3-10/010.00 Custody Entry Criteria for Non-Department Persons

Non-Department persons (e.g. religious clergy, education based representatives, interns, contractors, vendors, service providers, etc.) may request entry into custody facilities.

SECURITY CLEARANCE LEVELS OF ENTRY

Short Term security clearances are effective for less than seven (7) days and require an escort at all times. Short Term security clearances may be processed by each facility's Operations personnel or by the Office of Religious and Volunteer Services (RVS).

Long Term security clearances are effective for seven (7) or more days and may or may not require an escort. Long Term security clearances are generally processed by RVS and are valid for one (1) year from the date of approval. The unit or bureau sponsoring the non-Department person's security clearance is responsible for notifying RVS of any changes to the clearance and for requesting any extension of the clearance beyond the standard one (1) year period.

- Escorted clearance - must be escorted inside the jail at all times by someone who has non-escort clearance status.
- Non-Escort clearance - does not require escort inside the jail
- Attorney Room interviews/visits by persons other than court-appointed professionals, legal representatives, consulate officials, and professionals representing inmate advocate groups.

Non-Department persons with approved applications may be allowed entry into the facility of application on a daily basis, or as needed to perform their duties for scheduled religious services, education-based programs, interviews, or other approved activities.

All non-Department persons entering custody facilities are subject to a search at any time, as stated in the signed "Hold Harmless" Form.

ENTRY REQUEST APPLICATIONS

All non-Department persons requesting access into custody facilities shall submit their entry application and all required documentation, including a valid government-issued photo identification, to the sponsoring unit or bureau at least four (4) weeks prior to their first anticipated visit.

The unit's or bureau's supervisor shall sign and submit to RVS the applicant's entry request application, including information pertaining to the purpose of the applicant's organization, the scope proposed program, and/or the nature of their business.

An entry application may be denied if the applicant meets any of the following disqualifying factors:

- Is currently on Probation or Parole (County, State, or Federal)
- Is registered as a sex offender, narcotics offender, or arson offender
- Has been convicted and incarcerated in any Federal prison, State prison, or County jail within the last 7 years

- Is currently listed as a restrained person on a Protective Order/Restraining Order
- Has had an affiliation with a criminal street gang or any person of notorious reputation within the last 15 years
- Has omitted requested information, offered misstatements, lied, or provided incomplete statements on the current or any previous security clearance application
- Has active warrants or pending criminal cases
- Has used any controlled substance without a physician's prescription within the last 5 years
- Has attempted to escape or been convicted of aiding and abetting an escape from any Federal prison, State prison, or County jail
- Has a lengthy history of criminal offenses
- Has a felony conviction pursuant to Penal Code 1192.7(c) and/or; misdemeanor conviction pursuant to Penal Code 667.5(c) which may include but are not limited to:
    - Murder or Attempted Murder within the last 15 years
    - a weapons law violation within the last 15 years
    - a serious or violent felony, including charges that were considered serious or violent and or categorized as a serious or violent felony at the time of conviction, within the last 15 years, or convicted of a serious or violent misdemeanor within the last 3 years
    - possession of a controlled substance for sale within the last 15 years
    - assault on a Peace Officer/Emergency Personnel within the last 15 years
    - engaging in sexual abuse in a prison, jail, lock-up, community confinement facility, juvenile facility, or other institution (as defined in 42 U.S.C. 1997)
    - engaging or attempting to engage in sexual activity in the community facilitated by force, overt or implied threats of force, or coercion, or if the victim did not consent or was unable to consent or refuse, or been civilly or administratively adjudicated to have engaged in the activity described in this section
    - bringing a controlled substance or unauthorized item into a Federal prison, State prison, or County jail.
- Presents any safety and security concerns that warrant denying a security clearance per the unit commander's discretion.

Exceptions to the above criteria may be made by the unit commander of the facility or appropriate RVS supervisor and shall be documented in the "Background Results Form."

RVS personnel shall conduct a security clearance, orientation, and be responsible for the review and approval of all submitted "Hold Harmless Forms" pertaining to each application processed by RVS.

The Jail Entry Tracking System (JETS) contains the names of individuals who have been approved for entry into a facility and registered into its database. The JETS application shall be used in routine operations in lieu of the monthly "Approved Facility Access" list distributed by RVS. "Approved Facility Access" lists shall continue to be provided to facilities on a monthly basis for use as a backup in the event of a JETS system failure or a disruption that significantly affects facility operations.

Incomplete Applications

Incomplete applications shall be denied.

A letter shall be sent to the applicant indicating their request to enter one or more custody facilities was denied due to an incomplete application. The letter will advise the applicant that, should he or she choose to proceed with the security clearance process, a new application may be submitted at any time. When possible, the letter shall be sent by electronic mail.

Completed Applications - Access Approved

The RVS sergeant shall review completed applications and each applicant's eligibility to be granted a security clearance to the concerned facility.

If an application is approved, a letter shall be sent from RVS to the applicant, indicating their application is conditionally approved pending successful completion of an orientation. The letter shall instruct the applicant to wait for a staff member from RVS to contact them to begin the orientation process. When possible, the letter shall be sent by electronic mail.

Completed Applications - Access Denied

Any application that has been denied by the RVS sergeant shall be additionally reviewed, in its entirety, by the RVS lieutenant. As part of this review, the RVS lieutenant may consider:

- Verifiable inaccuracies in the applicant's criminal history;
- Potential operational or business need to approve the application;
- The applicant's affirmation of their commitment to a rehabilitative process;
- Whether an applicant has previously been granted access as a volunteer;
- The RVS sergeant's findings during the initial application review.

Upon consideration of relevant factors and information, the RVS lieutenant shall make the final determination of whether the application is approved or denied.

The denial of any entry application, as well as the reason(s) for the denial, shall be documented in RVS' "Background Results Form."

If an application is denied, a letter shall be sent from RVS notifying the applicant of the denial. When possible, the letter shall be sent by electronic mail. The letter must include the following information:

- A brief explanation that one or more of the disqualifying factors were the reason for denial of the application, with a specific reference to one or more of the reasons listed in the "Entry Request Applications" section of this policy. Additional information regarding the disqualification may be included at the discretion of the RVS lieutenant.
- A notification to the applicant that they may request a secondary review of their application, and in so doing, that the applicant is responsible for articulating the reasons for which the Department's denial of the application was erroneous (e.g. an error in the applicant's criminal history, evidence of rehabilitation and good conduct, etc.). The applicant's proof of an error or other justification must be communicated through written correspondence, along with relevant supporting documentation, within (10) business days of the Department's notification to the applicant. Examples of supporting documentation may

include: proof of school attendance, religious institution involvement, job training, counseling, or involvement in the community, as well as letters from the applicant's personal references, such as teachers, counselors, supervisors, clergy, parole, or probation officers.

- If the denial is based on an error in the application, a notification to the applicant that they may contact RVS to schedule either a telephonic or in-person meeting to correct the error.

Correspondence received within the (10) day period shall be processed for reassessment.

Correspondence received after the (10) day period shall generally not be accepted. However, RVS supervisors have discretion to accept and process untimely correspondence.

Applicant's Request for Secondary Review of a Denied Application

Applicants whose request to enter one or more custody facilities is denied may request, in writing, a secondary review of their application.

Upon receipt of an applicant's written request for a secondary review of the denial of their application, a second letter shall be sent to the applicant acknowledging receipt of correspondence. When possible, the letter shall be sent by electronic mail.

The Inmate Services Bureau (ISB) unit commander shall conduct the secondary review of denied applications and make the final determination on whether to overturn the initial denial of the application. Factors to be considered as part of the secondary review process are:

- All information and relevant documentation submitted by the applicant as part of their request for secondary review
- Verifiable inaccuracies in the applicant's criminal history
- A potential operational or business need to approve the application
- The applicant's affirmation of their commitment to the rehabilitative process
- Whether an applicant has previously been granted access as a volunteer
- Findings from the RVS sergeant and lieutenant during the initial application review.

The unit commander, based on the totality of the information reviewed, may confirm the initial denial of the application or decide to approve the application.