

<b>DATE:</b>	JANUARY 28, 2016
<b>NUMBER:</b>	N.8
<b>SUBJECT:</b>	REVOCAION OF PRO PER PRIVILEGES
<b>RELATED SECTIONS:</b>	<a href="#">N.7</a> , <a href="#">O.1</a>

**PURPOSE**

To establish procedures for the revocation of an inmate's *pro per* privileges when necessary for the safety and security of the facility.

**POLICY**

An inmate who has been granted *pro per* status by the court, on a case where he or she is facing criminal charges or challenging the conditions of their confinement, will be granted a hearing before jail staff revokes the inmate's *pro per* privileges. The hearing will take place as soon as reasonably practical, but no sooner than 24 hours after the inmate is served with a "Notice of hearing."

The procedures contained herein are intended to comply with the California Supreme Court decision, *Wilson v. Superior Court of Los Angeles County*, (1978) 21 Cal. 3d 816 .

**PROCEDURE**

- I. An inmate's *pro per* privileges will only be revoked for violations of rules relating to the inmate's use of, behavior in, or transportation to, the legal research area.
- II. Staff shall revoke the *pro per* privileges of any inmate who damages property, engages in violence or threats of violence, or repeatedly demonstrates noncompliance with staff or jail rules. All revocations will be permanent. The inmate will be entitled to an immediate hearing on his or her *pro per* privileges revocation.

Revocations of *pro per* privileges will be permanent to ensure *pro per* inmates do not resort to misbehavior in the legal research area as a means of obtaining a continuance of their trial date.

- III. Any such action will be written up as a disciplinary report.
- IV. Staff shall serve the inmate with a notice of disciplinary action along with a letter notifying the inmate of the time and place of their hearing. The hearing shall take place as soon as practical, but in no event sooner than 24 hours from the time of service. The inmate's *pro per* privileges shall be temporarily suspended pending the outcome of the hearing.
  - A. The hearing described in this section shall take place in lieu of a disciplinary hearing given pursuant to DSB P&P section O.1.
  - B. The notification letter given to the inmate shall include the following:
    - 1. Notification of the Sheriff's intent to permanently revoke *pro per* privileges

2. A statement of the act(s) allegedly committed by the inmate, and the rules violated by the inmate's act(s)
  3. A description of the evidence supporting the allegations
  4. Any reports of the incident
  5. The time and date of the hearing
  6. A statement that the inmate will have the opportunity to present witnesses and documentary evidence as jail safety and security permits.
- C. The staff member serving the inmate with the notification shall ask the inmate if they wish to waive their right to a hearing. If the inmate states that they wish to waive the hearing, the inmate will be asked to sign a waiver form in the presence of two witnesses. Only inmates who sign the waiver form will be deemed to have waived their right to a hearing.
- V. The administrative lieutenant shall assign a sergeant to conduct the hearing. The hearing shall be audio recorded.
- VI. The sergeant shall review the documents given to the inmate in support of the revocation. The sergeant may question the deputy who prepared the report, as well as any other witnesses. The inmate may also question witnesses; however, the sergeant shall have the right to restrict questioning as appropriate.
- VII. The inmate may, with the prior approval of the sergeant, present other witnesses. However, the sergeant may refuse to allow the witness to be called if the value of the witness' testimony is slight, and the production of the witness would be overly burdensome.
- VIII. Within 24 hours of the close of the hearing, the sergeant shall issue a written decision either upholding or rescinding the revocation of the inmate's *pro per* privileges, and explaining the reason(s) for the decision. A copy of the decision shall be delivered to the inmate.
- IX. After the completion of the hearing process, the sergeant will send: the audio recording and copies of the hearing notice; the disciplinary action notice; the waiver form; the notification letter; the written decision of the sergeant; and, the incident report from JIMS to the administrative deputy to archive. These items will be kept together so the complete record of the hearing and all supporting documentation may be easily accessed.
- X. A decision upholding the revocation of an inmate's *pro per* privileges shall be delivered to Department 11 of the superior court – central division.
- XI. The revocation shall be entered in JIMS as a disciplinary action against the inmate.
- XII. The inmate may appeal the disciplinary findings through the procedures outlined in DSB P&P section O.1.