

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

CHAPTER 7 - INMATE SERVICES

CUS - 7 - 7

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DATE

1/2/2015

LAW LIBRARY / LIBRARY

POLICY

It is the policy of the Sheriff that inmates incarcerated in the Marin County Jail will have access to legal reference materials through Legal Research Associates (LRA). LRA is a subscription service providing inmates with specifically requested legal reference materials on a timely basis. LRA will not take the place of or act as the inmate's attorney.

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)

PROCEDURE

LAW LIBRARY:

Any inmate who wishes access to legal reference materials will complete an LRA request form in the POD. The POD deputy will review the request form for legibility and clarity. The LRA request form will be forwarded to prisoner services. The original copy of the LRA request form will be assigned a tracking number, which will be logged on an LRA request form log. Prisoner services will fax the request form to LRA, noting the date and time of the fax, and keep the request in a binder, which will be maintained in the prisoner services office. LRA will return the requested legal materials to MCJ within 2-3 days, at which time it will be logged in as returned from LRA and distributed to the inmate.

Non Pro Per inmates will be allowed no more than two request forms per month. Each request form has up to five separate items on each form. If a non Pro Per inmate presents a compelling reason for additional requests for legal reference materials, they will be considered on a case-by-case basis or as ordered by the court. If a non Pro Per inmate makes more than two requests per month and does not present a compelling reason for the additional requests, then he/she will be charged the per sheet cost that LRA charges for the reference materials. The charges will be deducted from the inmates account and placed in the Inmate Welfare Fund. Inmates with legal representation (public defender or private counsel) are encouraged to use their attorneys to provide legal reference materials and Marin Legal Aid will assist inmates upon request. Pro Per inmates will not be limited in their requests.

LRA will track requests and they are aware of trends that point to misuse or abuse of LRA's services. Inmates found abusing the service will be cautioned and then disciplined, if necessary.

Requests for Title 15, Title 24, or common criminal code sections (Penal, Vehicle, Health and Safety etc.) can be supplied from reference books maintained in the jail. It is not necessary to send these requests to

LRA.

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 (See Policy and Procedure CUS-7-14).

LIBRARY

The housing pod multi-purpose rooms will be stocked with educational, recreation, religious reading materials, and information on community services. Periodically, the reading materials will be rotated amongst the different housing units. The Marin Office of Education, the Marin Literacy Program, and various religious personnel cleared to work within the facility do provide new reading materials on a regular basis.

Reading materials donated to the jail from the community will be searched and screened for suitability. Any materials that tend to incite murder, arson, riot, racism or any other form of violence will not be allowed. Obscene publications or writings will not be accepted. For the purpose of a general definition of an obscene publication, the following rule shall be a guide in this facility. No publication depicting the exposure of male or female sex organs or acts of sexual intercourse (actual or simulated) will be permitted for possession by inmates.

Only softbound books are accepted into the jail facility.

Information on community services and resources are posted in the housing pod multi-purpose rooms and listed in the inmate handbook. Staff members will refer inmates to appropriate resources when a need is presented. Community service and resource programs will be reviewed periodically by Prisoner Services to ensure the accuracy of telephone numbers and program names.

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:

08-03-94

08-01-04

09-01-11

By order of

RICK NAVARRO

BUREAU COMMANDER