

5-23-061 Law Library and Operating Procedures for Pro Per Inmates



PURPOSE OF ORDER:

The purpose of this order is to establish procedures for the Law Library and the handling of inmates who have been granted propria persona (pro per) status by the court.

SCOPE OF ORDER:

This order applies to all personnel assigned to and/or working at Men's Central Jail (MCJ).

ORDER:

The Law Library shall provide inmates with access to legal resource materials. Use of the Law Library is restricted to inmates who have been granted pro per status and related privileges by the court or granted limited access by the Legal Unit. Inmates requesting use of the Law Library shall submit an "Inmate Request Form to gain access to use the Law Library. Inmates classified as general population or high security may receive access in accordance with this order. Access is granted on a request-by-request basis.

Access

General population inmates who have been granted pro per status shall access the Law Library in

[REDACTED TEXT], [REDACTED TEXT]. High security inmates shall utilize the Law Library located in [REDACTED TEXT].

The Law Library shall operate seven (7) days per week and personnel shall provide pro per inmates no more than **two (2) hours** per day in the Law Library. The Law Library time limit shall be strictly enforced. Any modifications to the scheduled time limit shall be approved by the Legal Unit sergeant or floor sergeant. A rotating schedule has been established by the Legal Unit designating inmates to a particular group and time slot based upon safety, security, and efficiency of the Law Library. High security inmates shall be assigned a group designated by the Jail Liaison Unit. **!**

This schedule shall be posted in each floor control booth and housing areas which house pro per inmates. Schedules for pro per inmates can be requested from the Legal Unit.

It shall be the responsibility of the floor supervisors assigned to any floor that houses pro per inmates to ensure they are escorted by floor personnel to and from the Law Library in accordance with this schedule.

It shall be the responsibility of the pro per inmate to know their scheduled Law Library time.

Tracking of Law Library Time

To ensure the Law Library usage is properly documented, the electronic-Uniform Daily Activity Log (e-UDAL) shall be used to document and track each inmate's Law Library usage.

Escorting personnel shall count all the inmates who enter the Law Library and enter that information into the e-UDAL.

If an inmate **refuses** to use the Law Library, the following shall be documented:

- Module personnel shall note in the e-UDAL all inmates who refused their Law Library time.
- The reason the inmate refused (e.g., sick, not needed, etc.).

The records tracking Law Library usage shall be maintained for a period of five (5) years.

Law Library Module Procedures/Rules

Personnel assigned to the Law Library module shall adhere to the following procedures:

Ensure the Law Library is cleaned as time permits. Cleaning of the law libraries shall only be performed by the assigned inmate workers.

- Court orders or special requests presented by an inmate shall be verified by the Legal Unit.
- Food or drinks are not permitted in the Law Library.
- Title-15 safety checks shall be conducted every thirty (30) minutes or as required by Custody Division Manual section 4-11/030.00, "Inmate Safety Checks" and logged into the e-UDAL.
- Provide for the care and well-being of all inmates within their area of responsibility.
- The floor supervisors, Legal staff, and the Jail Liaison Unit shall immediately be made aware of potential or pending conflicts or problems within the Law Library groups.

- Take reasonable steps, including temporary suspension of Law Library access, to preserve jail security.
- Floor supervisors shall **immediately** be made aware of any suicidal ideations, threats, or security issues by inmates within the Law Library.

Inmates who fail to comply with the following shall be **removed** from the Law Library. Inmates who are removed from the Law Library because of inappropriate behavior shall be escorted back to their housing location and documentation shall be made stating the violations that were committed by the inmate. Continued violations may result in disciplinary action or possible loss of pro per status or pro per privileges.

- Use of the Law Library is restricted to legal research and/or telephone calls directly relating to the inmate's case. It is **not** to be used for exercise, recreation, or any other non-legal purpose.

Legal Forms Used in the Law Library

The following is a list of legal forms that shall be kept in adequate supply for distribution in the Law Library. Inmates may **not** file more than **one (1)** form at a time. Forms not

provided may be obtained and given to the inmate by their investigator. Law Library module officers may answer general questions concerning Department forms but **shall not** provide any assistance in filling out or answering procedural questions for any writ, subpoena, or other legal forms.

1. **Witness Request Forms** (Sheriff's Form PPO 39)
2. **Telephone Account Form** (Sheriff's Telephone Form)
3. **Own Recognizance (OR) Form** (Sheriff's OR Form)
4. **Subpoena** -Application Subpoena Duces Tecum Criminal, and Superior Court. (Legal Form RC

005)

5. **Petition for Writ** (Legal Form MC-275)

Pro Per Privileges

Pro per inmates are granted some privileges **not** generally afforded to other inmates. These privileges are set forth by the Superior Court in Court Rule 8.42. Questions concerning pro per inmates, or their privileges, shall be referred to the Legal Unit.

Suspension of Pro Per Privileges

An inmate's pro per privileges may **not** be restricted, suspended, or terminated as a concomitant of jail discipline or administrative segregation without due process and a Wilson hearing. This hearing shall be conducted by the Legal Unit.

Suspension of Privileges in Emergency Situations

In an emergency situation, immediate suspension of pro per privileges may be granted based on the decision of the Legal Unit sergeant and/or watch commander. Immediate notice (as soon as practical under the circumstances) shall be provided to the court specifically stating the privileges restricted and the emergency justifying the action.

Suspension of Privileges for Medical or Psychiatric Necessity

Privileges may be temporarily suspended based upon the determination of the inmate's treating physician or psychiatrist if the inmate's pro per status will endanger the health and welfare of the pro per inmate. Suspensions shall only last as long as medically necessary. Notification and the reason for the suspension shall be provided to the courts immediately.

Suspension of Privileges Due to Natural Disaster

The unit commander may temporarily suspend any provision outlined in Court Rule 8.42 during a natural disaster or other emergency situation.

Expiration of Pro Per Privileges

An inmate's pro per privileges shall be terminated upon sentencing. Additional requests for pro per status after sentencing shall be made to the trial court sentencing the inmate. If the inmate has more than one case, the Legal staff shall determine the housing placement of the inmate and notify the concerned housing location.

Inmate Complaints or Grievances Regarding Pro Per Privileges

All complaints or grievances concerning pro per privileges shall be forwarded to the Legal Unit for disposition. All complaints concerning general jail procedures and activities shall be handled in accordance with standard inmate complaint procedures.

Legal Material

Pro per inmates shall be allowed to retain **personal** legal books and papers within their respective cells. Although there is no limit to the amount of legal material that can be retained, the required observance of fire regulations and/or other hazards may justify limits on an inmate's legal property. Excess legal material, when taken from the inmate, shall be placed in the inmate's bulk storage, or released to the person designated by the pro per inmate. Legal staff should be notified for approval prior to removing excess material from a pro per inmate's cell.

Pro per inmates are not allowed to have in their possession CDs, DVDs, video audio tapes, or any electronic device. All legal material that is contained in this format shall be viewed in the attorney room utilizing a laptop computer provided by the pro per inmate's investigator. The investigator shall be present during the viewing of the CD, DVD, video, and/or audio tapes. If material provided on the CD, DVD, video, and/or audio tape

runs in **excess of forty (40) minutes**, the investigator must make **prior** arrangements with the Attorney Room requesting the amount of time needed to view all material on the CD, DVD, video, and/or audio tape.

Cell and Property Searches

Searches of a pro per inmate's cell or property shall be conducted in the presence of a sergeant and video recorded. Pro per inmates, absent emergent circumstances, shall

be present and allowed to observe any search of their property or cell. The pro per inmate should stand at a reasonable and safe distance outside of the cell during the search and may be handcuffed. Officers may search all areas of the cell including the inmate's legal material but must limit the search of legal material to an inspection for physical contraband. Legal material shall not be read by the searching deputy.

Caution shall be exercised to ensure legal materials are neither damaged nor destroyed. -

At the conclusion of the search, the sergeant shall ask the inmate if any legal material has been lost or damaged. The inmate's reply and the identity of those present shall be noted on the video. The sergeant shall forward the video to the Legal Unit for proper storage and documentation.

Searches conducted of a pro per inmate's cell or property prior to moving the inmate to another cell location shall require the direct supervision of a sergeant and the movement shall be video recorded absent emergent circumstances. If an emergent movement is conducted, the inmate shall be asked if any legal materials have been lost or destroyed as outlined above and immediate notification shall be made to the sergeant.

Any search of a pro per inmate's cell outside of their presence shall have a sergeant present and be recorded. A memo shall be completed, directed to the Legal Unit, detailing the search and stating what contraband, if any, was discovered.

Court Orders

Court orders are not accepted from inmates. All court orders must be received directly from the court to the Legal Unit. Court orders that conflict with jail procedures or security may be confirmed with the court by the Legal staff.

Housing Assignments

General population pro per inmates shall be housed in [REDACTED TEXT]. Restrictive housing pro per inmates shall be housed in [REDACTED TEXT]. Protective custody inmates will remain in their current housing locations as determined by their classification. Pro per inmates housed in the Hospital will remain there until they are medically cleared. Due to the presence of sensitive legal materials, no other inmates are allowed to visit or socialize with pro per inmates inside of their cells.

Telephone Calls

All telephone calls will be made at the inmate's expense, unless the inmate is deemed indigent, in which case the court may supply them with funds. Only outgoing phone calls directly related to the inmate's case are permitted in the Law Library. The telephones in the Law Library are available during library time only and can be used for collect calls or phone account calls. Pro per inmates are entitled to normal (non-legal) telephone access outside the Law Library.

Investigators

Interviews with state-licensed investigators may be conducted in the Attorney Room, Visiting area, or Hospital area during normal hours of operation. Interviews shall not be restricted in duration. Interviews conducted in the Attorney Room shall **not** be conducted in a private booth. Exceptions to any of the above may be made upon receipt of a court order specifically stating what is allowed.

Legal Runners

Pro per inmates may utilize the services of a legal runner under the guidelines of the Los Angeles Superior Court rules 8.42 (4), Legal Runner and Legal Visits, which states the legal runner must be a current member of the Los Angeles Superior Court's Private Investigator Panel designated as eligible to assist pro per criminal defendants. -

Witnesses

There is no limit to the number of witnesses a pro per inmate may have. Only witnesses approved by the court and verified by the Legal staff may have a legal visit. Approved witness lists shall be sent to Visiting personnel by the Legal Unit. Witnesses verified by Legal staff may be interviewed by the pro per inmate during normal visiting hours. The interview shall be limited to one (1) per day and shall not exceed thirty (30) minutes. The time allotted for witness interviews shall not be extended and cannot be combined with time periods allotted for regular visits. A prospective material witness may not perform a dual function as a legal runner for the same inmate.

Supplies and Canteen

Only legal papers belonging to the inmate and any items approved by the Legal staff may be passed through the Attorney Room. No stationary items available for purchase from the canteen may be passed through the Attorney Room. All purchases from the canteen shall be made at the inmate's expense. Pro per inmates shall receive the same access to canteen as all other inmates, in accordance with policy.

Pro per inmates shall not be permitted to possess any metal fasteners, ink pens,

markers of any type, or any other item which may present a security hazard. Items such as paper, carbon paper, pencils, and erasers may be utilized by pro per inmates. They may be provided with large envelopes as an alternative. The possession and receipt of any books by pro per inmates shall be sent directly from the publisher/bookstore and shall be subject to regular security inspections.

Indigent Supplies

Men's Central Jail (MCJ) Unit Orders : 5-23-061 Law Library and Operating Procedures for Pro Per Inmates

Upon receipt of a court order specifying that the pro per inmate is indigent, the inmate may request an indigent kit from the Legal staff. Indigent supplies consist of one (1) letter pad; ten (10) sheets of carbon paper; three (3) golf pencils; one (1) eraser; one (41) 5-pack of numbered paper sheets of carbon paper; and four (4) stamped envelopes. Indigent supplies shall be provided weekly.

Indigent funds may be deposited into the inmate's account after receipt of a court order and verification from the Legal Unit. This fund may be used for witness phone calls, additional supplies, phone calls or other needs directly relating to the inmate's case. All receipts must be retained by the inmate.

Legal Mail

Refer to Unit Order 5-10-000, "Inmate Correspondence, Including Legal Mail."

Personal Typewriters

Pro per inmates may receive and use personal typewriters and typewriter supplies. Persons dropping off a typewriter for a pro per inmate shall fill out the Typewriter Accounting form, available from the Main Lobby deputy. The typewriter and form shall be collected by Legal staff and a security inspection of the typewriter shall be made prior to it being issued to the inmate. Inmates' personal typewriters shall be secured in the plumbing access area of the Law Library. The typewriter shall be provided to the inmate upon entering the Law Library during their specified Law Library time. The typewriter shall be secured once the inmate has exited the Law Library. At no time shall a typewriter be allowed inside an inmate's cell.

Pro Per Discipline

Pro per inmates are subject to the same disciplinary action, including administrative segregation and loss of normal privileges, as all other inmates. While in the disciplinary module, the inmate shall retain all pro per privileges as set forth in the Court Rules 8.42 (i.e., Law Library time, access to telephones in the Law Library witness visits, and retention of all legal material).

Men's Central Jail (MCJ) Unit Orders : 5-23-061 Law Library and Operating Procedures for
Pro Per Inmates

Custody personnel shall ensure pro per inmates are searched upon exiting the Law Library or upon return from another area of the facility to prevent the introduction of contraband into the disciplinary module. The search shall include both the inmate's person and any accompanying papers or folders. The same care shall be exercised in searching the legal material as previously outlined under the "Cell and Property Searches" section of this unit order. Absent an emergent situation, the pro per inmate shall be present if their cell is searched while they are housed in discipline housing. Custody personnel in discipline housing units shall clearly mark a pro per inmate's cell to notify all staff that a pro per inmate is housed in that cell.

Revision Date 01/07/26

Revision Date 04/09/19

Revision Date 01/25/16

Revision Date 05/19/09

Revision Date 11/19/08

Revision Date 09/25/07

