

ALAMEDA COUNTY SHERIFF'S OFFICE DETENTION AND CORRECTIONS POLICY AND PROCEDURE	NUMBER: 18.19	PAGES: 1 of 3
	RELATED ORDERS: ACA 4-ALDF-6A-01, 6A-02, 6A-03 MJS 1063, 1064, 1066 P&P 17.01	
	ISSUED DATE: August 23, 1991	
	REVIEW DATE: November 22, 2016	
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CHAPTER: Inmate Services	SUBJECT: Pro-Per Inmates	

- I. **PURPOSE:** To set facility standards to ensure staff consistency in handling inmates designated with the status of "In Propria Persona" (Pro-Per) by the courts; including legal publications and legal materials provided to them. This policy will refer only to inmates designated pro-per on the criminal charges that are pending or currently holding them in custody.
- II. **POLICY:** Pro-per inmates are granted certain privileges by the court. These privileges, outlined in this section, have been approved by the Superior Court. All pro-per inmates shall be granted:
- A. The ability to access the courts while incarcerated.
 - B. Access to counsel and assistance in making confidential contact with attorneys, authorized employees of attorneys, court appointed licensed private investigators, and court ordered expert witnesses; contact includes, but is not limited to, telephone communications that are reasonable and equitable, uncensored *written* correspondence, and visits.
 - C. Access to legal materials and free legal assistance to help with criminal, civil, and administrative legal matters.
 - D. The ability to communicate or correspond with persons or organizations, subject only to limitations necessary to maintain order and security.
 - E. Access to the same programs and services, i.e., social services, religious services, recreation, and leisure activities as general population inmates, unless restricted by their classification.
 - F. If classified into special management housing units, access to the aforementioned privileges unless restricted by safety or security issues.
- III. **DEFINITION: IN PROPRIA PERSONA:** In one's own person. For the purpose of this section, an inmate is in "Propria Persona or Pro Se Status" only if acknowledged by a court to be appearing in a specific criminal action without counsel.
- IV. **PROCEDURE:**
- A. Pro-per inmates will be housed according to their classification requirements.
 - B. NOTIFICATION:

1. Court disposition clerks will notify the records' deputy when an inmate becomes pro-per.
 2. The records' deputy will notify Classification and Inmate Services.
 3. If an inmate believes they are in pro-per status, the inmate can request by inmate message request slip addressed to Inmate Services, verification of their pro-per status. Once verified by the court, the inmate will be added to the pro-per list.
 4. A current pro-per list will be maintained by the Inmate Services' administrative deputy.
 5. When an inmate no longer has a pro-per status, the disposition clerk and records' deputy will make the proper notifications. The inmate's name will be removed from the pro-per list.
- C. SUPPLIES: Pro-per inmates may purchase legal supplies through commissary. A price list of available items will be given to the pro-per inmate by the Inmate Services Administrative Deputy. No outside materials will be delivered to an inmate. Indigent pro-per inmates may request:
1. One legal pad
 2. Plain paper - maximum thirty pieces
 3. Pleading paper - 8.5 x 11 - a maximum of thirty pieces
 4. One file folder - 8.5 x 11
 5. Four white legal envelopes
 6. Envelope – 9x 12 to hold documents only, not for mailing purposes
 7. Indigent supplies will be provided free of charge
 8. Indigent inmates may request supplies on a monthly basis
 9. Indigent Pro-per supplies shall be listed on a pro-per order form which must be signed by the inmate upon delivery of supplies. To re-order supplies, the inmate must complete and submit another order form to Inmate Services.
 10. Signed order forms will be maintained by the Inmate Services' administrative deputy as documentation of the transaction.
 11. All supplies will be maintained, inventoried, and ordered by Inmate Services' administrative deputy as needed.
- D. COURT ORDERED APPEARANCES, INVESTIGATORS, AND PARALEGALS: The right of access to the courts minimally provides that inmates have the right to present any issue, including: challenging the legality of their conviction or confinement, seeking redress for illegal conditions or treatment while under correctional control, pursuing remedies in connection with

civil/legal problems, and asserting against correctional or other governmental authority any other rights protected by constitutional or statutory provision. Inmates seeking judicial relief shall not be subjected to reprisals or penalties because of the decision to seek such relief.

1. In most cases, the court appoints/orders an investigator, paralegal, or legal runner to assist the inmate with legal issues, in addition to appearing in court.
 2. When legal assistants are ordered/appointed by the court, the following shall apply:
 - a. Only approved legal assistants will be named on the court order.
 - b. All interviews will be non-contact, and the hours of visits should be similar to those granted attorneys.
- E. TELEPHONES AND USAGE: Pro-per inmates with pending criminal trials and/or who have court orders for telephone calls will have access to the pro-per telephone. The inmate may have access to the telephone for a total of two hours in a seven day period, unless the court orders otherwise. The calls will be at the expense of the inmate. Calls by indigent pro-per inmates will be non-collect, free calls.
1. Glenn E. Dyer Detention Facility: Telephones are located in visitor booth #5 on all housing floors. A cordless non-collect telephone may be used, if available.
 2. Santa Rita Jail: Telephones will be stored in housing control. Upon request, the telephone will be placed in the contact visiting room, upstairs, in the housing unit.
- F. LEGAL MAIL:
1. **Outgoing:** Pro-per inmates shall be permitted to send sealed letters to a specified class of persons and organizations, including, but not limited to, courts, counsel, officials of the confining authority, state and local chief executive officers, administrators of grievance systems, and members of the paroling authority. All postage will be at the inmate's expense. Indigent inmates may submit their outgoing legal mail to Inmate Services. Indigent Pro-per legal mail will be sent to the mail room by Inmate Services' staff, after verification of pro-per status, where it will be metered, posted, and mailed by mail room staff.
 2. **Incoming:** Mail received by pro-per inmates from this specified class of persons and organizations may be opened only to inspect for contraband, and only in the presence of the inmate, unless waived in writing. All other mail will be handled pursuant to Detention and Corrections' Policy and Procedure 17.01, "Inmate Correspondence and Mail Regulations."