

## Propria Persona (Pro-Per)

### 7101.1 PROPRIA PERSONA (PRO-PER)

- (a) Pro-Per inmates are those whom the court has authorized to represent themselves in a criminal proceeding. Pro-Per privileges are extended only to 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 in the Orange County Superior Court or an adjacent County Superior Court 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, refer to CCOM Section 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, refer to CCOM Section 1600.2(m) - Property, 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 or security risk that must be eliminated.

# Orange County Sheriff-Coroner Department

## Custody and Court Procedures Manual

### *Propria Persona (Pro-Per)*

---

5. In the event jail staff must intervene to reduce the amount of material in a Pro-Per inmate's cell, the removal of items from the cell shall be video recorded. 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 Section 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) An inmate's Pro-Per status shall automatically terminate upon sentencing (unless specifically extended by order of the court).
  - (f) 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.
  - (g) 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.
  - (h) 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 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.
  - (i) 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

# Orange County Sheriff-Coroner Department

## Custody and Court Procedures Manual

### *Propria Persona (Pro-Per)*

---

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, refer to CCOM Section 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 inmate is given the opportunity to establish that they are 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.