

DATE:	MAY 13, 2022
NUMBER:	N.7
SUBJECT:	IN PROPRIA PERSONA STATUS (PRO PER INCARCERATED PERSONS)
RELATED SECTIONS:	N.3 , N.5 , P.3 , T.7

PURPOSE

To establish uniform procedures for the treatment of incarcerated people granted in propria persona (Pro Per) status.

POLICY

All facilities will provide fair and equitable treatment for incarcerated persons with Pro Per status.

PROCEDURE

I. IN PROPRIA PERSONA (PRO PER) STATUS

- A. An incarcerated person who is granted Pro Per status by court order in a current criminal case shall receive the privileges described in this section.
- B. Pro Per privileges are granted for criminal cases only. Civil, juvenile and family law cases are not eligible for Pro Per privileges but may be granted Pro Per status by the court.
- C. Pro Per privileges will terminate upon sentencing or the conclusion of their conditions of confinement case in the trial court.
- D. The detention processing technician (DPT) receiving the court order will make three copies of the order and distribute one to the facility correctional counselor, one to the watch commander and one to a Jail Population Management Unit (JPMU) sergeant at the San Diego Central Jail (SDCJ). JPMU will enter the Pro Per status into the Jail Information Management System (JIMS). The watch commander is authorized to suspend any of the Pro Per rights herein ordered for cause.
 - 1. The Sheriff or designee shall immediately notify the court of any suspension or limitation of any of the described privileges.
 - 2. The incarcerated person may appeal to the facility commander. If not satisfied, the incarcerated person may petition the court, which may in turn order a hearing to determine if the suspended privileges shall be restored.

II. PRO PER SUPPLIES

- A. The following items will be furnished by the Sheriff's Department or appointed legal assistants at the discretion of the correctional counselor. Regardless of their origin, any supplies given to a Pro Per incarcerated person shall be distributed and accounted for by the correctional counselor. These items may be possessed by the Pro Per incarcerated person in reasonable quantities.

1. Pleading paper, 8 ½ x 11 (up to ½ ream at any one time)
 2. Ruled legal pads
 3. Standard legal-size envelopes
 4. Golf pencils, lead black
 5. Erasers
 6. One legal size accordion file
 7. 9 x 12 manila envelopes (for prepared mailings only)
 8. Access to the legal research area
- B. Replacement of any of the items listed above shall be accomplished through a written request to the correctional counselor. The correctional counselor will determine the validity of the request and furnish the appropriate supplies. Supplies provided by legal assistants will be received and distributed by the correctional counselor. All supplies given to the incarcerated person will be logged by the correctional counselor in a Pro Per file. Any supplies that are in addition to what is supplied by the Sheriff's Department must be accompanied by a court order and supplied by Office of Assigned Counsel (OAC).
- C. Access to ball point pens will be provided through the correctional counselor for signature purposes only. The correctional counselor will provide the pen and supervise its use. The pen will be returned to the correctional counselor immediately after all the necessary ink signatures are completed.
- D. The correctional counselor will duplicate one copy of an incarcerated person's final legal (criminal case) work product when ready to mail. If the incarcerated person needs additional copies made, the incarcerated person will arrange for a legal assistant to have it completed for them. Incarcerated people may purchase their own legal books to assist them in researching their case (refer to Detention Services Bureau Policies and Procedures section P.3 for additional information regarding personal books). Personal books must be marked with the incarcerated person's name and booking number. Any books not authorized to be in the incarcerated person's possession in their cell or housing module will be stored in the correctional counselor's office and can be checked out for use during regular legal research area hours.

III. LEGAL RUNNERS, INVESTIGATORS, AND/OR LEGAL RESEARCH AIDS

- A. Each Pro Per incarcerated person in a criminal case may be authorized a legal runner/paralegal, investigator and/or a person authorized to aid them, none of which shall be at the expense of the Sheriff's Department, and each of whom is subject to approval by the court. All appointed assistants, except the legal runner/paralegal, should be named specifically in the Pro Per court order.

B. Procedures for visiting with a Pro Per incarcerated person.

1. Visits will be conducted utilizing the social visit phone system. Contact visits may be approved by the watch commander for special circumstances (this does not include attorneys).
2. Each appointed assistant is subject to security clearance by the Sheriff's Department.
3. All combined appointed assistants shall be authorized not more than one visit each day between the hours of 0730-2100 hours.
4. Additional visits per day may be approved by the watch commander by submitting an incarcerated person request form to the watch commander prior to the visit.
5. Visits shall be reasonable length (one hour maximum).
6. It is the Pro Per incarcerated person's responsibility to plan and coordinate which assistant will visit on a particular day. The detention facility will process assistants on a first come, first served basis.

C. Materials brought to the detention facility by the legal runner will be examined by Sheriff's personnel for security reasons and shall be routed through the correctional counselor for logging and distribution.

1. The supplies shall be examined by a deputy insofar as it is necessary to determine that it is authorized and not a security concern.
2. All reference materials and texts delivered to the Pro Per incarcerated person will be logged by the correctional counselor in the incarcerated person's Pro Per file.

IV. COMMUNICATION, TELEPHONE, MAIL, AND SUBPOENA PRIVILEGES

A. Telephone

1. Pro Per incarcerated people may use the phones in their housing areas to place calls concerning their cases.
2. Calls to the OAC can be made at no cost utilizing the speed dial number on the housing unit incarcerated person telephone. All other calls will be made using collect or debit telephone calling options at the called party's or incarcerated person's expense. Abuse of the telephone may result in the loss of telephone privileges.

B. Mail

1. Pro Per incarcerated people are authorized to mail all correspondence necessary for their defense, at their own expense. The housing deputy or Pro Per deputy will examine the mail in the same manner as regular legal mail.

2. Legal mail must be clearly identified by the incarcerated person as “legal mail” or “confidential.” Correspondence with the state or federal courts, any member of the State Bar or holder of public office, Citizens Law Enforcement Review Board (CLERB), Internal Affairs, Office of the Sheriff, the Board of State and Community Corrections (BSCC), and Prison Rape Elimination Act (PREA) auditors are considered confidential/legal mail.
3. Indigent Pro Per incarcerated people may send legal mail to the courts or their attorney at no cost by submitting it to the correctional counselor.
4. Certain mail for other county offices may be sent via inter-office county mail without postage.

C. Subpoenas and Habeas Corpus forms

1. Subpoenas and habeas corpus forms shall be supplied to the Pro Per incarcerated person by the correctional counselor following the Pro Per rules and regulations guidelines.
2. Other legal forms may be obtained by the Pro Per incarcerated person by writing to the appropriate court.
3. Legal forms filled out by the incarcerated person shall be forwarded to the trial court via the legal runner.

V. LEGAL RESEARCH AREA

Legal research area operational hours should be utilized to ensure maximum access for Pro Per incarcerated people but also supportive of detention facility security needs. This legal research area time will allow access to the computers and research kiosks and available materials for legal research purposes only.

A. Assigned or Designated Male Pro Per incarcerated people

1. Assigned or Designated Male Pro Per incarcerated people will generally be housed at SDCJ giving them access to the legal research area.
2. Monday through Thursday, mainline Pro Per incarcerated people will be afforded between forty-five minutes and two hours of legal research area time depending upon the number of Pro Per incarcerated population.
3. Pro Per incarcerated people will generally be given three hours per week of legal research area time, subject to reduction if increases in the Pro Per incarcerated person population require that the hours be reduced in order to accommodate the increased population.
4. Pro Per incarcerated people assigned to protective custody or administrative separation housing will be provided access to the legal research area with only those limitations to ensure for the incarcerated person's safety and need to be isolated from other incarcerated population.

B. Assigned or Designated Female Pro Per incarcerated people

1. Assigned or Designated Female Pro Per incarcerated people will be housed at the Las Colinas Detention and Reentry Facility (LCDRF).
2. LCDRF has one designated legal research area and one research kiosk. This legal research area is located in the library building. Incarcerated people assigned to housing units that are allowed to walk unescorted throughout the facility will have access to the legal research area located in the library. Incarcerated people assigned to housing units requiring escort throughout the facility will use one of the assigned rooms located within their housing unit. Counseling staff will consult with the watch commander to establish which of the rooms within the housing unit should be utilized as the legal research area.
3. Pro Per incarcerated people will be given a minimum of three hours per week access to the legal research area. A schedule for usage of the legal research area will be made by the counseling staff based off of the number of Pro Per population in the facility.

VI. HOUSING AND MISCELLANEOUS

- A. Pro Per incarcerated people shall be housed in regular housing that is compatible with their classification status.
- B. The correctional counselor will keep a log for each Pro Per incarcerated person. The log will have a copy of the court order and will list supplies furnished, phone calls completed, special requests approved, etc. Incarcerated person request forms from Pro Per incarcerated people requesting additional items will be forwarded to the correctional counselor for review. The Pro Per deputy will review the request for safety and security issues.