

Inmate Rights

1604.1 INMATE RIGHTS

Jail Operations Administration and Staff recognize that inmates have certain rights relative to the conditions of their confinement that will be acknowledged as a matter of law and for the good order of the facility.

- (a) Prompt, legal, and thorough booking and release procedures will be utilized to minimize time in custody.
- (b) Clean and orderly surroundings.
- (c) Adequate toilet, bathing and laundry facilities.
- (d) An inmate who menstruates or experiences uterine or vaginal bleeding shall, without needing to request, have ready access to, and be allowed to use, materials necessary for personal hygiene with regard to their menstrual cycle and reproductive system, including, but not limited to, sanitary pads, panty liners and tampons, with no maximum allowance and at no cost to the inmate. An inmate shall, upon request, continue to use materials necessary for birth control measures as prescribed by a physician, nurse practitioner, certified nurse-midwife or physician assistant. For more information, see California Penal Code Section 4023.5.
 - 1. A designated hygiene supply station shall be established in each housing location that houses individuals who menstruate or experience uterine or vaginal bleeding. This station will be stocked with an adequate supply of sanitary pads, panty liners and tampons to ensure continuous availability.
 - 2. Correctional staff assigned to these housing locations shall be responsible for monitoring the supply levels and restocking hygiene stations as needed. Supplies shall be replenished as necessary to maintain adequate availability.
- (e) Adequate lighting, heating, and ventilation.
- (f) Compliance with federal, state/local fire and safety laws/regulations.
- (g) A minimum of fifteen (15) minutes shall be allowed for the actual consumption of each meal. The diet will be wholesome, properly prepared, and nutritionally adequate.
- (h) Clean and appropriate clothing.
 - 1. Clothing and bedding with blood or infectious contaminants shall be exchanged for clean items upon request as per Title 15, Section 1263 and C.P.C. 4023.5. Refer to [CCOM Section 2408.1\(b\)\(5\) – Inmate Clothing, Bedding, Hygiene Articles and Linen Supplies](#). For handling of contaminated items, refer to [CCOM Section 2404.6 – Blood Borne Pathogens or Other Infectious Materials](#).
- (i) Medically necessary health care services comparable in quality to those available in the general citizen population.
- (j) Any inmate shall have the right to summon and receive the services of any physician, nurse practitioner, certified nurse midwife or physician assistant of their choice in

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order to determine whether they are pregnant. If the inmate is found to be pregnant, they are entitled to a determination of the extent of the medical and surgical services needed and to the receipt of such services from the physician, nurse practitioner, certified nurse midwife, or physician assistant of their choice. Any expenses for the services of a physician, nurse practitioner, certified nurse midwife or physician assistant whose services are not provided by Correctional Health Services will be the responsibility of the inmate.

- (k) Access to indoor and outdoor recreational opportunities and equipment for a minimum of three (3) hours per week (Minimum Jail Standards, Title 15, Section 1065).
 - 1. Out of cell time may be temporarily suspended for disciplinary or security reasons.
- (l) Access to clergy, which allows inmates to adhere to their legitimate religious practices, subject only to limitations necessary to maintain institutional order and security.
- (m) Visitation with family members and friends in a visiting area that is limited only by those facility requirements necessary to maintain order and security. Private areas are available for official visitation between inmates and attorneys, except where the restriction can be properly justified. Official visits shall be granted during any reasonable hour.
- (n) Freedom from discrimination based on the inmate's race, religion, national origin, sex, age, disability, or political belief.
- (o) A dignified conversational form of address. All inmates will be addressed by name rather than booking number or derogatory forms of address.
- (p) Protection from personal abuse, corporal punishment, personal injury, disease, property damage and harassment.
- (q) Inmates will be classified to housing with due consideration for the safety of the public, staff and other inmates. Inmates are allowed to present opinions, preferences and requests regarding their classification and housing assignment.
- (r) Personal grooming choices regarding appearance. This choice is limited only by facility requirements for:
 - 1. Safety
 - 2. Security
 - 3. Identification
 - 4. Hygiene
- (s) The expectation that unnecessary force, embarrassment or indignity to the inmate is avoided during searches.
- (t) The availability of a written grievance procedure that includes at least one level of appeal.
- (u) Deputies and other Sheriff's Department employees will make every attempt to respond to inquiries of inmates and/or direct them to the correct staff member who may have the answer that is requested.

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- (v) Inmates who are qualified voters as determined by the County Registrar of Voters may vote by absentee ballot in local, state, and federal elections.
- (w) Uncensored communication and/or correspondence with persons on the outside, limited only as necessary, or by law to maintain order and security or set by disciplinary restrictions.
- (x) Inmates shall not be denied access to the Courts and Counsel. Access shall consist of unlimited incoming and outgoing mail and confidential consultation with attorneys (Minimum Jail Standards, Title 15, Section 1068).
- (y) Inmates will have the right to request assistance in their legal matters. This will include persons with legal training, the Public Defender's Office and law library facilities. Inmates seeking judicial or administrative redress will not be subject to reprisals or penalties as a consequence.
 - 1. Inmates may assist one another with legal matters. If documents belonging to one inmate are found in the possession of another inmate, the Deputy making the discovery will make every effort to determine if the inmate named on the document gave their permission for the other inmate to possess the document. If permission was not given, the inmate who is not named on the document will be in "Possession of Contraband" and a Jail Incident Report will be written.
 - 2. Inmates may request books from the County Law Library by submitting a written request to the Law Librarian. All books previously checked out must be returned prior to obtaining additional books.
- (z) Inmates may request assistance from other inmates (jailhouse lawyers). These communications must be for specific legal purposes.
- (aa) Pregnancy testing is voluntary and is administered by medical personnel upon intake or within 72 hours of arrival at the Jail, and upon request at any time during incarceration.
- (ab) All inmates shall be furnished by the county with information and education regarding the availability of family planning services.
- (ac) Family planning services shall be offered to each inmate at least 60 days prior to a scheduled release date. Upon request, any inmate shall be furnished by the county with the services of a licensed physician or they shall be furnished by the county or by any other agency which contracts with the county with services necessary to meet their family planning needs at the time of their release.

1604.2 INMATE RIGHTS

- (a) Specific procedures to fulfill requirements described in the Inmate Rights Section of this chapter are detailed in other sections and chapters in this manual:
 - 1. Inmate Services and Programs
 - 2. Sanitation and Maintenance
 - 3. Food Service
 - 4. Medical and Health Services

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5. Safety and Emergency Procedures
6. Communications, Mail and Visiting
7. Classification of Inmates

1604.3 RIGHTS OF ARRESTED, DETAINED, OR IMPRISONED FOREIGN NATIONALS

Foreign nationals are those individuals who are not citizens of the United States, whether in the country legally or not. Article 36 of the Vienna Convention on Consular Relations and C.P.C. 834c sets forth certain rights of foreign nationals from member countries.

(a) Mandatory Advisement

1. Per C.P.C. 834c, any peace officer, upon arrest and booking or detention for more than two (2) hours of a known or suspected foreign national, shall, without delay, advise the foreign national that they have the right to communicate with an official from the consulate of their country, except as provided in section (b) below.
 - (a) At the request of the foreign national, the agency must, without delay, inform the appropriate consular officials in California that the foreign national has been arrested, detained, or imprisoned.
 - (b) The foreign national must be given the opportunity to communicate, correspond with and be visited by consular officials representing the foreign national's country in California.
 - (c) A sign is posted outside in the Receiving dock area advising the arresting officers of their responsibility for Foreign National Consular notification.

(b) Notification of Consular Officials

1. If an inmate is identified as a "foreign national requesting consular notifications," the arresting agency will be notified. The arresting agency will make the appropriate notification to the consular officials representing the foreign national's country.

(c) Mandatory Consular Notification

1. Countries identified by the United States Department of State, requiring mandatory notification under Article 36, shall be notified without regard to an arrested or detained foreign national's request to the contrary.

(d) Consular Officials, Rights of Visitation

1. If an inmate is identified as a foreign national, they will be given the opportunity to communicate, correspond with and be visited by consular officials representing the inmate's country.
2. Visits by consular officials will be conducted in the Attorney-Bonds visiting area. The visitor shall fill out an Official Agency Visitation form. The Watch Commander must be notified prior to the visit and will designate the location of the visit.

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(e) Deaths of Foreign Nationals in California

1. When a foreign national dies in custody in California, Article 37 of the Vienna Convention requires that the appropriate consular official be notified without delay. Such notification assists consular officials in advising next of kin and other appropriate parties on a timely basis.

(f) Current information regarding the appropriate consular office to notify in case of the arrest, detention, imprisonment, or death of a foreign national may be obtained from the "Consular Notification and Access" manual located in the Receiving dock area and will be made available to arresting agencies for review. The complete text is also available on-line at:



1604.4 INMATE VOTING PROCEDURE

The Orange County Sheriff's Department Custody Command shall allow inmates to correspond with the Orange County Registrar of Voters to register to vote, in their county of residence, and submit an application for a vote by mail ballot. Inmates who would like to participate in local, state and federal elections can contact the Registrar of Voters for information and materials.

Registrar of Voters

P.O. Box 11298

Santa Ana, CA 92711-1298

1604.4.1 INMATE VOTING ELIGIBILITY REQUIREMENTS

(a) Any inmate may vote in local, state, and federal elections if they are:

1. A citizen of the United States, a resident of California, and a resident of Orange County.
2. Residents of counties outside the County of Orange will have paperwork directed to the Registrar in that county by the Orange County Registrar of Voters.
3. At least 18 years old on election day.
4. NOT awaiting transfer to a state or federal prison following a felony conviction.
5. NOT currently found mentally incompetent to vote by a court. (Confirmed and Handled through the ROV)

1604.4.2 INMATE VOTING

(a) Any inmate may register and vote if they are:

1. In an Orange County Jail and serving a misdemeanor or felony jail sentence.
2. In an Orange County Jail serving jail time as a condition of probation for misdemeanor or felony charges.

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3. Awaiting trial.
4. On parole.
5. On probation.
6. On mandatory supervision.
7. On post-release community supervision.
8. On federal supervised release.
9. A person with a juvenile wardship adjudication.

1604.4.3 INMATE VOTING REQUESTS

- (a) All inmate requests for voting information shall be forwarded to the facility Inmate Voting Program Coordinator who will be the main point of contact for voter information. Each facility will have an Inmate Voting Program Coordinator designated by the Inmate Services Division.
- (b) Each Inmate Voting Program Coordinator will be responsible for providing Voter Registration forms upon request. Inmates will mail Voter Registration forms directly to the Orange County Registrar of Voters.
- (c) An inmate shall not be denied information on how to vote or a California Voter Registration form.
- (d) The Registrar of Voters for each respective county shall be the ultimate authority in determining one's eligibility to vote.
- (e) When completing a California Voter Registration form, inmates will use their last known residential address or nearest cross-street if they do not have a current address. The Orange County Sheriff's Facility address can be used if other options are unavailable.
- (f) The California Voter Registration form must be filled out in its entirety and it may be completed in pencil. The inmate's booking number should also be written on the mailing envelope and NOT on the California Voter Registration form.
- (g) Educational voting pamphlets will be available to inmates by requesting them from the Inmate Voting Program Coordinator. Educational information will also be posted in the housing unit dayrooms.

1604.4.4 OUT OF COUNTY VOTING REQUESTS

- (a) If an inmate is a resident of another county or state, their Voter Registration Form will be directed to the appropriate county or state by the Orange County Registrar of Voters.

1604.4.5 INDIGENT VOTER

- (a) Should an indigent inmate wish to correspond with the Orange County Registrar of Voters, postage will be provided for by the Inmate Welfare Fund.
- (b) Although ballots include prepaid postage, an inmate may choose to communicate with the Registrar of Voters for additional reasons, such as change of address, name

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change, requesting voter roll information, requesting public records, changing party affiliation or applying for candidacy.

- (c) Refer to CCOM Section 1900.5 – Free Postage for further information.

1604.4.6 PROGRAM COORDINATOR AND STAFF RESPONSIBILITIES

- (a) Information regarding who is eligible to vote, and the specifics of the voting process, is available through the Inmate Voting Program Coordinator.
- (b) The Inmate Services Division's Programs Administrative Manager will designate one employee on a yearly basis to coordinate with the Orange County Registrar of Voters to verify the Sheriff's Department upholds its legal obligation to allow those persons who are in custody an opportunity to participate in each election cycle.
- (c) The Inmate Services Division's Programs Administrative Manager will verify the Voting Guide for Inmate Voters Pamphlet is updated when changes are needed (e.g. final registration dates and election dates).

1604.4.7 PROVISIONAL BALLOT

- (a) If inmates are not registered, and within 15 days before an election, they are still able to register and vote using the Conditional Voter Registration process. A Conditional Voter Registration allows a voter to register after the registration deadline and vote a provisional ballot.
- (b) An inmate who desires to utilize the provisional ballot process will complete an Inmate Message Slip and direct it to the facility Inmate Voting Program Coordinator.
- (c) The facility Inmate Voting Program Coordinator will notify the Registrar of Voters staff when they are made aware of an inmate wishing to utilize the provisional ballot process.
- (d) The Inmate Voting Program Coordinator at each facility will have envelopes, provided by the Registrar of Voters, that can be completed and signed by the inmate. The Inmate Voting Program Coordinator will log the names and addresses of the inmate(s) who wish to use this process.
- (e) Registrar of Voters staff will pick up the signed envelopes using its ballot collection teams. If there are also ballots to pick up, they can be picked up at the same time.
- (f) The Orange County Registrar of Voters Office will complete a voting packet for the inmate and will notify the facility Voting Program Coordinator when it is ready.
- (g) Inmate Services Division will coordinate delivery with the Registrar of Voters of the provisional ballot packet, which will include a postage paid ballot envelop.
- (h) The Inmate Voting Program Coordinator at each facility will deliver the ballots to each inmate. Inmates should be provided with a private place to fill out their ballot. The housing unit Deputy will determine the appropriate private area for the inmate(s) to complete their ballot. This will be based on the layout of the housing unit and the inmate's security level. Appropriate areas for an inmate to fill out a ballot in private may include inside their cell, interview room, multi-purpose room, classroom or recreation yard.

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- (i) The inmate will complete their ballot in pencil, sign their ballot and write their booking number on the envelope. The inmate will place the ballot in the provided envelope, seal the envelope and hand it to their Housing Deputy. The inmate or Deputy may place the completed ballot in the Yellow Voting box in the facility or may submit their ballot to an Inmate Voting Program Coordinator. The Yellow Voting boxes and completed ballots will be picked up by the Orange County Registrar of Voters Office before the end of the Election Day.

1604.5 INMATE SERVICES

(a) Medical/Dental/Psychiatric Care

- 1. Prior to being booked into the custody of the Sheriff, each person will be screened by a member of the Correctional Health Services (CHS) staff. If after booking, an inmate wishes to request routine, non-emergency, medical attention they must submit an Inmate Health Message slip to the healthcare staff. Slips are available from the Module or Prowler Deputies. Completed forms are to be deposited in the collection box in each module where they will be collected twice daily.
- 2. Medical, mental, or dental health care professionals, depending upon the nature of the inmate's complaint, will conduct sick call daily in each module. Inmates found to hoarding medication or possessing another inmate's medication will be subject to disciplinary action.
- 3. HIV testing is available through CHS. Inmates may submit an Inmate Health Message Slip for testing.

(b) Recreation Programs

- 1. Tabletop games, books and newspapers are provided to inmates in their dayrooms. Each inmate will also be offered an opportunity to have a minimum of three (3) hours of outdoor recreation each week (Sunday through Saturday). Sports equipment is available in the outdoor recreation yards. Outdoor recreation availability is dependent upon weather conditions, court appearance schedules, etc.
- 2. Televisions are provided in the dayrooms.

(c) Religious Programs and Bible Study

- 1. Church services are conducted on a regular schedule.
- 2. The Module Deputies will announce exact times and locations for these programs in advance.

(d) Individual Family Service Programs

- 1. The Inmate Programs staff maintain an extensive reference log of social service programs and groups available for use for inmate referral. Inmates desiring social service assistance can submit an Inmate Message Slip to the Correctional Programs Technician who will furnish the inmate the name, address and/or phone number of the appropriate person or agency to contact.

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2. Substance abuse programs / groups are also available. Alcoholics Anonymous and Substance Abuse classes are available through the Correctional Services Education Team. Some one-on-one counseling through the County of Orange Health Care Agency is also available. Any information on any type of substance abuse counseling is available through Correctional Programs. Inmates interested in any of these programs will inquire by use of an Inmate Message Slip addressed to the Correctional Programs Technician.
3. The Community Transition Program is designed for inmates who have been released from custody. The individual may contact job developers through Rancho Santiago College and Correctional Program Technicians for a variety of services. These services are free and include interest and abilities testing, enrollment in additional education, job training, and actual job placement.
4. Pre-release counseling is also available. Matters such as transportation upon release, housing, and employment referrals may be addressed to the pre-release counselor.

(e) Education Programs

1. Any sentenced or pre-trial inmate who is in-custody longer than 29 days will have the opportunity to enroll in the California State General Education Diploma (GED) program. Inmates interested in enrolling in the GED program will address an Inmate Message Slip to the Correctional Programs Coordinator.

(f) Jail Clothing and Hygiene

1. Under garments and socks are exchanged two times each week. Bed sheets, towels, and outer garments including sweatshirts are exchanged once each week. Blankets will be exchanged every three months, or as needed. Inmates are required to shower regularly to prevent an offensive and unhealthful condition of body hygiene. Personal grooming items are provided to inmates who do not have money.

(g) Commissary

1. Inmates may purchase candy, writing materials, postage, and personal hygiene items two (2) times each week. Order forms are distributed two (2) times each week. Inmates without any funds can order a "welfare pack" of free grooming items.

(h) Library Services

1. A list of legal books available from the jail law library is available for review in each housing location. Requests for legal books must be submitted on an Inmate Message Slip. If a certain book is not available from the jail law library, the request will be taken to the Law Library. Inmates may request or possess a maximum of five (5) books. Books may be retained for a twenty-four (24) hour period unless properly renewed.

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1604.6 PREGNANT INMATE RIGHTS

- (a) Pregnant inmates shall be advised in writing by CHS of the rights afforded to them, which include but are not limited to the following:
 - 1. Childbirth and infant care education.
 - 2. Health information related to diet and nutrition.
 - 3. Prenatal and postpartum health care.
 - 4. Opportunity to request a review of their eligibility for termination of the pregnancy.
 - 5. For information on the OCSD policies governing the use of leg restraints, waist restraints, handcuffs and other restraints placed on pregnant inmates. Refer to [CCOM Section 1800.1\(d\) - Pregnant Inmates](#).
 - 6. Pregnant inmates are entitled to a determination of the extent of the medical and surgical services needed and to the receipt of such services from the physician, nurse practitioner, certified nurse midwife, or physician assistant of their choice. Any expenses for the services of a physician, nurse practitioner, certified nurse midwife or physician assistant whose services are not provided by Correctional Health Services will be the responsibility of the inmate.
- (b) Upon confirmation of a pregnancy, CHS shall provide the inmate with an acknowledgement form (Pregnant Inmate Information form) advising them of the rights afforded to them. The signed form shall be placed in the inmate's health record.
- (c) If an inmate refuses to sign the acknowledgement form, the staff member providing the form shall write "refused" above the inmate signature line.
- (d) If a custody staff member is informed of a pregnancy or believes an inmate may be pregnant, the staff member shall immediately refer the inmate to CHS for medical evaluation. CHS shall provide the inmate with a "Pregnant Inmate Information" form. This form shall be provided even if the pregnancy has not yet been confirmed.
- (e) Pregnant inmates shall be offered comprehensive and unbiased options counseling that includes information about prenatal health care, adoption and abortion. This counseling shall be furnished by a licensed health care provider or counselor who has been provided with training in reproductive health care and shall be nondirective, unbiased, and noncoercive. Jail staff shall not urge, force or otherwise influence a pregnant inmate's decision. Nonmedical jail staff do not have the authority or discretion to decide if a pregnant inmate is eligible for an abortion.
- (f) Pregnant inmates housed in multitier housing units shall be assigned lower bunk and lower tier housing.
- (g) In Custody and Court Operations, inmates known to be pregnant shall not be tased, pepper sprayed or exposed to other chemical weapons (Penal Code § 4023.8(h)). Correctional Health Services shall evaluate inmates for pregnancy upon intake and follow-up as needed. Inmates medically confirmed to be pregnant will be issued pink pants and are required to wear them while in custody. Deputies may rely on the inmate's clothing to determine whether an inmate is pregnant.

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- (h) A pregnant inmate may elect to have a support person present during labor, childbirth, and during postpartum recovery while hospitalized. The support person may be an approved visitor who is designated to assist with prenatal care, labor, childbirth, lactation, and postpartum care.
 - 1. For more information about a support person, refer to [CCOM Section 1902.6 - Special Visits for Inmates](#).
- (i) A pregnant inmate in labor and delivery shall be given the maximum level of privacy possible during the labor and delivery process. If a Deputy is present, they shall be stationed outside the room rather than in the room absent extraordinary circumstances. If a Deputy must be present in the room, the Deputy shall stand in a place that grants as much privacy as possible during labor and delivery. The Deputy shall be removed from the room if a professional who is currently responsible for the medical care of a pregnant inmate during a medical emergency, labor, delivery, or recovery after delivery determines that the removal of the Deputy is medically necessary.
- (j) The rights provided by Penal Code sections 4023.6, 4023.8 and 4028 shall be posted in all holding cells at the Intake Release Center as well as the dayroom areas in all housing facilities.

1604.7 LACTATING INMATES

1604.7.1 PURPOSE

To establish a policy as required by Penal Code section 4002.5 to allow inmates who are lactating access to a breast pump for the purpose of expression of milk to relieve discomfort, to maintain milk supply for their infant or toddler, and/or to prevent infection.

1604.7.2 POLICY

County Health Care Agency (HCA), Correctional Health Services (CHS) has established a program, which allows a lactating inmate the ability to express, store, dispose of, arrange transportation for, and provide proper handling instruction for breast milk.

Information regarding the lactation program shall be posted in all locations in the jails where medical care is provided for female inmates. The provisions of the lactation program shall be communicated to all staff who interact with or oversee pregnant or lactating inmates.

1604.7.3 PROCEDURE

A lactating inmate, who desires to maintain lactation to supply breast milk for their infant or toddler, will be permitted to do so during their incarceration. Inmates who wish to discontinue lactation or has been removed from the program by a CHS prescriber will be provided access to a breast pump for the purpose of preventing discomfort and/or to prevent infection.

- (a) Screening for Lactating Inmates
 - 1. CHS will screen female arrestees upon entry to determine if they are postpartum and breastfeeding.

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2. Admittance to the program may be denied only if, in the professional medical opinion of a CHS prescriber it will not be possible to provide milk that is safe for an infant's consumption while maintain the health of the mother.
 3. Lactating inmates with positive urine drug screen results will be referred to the OB/GYN prescriber to determine continuance in the program.
 4. Manual breast pumps will be kept on person (KOP), made readily available, and may be used when electric pumps are not available.
- (b) Correctional Health Services (CHS)
1. CHS will provide the proper education and instruction to safely and effectively collect, store, and/or dispose of the inmate's breast milk.
 2. CHS will provide instruction on the procedure for the inmate to arrange the pick-up of their breast milk.
 3. CHS will ensure the required documentation and forms are completed by both the inmate and the designated caregiver.
 4. CHS will provide the necessary equipment for the inmate to collect their breast milk.
 5. CHS will properly store the expressed milk in a designated freezer as soon as it is collected from the lactating inmate.
 6. CHS will be responsible for coordinating the exchange of breast milk with a designated caregiver.
 7. The exchange of breast milk will take place at the IRC or Theo Lacy Visiting area depending on the housing of the lactating inmate.
- (c) Sheriff's Personnel
1. If a custody staff member is informed of an inmate's desire to maintain lactation or to stop lactation, the staff member will refer the inmate to CHS for medical evaluation or advise the inmate to fill out an "Inmate Health Message Slip" to notify CHS of their request. For more information about referring an inmate to CHS, refer to [CCOM Section 2100.5 - Areas of Responsibility/Goals - Sheriff's Department](#).