

MARIN COUNTY SHERIFF'S OFFICE
CUSTODY DIVISION POLICY AND PROCEDURE MANUAL

CHAPTER 7 –PRO PER INMATES
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DATE
1/2/2015

PRO PER INMATES

POLICY

It is the policy of the Sheriff that inmates incarcerated in the Marin County Jail will be afforded the due process right to defend themselves in a court of law should the inmate's right to defend himself or herself be certified by the court. Due to the status Pro Per inmates have in the eyes of the court, special procedures will be used to ensure that they have adequate access to information needed to properly prepare their cases.

DEFINITIONS:

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 or civil action without counsel. (This policy will refer to PROPRIA PERSONA as Pro Per)

Advisory Counsel, investigator, paralegal, legal runner: A person assigned by the courts to assist the Pro Per inmate.

PRO PER INMATES:

Inmates certified by the court, as Pro Per, will be given priority in their requests for legal reference materials. However, Pro Per inmates will not be allowed to abuse their special status by bartering or selling their legal materials to other inmates. The privilege or Pro Per status may be modified, altered, restricted, or expanded in each individual court order.

The Bureau Commander, Administrative Lieutenant, or Operations Lieutenant is authorized to suspend all Pro Per rights herein ordered for cause. It is the responsibility of the Operations Lieutenant or designee to insure proper notice of suspension and reason is given to the courts. The inmate may appeal to the Bureau Commander. If not satisfied, the inmate may petition the court, which may in turn order a hearing to determine if the suspended privileges shall be restored. When the Operations Lieutenant has been notified by the court that an inmate has been granted Pro Per status, or when the inmate is no longer Pro Per, the Operations Lieutenant will notify the Jail's Classification Unit, who will then enter the information in the inmate's CMS management notes.

In some cases, the court may appoint/order an investigator, paralegal, or legal runner to assist the inmate with legal issues, in addition to appearing in court. All appointed assistants shall be named specifically in the Pro Per order. When legal assistants are appointed/ordered by the court, the following shall apply:

- a. Only court approved legal assistants will be named on the court order.
- b. All interviews will be non-contact, and the hours of visitation should be similar to those granted to attorneys.

- c. Any material transported to the jail by the legal assistant will be examined for security purposes by a deputy and brought to the inmate without delay.

Mail received by Pro Per inmates from the court, assigned investigator, paralegal, or legal runner may be opened only to be inspected for contraband, and only in the presence of the inmate, unless waived by the inmate in writing. All other mail will be handled pursuant to Policy and Procedure CUS-4-15: Inmate Mail.

SUPPLIES:

Pro Per inmates shall be afforded the ability to purchase supplies from commissary. Should a Pro Per inmate request a supply not available from commissary, the Operations Lieutenant, or designee must approve it. The Pro Per inmate will be charged the amount of the product from their inmate account. Indigent inmates may request pens, pencil, eraser, envelopes, legal pads, or other items approved by the Operations Lieutenant or designee. The jail reserves the right to deduct the cost of legal supplies from indigent inmate accounts should monies be deposited at a later date.

Inmates on Pro Per status may have their supplies limited based upon their inmate classification. All requests for additional supplies that are to be provided to Pro Per inmates will be addressed through the court and the Jail's Operations Lieutenant. Pro Per inmates will be required to organize their legal supplies and maintain a clean and orderly cell pursuant to the rules set forth in the Marin County Jail Inmate Handbook.

PHONE CALLS:

Pro Per inmates may use the phones provided in their housing unit to place calls concerning their case(s). All phone calls will be collect or will be billed to the inmate by prisoner services. All calls will be made at the inmate's expense unless determined to be indigent by court order. Indigent Pro Per inmates may contact the court and request funds to be placed on their inmate account for legal or case related telephone calls. No legal calls will be recorded.

COPIES:

Pro Per inmates may request photocopies be made for their case. This request will be made through prisoner services. Ten (10) cents will be charged to the inmate's account for each page requested copied. If the court has appointed an investigator, paralegal, or legal runner, photocopies will be made by those appointed to that position.

SUBPOENAS:

Blank subpoena forms shall be issued to the inmate by the court pursuant to 1326(3) PC. The inmate should request these forms while appearing in court.

WITNESSES:

Pro Per inmates may interview approved witnesses in the attorney interview rooms. These visits will be considered "confidential." The Pro Per inmate is responsible for providing the judge with the list of prospective witnesses for validation. No visit shall be permitted by a prospective witness who is currently in custody in the Marin County Jail.

RELATED STANDARDS:

Title 15, Article 6, Section 1064

Chapter 7, Section 1

Chapter 7, Section 2

Chapter 7, Section 3

Chapter 7, Section 10

DATE REVISED:

None.

By order of

RICK NAVARRO
BUREAU COMMANDER