

ALAMEDA COUNTY SHERIFF'S OFFICE DETENTION AND CORRECTIONS POLICY AND PROCEDURE	NUMBER: 18.21	PAGES: 1 of 3
	RELATED ORDERS: ACA 4-ALDF-6A-01, 6A-02, 6A-03 P&P 16.01, 17.01, 17.04, 18.19	
	ISSUED DATE: July 12, 1996	
	REVIEW DATE: September 28, 2016	
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CHAPTER: Inmate Services and Programs	SUBJECT: Legal Assistance Program	

- I. **PURPOSE:** To ensure statutory inmate access to the courts and legal counsel, and to describe the Legal Assistance Program and services available to inmates.
- II. **POLICY:** All inmates have a constitutional right of access to the courts; including, but not limited to, the pursuit of civil remedies, challenge of the legality of conviction or confinement, seeking redress for illegal conditions or treatment while under correctional control and assertion of rights protected by constitutional or statutory provision or common law, including the right of access to legal counsel. To facilitate this access, a Legal Assistance Program will be provided.
- III. **DEFINITIONS:**
- A. **LEGAL ASSISTANCE PROVIDER:** A contracted service provided by the Sheriff's Office to meet the objectives of providing legal assistance.
- B. **LEGAL ASSISTANCE PROVIDER AGREEMENT:** When the legal assistance provider is secured by contract, the Sheriff shall develop an agreement which is designed to meet all program objectives outlined in the attachment.
- IV. **PROCEDURE:**
- A. **INMATE NOTICE OF SERVICES:** Inmates are advised of the program as follows:
1. Upon intake and housing in the facility, all inmates are provided with a copy of the "Inmate Rules and Information." Information regarding the Legal Assistance Program is included.
 2. The legal assistance provider will prepare an information video, which will be shown to the inmates on a regular weekly schedule. The Inmate Services' recreation supervisor will ensure that the video is shown as indicated.
 3. The legal assistance provider shall review the "Inmate Rules and Information" video on a regular basis to ensure accuracy.
- B. **INMATE ACCESS TO LEGAL COUNSEL:** Inmates shall be granted confidential access to

their legal representatives and shall be afforded uncensored correspondence and telephone communications with the representatives pursuant to Policy and Procedure 17.01, "Inmate Correspondence and Mail Regulations", and 17.04, "Inmate Telephones."

1. Attorneys may visit their clients during regular visiting hours.
 2. Special visits with attorneys in designated attorney visiting areas may be arranged with 24-hours prior notice.
 3. Court ordered attorney visits shall be accommodated by staff at the earliest opportunity requested by the designated attorney within the confines of security and safety of the facility and staff.
 4. Inmates needing assistance contacting attorneys, a legal representative, or establishing confidential contact with their attorney and/or legal representatives shall be assisted by Inmate Services.
 5. Pursuant to the service contract between the Alameda County Sheriff's Office and the legal assistance provider, the legal assistant is not allowed to give legal advice.
- C. INMATE ACCESS TO LEGAL MATERIALS: Any inmate desiring legal assistance must complete a specialized request form directed to the Inmate Services' Legal Assistance Program.
1. Legal materials are available for purchase through commissary. Inmates may have access to copy services and other services related to legal matters as administered by the Inmate Services' Unit.
 2. The request form shall be available to all inmates upon request. Inmate Services is responsible for ensuring that request forms are available.
 3. Any inmate unable to complete the form due to illiteracy, communication difficulties, language barriers, etc., may ask staff to help facilitate the request via the "Point Book," LionBridge.
- D. RESPONSE: The legal assistance provider's specific response shall be at his/her sole discretion within the bounds of the Scope of Service attachment contained in the legal service provider's contract and associated regulation and law. Additionally, the legal assistance provider will:
1. Coordinate and process inmates' requests for legal assistance.
 2. Answer all inmate specialized request forms, make available appropriate legal material, and respond to inmates in their housing units within ***five (5) business days of the request being received by Inmate Services, unless the fifth day falls on a weekend or holiday, at which point, the answer will be provided on the next business day.***
 3. Decide the priority of requests in a manner to give preference as may be required to issues involving:

- a. Pro-per inmates
- b. Time constraints/deadlines
- c. Type of request

E. SPECIAL CONSIDERATIONS:

1. The legal assistance provider has the ability to restrict materials and requests for duplication when it is beyond need or reason, etc.
2. The legal assistance provider shall develop a process and form to maintain statistical data as may be necessary.
3. Inmates who are dissatisfied with the program may submit a grievance which will be reviewed and processed via the Inmate Services' operations sergeant. The grievances are to be monitored with statistical development on a regular basis.
4. Any inmate who threatens, intimidates, injures, etc., any person employed by the legal assistance program is immediately subject to criminal and/or disciplinary sanctions, including immediate suspension of legal assistance services in accordance with Policy and Procedure 16.01, "Disciplinary Procedure."

F. MISCELLANEOUS LEGAL RESEARCH SERVICES:

1. The legal research services are operated through Inmate Services.
2. Specialized message request slips shall be available to each housing floor/unit. Housing floor/unit deputies will make message request slips available to inmates, upon their request.
 - a. Inmates are required to submit a specialized message request slip stating the legal material/services they require.
 - b. Inmate Services' staff will deliver requested legal material copies to the inmate within 72-hours.
 - c. Inmates may request up to three photocopies of completed legal documents by forwarding the pertinent legal documents to Inmate Services via a Message Request form. Inmate Services shall not copy a set of documents larger than 50 pages and no inmate shall receive more than 100 copies per month.