonies)
  2. The individual has been convicted of a felony punishable by imprisonment in the state prison.
  3. The individual has been convicted within the past five years of a misdemeanor for a crime that is punishable as either a misdemeanor or a felony for, or has been convicted within the last 15 years of a felony for, any of the following offenses:
    - i. Assault, as specified in, but not limited to, Sections 217.1, 220, 240, 241.1, 241.4, 241.7, 244, 244.5, 245, 245.2, 245.3, 245.5, 4500, and 4501 of the Penal Code.

- ii. Battery, as specified in, but not limited to, Sections 242, 243.1, 243.3, 243.4, 243.6, 243.7, 243.9, 273.5, 347, 4501.1, and 4501.5 of the Penal Code.
- iii. Use of threats, as specified in, but not limited to, Sections 71, 76, 139, 140, 422, 601, and 11418.5 of the Penal Code.
- iv. Sexual abuse, sexual exploitation, or crimes endangering children, as specified in, but not limited to, Sections 266, 266a, 266b, 266c, 266d, 266f, 266g, 266h, 266i, 266j, 267, 269, 288, 288.5, 311.1, 311.3, 311.4, 311.10, 311.11, and 647.6 of the Penal Code.
- v. Child abuse or endangerment, as specified in, but not limited to, Sections 270, 271, 271a, 273a, 273ab, 273d, 273.4, and 278 of the Penal Code.
- vi. Burglary, robbery, theft, fraud, forgery, or embezzlement, as specified in, but not limited to, Sections 211, 215, 459, 463, 470, 476, 487, 496, 503, 518, 530.5, 532, and 550 of the Penal Code.
- vii. Driving under the influence of alcohol or drugs, but only for a conviction that is a felony.
- viii. Obstruction of justice, as specified in, but not limited to, Sections 69, 95, 95.1, 136.1, and 148.10 of the Penal Code.
- ix. Bribery, as specified in, but not limited to, Sections 67, 67.5, 68, 74, 85, 86, 92, 93, 137, 138, and 165 of the Penal Code.
- x. Escape, as specified in, but not limited to, Sections 107, 109, 110, 4530, 4530.5, 4532, 4533, 4534, 4535, and 4536 of the Penal Code.
- xi. Unlawful possession or use of a weapon, firearm, explosive device, or weapon of mass destruction, as specified in, but not limited to, Sections 171b, 171c, 171d, 246, 246.3, 247, 417, 417.3, 417.6, 417.8, 4574, 11418, 11418.1, 12021.5, 12022, 12022.2, 12022.3, 12022.4, 12022.5, 12022.53, 12022.55, 18745, 18750, and 18755 of, and subdivisions (c) and (d) of Section 26100 of, the Penal Code.
- xii. Possession of an unlawful deadly weapon, under the Deadly Weapons Recodification Act of 2010 (Part 6 (commencing with Section 16000) of the Penal Code).
- xiii. An offense involving the felony possession, sale, distribution, manufacture, or trafficking of controlled substances.
- xiv. Vandalism with prior convictions, as specified in, but not limited to, Section 594.7 of the Penal Code.
- xv. Gang-related offenses, as specified in, but not limited to, Sections 186.22, 186.26, and 186.28 of the Penal Code.
- xvi. An attempt, as defined in Section 664 of, or a conspiracy, as defined in Section 182 of, the Penal Code, to commit an offense specified in this section.

- xvii. A crime resulting in death, or involving the personal infliction of great bodily injury, as specified in, but not limited to, subdivision (d) of Section 245.6 of, and Sections 187, 191.5, 192, 192.5, 12022.7, 12022.8, and 12022.9 of, the Penal Code.
  - xviii. Possession or use of a firearm in the commission of an offense.
  - xix. An offense that would require the individual to register as a sex offender pursuant to Section 290, 290.002, or 290.006 of the Penal Code.
  - xx. False imprisonment, slavery, and human trafficking, as specified in, but not limited to, Sections 181, 210.5, 236, 236.1, and 4503 of the Penal Code.
  - xxi. Criminal profiteering and money laundering, as specified in, but not limited to, Sections 186.2, 186.9, and 186.10 of the Penal Code.
  - xxii. Torture and mayhem, as specified in, but not limited to, Section 203 of the Penal Code.
  - xxiii. A crime threatening the public safety, as specified in, but not limited to, Sections 219, 219.1, 219.2, 247.5, 404, 404.6, 405a, 451, and 11413 of the Penal Code.
  - xxiv. Elder and dependent adult abuse, as specified in, but not limited to, Section 368 of the Penal Code.
  - xxv. A hate crime, as specified in, but not limited to, Section 422.55 of the Penal Code.
  - xxvi. Stalking, as specified in, but not limited to, Section 646.9 of the Penal Code.
  - xxvii. Soliciting the commission of a crime, as specified in, but not limited to, subdivision (c) of Section 286 of, and Sections 653j and 653.23 of, the Penal Code.
  - xxviii. An offense committed while on bail or released on his or her own recognizance, as specified in, but not limited to, Section 12022.1 of the Penal Code.
  - xxix. Rape, sodomy, oral copulation, or sexual penetration, as specified in, but not limited to, paragraphs (2) and (6) of subdivision (a) of Section 261 of, paragraphs (1) and (4) of subdivision (a) of Section 262 of, Section 264.1 of, subdivisions (c) and (d) of Section 286 of, subdivisions (c) and (d) of Section 288a of, and subdivisions (a) and (j) of Section 289 of, the Penal Code.
  - xxx. Kidnapping, as specified in, but not limited to, Sections 207, 209, and 209.5 of the Penal Code.
  - xxxi. A violation of subdivision (c) of Section 20001 of the Vehicle Code.
4. The individual is a current registrant on the California Sex and Arson Registry.
  5. The individual has been convicted of a federal crime that meets the definition of an aggravated felony as set forth in subparagraphs (A) to (P), inclusive, of paragraph (43) of subsection (a) of Section 101 of the federal Immigration and Nationality Act (8 U.S.C. Sec. 1101), or is identified by the United States Department of Homeland Security's Immigration and Customs Enforcement as the subject of an outstanding federal felony arrest warrant.

6. In no case shall cooperation occur pursuant to this section for individuals arrested, detained, or convicted of misdemeanors that were previously felonies, or were previously crimes punishable as either misdemeanors or felonies, prior to passage of the Safe Neighborhoods and Schools Act of 2014 as it amended the Penal Code.
7. In cases in which the individual is arrested and taken before a magistrate on a charge involving a serious or violent felony, as identified in subdivision (c) of Section 1192.7 or subdivision (c) of Section 667.5 of the Penal Code, respectively, or a felony that is punishable by imprisonment in state prison, and the magistrate makes a finding of probable cause as to that charge pursuant to Section 872 of the Penal Code, a law enforcement official shall additionally have discretion to cooperate with immigration officials pursuant to subparagraph (C) of paragraph (1) of subdivision (a) of Section 7284.6.

Serious Felonies identified in Penal Code section 1192.7(c)

1. Murder or voluntary manslaughter;
2. Mayhem;
3. Rape;
4. Sodomy by force, violence, duress, menace, threat of great bodily injury, or fear of immediate and unlawful bodily injury on the victim or another person;
5. Oral copulation by force, violence, duress, menace, threat of great bodily injury, or fear of immediate and unlawful bodily injury on the victim or another person;
6. Lewd or lascivious act on a child under 14 years of age;
7. Any felony punishable by death or imprisonment in the state prison for life;
8. Any felony in which the defendant personally inflicts great bodily injury on any person, other than an accomplice, or any felony in which the defendant personally uses a firearm;
9. Attempted murder;
10. Assault with intent to commit rape or robbery;
11. Assault with a deadly weapon or instrument on a peace officer;
12. Assault by a life prisoner on a non-inmate;
13. Assault with a deadly weapon by an inmate;
14. Arson;
15. Exploding a destructive device or any explosive with intent to injure;
16. Exploding a destructive device or any explosive causing bodily injury, great bodily injury, or mayhem;
17. Exploding a destructive device or any explosive with intent to murder;
18. Any burglary of the first degree;
19. Robbery or bank robbery;
20. Kidnapping;

21. Holding of a hostage by a person confined in a state prison;
  22. Attempt to commit a felony punishable by death or imprisonment in the state prison for life;
  23. Any felony in which the defendant personally used a dangerous or deadly weapon;
  24. Selling, furnishing, administering, giving, or offering to sell, furnish, administer, or give to a minor any heroin, cocaine, phencyclidine (PCP), or any methamphetamine-related drug, as described in paragraph (2) of subdivision (d) of Section 11055 of the Health and Safety Code, or any of the precursors of methamphetamines, as described in subparagraph (A) of paragraph (1) of subdivision (f) of Section 11055 or subdivision (a) of Section 11100 of the Health and Safety Code;
  25. Any violation of subdivision (a) of Section 289 where the act is accomplished against the victim's will by force, violence, duress, menace, or fear of immediate and unlawful bodily injury on the victim or another person;
  26. Grand theft involving a firearm;
  27. Carjacking;
  28. Any felony offense, which would also constitute a felony violation of Section 186.22;
  29. Assault with the intent to commit mayhem, rape, sodomy, or oral copulation, in violation of Section 220;
  30. Throwing acid or flammable substances, in violation of Section 244;
  31. Assault with a deadly weapon, firearm, machinegun, assault weapon, or semiautomatic firearm or assault on a peace officer or firefighter, in violation of Section 245;
  32. Assault with a deadly weapon against a public transit employee, custodial officer, or school employee, in violation of Section 245.2, 245.3, or 245.5;
  33. Discharge of a firearm at an inhabited dwelling, vehicle, or aircraft, in violation of Section 246;
  34. Commission of rape or sexual penetration in concert with another person, in violation of Section 264.1;
  35. Continuous sexual abuse of a child, in violation of Section 288.5;
  36. Shooting from a vehicle, in violation of subdivision (c) or (d) of Section 26100;
  37. Intimidation of victims or witnesses, in violation of Section 136.1;
  38. Criminal threats, in violation of Section 422;
  39. Any attempt to commit a crime listed in this subdivision other than an assault;
  40. Any violation of Section 12022.53;
  41. A violation of subdivision (b) or (c) of Section 11418; and
  42. Any conspiracy to commit an offense described in subdivision (c) of Section 1192.7.
- a) Violent Felonies identified in Penal Code Section 667.5(c)
1. Murder or voluntary manslaughter.
  2. Mayhem.

3. Rape as defined in paragraph (2) or (6) of subdivision (a) of Section 261 or paragraph (1) or (4) of subdivision (a) of Section 262.
4. Sodomy as defined in subdivision (c) or (d) of Section 286.
5. Oral copulation as defined in subdivision (c) or (d) of Section 288a.
6. Lewd or lascivious act as defined in subdivision (a) or (b) of Section 288.
7. Any felony punishable by death or imprisonment in the state prison for life.
8. Any felony in which the defendant inflicts great bodily injury on any person other than an accomplice which has been charged and proved as provided for in Section 12022.7, 12022.8, or 12022.9 on or after July 1, 1977, or as specified prior to July 1, 1977, in Sections 213, 264, and 461, or any felony in which the defendant uses a firearm which use has been charged and proved as provided in subdivision (a) of Section 12022.3, or Section 12022.5 or 12022.55.
9. Any robbery.
10. Arson, in violation of subdivision (a) or (b) of Section 451.
11. Sexual penetration as defined in subdivision (a) or (j) of Section 289.
12. Attempted murder.
13. A violation of Section 18745, 18750, or 18755.
14. Kidnapping.
15. Assault with the intent to commit a specified felony, in violation of Section 220.
16. Continuous sexual abuse of a child, in violation of Section 288.5.
17. Carjacking, as defined in subdivision (a) of Section 215.
18. Rape, spousal rape, or sexual penetration, in concert, in violation of Section 264.1.
19. Extortion, as defined in Section 518, which would constitute a felony violation of Section 186.22.
20. Threats to victims or witnesses, as defined in Section 136.1, which would constitute a felony violation of Section 186.22.
21. Any burglary of the first degree, as defined in subdivision (a) of Section 460, wherein it is charged and proved that another person, other than an accomplice, was present in the residence during the commission of the burglary.
22. Any violation of Section 12022.53.
23. A violation of subdivision (b) or (c) of Section 11418.

#### [1206.7– Public Access to Records](#)

- a) Upon receiving any request pursuant to the California Public Records Act, GOVT. CODE §§ 6250 – 6276.48 for information related to ICE’s access to individuals, responsive records shall be produced consistent with the Act’s requirements.



## 1207 - Conservation Camp Program Inmates

### 1207.1 – General

- a) Qualified inmates will serve their sentences by participating in the Conservation Camp Program (CCP) at designated California Department of Corrections and Rehabilitation (CDCR) Fire Camps.
- b) Only previously screened and approved inmates may participate in the Conservation Camp Program. The CDCR shall confine and supervise adult male and female inmates that are transferred to the Conservation Camp Program pursuant to the terms and conditions of the contract between Orange County and CDCR.
- c) The inmates assigned to a CDCR Fire Camp will be confined and supervised in accordance with CDCR policies. CDCR shall provide security and supervision of Orange County Inmates consistent with CDCR policies.
- d) Orange County Inmates shall be subjected to an initial intake and annual program review to be conducted by the respective Camp Administrative Office to confirm initial and continued Fire Camp placement are appropriate.
- e) All inmates assigned to the Conservation Camp Program shall participate in the Fire Camp programs, firefighter training, in-camp work assignments, and work at the Fire Camp, unless otherwise medically or administratively precluded. Inmates who refuse to participate in the Fire Camp Work/Training Program shall be returned to the IRC.

### 1207.2 - Theo Lacy Staffing

- a) The Conservation Camp Deputy shall be assigned to work at the Theo Lacy Facility (TLF), in CWP/EMP.
  - 1. The Conservation Camp Deputy will manage the Conservation Camp Program from TLF.
- b) The TLF CWP/EMP Sergeant will supervise the Conservation Camp Deputy.

### 1207.3 - Conservation Camp Deputy Responsibilities

- a) The Conservation Camp Deputy will be responsible for screening, interviewing and assigning inmates to the Conservation Camp Program. The CCP Deputy will minimally perform the following functions:
  - 1. Screen potential candidates for the Conservation Camp Program in accordance with the CDCR's criminal history exclusionary criteria
  - 2. Conduct in person interviews of inmates to assist in determining eligibility
  - 3. If the inmate is not excluded by CDCR's criminal history criteria, and is a good candidate after the interview, the CCP Deputy will arrange for the inmate's Medical/Mental/Dental screening by Correctional Health Services

4. Select qualified inmates who meet all CDCR criteria and who are approved by Correctional Health Services for participation
  5. Send inmate's packet of documents (see Section 1207.11(a) of this policy for list of documents) to CDCR for final approval of inmates
  6. Once the inmate is approved by CDCR, arrange inmate's transportation to the designated CDCR fire camp.
  7. Maintain Conservation Camp Database (Located in TLaudio drive)
  8. Give updates to Classification Sergeant, Records and Transportation
  9. Coordinate inmates returning from CDCR
- b) The Conservation Camp Deputy is responsible for keeping Inmate Records personnel informed of any changes or modifications concerning inmates' assignment to the Conservation Camp Program or their sentence ending date.

#### 1207.4 - Requirements for Participation

- a) After sentencing, inmates will be screened for participation in the Conservation Camp Program.
- b) Male and female inmates must have at least one (1) year, but no more than five (5) years to serve on their sentence (projected at a two-for-one credit earning). Any sentencing outside of these parameters must be approved by CDC.
- c) The court may restrict, or deny a person's eligibility for the program, but the courts cannot require the Sheriff to assign a person to the program if the Sheriff, CDCR, or the Conservation Camp Deputy has determined that the person is unfit to participate in the program.

#### 1207.5 - CDCR Exclusionary Criteria

- a) The Conservation Camp Deputy shall use various forms of information while screening inmates for the Conservation Camp Program. This information shall include the following:
  1. Length of sentence:
    - i. Less than one (1) year, more than five (5) years excluded from program
    - ii. Sentence term based on projected two for one credit calculation
  2. If the inmate meets any of CDCR's exclusionary criteria, the inmate is excluded from the program.
- b) The Conservation Camp Deputy shall complete Section 1, obtain the documents referenced in Section 2 and complete Section 3 of the CDCR's County Fire Camp Offender Screening and Processing Form. If the Conservation Camp Deputy determines that the inmate is eligible, based on the criminal history screening and interview, the Conservation Camp Deputy will next arrange for Correctional Health Services' medical, mental health and dental screening of the inmate.

#### 1207.6 - Inmate Candidate List

- a) An Inmate Candidate List will be generated by the Conservation Camp deputy monthly. Names of disqualified inmates from the Conservation Camp Program will be entered into a database maintained on the TLaudio drive.
- b) Prior to inmates being interviewed by the Conservation Camp Deputy, their inmate file (Criminal Charges, Criminal History, Sentence etc.), will be pre-screened to see if they meet the basic requirements for the Conservation Camp Program.
  - 1. If the inmate's file indicates he/she would qualify, the Conservation Camp Deputy will interview the inmate to complete the Deputy's screening process.
  - 2. If the Conservation Camp Deputy determines that the inmate meets the CDCR's eligibility criteria regarding criminal history, the Conservation Camp Deputy will next arrange for any inmate to be examined by Correctional Health Services for Medical/Mental Health/Dental disqualifications. If the Conservation Camp Deputy determines that the inmate does not meet the CDCR's eligibility criteria regarding criminal history, the inmate will not be screened by CHS.

#### 1207.7 - Medical/Mental Health/Dental Screening

- a) If the Conservation Camp Deputy determines that the inmate is eligible after the inmate's criminal history screening and interview, Correctional Health Services (CHS) staff shall conduct a physical examination of the inmate in order to recommend, or deny participation in the Conservation Camp Program. CHS staff will use CDCR eligibility criteria; however, even if the inmate meets CDCR eligibility, CHS may deny an inmate's participation in the Conservation Camp Program based on the inmate's medical and/or mental health condition and/or history.
- b) CHS staff will complete Section 4 of the CDCR's "County Fire Camp Offender Screening and Processing Form" pertaining to medical, mental health and dental screening. If CHS staff determines the inmate is eligible for participation in the Conservation Camp Program, CHS staff will provide a completed Section 4 of the Form "under seal" to the Conservation Camp Deputy. The form is not to be reviewed by the Conversation Camp Deputy or any other OCSD personnel because it contains confidential medical information regarding the inmate. The Conversation Camp Deputy will transmit Section 4 to the CDCR "under seal" as part of the packet of documents pertaining to the inmate.
- c) When an Orange County Inmate returns to custody at the IRC, CDCR will provide Orange County Correctional Health Services with copies of the Inmate Medical Records in accordance with HIPAA regulations and existing state law.

#### 1207.8 - Assignment to CCP

- a) Once the screening process is complete, the inmate will be added to the Inmate Candidate list for the Conservation Camp Program.
  - 1. The inmate's information will be added to the Conservation Camp Database
    - i. The Conservation Camp database will be stored on the TLaudio drive.
  - 2. The Conservation Camp Deputy will have the inmate complete the County Fire Camp Offender Information form.
  - 3. The Conservation Camp Deputy will send the inmate's packet of information to CDCR Staff at the designated Conservation Camp for final approval. One complete copy of the inmate's packet (except for Section 4 of the County Fire Camp Offender Screening and Processing Form) will be scanned and retained on the TLaudio drive.
  - 4. After final approval is made, CDCR will notify the Conservation Camp Deputy the inmate has been accepted for the Conservation Camp Program.
  - 5. The Conservation Camp Deputy will contact Inmate Records to notify them of the transfer.
  - 6. The Conservation Camp Deputy will arrange transportation as soon as CDCR is able to accept the inmate for the next training period.
  - 7. The Conservation Camp Deputy will notify the Cashier's Office to transfer the inmate's funds to CDCR. The funds shall be provided to the CDCR within seven (7) working days of the inmate's transfer to the CDCR.
- b) The TLF Records Commitment Clerk shall compute the number of days the inmate is to be assigned to the Conservation Camp Program and shall update the inmate's file as necessary.
- c) The Conservation Camp Deputy will obtain the Release Date Information Sheet from TLF Records and include it in the inmate's Conservation Camp Program Packet.
- d) The Conservation Camp Deputy will verify each inmate's packet is complete prior to contacting CDCR for placement in a designated Conservation Camp Program.
- e) All inmates will be given a list of allowable property for County Fire Camp Inmates prior to being transported to CDCR. Orange County Inmates shall be allowed to possess personal property consistent with CDCR policy.
  - 1. Exclusions may be granted based on camp security requirements.
  - 2. CDCR will follow existing regulations on disposition of property.
  - 3. The CDCR shall compensate COUNTY Offenders for loss or damaged property due to the negligence of the CDCR in accordance with applicable remedies consistent with CDCR policy. Orange County shall not be responsible for such loss nor damaged property and CDCR shall indemnify Orange County for any and all claims, losses, liabilities, etc. attributable to such lost or damaged property while in CDCR custody.

#### 1207.9 - Disposition of Paperwork

- a) The inmate packet to be sent to the CDCR shall include the following documentation:
  - 1. Completed County Fire Camp Offender Screening and Processing Form, Sections 1 through 4 (Note: Section 4 will be received under seal from CHS and will be sent under seal to CDCR by the Conservation Camp Deputy because it contains the inmate's confidential medical information)
  - 2. Current CI&I Rap Sheet
  - 3. Abstract of Judgment – Current Commitment
  - 4. Probations Officer's Report – Current Conviction
  - 5. Release Date Information
  - 6. Copy of Disciplinary Action(s)
  - 7. Report of Documented Enemies
  - 8. Two Current ID Photos (Front and Side View)
  - 9. Completed County Fire Camp Offender Information Sheet
  - 10. Completed Power of Attorney Form
- b) A complete copy of the Conservation Camp Program paperwork with the following exceptions will be added to the inmate's file and retained in TLF Records.
  - 1. Section 4 of the County Fire Camp Offender Screening and Processing Form which contains the inmate's confidential medical information and which will be retained by CHS
  - 2. The Current CII and the Report of Documented Enemies, which will be scanned and retained in the TLaudio drive.

#### 1207.10 - Transferring Inmate to CCP

- a) Once a male inmate has been screened and accepted for participation in the Conservation Camp Program by the CDCR, CCP Deputy will notify records that the inmate has been selected for the Conservation Camp Program and is awaiting transfer.
  - 1. CDCR will notify the CCP Deputy by email of the date and time they will pick up male inmates. The CCP Deputy will notify the Records Supervisor and ensure all male inmates are at the IRC one day prior to pick up.
- b) Male Inmates who are accepted to participate in the Conservation Camp Program will be transported to the Sierra Conservation Center by CDCR transportation.
- c) A State of California – Department of Corrections Form #CDCR Form 123 (BODY RECEIPT) is required for each Orange County male Inmate transferred to the custody of CDCR.
  - 1. Property will be itemized in front of the inmate. The property is to be placed in a paper bag and given to the CDCR transporting officer at the time of transfer. The IRC release deputy will

- make a notation on the property receipt forms stating the CDCR transporting officer accepted the property.
2. CDCR will provide one (1) CDCR Form 123 (Body Receipt), for each inmate being transported to CDCR.
  3. The Conservation Camp Deputy will scan and upload all forms to CDCR prior to being transferred to CDCR custody.
- d) The CDCR will require the Conservation Camp Deputy to sign a CDCR Form 123 (Body Receipt), acknowledging delivery and transfer of custody of the inmate back to Orange County custody.
  - e) Once a female inmate has been screened and accepted for participation in the Conservation Camp Program by the CDCR, CCP Deputy will notify records that the inmate has been selected for the Conservation Camp Program and is awaiting transfer.
    1. The CCP Deputy will provide a list of the female inmates to Orange County Sheriff Transportation and TLF Inmate Records. The CCP Deputy will schedule the transfer of female inmates to the California Institution for Women by Orange County Sheriff's Transportation. A State of California – Department of Corrections Form #CDCR Form 123 (BODY RECEIPT) is required for each Orange County female Inmate transferred to the custody of CDCR.
  - f) The IRC Release Deputy shall ensure an Orange County Sheriff's Department Notification of Prisoner Status form (Detainer) is signed by CDCR for both male and female inmates prior to transfer.

#### 1207.11 - Daily Participation

- a) A work day begins at midnight the first day the inmate actively participates in the Conservation Camp Program.
- b) If an inmate is unable to complete his work assignment on any given day, he or she will be evaluated by CDCR Staff to determine if he or she can continue with the Conservation Camp Program.
  1. If it is determined that the inmate cannot continue with the program, CDCR staff will notify the CCP Deputy to arrange transportation back to the IRC.
  2. If the inmate is able to continue with the program, the incident will be fully documented and the CDCR will notify by telephone and fax a copy of the incident report to IRC Classification.
- c) Orange County Inmates who refuse to participate in the Fire Camp Work/Training Program shall be returned by the CDCR to the designated Fire Camp for pickup by Orange County Sheriff's Transportation to return the inmate to the IRC.
- d) When Classification is notified that the inmate will be returning to OCS Custody, they will notify records.
- e) When the inmate returns to custody at the IRC, the Conservation Camp Deputy will document why the inmate returned and if they are ineligible to return to the Conservation Camp Program.

1. A printed record will be placed in the inmate's file in Records
  2. A tread entry will be made in the inmate's record (SDS)
- f) Before an inmate returns to the Conservation Camp Program, they must be re-screened to verify they still meet the criteria for participation in the Conservation Camp.

#### 1207.12 - Inmate Funds

- a) The Conservation Camp Deputy will provide the Cashier's Office with a list of all inmates being transferred to the Conservation Camp Program.
- b) Funds of an Orange County Inmate participating in CCP shall be transferred to CDCR within seven (7) working days of the inmate's transfer to CDCR. These funds shall be held and managed pursuant to CDCR's policies.
- c) CDCR shall pay all Orange County Inmates assigned to the Conservation Camp Program wages equal to the amount paid to CDCR inmates housed at the particular Fire Camp.
- d) Upon notification of a court order for restitution by an Orange County Inmate, CDCR agrees to collect funds from wages and account deposits from the inmates account. All collected funds will be remitted in a manner that adheres to Title 15, Article 1.5, Section 3097.
- e) When the inmate returns to the IRC, CDCR shall provide the inmate's current available Trust balance.
  1. Payment shall be in the amount due and in the form of a check made payable to the inmate but addressed to Orange County.
  2. Payment will be within seven (7) business days of the inmate's transfer back to Orange County.

#### 1207.13 - Conservation Camp Program Rule Violation

- a) While Orange County Inmates are in the custody of CDCR, they are subject to CDCR rules and regulations regarding conduct and behavior. This also includes specific rules of conduct while participating in the Conservation Camp Program.
- b) CDCR is responsible for adjudicating any disciplinary matters while County Inmates are in CDCR custody.
  1. CDCR will notify the Conservation Camp Deputy of any discipline which would affect the inmate's sentence ending date.
  2. The Conservation Camp Deputy will notify Inmate Records of any discipline which would affect the inmate's sentence ending date.
- c) Orange County Inmates appealing decisions and actions shall be remedied via the existing Orange County Sheriff's appeals process. The Orange County Sheriff's Department shall retain final authority on all issues of appeal related to Orange County decisions and actions. The CDCR will

address all Inmate appeals/grievances related to conditions of confinement and other CDCR decisions while the Orange County Inmate is housed in a CDCR Fire Camp. The CDCR shall retain final authority on all issues of appeals related to CDCR decisions and actions.

- d) If an inmate assigned to the Conservation Camp Program is transferred back to IRC with pending discipline, CDCR will forward a copy of the incident report to the Conservation Camp Deputy so discipline may be administered at the Orange County Jail.
  - 1. The Conservation Camp Deputy will draw a Jail Incident Number from TLF and write a Jail Incident Report titled "Poor Work Performance" documenting the inmate's behavior and write a Notice of Disciplinary Violation/Hearing for a Major Jail Rule(s) Violation.
  - 2. Inmates returned to Orange County for disciplinary reasons will lose their worker status according to OC Jail policy.
  - 3. Inmates returned to Orange County will be interviewed for classification and/or housing assignments.
  - 4. The Conservation Camp Deputy will flag the Inmate's file "NOT ELIGIBLE for CCP" if the inmate no longer meets the qualifications for the Conservation Camp Program.
  - 5. TLF CWP/EMP Deputies will be responsible for changing the status of the inmate in the SDS Computer System. All failures will also be documented in the AJCLIA section of the Sheriff's Data System.
  - 6. TLF Records shall be notified by the Conservation Camp Deputy if the inmate's sentence ending date has changed and needs to be recalculated.

#### 1207.14 - Access to Courts

- a) The CDCR will ensure all Orange County Inmate's court related access is consistent with the CDCR policy.
  - 1. All Orange County Inmates requesting access to a law library will be transported back to the designated fire camp.
  - 2. Orange County Transportation will pick up the inmate from the designated fire camp and transport them back to the IRC for access to the Law Library.
- b) Any court order to produce an Orange County Inmate that is presented to Orange County shall immediately be forwarded to the Camp Administrative Office for processing.
  - 1. The Orange County Sheriff's Department is responsible for transportation and costs thereof for local, state, and federal court appearances.
  - 2. If sufficient advanced notice is provided, CDCR will transport the Orange County inmate to Wasco State Prison for pick up by Sheriff's Transportation.



#### 1207.15 - Offender (Inmate) Camp Files (OCF)

- a) The CDCR will handle all Offender Camp Files (OCF) and ensure compliance consistent with the CDCR policy.
  - 1. Offender Camp records regarding County inmates while at the Camp shall be collected and maintained on-site by the CDCR in accordance with CDCR record keeping practices and operating requirements governing confidentiality.
  - 2. The County inmate files will not be maintained inside housing units or easily accessible to the inmate population
- b) Upon request, all records, reports, and documents related to Orange County Inmates, including Inmate work/education-vocation records, shall be made available to the Orange County Sheriff's Department for review.
  - 1. When an Orange County Inmate is transferred from one Fire Camp to another Fire Camp the record provided by the Orange County Sheriff's Department and additional information compiled while the inmate was at the Fire Camp will be updated and transported with the inmate to his/her new location.
  - 2. This record consists of reports, timesheets, staff memos, correspondence, and other documentation relating to behavior of the Orange County Inmate.
  - 3. When a County inmate is identified to return to the County, the CDCR will ensure that the Offender Camp File is current with documentation to include program activities (work, education, etc.), classification endorsement and action, and disciplinary history. Records maintained at the Fire Camp site shall be transported with the County inmate. Files maintained at the Fire Camp Administrative Office shall be mailed to the Sheriff's Department within 14 days of the inmate's departure from the Fire Camp.
- c) All warrants/holds/detainers received by the Orange County Sheriff's Department for an Orange County Inmate shall be forwarded to the Camp Administrative Office within 24 hours.
  - 1. CDCR will determine if the inmate will be returned to Orange County for booking purposes.
- d) All warrants /holds/detainers received by the CDCR for an Orange County Inmate shall be forwarded to the Orange County Sheriff's Department within 24 hours.
  - 1. CDCR will determine if the inmate will be returned to Orange County for booking purposes.
- e) TLF Records will perform all time calculations for Orange County Inmates and will provide the inmate's Release Date information to the Conservation Camp Deputy. The Conservation Camp Deputy will include Release Date information in the inmate packet submitted to CDCR. This information is required to facilitate return of the Orange County Inmate to the custody of the Orange County Sheriff's Department no less than 30 days prior to his/her release.

#### 1207.16 - Escape(s)

- a) In the event of an escape by an Orange County Inmate from the Fire Camp's physical custody, the CDCR shall initiate efforts to apprehend such inmate(s), notify Local Law Enforcement agencies and CDCR I.D./Warrants Unit as required by state statute in the same manner it uses for any other CDCR escapee.
- b) The escape pursuit will include all provisions as agreed to in the Memorandum of Understanding between the CDCR Warden and the Sheriff of the County where the Camp is located. This would include, but is not limited to; notification timeframes, incident command, mutual aid, intelligence sharing, etc.
- c) The CDCR shall notify the Orange County Sheriff's Department during the initial notification process.
  - 1. After the initial 24 hours of escape pursuit, the CDCR Incident Commander (Warden) and the Orange County Sheriff shall evaluate the need for the continued presence of CDCR. This decision shall be based on the intelligence received regarding the offender's whereabouts/escape route.
- d) Annually or upon any revision to the contract signed by Orange County and CDCR, the County shall provide the CDCR with a listing of its emergency contacts.

#### 1207.17 - Orange County Inmate Death

- a) In the event of a death of an Orange County Inmate participating in the Conservation Camp Program, the CDCR will immediately notify the Watch Commander at TLF, or his or her designee. CDCR shall also notify the local coroner and local law enforcement via telephone and shall have the cause and circumstances of the death reviewed by the coroner of the local jurisdiction.
  - 1. A certified copy of the death certificate, the County Offender (Inmate) Camp File (OCF) and medical records will be forwarded to the Orange County Sheriff's Department.
  - 2. The CDCR shall furnish all information requested by the Orange County Sheriff's Department and follow the instructions of the Orange County Sheriff's Department with regard to disposition of the body.
  - 3. The Orange County Sheriff's Department will notify the designated next of kin of the deceased Offender, if any, as soon as practical after death.
- b) CDCR shall not be responsible for expenses relative to any necessary preparation, storage, shipment, and disposal of the body.

#### 1207.18 - Conservation Camp Program Removal or Return of Inmates

- a) Inmates may be returned to the Orange County Jail for several reasons. Some examples of reasons for removing inmates from the Conservation Camp Program include:

1. Poor Work Performance
  2. Violation of Conservation Camp Rules
  3. Additional Disqualifying Charges
  4. Conservation Camp Supervisor Recommendation
  5. Significant Physical Injury
  6. Voluntary Removal
  7. Local/State/Federal Court Appearances
- b) Male inmates assigned to CCP will be returned to Prado Conservation Camp for pick up by the CCP Deputy and transported to the IRC no less than thirty (30) days prior to their sentence ending date.
- c) 1. All Female inmates assigned to CCP will be returned to California Institution for Women for pick up by Orange County Sheriff's Transportation and transported to the IRC no less than thirty (30) days prior to their sentence ending date. This will be coordinated by the CCP Deputy.
2. The CDCR will require the Orange County Sheriff's Transportation Deputy or CCP Deputy to sign a CDCR Form 123 (Body Receipt), acknowledging delivery and transfer of custody of the inmate back to Orange County custody.
- d) The Orange County Sheriff's Department is responsible for transportation and costs thereof for local, state, and federal court appearances.
1. If sufficient advanced notice is provided, CDCR will transport the inmate(s) to the designated Fire Camp to be picked up by Sheriff's Transportation.
- e) The Orange County Sheriff's Department will provide Orange County Jail issued clothing to the inmate prior to returning to the IRC.
- f) Inmates returning to Orange County with any property item deemed to be in conflict with OCSD policy regarding inmate property will have such property item placed on the inmate's Property unless the item is an opened food or beverage item, in which case the item will be discarded.

## 1208 - Electronic Monitoring Program

### 1208.1 – General

- a) CPC Sections 1203.017 and 1203.018 authorize the Sheriff as the Correctional Administrator to establish an electronic monitoring program for both sentenced and unsentenced inmates under certain conditions. Under CPC 1203.017, sentenced misdemeanor inmates may be required to participate in an involuntary home detention program that includes electronic monitoring, due to lack of adequate jail space. Under CPC 1203.018, unsentenced misdemeanor inmates may voluntarily participate in a home detention program that includes electronic monitoring. Inmates must meet specific criteria before consideration.

- b) The Correctional Administrator or designee shall have the sole discretionary authority, consistent with the statutes and the rules and regulations of the electronic monitoring program, to review and determine eligibility to permit program participation as an alternative to physical custody.
- c) Failure of program participants to comply with the established rules and regulations of the electronic monitoring program may result in the program participant being retaken onto custody. Willful failure of the program participant to return to the place of home detention prior to the expiration of any period of time during which he or she is authorized to be away from the place of home detention and unauthorized departures from the place of home detention are punishable as provided in CPC 4532.
- d) The Correctional Administrator may permit Electronic Monitoring Program participants to seek and retain employment in the community, attend psychological counseling sessions or educational or vocational training classes or seek medical and dental assistance.
- e) Any violation of law or rules and regulations of the program may be handled in the following manner:
  - 1. Report of violation of rules and regulations of the program
  - 2. Crime Report
- f) Violations of the rules and regulations of the program will be documented in the jail reporting system. Sanctions may be imposed for violations of the rules and regulations of the program, including retaking the participant into custody. The program participant may utilize the formal appeal process to appeal any disciplinary action against them.

#### 1208.2 – Staffing

- a) Deputies and SSOs will be assigned to the Electronic Monitoring Program staff.
- b) One or more designated Sergeants will supervise the Electronic Monitoring Program staff.

#### 1208.3 – Responsibilities

- a) The EMP staff will be responsible for all screening, interviewing, and releasing of in-custody inmates who qualify to participate in the Electronic Monitoring Program.
  - 1. The jail facilities will be screened a minimum of once per week.
- b) The EMP staff will directly and indirectly monitor the activities of program participants to ensure compliance with EMP Rules and Regulations.
- c) The EMP staff is responsible for keeping Inmate Records personnel informed of any changes regarding an inmate's participation in the program.
- d) The EMP staff will be aware of and monitor any inmate or civilian traffic within the Facility Booking/Release area related to the EMP.

- e) The EMP staff will monitor the assignment of all new participants to the Electronic Monitoring Program.
- f) The EMP staff will write Jail Incident Reports and DR's as necessary.

#### 1208.4 - Administrative Fees

- a) Per CPC 1203.018(j), the Board of Supervisors may prescribe a program administrative fee to be paid by each unsentenced inmate.
- b) Per CPC 1203.017(j), sentenced inmates shall not be charged fees or costs for the program.

#### 1208.5 - Eligibility Criteria

- a) The court may restrict or deny a person's eligibility for the program, but the courts cannot require the Sheriff to assign a person to the program if the Sheriff or his/her assigned EMP staff has concluded that the person is unfit for release to the program.
- b) Sentenced Inmates
  1. CPC 1203.017 authorizes that sentenced misdemeanor inmates may be required to participate in an involuntary home detention program, which shall include electronic monitoring, due to lack of adequate jail space.
  2. The Correctional Administrator, or his or her designee, shall have the sole discretionary authority, consistent with the statute and the rules and regulations of the program, to permit program participation as an alternative to physical custody.
  3. The court may recommend or refer a person to the Correctional Administrator for consideration for placement in the home detention program. The recommendation or referral of the court shall be given great weight in the determination of acceptance or denial. At the time of sentencing, or at any time that the court deems it necessary, the court may restrict or deny the defendant's participation in a home detention program (CPC 1203.017(e)).
  4. Participants shall receive any sentence reduction credits that they would have received had they served their sentences in a county correctional facility. One day of program participation shall be in lieu of one day of incarceration.
  5. Inmates must have no Correctional Mental Health Holds to participate in the EMP.
  6. Charges which indicate a propensity towards violence or deviant conduct will not qualify. Examples include, but are not limited to, assaults, sex charges, crimes against children, and domestic violence.
- c) Unsentenced Inmates
  1. CPC 1203.018 authorizes that unsentenced inmates may voluntarily participate in an electronic monitoring program. In order to qualify for participation in the EMP, the inmate

must be a minimum-security inmate with no holds or outstanding warrants and one of the following circumstances must exist:

- i. The inmate must have been held in custody for at least 30 days from the date of arraignment pending disposition of only misdemeanor charges (Penal Code Section 1203.018(c)(1)(A)); OR
  - ii. The inmate is being held on only misdemeanor charges and the inmate is appropriate for the program based on a determination by the Correctional Administrator that the inmate's participation would be consistent with the public safety interests of the community (Penal Code Section 1203.018(c)(1)(C)).
2. The Correctional Administrator, or his or her designee, shall have the sole discretionary authority, consistent with the statute and the rules and regulations of the program, to permit program participation as an alternative to physical custody.
3. Inmates must have no Correctional Mental Health Holds to participate in the EMP.
4. Charges which indicate a propensity towards violence or deviant conduct will not qualify. Examples include, but are not limited to, assaults, sex charges, crimes against children, and domestic violence.

#### 1208.6 - Screening Data

- a) All participants placed on the Electronic Monitoring Program must successfully pass all areas of the screening criteria. Exceptions to this policy will be made only with authorization from the EMP Sergeant.
- b) The Sheriff's Data System (SDS) will be utilized to facilitate the release of in-custody inmates.
- c) The [REDACTED] Computer System (MOD 40) will be utilized to facilitate the following inquiries:
  1. [REDACTED]: Includes warrant check, DMV records and FTA.
  2. [REDACTED] Obtain information on current and past court cases.
  3. [REDACTED] Criminal history, check for disqualifying charges.
    - i. Printed criminal histories, which are confidential information, are required to be destroyed after use.
- d) The CWP Portal will be checked to determine prior CWP history.
- e) The EMP staff uses various forms of information while screening inmates for EMP. This information may include, but is not limited to the following:
  1. Current/Prior charges
  2. Interview of inmate
  3. Standing in the community
  4. Criminal history/sophistication
  5. Personal references
  6. Work history

7. Overall background
8. In-custody behavior

#### 1208.7 - Screening EMP Participants

- a) Candidate List - The EMP staff will review and screen candidate rosters and eliminate names of inmates that are not qualified for participation. The reason for disqualification will be written next to the inmate's name on the candidate roster. In order to ensure uniformity, the following abbreviations will be utilized:
  1. ■■■■ - Refused to Participate in EMP (only applicable to unsentenced inmates under CPC 1203.018)
  2. ■■■■ DQ'd by Mental Health
  3. ■■■■ section- Current charge(s)
  4. ■■■■ Criminal Background
  5. ■■■■ - Disqualified by the Court
- b) For the involuntary program under CPC 1203.017, if the inmate qualifies and successfully passes the screening process, he/she will be placed on the program.
  1. For the voluntary program under CPC 1203.018, if the inmate successfully passes the screening process, he/she will be offered the program. If interested, the inmate will complete an Inmate Information Sheet and be interviewed before being placed on the program.
  2. For the voluntary program under CPC 1203.018, if the inmate refuses to participate in the program, the staff member will record the refusal next to the inmate's name on the Candidate List.
- c) Notice of Denial
  1. All persons referred or recommended by the court to participate in the involuntary electronic monitoring program pursuant to CPC 1203.017(e) who are denied participation shall be notified in writing of the specific reasons for the denial(CPC 1203.017(d)(2)). The notice of denial shall include the participant's appeal rights through the grievance process.
  2. All persons approved by the Correctional Administrator to participate in the voluntary electronic monitoring program pursuant to CPC 1203.018 who are denied participation shall be notified in writing of the specific reasons for the denial (CPC 1203.018(g)(2)). The notice of denial shall include the participant's appeal rights through the grievance process.

#### 1208.8 - Procedures for Screening

- a) A candidate roster will be generated through SDS for each jail facility. EMP staff will be responsible for screening the rosters and making proper notifications.
- b) Use ■■■■ to screen criminal history.

- c) Create a list of qualified candidates.
- d) Candidates who are disqualified must be flagged. Note the appropriate disqualification reason as this is used for the statistical report.

#### 1208.9 - Releasing Inmates to EMP

##### a) In-Custody Inmates

1. After completing the screening process, EMP staff will interview potential participants prior to enrollment in the Electronic Monitoring Program.
2. When preparing to release inmates to the Electronic Monitoring Program:
  - i. EMP staff will advise the Theo Lacy Facility Classification/EMP Sergeant, or the Operations Sergeant, when the Classification/EMP Sergeant is unavailable, prior to leaving Theo Lacy.
  - ii. Upon arriving at the facility, provide a list of the release candidates to the appropriate staff. EMP staff will conduct interviews of candidates in a designated area of the facility.
  - iii. Facility staff will assist in getting potential EMP candidates to the designated area for interviews.
  - iv. EMP staff will verify the correct inmates have arrived for interviews by comparing the inmate's wristband (photo and booking number) against the inmate physical description and the candidate list.
  - v. Upon successful completion of the interview, EMP staff will have the inmate complete all necessary paperwork. The inmate will read and sign all necessary paperwork including the applicable program rules and regulations for either sentenced misdemeanor inmates under CPC 1203.017 or unsentenced misdemeanor inmates under CPC 1203.018. Inmates will be given copies of all signed paperwork.
  - vi. EMP staff will explain program rules and expectations to the inmates. Allow the inmates to ask questions.
  - vii. Participants will be returned to their housing locations pending transfer to Theo Lacy to complete the release process onto the Electronic Monitoring Program.
  - viii. EMP Staff will re-check each participant's Records Files and History Cards for disqualifications (either at the IRC or Theo Lacy). Any disqualified Records Files will remain at the Facility and the participant's name will be removed from the candidate list.
  - ix. Facilities will be sent a final candidate list in preparation for bodies to be transferred to Theo Lacy for placement onto the Electronic Monitoring Program.
  - x. All participants will be transferred to Theo Lacy for placement onto the Electronic Monitoring Program.



- xi. EMP staff will deliver each participant's Records Files to the appropriate Commitment Clerk or Inmate Records Supervisor.
- xii. EMP staff will be notified upon the participant's arrival at Theo Lacy.
- xiii. The participant's identity will be verified by asking date of birth, place of birth, or social security number and comparing the answers with the information on the mod card and pre-booking form. Additional verification will be made by checking the participant's wristband and comparing the participant's fingerprints with the fingerprints taken of the participant at the time of booking.
- xiv. Electronic Monitoring anklet will be applied to the participant prior to release.
- xv. Participants will be released according to standard facility procedures.
- xvi. SDS will be updated to reflect the placement of the participant onto the Electronic Monitoring Program. The change will be from [REDACTED]. An [REDACTED] will be placed in the EMP box on the [REDACTED] screen, which will update the Custody Status from ACT to EMP.

b) Pre-Booker Inmates

- 1. Inmates may pre-book 24 hours a day, Saturday through Thursday, up until 24 hours prior to their stay date and time.
  - i. Females will pre-book at the IRC.
  - ii. Males will pre-book at Theo Lacy.
  - iii. Pre-Bookers must go through the same screening and release process as in-custody inmates.
  - iv. If an inmate does not qualify for the Electronic Monitoring Program, they will be directed to report to the appropriate jail on their Stay Date and time.

#### 1208.10 - Distribution of Paperwork

- a) Signed original copies of all paperwork will be placed in the participant's EMP file. The original mod cards for the participants released from other facilities will be forwarded to the Theo Lacy Facility via inter-departmental mail and placed into the participant's record jacket.
- b) Signed copies of all paperwork will be given to the appropriate Inmate Records/Commitments staff to be placed into the participant's record jacket.
- c) Participants shall be given a copy of all paperwork for their records.

#### 1208.11 - EMP Removal

- a) All participants removed from the program shall be notified in writing of the specific reason for removal. The notice of removal shall include the formal grievance process.

- b) Some examples of routine reasons for removing a participant from the Electronic Monitoring Program are: violation of rules and regulations, warrant, loss of permanent residence, court order, and for the voluntary program under CPC 1203.018, voluntary removal.
- c) Non-Disciplinary Removal of Participants from Electronic Monitoring Program
  - 1. The EMP staff will notify the Classification Deputy and Inmate Records staff of an EMP removal.
  - 2. Provide the inmate's mod card to the Classification Deputy. If there is not a mod card attached to the EMP paperwork, print a copy of it from the photo capture computer.
  - 3. The Classification Deputy is responsible for changing the status of the inmate in the SDS computer and assigning him a housing assignment. Female inmates will be transported to the IRC for classification and/or housing assignment.
  - 4. Provide Inmate Records staff with necessary paperwork.
- d) Removal from Electronic Monitoring Program for Failure to Comply with the Rules and Regulations of the Program
  - 1. Removals for failure to comply with the rules and regulations of the program will be done in the same manner as other removals.
  - 2. A Jail Incident Report must be written for each participant that is returned to custody for failing to comply with the rules and regulations of the program.
  - 3. All persons referred or recommended by the court to participate in the involuntary electronic monitoring program pursuant to 1203.017(e) who are removed from program participation shall be notified in writing of the specific reasons for the removal.(CPC 1203.017(d)(2)). The notice of removal shall include the participant's appeal rights through the grievance process.
  - 4. All persons approved by the Correctional Administrator to participate in the voluntary electronic monitoring program pursuant to 1203.018 who are removed from program participation shall be notified in writing of the specific reasons for the removal. (CPC 1203.018(g)(2).) The notice of removal shall include the participant's appeal rights through the grievance process.
  - 5. Participant misconduct will be documented in the [REDACTED] section of the Sheriff's Data System and sanctions will be imposed in proportion to the severity of the rule violated. Participants may utilize the formal appeal process to appeal any disciplinary action against them.
    - i. Violation of law or the rules and regulations of the program could result in disciplinary action including retaking the participant into custody.
    - ii. Theo Lacy Facility personnel will conduct discipline in an impartial and consistent manner. To ensure consistency, the Punishment Officer will be the First Watch Shift Commander who is assigned to the position by the Division Commander.

#### 1208.12 - Vehicles Assigned to EMP

- a) The EMP will have assigned vehicles. The vehicles will be checked out and used in the following manner:
  - 1. The keys will be checked out from and returned to the EMP Sergeant.
  - 2. These vehicles will be used for the purpose of conducting residence checks and performing administrative duties.
  - 3. The vehicles will be returned with a minimum of ½ tank of fuel (Policy 9000.4). It will be the responsibility of the person driving to make sure there is sufficient fuel for the next driver.
  - 4. When the vehicles are not in use they will be parked in their designated areas.
  - 5. Each EMP Deputy will be issued an Orange County Fuel Access Card.

#### 1208.13 - Radios, Cell Phones and PVS

- a) The below procedures will be followed prior to going off compound for official business:
  - 1. Obtain an 800 MHZ radio from work area. If no radio is available in the work area, obtain a radio from [REDACTED]
  - 2. Advise Dispatch, via telephone, that you are going in-service (10-8).
  - 3. Give dispatch your radio number, PID#, and unit radio number, if applicable.
  - 4. Advise dispatch if you are going to be a [REDACTED]
- b) Cell phones will be assigned to the Electronic Monitoring Program. These phones are to be used for official business ONLY. Their primary use will be after-hours notifications of alerts requiring immediate attention. The phones will be checked out and assigned from, and returned to, the [REDACTED]. While not in use, they will be stored at the charging station located inside the [REDACTED]. Any problems with the phones will be immediately reported to the EMP Sergeant.
- c) EMP staff shall use PVS as outlined in section 446.1 (Patrol Video System) of the Orange County Sheriff-Coroner Department Policy Manual. In the event a PVS equipped unit is not available, EMP staff shall notify a supervisor to request permission to utilize a non-PVS equipped vehicle.

#### 1208.14 - Arrest and Transportation of EMP Inmates

- a) EMP staff will transport EMP participants. When possible, [REDACTED] will be used for transporting EMP participants. At least [REDACTED]. At no time will an individual EMP staff member transport a participant in a vehicle without a cage. Exceptions may be made in the event of exigent circumstances.
- b) EMP staff will respond if transportation is needed. An EMP staff member will draw DR # and write the appropriate report, if necessary.

#### 1208.15 - EMP Statistics

- a) Daily Statistics/Electronic Monitoring Program Count
  - 1. At the end of each shift, the EMP staff will generate and reconcile a SDS count of all participants currently assigned to the EMP.
- b) Monthly Statistics
  - 1. At the end of each month, the EMP staff will complete the "Monthly Statistics" form. The information for the monthly statistics will be taken from:
    - i. Screening lists on file for the month.
    - ii. Weekly Completions on file for the month.
    - iii. Weekly Removals on file for the month.
  - 2. Once completed, the monthly statistics will be forwarded to the Special Services Bureau Captain, not later than the third day of the month.

#### 1208.16 - The EMP Compliance Support Unit (CSU)

- a) Department personnel assigned to the Electronic Monitoring Program make up the Compliance Support Unit (CSU). The CSU is responsible for conducting regular residence checks of program participants to ensure compliance of EMP rules and regulations. This time is also necessary to complete any administrative duties pertaining to the Electronic Monitoring Program.
- b) A minimum of [REDACTED] will conduct residence checks. While at the residence, Compliance Support Unit (CSU) Deputies will search each participant for contraband and handle any problems that may exist.
- c) An Operational Plan will be completed prior to a home compliance check and a supervisor will be present during any home compliance check. The department approved CWP/EMP Operation Plan is located in the Document Center. (Refer to Field Operations Manual Section 51, Critical Incident Management for details regarding operations plan, tactics and perimeter.)
- d) The CSU will wear either a Class "A" uniform or a modified uniform approved by the Division Commander.

#### 1208.17 - Curfew Schedule

- a) All EMP participants will be assigned, and shall comply with, a curfew schedule. EMP staff will determine the curfew schedule.
- b) EMP participants shall remain inside their residences unless prior arrangements have been made with EMP staff and approval has been obtained from EMP staff. EMP staff approval may be sought for the EMP participant to:
  - 1. Seek/retain employment
  - 2. Attend psychological counseling

3. Attend educational/vocational training
4. Seek medical/dental assistance