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Chapter 1 - Role and Authority

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Organizational Structure and Responsibility

100.1 PURPOSE AND SCOPE

The organizational structure of the Department is designed to create an efficient means to accomplish its mission and goals and to provide for the best possible service to the public (15 CCR 1029(a)(1)).

100.2 DIVISIONAL RESPONSIBILITY

The Sheriff is responsible for administering and managing the Department. There are three divisions in the Department:

- Administration Division
- Patrol Division
- Corrections Division

100.2.1 ADMINISTRATION DIVISION

The Administration Division is commanded by a Chief Deputy, whose primary responsibility is to provide general management direction and control for the Administration Division. The Administration Division consists of Administrative, Personnel Services, Financial, Records, and Training Services (15 CCR 1029(a)(1)).

100.2.2 PATROL DIVISION

The Patrol Division is commanded by a Chief Deputy, whose primary responsibility is law enforcement within the unincorporated areas of Imperial County. The patrol division has a policy manual that is separate from this manual.

100.2.3 CORRECTIONS DIVISION

The Corrections Division is Commanded by a Chief Deputy [Correctional Captain?], whose primary responsibility is to function as the Jail Administrator to provide general management direction and control for the jail. The Corrections Division is further divided according to the three facilities that make up the Imperial County Jail (ICJ). The Regional Adult Detention Facility (RADF), the Herbert Hughes Correctional Center (HHCC), and the Oren Fox Detention Facility (OFDF). Each facility is managed by a Correctional Lieutenant responsible for custody operations and support operations. Support operations including transportation, programs, classification, laundry services, food services, medical/mental health, and recreation.

100.3 CHAIN OF COMMAND

The chain of command of the Department begins with the Sheriff, to whom all employees of the Department are responsible.

To maintain continuity, order and effectiveness in the Department, a chain of command has been established and should be respected. All staff members should adhere to the chain of command in all official actions. However, nothing shall prohibit a staff member from initiating immediate

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action outside of the chain of command if it is necessitated by a complaint of discrimination, sexual harassment, gross malfeasance or a violation of the law.

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Authority and Legal Assistance

101.1 PURPOSE AND SCOPE

This policy acknowledges and reflects the legal authority under which the Imperial County Sheriff's Office shall operate and maintain a local detention facility in this state. In addition to the authority vested by state law, the jail operates in accordance with these laws, constitutional mandates, regulations and local ordinances.

101.2 POLICY

It is the policy of this Department that the local detention facility will be maintained by all lawful means for the incarceration of persons suspected of violating the law or who have been adjudicated as guilty of committing a crime or civil offense by a competent legal authority, as prescribed by law.

101.3 LEGAL FOUNDATION

Jail staff, at every level must have an understanding and true appreciation of their authority and limitations in the operation of a local detention facility. The Imperial County Sheriff's Office recognizes and respects the value of all human life and the expectation of dignity without prejudice toward anyone. It is also understood that vesting law enforcement personnel with the authority to incarcerate suspected law violators to protect the public and prevent individuals from fleeing justice requires a careful balancing of individual rights and legitimate government interests.

101.4 LEGAL ASSISTANCE

The following are examples of areas where the services of the County Counsel and legal specialists can be of benefit to the Department:

(a) Analyze and alert the jail executive and jail management team to jail-related case law.

(b) Serve as a legal consultant in the construction and review of new jail policies and procedures.

(c) Serve as a legal consultant on issues related, but not limited to:

1. Use of force
2. Faith-based requests
3. Complaints and grievances
4. Allegations of abuse by staff

(d) Serve as legal counsel in legal matters brought against this department and the Sheriff.

101.4.1 LEGAL LIAISON

The Sheriff will designate one or more staff to act as a liaison between the Department and the County Counsel’s office. The legal liaison officer will provide an orientation of the facility and detention facility policies to representatives of the County Counsel’s office as needed.

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The liaison officer will arrange for regularly scheduled meetings in order to provide an ongoing status report of facility issues to the legal counsel. The liaison officer will maintain an open relationship with legal counsel in order to move quickly on emerging facility issues that could have significant legal implications for the Department.

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Annual Review and Performance-Based Goals and Objectives

102.1 PURPOSE AND SCOPE

The Imperial County Sheriff's Office is dedicated to the concept of continuous improvement in the services provided on behalf of the public and in accordance with applicable laws, regulations and best practices in the operation of this facility. This policy establishes minimum review criteria to measure and evaluate the success of achieving established goals and objectives.

102.2 POLICY

The Imperial County Sheriff's Office shall strive to continually improve the operation of its facilities to ensure they are safe, humane, and protect incarcerated persons' constitutional and statutory rights. To this end, the Department shall conduct an annual review to evaluate its progress in meeting stated goals and objectives.

102.3 ANNUAL REVIEW

The Jail Administrator should ensure that the custody management team conducts an annual management review of, at a minimum:

(a) Statutory, regulatory, and other requirements applicable to the operation of the facility.

(b) Lawsuits and/or court orders/consent decrees.

(c) Department policies, procedures, directives, and post orders that guide the operation of the facility.

(d) Fiscal operations and accounting procedures.

(e) Personnel issues/actions that include but are not limited to on-the-job injuries, internal affairs investigations, employee grievances, employee discipline, selection, and recruitment.

(f) Compliance with internal/external inspections of the facility.

(g) Condition of the physical plant, infrastructure, and maintenance efforts.

(h) Cleanliness of the facility.

(i) Incarcerated person profiles and trends that measure:

1. Incarcerated person population (Average Daily Population).
2. Incarcerated person population by gender.
3. Highest one-day count.
4. Bookings/releases.
5. Felony incarcerated persons in custody.
6. Misdemeanor incarcerated persons in custody.
7. Pretrial population.

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8. Sentenced population.
9. Medical beds.
10. Mental health beds.
11. Meal counts (regular, medical, court meals).
12. Early releases.
13. Alternative-to-incarceration participants.
14. Special needs incarcerated persons.
15. Classification issues.
16. Incarcerated person grievances (founded/denied).
17. Demographics (age, race, gang affiliation).
18. Court movement.

(j) Security issues that include:

1. Incarcerated person-on-incarcerated person assaults.
2. Incarcerated person-on-staff assaults.
3. Major disturbances.
4. Deaths in custody (natural/suicide/homicide/accidents).
5. Suicide attempts (15 CCR 1030).

(k) Incarcerated person programs, including:

1. Education.
2. Commissary.
3. Drug and alcohol programs.
4. Faith-based services.

102.4 CRITERIA TO MEASURE PERFORMANCE

The following items will be used to measure and evaluate the level of success in achieving the department's stated goals:

(a) Fiscal year budget surpluses or successful operations even with budget reduction

(b) Findings from independent financial audits

(c) Incarcerated person grievances

(d) Documentation that department investigators have completed the required specialized training in conducting sexual abuse investigations (28 CFR 115.34)

(e) Documented training hours received by staff

(f) Completed audits of the policy and procedures manuals

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102.5 MANAGEMENT REVIEW PROCESS

The management team may employ several methods to assess performance, including the following:

(a) **Performance analysis** - Performance analysis attempts to discover discrepancies between the expected and actual levels of performance. This analysis should focus on whether the practices in this facility are meeting the mission of the Department and whether department policies and procedures are in alignment with statutes, regulations and court orders.

(b) **One-to-one interviews** - Scheduled interviews with custody staff held in private to encourage candid responses to help identify issues or conditions that should be targeted for review or correction.

(c) **Questionnaires** - Questionnaires should be used as a group method to solicit suggestions and information about what operations are in need of adjustment or where program resources should be directed.

(d) **Staff debriefing** - Staff should be periodically debriefed, especially after an emergency operation or incident, to identify aspects of facility operations that may need to be addressed by the Jail Administrator and supervisors.

(e) **Inspection findings** - The Department is subject to a variety of administrative inspections (standard-setting authorities, command staff, grand jury, jail advocates). These annual inspections should be used to identify ongoing issues in the operation of this facility.

102.6 MANAGEMENT REVIEW RESULTS

To the extent practicable the individuals responsible for the development of a management review should follow the guidelines established in the Administrative Communications Policy and Annual Facility Inspection Policy to document and support the findings. A complete report of the review results should be submitted to the appropriate level in the chain of command for final approval.

The results of management reviews should be used in the ongoing process of continuous improvement. They should be used to direct changes in the operation of this facility or to identify successful operations that might be replicated in other areas of the facility. They should not, however, include specific identifying information of incidents or involved individuals.

The results of management reviews also may be used in full or in part to respond to inquiries from interested groups, such as the local legislative body, courts, grand jury or others, to provide information on issues concerning the operation of this facility, including action planning whenever appropriate.

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Custody Manual

103.1 PURPOSE AND SCOPE

The Custody Manual is a statement of the current policies, rules, and guidelines of this department's jail. All prior and existing manuals, orders, and regulations that are in conflict with this manual are revoked, except to the extent that portions of existing manuals, orders, and other regulations that have not been included herein shall remain in effect where they do not conflict with the provisions of this manual.

Except where otherwise expressly stated, the provisions of this manual shall be considered guidelines. It is recognized, however, that work in the custody environment is not always predictable, and circumstances may arise that warrant departure from these guidelines. It is the intent of this manual to be viewed from an objective standard, taking into consideration the sound discretion entrusted to members of this department under the circumstances reasonably known to them at the time of any incident.

103.2 POLICY

The manual of the Imperial County Sheriff's Office Jail is hereby established and shall be referred to as the Custody Manual (15 CCR 1029). All members are to conform to the provisions of this manual.

103.2.1 DISCLAIMER

The provisions contained in the Custody Manual are not intended to create an employment contract nor any employment rights or entitlements. The policies contained within this manual are for the internal use of the Imperial County Sheriff's Office and shall not be construed to create a higher standard or duty of care for civil or criminal liability against the county, its officials or members. Violations of any provision of any policy contained within this manual shall only form the basis for department administrative action, training or discipline. The Imperial County Sheriff's Office reserves the right to revise any policy content, in whole or in part.

103.3 RESPONSIBILITIES

The Sheriff shall be considered the ultimate authority for the provisions of this manual and shall continue to issue Departmental Directives, which shall modify the provisions to which they pertain. Departmental Directives shall remain in effect until such time as they may be permanently incorporated into the manual.

The Jail Administrator shall ensure that the Custody Manual is comprehensively reviewed at least every two years, updated as needed, and the staff trained accordingly to ensure that the policies in the manual are current and reflect the mission of the Imperial County Sheriff's Office (15 CCR 1029). The review shall be documented in written form sufficient to indicate that policies and procedures have been reviewed and amended as appropriate to facility changes.

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103.3.1 INTERNAL AND EXTERNAL SECURITY MEASURE REVIEW
The Jail Administrator shall ensure that Custody Manual review, evaluation, and procedures include internal and external security measures of the facility, including security measures specific to prevention of sexual abuse and sexual harassment (15 CCR 1029).

103.3.2 COMMAND STAFF
The command staff should consist of the following:

- Sheriff
- Jail Administrator

103.3.3 OTHER PERSONNEL
Line and supervisory staff have a unique view of how policies and procedures influence the operation of the facility and therefore are expected to bring to the attention of their supervisors issues that might be addressed in a new or revised policy.

All members suggesting revision of the contents of the Custody Manual should forward their suggestions in writing, through the chain of command, to the Jail Administrator, who will consider the recommendation.

103.4 DEFINITIONS
The following words and terms shall have these assigned meanings, unless it is apparent from the content that they have a different meaning:

Department - The Imperial County Sheriff's Office.

Custody Manual - The Department Custody Manual.

Employee - Any person employed by the Department.

Incarcerated Person - Any person held in the custody of the jail.

May - Indicates a permissive, discretionary, or conditional action.

Member - Any person employed or appointed by the Imperial County Sheriff's Office, including:

- Full- and part-time employees.
- Sworn correctional officers.
- Reserve correctional officers.
- Civilian employees.
- Volunteers.

Correctional officer - All persons, regardless of rank, who are employees and who are selected and trained in accordance with state law as correctional officers of the Imperial County Sheriff's Office.

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On-duty employee - Status during the period when the employee is actually engaged in the performance of assigned duties.

Order - A written or verbal instruction issued by a superior.

Rank - The job classification title held by a correctional officer.

Shall or will - Indicates a mandatory action.

Should - Indicates a generally required or expected action absent a rational basis for failing to conform.

103.5 DISTRIBUTION OF MANUAL

Copies of the Custody Manual shall be made available to all members. An electronic version of the Custody Manual will be made available to all members on the department network (15 CCR 1029).

No changes shall be made to the electronic version without authorization from the Jail Administrator.

103.6 MANUAL ACCEPTANCE

As a condition of employment, all members are required to read and obtain necessary clarification of this department’s policies. All members are required to sign a statement of receipt acknowledging that they have received a copy or have been provided access to the Custody Manual.

103.7 REVISIONS TO POLICIES

All members are responsible for keeping abreast of all Custody Manual revisions. All changes to the Custody Manual will be posted on the department network for review prior to implementation. The Training Manager will forward revisions to the Custody Manual as needed to all personnel via electronic mail. Each member shall acknowledge receipt by return email or online acknowledgement, review the revisions, and seek clarification as needed.

Each supervisor will ensure that members under the supervisor's command are familiar with and understand all revisions.

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Administrative Communications

104.1 PURPOSE AND SCOPE

Effective communications within the Department are critical to the accomplishment of the mission of the Department and the effective operation of the jail. Administrative communications of this department are governed by the following policy (15 CCR 1029(a)(1)).

104.2 POLICY

The Imperial County Sheriff's Office will appropriately communicate significant events within the organization to its members. Both electronic and non-electronic administrative communications will be professional in appearance and comply with the established letterhead, signature and disclaimer guidelines, as applicable.

104.3 PERSONNEL ORDERS

Personnel orders may be issued periodically by the Sheriff to announce and document all promotions, transfers, hiring of new personnel, separations, personnel and group commendations or other changes in status.

104.4 CORRESPONDENCE

All department correspondence is to be written in a clear, concise manner, consistent with the report formats and guidelines prescribed in this policy and reflecting the highest possible quality in organization, grammar, punctuation and spelling.

All external correspondence shall be on Department letterhead. All department letterhead, including all digital facsimiles of the letterhead, shall bear the signature element of the Sheriff or the authorized designee. Personnel should use department letterhead only for official business and with the approval of their supervisors.

104.5 SURVEYS

All surveys made in the name of the Department shall be authorized in advance by the Sheriff or the Jail Administrator.

104.6 COMPLETED STAFF WORK

All staff reports (i.e., reports assigned to a specific person for the purpose of responding to a problem or issue) shall incorporate the principle of completed staff work which requires the person to whom a task has been delegated to complete and document the delegated work to such an extent that the only thing left for the decision-maker to do is to approve or decline the recommendation. Staff reports that only point out weaknesses or merely suggest needed actions are not completed staff work and are not acceptable.

The writer of the staff report should document the efforts made to have the report reviewed by or acted upon by those individuals representing work units or other entities likely to be affected by any proposed changes.

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104.7 INTRODUCTORY SUMMARY MEMORANDUMS

Any memorandum that exceeds one page in length should contain a brief introductory summary section synopsizing the subject matter.

104.8 ADMINISTRATIVE REPORT FORMAT

All staff reports submitted via the chain of command to superior officers for further action should be written in accordance with the following format, when applicable.

Executive Summary Section - The staff report should begin with a brief statement of the problem or issue and what could be done about it. This summary should restate the main points of the report in general, nontechnical language, leaving out details. The length of the executive summary section should range from one paragraph to one page.

Problem/Issue Identification Section - This section of a staff report is critical to the success of the reader's ability to grasp the issues involved and to arrive at an informed decision. It should strive to identify the true nature and scope of the problem by identifying the known facts and background of the situation, including who has the problem, how long it has existed and the known or likely consequences of the problem.

Forecast Future Impacts - This section of the report should clearly define the problem and be accompanied by an analysis of relevant factors, supported by specific examples, details or testimony, clarifying what the problem is and why it exists. Generally, the reader should be able to leave this section of the report clearly understanding the issues involved and the consequences of taking no action.

Alternatives Analysis Section - Whenever the seriousness or complexity of a problem warrants the development of alternative solutions, a staff report should include a section containing a discussion of different courses of action and their consequences, taking into account the comments and positions of other staff members or entities affected by the response to the problem.

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Departmental Directives

105.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for issuing Departmental Directives.

105.2 POLICY

Departmental Directives establish a communication practice that may be used by the Sheriff or their designee to make immediate changes to policy and procedure in accordance with and as permitted by statutes, regulations, or negotiated contracts. Departmental Directives will immediately modify or change and supersede the sections of this manual to which they pertain.

105.3 DEPARTMENTAL DIRECTIVES PROTOCOL

Departmental Directives will be incorporated into the manual as required upon approval of the Sheriff. Departmental Directives will modify existing policies or create a new policy as appropriate. The previous policy will be rescinded upon incorporation of the new or updated policy into the manual.

Any Departmental Directive issued after publication of the manual should be numbered consecutively, starting with the last two digits of the year, followed by the number “01” as in yy-01.

105.4 RESPONSIBILITIES

105.4.1 AGENCYHEAD

The Sheriff, with the assistance of department staff, shall issue and be responsible for all Departmental Directives, including their publication and dissemination throughout the Department.

105.4.2 MANAGERS AND SUPERVISORS

Managers and supervisors are responsible for ensuring that staff under their command receive training on all new Departmental Directives.

Training documentation shall be placed into the supervisor’s file or the employee’s training file.

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Special Assignments and Promotions

106.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for promotions and for making special assignments within the Imperial County Sheriff's Office.

106.2 POLICY

The Imperial County Sheriff's Office determines assignments and promotions in a nondiscriminatory manner based upon job-related factors and candidate skills and qualifications. Assignments and promotions are made by the Sheriff.

106.3 SPECIAL ASSIGNMENT POSITIONS

The following positions are considered special assignments and not promotions:

(a) Correctional Special Operations Response Team (C-SORT) Member

(b) Investigators (e.g., Prison Rape Elimination Act (PREA), Administrative Investigations Unit)

(c) Canine handler

(d) Intelligence Group

(e) Classification Unit

(f) Jail Training Officer

(g) Instructor

1. Defensive Tactics Instructor
2. Impact Weapons Instructor
3. Chemical Weapons Instructor
4. Firearms Instructor
5. CEW Instructor

(h) Incarcerated Programs Unit

(i) Transportation Unit

106.3.1 GENERAL REQUIREMENTS

The following requirements should be considered when selecting a candidate for a special assignment:

(a) Off probation

(b) Exceptional skills, experience, or abilities related to the special assignment

106.3.1 EVALUATION CRITERIA

The following criteria will be used in evaluating candidates for a special assignment:

(a) Presents a professional, neat appearance.

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(b) Maintains a physical condition that aids in their performance.

(c) Expresses an interest in the assignment.

(d) Demonstrates the following traits:

1. Emotional stability and maturity.
2. Stress tolerance.
3. Sound ethical judgment and decision-making.
4. Personal integrity and ethical conduct.
5. Leadership skills.
6. Initiative.
7. Adaptability and flexibility.
8. Ability to conform to department goals and objectives in a positive manner.

106.3.2 SELECTION PROCESS

The selection process for special assignments will include an administrative evaluation as determined by the Sheriff. The selection procedure will vary based upon the assignment and may include a combination of the following: an interview panel, a memorandum of interest, a physical agility test, or a psychological evaluation.

The selection process for all special assignment positions may be waived for temporary assignments, emergency situations, training, and at the discretion of the Sheriff.

106.3.3 DISQUALIFICATION

The Imperial County Sheriff's Office shall not promote, assign, or transfer any member to a position that may allow contact with incarcerated persons if the member has (28 CFR 115.17):

(a) Engaged in sexual abuse in a prison, jail, lockup, community confinement facility, juvenile facility, or other institution as defined in 42 USC § 1997.

(b) Been convicted of engaging in or attempting to engage in sexual activity facilitated by force, by overt or implied threats of force, or by coercion, or if the victim did not consent or was unable to consent or refuse.

(c) Been civilly or administratively adjudicated to have engaged in the activity described in paragraph (b) of this section.

The Imperial County Sheriff's Office will consider any incidents of sexual harassment in determining whether to promote any member. (28 CFR 115.17)

106.4 PROMOTIONAL REQUIREMENTS

Requirements and information regarding any promotional process are available at the Imperial County Human Resources Department.

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Discriminatory Harassment

107.1 PURPOSE AND SCOPE

The purpose of this policy is to prevent department members from being subjected to discriminatory harassment, including sexual harassment and retaliation (Government Code § 12940(k); 2 CCR 11023). Nothing in this policy is intended to create a legal or employment right or duty that is not created by law.

107.2 POLICY

The Imperial County Sheriff's Office is an equal opportunity employer and is committed to creating and maintaining a work environment that is free of all forms of discriminatory harassment, including sexual harassment and retaliation. The Department will not tolerate discrimination against a member in hiring, promotion, discharge, compensation, fringe benefits, and other privileges of employment. The Department will take preventive and corrective action to address any behavior that violates this policy or the rights and privileges it is designed to protect.

The nondiscrimination policies of the Department may be more comprehensive than state or federal law. Conduct that violates this policy may not violate state or federal law but still could subject a member to discipline.

107.3 DEFINITIONS

Definitions related to this policy include:

107.3.1 DISCRIMINATION

The Department prohibits all forms of discrimination, including any employment-related action by a member that adversely affects an applicant or member and is based on actual or perceived race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, age, disability, pregnancy, genetic information, veteran status, marital status, and any other classification or status protected by law.

Discriminatory harassment, including sexual harassment, is verbal or physical conduct that demeans or shows hostility or aversion toward an individual based upon that individual’s protected class. It has the effect of interfering with an individual’s work performance or creating a hostile or abusive work environment.

Conduct that may, under certain circumstances, constitute discriminatory harassment can include making derogatory comments; making crude and offensive statements or remarks; making slurs or off-color jokes; stereotyping; engaging in threatening acts; making indecent gestures, pictures, cartoons, posters, or material; making inappropriate physical contact; or using written material or department equipment and/or systems to transmit or receive offensive material, statements, or pictures. Such conduct is contrary to department policy and to a work environment that is free of discrimination.

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107.3.2 RETALIATION

Retaliation is treating a person differently or engaging in acts of reprisal or intimidation against the person because the person has engaged in protected activity, filed a charge of discrimination, participated in an investigation, or opposed a discriminatory practice. Retaliation will not be tolerated.

107.3.3 SEXUAL HARASSMENT

The Department prohibits all forms of discrimination and discriminatory harassment, including sexual harassment. It is unlawful to harass an applicant or a member because of that person's sex.

Sexual harassment includes but is not limited to unwelcome sexual advances, requests for sexual favors, or other verbal, visual, or physical conduct of a sexual nature when:

(a) Submission to such conduct is made either explicitly or implicitly as a term or condition of employment, position, or compensation.

(b) Submission to, or rejection of, such conduct is used as the basis for any employment decisions affecting the member.

(c) Such conduct has the purpose or effect of substantially interfering with a member's work performance or creating an intimidating, hostile, or offensive work environment.

107.3.4 ADDITIONAL CONSIDERATIONS

Discrimination and discriminatory harassment do not include actions that are in accordance with established rules, principles, or standards, including:

(a) Acts or omission of acts based solely upon bona fide occupational qualifications under the Equal Employment Opportunity Commission and California Civil Rights Council guidelines.

(b) Bona fide requests or demands by a supervisor that a member improve the member's work quality or output, that the member report to the job site on time, that the member comply with county or department rules or regulations, or any other appropriate work-related communication between supervisor and member.

107.4 RESPONSIBILITIES

This policy applies to all department members, who shall follow the intent of these guidelines in a manner that reflects department policy, professional standards, and the best interest of the Department and its mission.

Members are encouraged to promptly report any discriminatory, retaliatory, or harassing conduct or known violations of this policy to a supervisor. Any member who is not comfortable with reporting violations of this policy to the member's immediate supervisor may bypass the chain of command and make the report to a higher-ranking supervisor or manager. Complaints may also be filed with the Sheriff, the Director of Human Resources, or the County Executive.

Any member who believes, in good faith, that the member has been discriminated against, harassed, or subjected to retaliation, or who has observed harassment, discrimination, or

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retaliation, is encouraged to promptly report such conduct in accordance with the procedures set forth in this policy.

Supervisors and managers receiving information regarding alleged violations of this policy shall determine if there is any basis for the allegation and shall proceed with a resolution as stated below.

107.4.1 QUESTIONS OR CLARIFICATION

Members with questions regarding what constitutes discrimination, sexual harassment, or retaliation are encouraged to contact a supervisor, a manager, the Sheriff, the Director of Human Resources, the County Executive, or the California Civil Rights Department for further information, direction, or clarification (Government Code § 12950).

107.4.2 SUPERVISOR RESPONSIBILITIES

The responsibilities of supervisors and managers shall include but are not limited to:

(a) Continually monitoring the work environment and striving to ensure that it is free from all types of unlawful discrimination, including harassment or retaliation.

(b) Taking prompt, appropriate action within their work units to avoid and minimize the incidence of any form of discrimination, harassment, or retaliation.

(c) Ensuring that their subordinates understand their responsibilities under this policy.

(d) Ensuring that members who make complaints or who oppose any unlawful employment practices are protected from retaliation and that such matters are kept confidential to the extent possible.

(e) Making a timely determination regarding the substance of any allegation based upon all available facts.

(f) Notifying the Sheriff or the Director of Human Resources in writing of the circumstances surrounding any reported allegations or observed acts of discrimination, harassment, or retaliation no later than the next business day.

107.4.3 SUPERVISOR'S ROLE

Supervisors and managers shall be aware of the following:

(a) Behavior of supervisors and managers should represent the values of the Department and professional standards.

(b) False or mistaken accusations of discrimination, harassment, or retaliation can have negative effects on the careers of innocent members.

Nothing in this section shall be construed to prevent supervisors or managers from discharging supervisory or management responsibilities, such as determining duty assignments, evaluating or counseling members, or issuing discipline, in a manner that is consistent with established procedures.

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107.5 INVESTIGATION OF COMPLAINTS

Various methods of resolution exist. During the pendency of any such investigation, the supervisor of the involved member should take prompt and reasonable steps to mitigate or eliminate any continuing abusive or hostile work environment. It is the policy of the Department that all complaints of discrimination, retaliation, or harassment shall be fully documented and promptly and thoroughly investigated.

107.5.1 SUPERVISOR RESOLUTION

Members who believe they are experiencing discrimination, harassment, or retaliation should be encouraged to inform the individual that the behavior is unwelcome, offensive, unprofessional, or inappropriate. However, if the member feels uncomfortable or threatened or has difficulty expressing the member's concern, or if this does not resolve the concern, assistance should be sought from a supervisor or manager who is a rank higher than the alleged transgressor.

107.5.2 FORMAL INVESTIGATION

If the complaint cannot be satisfactorily resolved through the supervisory resolution process, a formal investigation will be conducted.

The person assigned to investigate the complaint will have full authority to investigate all aspects of the complaint. Investigative authority includes access to records and the cooperation of any members involved. No influence will be used to suppress any complaint and no member will be subject to retaliation or reprisal for filing a complaint, encouraging others to file a complaint, or for offering testimony or evidence in an investigation.

Formal investigation of the complaint will be confidential to the extent possible and will include but is not limited to details of the specific incident, frequency and dates of occurrences, and names of any witnesses. Witnesses will be advised regarding the prohibition against retaliation, and that a disciplinary process, up to and including termination, may result if retaliation occurs.

Members who believe they have been discriminated against, harassed, or retaliated against because of their protected status are encouraged to follow the chain of command but may also file a complaint directly with the Sheriff, the Director of Human Resources, or the County Executive.

107.5.3 ALTERNATIVE COMPLAINT PROCESS

No provision of this policy shall be construed to prevent any member from seeking legal redress outside the Department. Members who believe that they have been harassed, discriminated against, or retaliated against are entitled to bring complaints of employment discrimination to federal, state, and/or local agencies responsible for investigating such allegations. Specific time limitations apply to the filing of such charges. Members are advised that proceeding with complaints under the provisions of this policy does not in any way affect those filing requirements.

107.6 DOCUMENTATION OF COMPLAINTS

All complaints or allegations shall be thoroughly documented on the appropriate forms and in a manner designated by the Sheriff. The outcome of all reports shall be:

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(a) Approved by the Sheriff, the County Executive, or the Director of Human Resources, depending on the ranks of the involved parties.

(b) Maintained in accordance with the established records retention schedule.

107.6.1 NOTIFICATION OF DISPOSITION

The complainant and/or victim will be notified in writing of the disposition of the investigation and the actions taken to remedy or address the circumstances giving rise to the complaint.

107.7 WORKING CONDITIONS

The Jail Administrator or the authorized designee should be responsible for reviewing facility design and working conditions for discriminatory practices. This person should collaborate with other county employees who are similarly tasked (2 CCR 11034).

107.8 TRAINING

All new members shall be provided with a copy of this policy as part of their orientation. The policy shall be reviewed with each new member. The member shall certify that the member has been advised of this policy, is aware of and understands its contents, and agrees to abide by its provisions during the member's term with the Department.

All members shall receive annual training on the requirements of this policy and shall certify that they have reviewed the policy, understand its contents, and agree that they will continue to abide by its provisions.

107.8.1 STATE-REQUIRED TRAINING

The Training Manager should ensure that employees receive the required state training and education regarding sexual harassment, prevention of abusive conduct, and harassment based on gender identity, gender expression, and sexual orientation as follows (Government Code § 12950.1; 2 CCR 11024):

(a) Supervisory employees shall receive two hours of classroom or other effective interactive training and education within six months of assuming a supervisory position.

(b) All other employees shall receive one hour of classroom or other effective interactive training and education within six months of their employment or sooner for seasonal or temporary employees as described in Government Code § 12950.1.

(c) All employees shall receive refresher training every two years thereafter.

If the required training is to be provided by the Civil Rights Department online training courses, the Training Manager should ensure that employees are provided the following website address to the training course: https://calcivilrights.ca.gov/ (Government Code § 12950; 2 CCR 11023).

107.8.2 TRAINING RECORDS

The Training Manager shall be responsible for maintaining records of all discriminatory harassment training provided to members. Records shall be retained in accordance with established records retention schedules and for a minimum of two years (2 CCR 11024).

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107.9 REQUIRED POSTERS

The Department shall display the required posters regarding discrimination, harassment, and transgender rights in a prominent and accessible location for members (Government Code § 12950).

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Grievances

108.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the Imperial County Sheriff's Office grievance system. The grievance system is intended to facilitate communication and to promptly and equitably address employee grievances in the workplace.

108.1.1 GRIEVANCE DEFINED

A grievance is a difference of opinion or dispute regarding the meaning, interpretation, or application of any of the following:

- The employee bargaining agreement
- This Custody Manual
- Rules and regulations governing personnel practices or working conditions
- Workplace issues that do not amount to misconduct under the Personnel Complaints Policy, such as fraud, waste, abuse of authority, gross mismanagement, or any inappropriate conduct or practices, including violations that may pose a threat to the health, safety, or well-being of members.

Specifically outside the category of grievances are complaints related to allegations of discrimination or harassment subject to the Discriminatory Harassment Policy. Also outside the category of grievances are personnel complaints regarding any allegation of misconduct or improper job performance against any department employee that, if true, would constitute a violation of department policy or federal, state, or local law, as set forth in the Personnel Complaints Policy.

108.2 POLICY

It is the policy of this department to provide a just and equitable system for the prompt handling of employee grievances without discrimination, coercion, restraint, or retaliation against any employee who submits or is otherwise involved in a grievance.

108.3 PROCESS

Grievances may be brought by an individual employee or by an employee group representative. Employees may have representation during the grievance process.

Except as otherwise required under a collective bargaining agreement, if an employee believes that they have a grievance as defined above, that employee shall:

(a) Attempt to resolve the issue through informal discussion with their immediate supervisor.

(b) If after a reasonable amount of time, generally seven days, the grievance cannot be settled by the immediate supervisor, the employee may request an interview with the appropriate Jail Administrator.

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(c) If a successful resolution is not found with the Jail Administrator, the employee may request a meeting with the Sheriff.

(d) If the employee and the Sheriff are unable to arrive at a mutual solution, the employee shall proceed as follows:

1. Submit a written statement of the grievance to the Sheriff and provide a copy to the employee's immediate supervisor.
2. Include the following information in the written statement:
   (a) The basis for the grievance (i.e., the facts of the case).
   (b) The allegation of any specific wrongful act and the harm done.
   (c) The specific policies, rules, or regulations at issue.
   (d) The remedy or goal being sought by the grievance.

(e) The supervisor shall provide the employee with a signed acknowledgment of the grievance that shall include the date and time of receipt.

(f) The Sheriff and the County Executive should review the grievance and respond to the employee within 14 calendar days.

1. The response will be in writing, and will affirm or deny the allegations.
2. The response shall include any remedies, if appropriate.
3. The decision of the Sheriff is considered final.

108.3 GRIEVANCE RECORDS

At the conclusion of the grievance process, all documents pertaining to the process shall be forwarded to the Administration Division for inclusion into a secure file for all written grievances. Copies of the documents should also be sent to the Human Resources Department Department.

108.4 GRIEVANCE AUDITS

The Training Manager should perform an annual audit of all grievances filed the previous calendar year to evaluate whether any change in policy, procedure, or training may be appropriate to avoid future grievances. The Training Manager should record these findings in a confidential memorandum to the Sheriff without including any identifying information about any individual grievance.

108.4 POLICY OR TRAINING IMPLICATIONS

If an employee who participates in the grievance review process identifies any issue that may warrant an immediate revision to this Custody Manual, a procedural change, or an immediate training need, the employee should promptly notify the Sheriff in the memorandum.

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Post Orders

109.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for the development of post orders and the training of members assigned to each post.

109.2 POLICY

It is the policy of this department to develop comprehensive post orders for every position. Copies of the orders should be maintained at each post or available electronically. Members shall be familiar with the post orders before working a position.

109.3 DEVELOPMENT

Clear procedures should be incorporated into post orders for all regular daily activities including, but not limited to, safety checks, head counts, meals, sick call, recreation, clothing exchange, mail distribution and response to emergencies, such as fires, natural disasters and criminal acts.

109.4 REVIEW AND UPDATE

Post orders shall be reviewed at least annually and updated whenever necessary by the Jail Administrator or the authorized designee.

109.5 TRAINING

The Training Manager shall ensure that all staff members assigned to posts are properly trained to perform all of the duties and responsibilities described in the post orders. This is particularly true in fire, life-safety and the emergency response procedures that have been implemented by the Jail Administrator. This may include the use of self-contained breathing apparatus (SCBA) if such equipment is available and/or required by the local fire authority. All training should be documented in each member’s training file and retained in accordance with established records retention schedules.

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Personnel Complaints

110.1 PURPOSE AND SCOPE

This policy provides guidelines for the reporting, investigation, and disposition of complaints regarding the conduct of members of the Imperial County Sheriff's Office. This policy shall not apply to any questioning, counseling, instruction, informal verbal admonishment, or other routine or unplanned contact of a member in the normal course of duty, by a supervisor or any other member, nor shall this policy apply to a criminal investigation.

110.2 POLICY

The Imperial County Sheriff's Office takes seriously all complaints regarding the service provided by the Department and the conduct of its members.

The Department will accept and address all complaints of misconduct in accordance with this policy and applicable federal, state, and local laws, municipal and county rules, and the requirements of any collective bargaining agreements.

It is also the policy of this department to ensure that the community can report misconduct without concern for reprisal or retaliation.

110.3 PERSONNEL COMPLAINTS

Personnel complaints include any allegation of misconduct or improper job performance that, if true, would constitute a violation of department policy or federal, state, or local law, policy, or rule. Personnel complaints may be generated internally or by the public.

Inquiries about conduct or performance that, if true, would not violate department policy or federal, state, or local law, policy, or rule may be handled informally by a supervisor and shall not be considered a personnel complaint. Such inquiries generally include clarification regarding policy, procedures, or the response to specific incidents by the Department.

110.3.1 COMPLAINT CLASSIFICATIONS

Personnel complaints shall be classified in one of the following categories:

Informal - A matter in which the Watch Commander is satisfied that appropriate action has been taken by a supervisor of rank greater than the accused member.

Formal - A matter in which a supervisor determines that further action is warranted. Such complaints may be investigated by a supervisor of rank greater than the accused member or referred to the Administrative Investigations Unit, depending on the seriousness and complexity of the investigation.

Incomplete - A matter in which the complaining party either refuses to cooperate or becomes unavailable after diligent follow-up investigation. At the discretion of the assigned supervisor or the Administrative Investigations Unit, such matters may be further investigated depending on the seriousness of the complaint and the availability of sufficient information.

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110.3.2 SOURCES OF COMPLAINTS

The following applies to the source of complaints:

(a) Individuals from the public may make complaints in any form, including in writing, by email, in person, or by telephone.

(b) Any department member becoming aware of alleged misconduct shall immediately notify a supervisor.

(c) Supervisors shall initiate a complaint based upon observed misconduct or receipt from any source alleging misconduct that, if true, could result in disciplinary action.

(d) Anonymous and third-party complaints should be accepted and investigated to the extent that sufficient information is provided.

(e) Tort claims and lawsuits may generate a personnel complaint.

110.4 AVAILABILITY AND ACCEPTANCE OF COMPLAINTS

110.4.1 COMPLAINT FORMS

Personnel complaint forms will be maintained in a clearly visible location in the public area of the department facility and be accessible through the department website.

Personnel complaint forms in languages other than English may also be provided, as determined necessary or practicable.

110.4.2 ACCEPTANCE

All complaints will be courteously accepted by any department member and promptly given to the appropriate supervisor. Although written complaints are preferred, a complaint may also be filed orally, either in person or by telephone. Such complaints will be directed to a supervisor. If a supervisor is not immediately available to take an oral complaint, the receiving member shall obtain contact information sufficient for the supervisor to contact the complainant. The supervisor, upon contact with the complainant, shall complete and submit a complaint form as appropriate.

Although not required, complainants should be encouraged to file complaints in person so that proper identification, signatures, photographs, or physical evidence may be obtained as necessary.

A complainant shall be provided with a copy of the complaining party's statement at the time it is filed with the Department (Penal Code § 832.7).

110.4.3 HATE COMPLAINTS AGAINST PEACE OFFICERS

Internal complaints or complaints from the public shall be accepted and investigated in accordance with this policy where it is alleged that a correctional officer has in the previous seven years, and since age 18, engaged in membership in a hate group, participated in a hate group activity, or advocated any public expression of hate (Penal Code § 13682).

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110.4.4 AVAILABILITY OF WRITTEN PROCEDURES

The Department shall make available to the public a written description of the investigation procedures for complaints (Penal Code § 832.5).

110.5 DOCUMENTATION

Supervisors shall ensure that all formal and informal complaints are documented on a complaint form. The supervisor shall ensure that the nature of the complaint is defined as clearly as possible.

All complaints and inquiries should also be documented in a log that records and tracks complaints. The log shall include the nature of the complaint and the actions taken to address the complaint. On an annual basis, the Jail Administrator should audit the log and send an audit report to the Sheriff or the authorized designee.

110.6 ADMINISTRATIVE INVESTIGATIONS

Allegations of misconduct will be administratively investigated as follows.

110.6.1 SUPERVISOR RESPONSIBILITIES

In general, the primary responsibility for the investigation of a personnel complaint shall rest with the member's immediate supervisor, unless the supervisor is the complainant, or the supervisor is the ultimate decision-maker regarding disciplinary action or has any personal involvement regarding the alleged misconduct. The Sheriff or the authorized designee may direct that another supervisor investigate any complaint.

A supervisor who becomes aware of alleged misconduct shall take reasonable steps to prevent aggravation of the situation.

The responsibilities of supervisors include but are not limited to:

(a) Ensuring that upon receiving or initiating any formal complaint, a complaint form is completed.
    1. The original complaint form will be directed to the Watch Commander of the accused member, via the chain of command, who will take appropriate action and/or determine who will have responsibility for the investigation.
    2. In circumstances where the integrity of the investigation could be jeopardized by reducing the complaint to writing or where the confidentiality of a complainant is at issue, a supervisor shall orally report the matter to the member's Jail Administrator or the Sheriff, who will initiate appropriate action.

(b) Responding to all complainants in a courteous and professional manner.

(c) Resolving those personnel complaints that can be resolved immediately.
    1. Follow-up contact with the complainant should be made within 24 hours of the Department receiving the complaint.
    2. If the matter is resolved and no further action is required, the supervisor will note the resolution on a complaint form and forward the form to the Watch Commander.

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(d) Ensuring that upon receipt of a complaint involving allegations of a potentially serious nature, the Watch Commander and the Sheriff are notified via the chain of command as soon as practicable.

(e) Promptly contacting the Human Resources Department and the Watch Commander for direction regarding the supervisor's role in addressing a complaint that relates to sexual, racial, ethnic, or other forms of prohibited harassment or discrimination.

(f) Forwarding unresolved personnel complaints to the Watch Commander, who will determine whether to contact the complainant or assign the complaint for investigation.

(g) Informing the complainant of the investigator’s name and the complaint number within three days after assignment.

(h) Investigating a complaint as follows:

1. Making reasonable efforts to obtain names, addresses, and telephone numbers of witnesses.

2. When appropriate, ensuring immediate medical attention is provided and photographs of alleged injuries and accessible uninjured areas are taken.

(i) Ensuring that the procedural rights of the accused member are followed (Government Code § 3303 et seq.).

(j) Ensuring interviews of the complainant are generally conducted during reasonable hours.

110.6.2 ADMINISTRATIVE INVESTIGATION PROCEDURES

Whether conducted by a supervisor or a member of the Administrative Investigations Unit, the following applies to members covered by the Public Safety Officers Procedural Bill of Rights Act (POBR) (Government Code § 3303):

(a) Interviews of an accused member shall be conducted during reasonable hours and preferably when the member is on-duty. If the member is off-duty, the member shall be compensated.

(b) Unless waived by the member, interviews of an accused member shall be at the Imperial County Sheriff's Office or other reasonable and appropriate place.

(c) No more than two interviewers should ask questions of an accused member.

(d) Prior to any interview, a member shall be informed of the nature of the investigation, the name, rank, and command of the individual in charge of the investigation, the interviewing officers, and all other persons to be present during the interview.

(e) All interviews should be for a reasonable period and the member's personal needs should be accommodated.

(f) No member should be subjected to offensive or threatening language, nor shall any promises, rewards, or other inducements be used to obtain answers.

(g) Any member refusing to answer questions directly related to the investigation may be ordered to answer questions administratively and may be subject to discipline for failing to do so.

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1. A member should be given an order to answer questions in an administrative investigation that might incriminate the member in a criminal matter only after the member has been given a *Lybarger* advisement. Administrative investigators should consider the impact that compelling a statement from the member may have on any related criminal investigation and should take reasonable steps to avoid creating any foreseeable conflicts between the two related investigations. This may include conferring with the person in charge of the criminal investigation (e.g., discussion of processes, timing, implications).
2. No information or evidence administratively coerced from a member may be provided to anyone involved in conducting the criminal investigation or to any prosecutor.

(h) The interviewer should record all interviews of members and witnesses. The member may also record the interview. If the member has been previously interviewed, a copy of that recorded interview shall be provided to the member prior to any subsequent interview.

(i) All members subjected to interviews that could result in discipline have the right to have an uninvolved representative present during the interview. However, in order to maintain the integrity of each individual's statement, involved members shall not consult or meet with a representative or attorney collectively or in groups prior to being interviewed.

(j) All members shall provide complete and truthful responses to questions posed during interviews.

(k) No member may be requested or compelled to submit to a polygraph examination, nor shall any refusal to submit to such examination be mentioned in any investigation (Government Code § 3307).

No investigation shall be undertaken against any correctional officer solely because the correctional officer has been placed on a prosecutor's *Brady* list or the name of the correctional officer may otherwise be subject to disclosure pursuant to *Brady v. Maryland*. However, an investigation may be based on the underlying acts or omissions for which the correctional officer has been placed on a *Brady* list or may otherwise be subject to disclosure pursuant to *Brady v. Maryland* (Government Code § 3305.5).

110.6.3 ADMINISTRATIVE INVESTIGATION FORMAT

Formal investigations of personnel complaints shall be thorough, complete, and essentially follow this format:

Introduction - Include the identity of the members, the identity of the assigned investigators, the initial date, and source of the complaint.

Synopsis - Provide a brief summary of the facts giving rise to the investigation.

Summary - List the allegations separately, including applicable policy sections, with a brief summary of the evidence relevant to each allegation. A separate recommended finding should be provided for each allegation.

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Evidence - Each allegation should be set forth with the details of the evidence applicable to each allegation provided, including comprehensive summaries of member and witness statements. Other evidence related to each allegation should also be detailed in this section.

Conclusion - A recommendation regarding further action or disposition should be provided.

Exhibits - A separate list of exhibits (e.g., recordings, photos, documents) should be attached to the report.

110.6.4 DISPOSITIONS

Each personnel complaint shall be classified with one of the following dispositions:

Unfounded - When the investigation discloses that the alleged acts did not occur or did not involve department members. Complaints that are determined to be frivolous will fall within the classification of unfounded (Penal Code § 832.8).

Exonerated - When the investigation discloses that the alleged act occurred but that the act was justified, lawful, and/or proper.

Not sustained - When the investigation discloses that there is insufficient evidence to sustain the complaint or fully exonerate the member.

Sustained - A final determination by an investigating agency, commission, board, hearing officer, or arbitrator, as applicable, following an investigation and opportunity for an administrative appeal pursuant to Government Code § 3304 and Government Code § 3304.5 that the actions of a correctional officer were found to violate law or department policy (Penal Code § 832.8).

If an investigation discloses misconduct or improper job performance that was not alleged in the original complaint, the investigator shall take appropriate action with regard to any additional allegations.

110.6.5 COMPLETION OF INVESTIGATIONS

Every investigator or supervisor assigned to investigate a personnel complaint or other alleged misconduct shall proceed with due diligence in an effort to complete the investigation within one year from the date of discovery by an individual authorized to initiate an investigation (Government Code § 3304).

In the event that an investigation cannot be completed within one year of discovery, the assigned investigator or supervisor shall ensure that an extension or delay is warranted within the exceptions set forth in Government Code § 3304(d) or Government Code § 3508.1.

110.6.6 NOTICE TO COMPLAINANT OF INVESTIGATION STATUS

The member conducting the investigation should provide the complainant with periodic updates on the status of the investigation, as appropriate.

110.6.7 LIMITATIONS ON INVESTIGATIONS

Investigations shall not be undertaken against any correctional officer in the following limited circumstances:

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(a) The correctional officer has been placed on a prosecutor's *Brady* list, or the name of the correctional officer may otherwise be subject to disclosure pursuant to *Brady v. Maryland* (Government Code § 3305.5).

1. An investigation may be initiated based on the underlying acts or omissions for which the correctional officer has been placed on a *Brady* list or may otherwise be subject to disclosure pursuant to *Brady v. Maryland*.

(b) A court finding against a correctional officer in a challenge brought under Penal Code § 745 (California Racial Justice Act of 2020) (Government Code § 3305.6).

1. An investigation may be Initiated based on the underlying acts or omissions which formed the basis of the action brought pursuant to Penal Code § 745 (Government Code § 3305.6).

110.7 ADMINISTRATIVE SEARCHES

Assigned lockers, storage spaces, and other areas, including desks, offices, and vehicles, may be searched as part of an administrative investigation upon a reasonable suspicion of misconduct.

Such areas may also be searched any time by a supervisor for non-investigative purposes, such as obtaining a needed report, radio, or other document or equipment.

Lockers and storage spaces may only be administratively searched in the member's presence, with the member’s consent, with a valid search warrant, or where the member has been given reasonable notice that the search will take place (Government Code § 3309).

110.7.1 DISCLOSURE OF FINANCIAL INFORMATION

An employee may be compelled to disclose personal financial information under the following circumstances (Government Code § 3308):

(a) Pursuant to a state law or proper legal process

(b) Information exists that tends to indicate a conflict of interest with official duties

(c) If the employee is assigned to or being considered for a special assignment with a potential for bribes or other improper inducements

110.8 ADMINISTRATIVE LEAVE

When a complaint of misconduct is of a serious nature, or when circumstances indicate that allowing the accused to continue to work would adversely affect the mission of the Department, the Sheriff or the authorized designee may temporarily assign an accused employee to administrative leave. Any employee placed on administrative leave:

(a) May be required to relinquish any department badge, identification, assigned weapons, and any other department equipment.

(b) Shall be required to continue to comply with all policies and lawful orders of a supervisor.

(c) May be temporarily reassigned to a different shift, generally a normal business-hours shift, during the investigation. The employee may be required to remain available for contact at all times during such shift, and will report as ordered.

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110.9 CRIMINAL INVESTIGATION

Where a member is accused of potential criminal conduct, a separate supervisor or investigator shall be assigned to investigate the criminal allegations apart from any administrative investigation. Any separate administrative investigation may parallel a criminal investigation.

The Sheriff shall be notified as soon as practicable when a member is accused of criminal conduct. The Sheriff may request a criminal investigation by an outside law enforcement agency.

A member accused of criminal conduct shall be advised of the member's constitutional rights (Government Code § 3303(h)). The member should not be administratively ordered to provide any information in the criminal investigation.

The Imperial County Sheriff's Office may release information concerning the arrest or detention of any member, including a correctional officer, that has not led to a conviction. No disciplinary action should be taken until an independent administrative investigation is conducted.

110.10 POST-ADMINISTRATIVE INVESTIGATION PROCEDURES

Upon completion of a formal investigation, an investigation report should be forwarded to the Sheriff through the chain of command. Each level of command should review the report and include comments in writing before forwarding the report. The Sheriff may accept or modify any classification or recommendation for disciplinary action.

110.10.1 JAIL ADMINISTRATOR RESPONSIBILITIES

Upon receipt of any completed personnel investigation, the Jail Administrator of the involved member shall review the entire investigative file, the member's personnel file, and any other relevant materials.

The Jail Administrator may make recommendations regarding the disposition of any allegations and the amount of discipline, if any, to be imposed.

Prior to forwarding recommendations to the Sheriff, the Jail Administrator may return the entire investigation to the assigned investigator or supervisor for further investigation or action.

When forwarding any written recommendation to the Sheriff, the Jail Administrator shall include all relevant materials supporting the recommendation. Actual copies of a member's existing personnel file need not be provided and may be incorporated by reference.

110.10.2 SHERIFF RESPONSIBILITIES

Upon receipt of any written recommendation for disciplinary action, the Sheriff shall review the recommendation and all accompanying materials. The Sheriff may modify any recommendation and/or may return the file to the Jail Administrator for further investigation or action.

Once the Sheriff is satisfied that no further investigation or action is required by staff, the Sheriff shall determine the amount of discipline, if any, that should be imposed. In the event disciplinary action is proposed, the Sheriff shall provide the member with a pre-disciplinary procedural due process hearing *(Skelly)* by providing written notice of the charges, proposed action, and reasons

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for the proposed action. Written notice shall be provided within one year from the date of discovery of the misconduct (Government Code § 3304(d)). The Sheriff shall also provide the member with:

(a) Access to all of the materials considered by the Sheriff in recommending the proposed discipline.

(b) An opportunity to respond orally or in writing to the Sheriff within five days of receiving the notice.

1. Upon a showing of good cause by the member, the Sheriff may grant a reasonable extension of time for the member to respond.

2. If the member elects to respond orally, the presentation may be recorded by the Department. Upon request, the member shall be provided with a copy of the recording.

Once the member has completed a response, or if the member has elected to waive any such response, the Sheriff shall consider all information received in regard to the recommended discipline. The Sheriff shall render a timely written decision to the member and specify the grounds and reasons for discipline and the effective date of the discipline. Once the Sheriff has issued a written decision, the discipline shall become effective.

110.10.3 NOTICE OF FINAL DISPOSITION TO THE COMPLAINANT

The Sheriff or the authorized designee shall ensure that the complainant is notified of the disposition (i.e., sustained, not sustained, exonerated, unfounded) of the complaint (Penal Code § 832.7(f)).

110.10.4 NOTICE REQUIREMENTS

The disposition of any civilian’s complaint shall be released to the complaining party within 30 days of the final disposition. This release shall not include what discipline, if any was imposed (Penal Code § 832.7(f)).

110.11 PRE-DISCIPLINE EMPLOYEE RESPONSE

The pre-discipline process is intended to provide the accused employee with an opportunity to present a written or oral response to the Sheriff after having had an opportunity to review the supporting materials and prior to imposition of any recommended discipline. The employee shall consider the following:

(a) The response is not intended to be an adversarial or formal hearing.

(b) Although the employee may be represented by an uninvolved representative or legal counsel, the response is not designed to accommodate the presentation of testimony or witnesses.

(c) The employee may suggest that further investigation could be conducted or the employee may offer any additional information or mitigating factors for the Sheriff to consider.

(d) In the event that the Sheriff elects to conduct further investigation, the employee shall be provided with the results prior to the imposition of any discipline.

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(e) The employee may thereafter have the opportunity to further respond orally or in writing to the Sheriff on the limited issues of information raised in any subsequent materials.

110.12 RESIGNATIONS/RETIREMENTS PRIOR TO DISCIPLINE

In the event that a member tenders a written resignation or notice of retirement prior to the imposition of discipline, it shall be noted in the file. The tender of a resignation or retirement by itself shall not serve as grounds for the termination of any pending investigation or discipline (Penal Code § 13510.8).

110.13 POST-DISCIPLINE APPEAL RIGHTS

Non-probationary employees have the right to appeal a suspension without pay, punitive transfer, demotion, reduction in pay or step, or termination from employment. The employee has the right to appeal using the procedures established by any collective bargaining agreement, Memorandum of Understanding, and/or personnel rules.

In the event of punitive action against an employee covered by the POBR, the appeal process shall be in compliance with Government Code § 3304 and Government Code § 3304.5.

During any administrative appeal, evidence that a correctional officer has been placed on a *Brady* list or is otherwise subject to *Brady* restrictions may not be introduced unless the underlying allegations of misconduct have been independently established. Thereafter, such *Brady* evidence shall be limited to determining the appropriateness of the penalty (Government Code § 3305.5).

Additionally, any evidence of a court finding that a correctional officer violated Penal Code § 745 (California Racial Justice Act of 2020) shall not be introduced for any purpose in any administration appeal of a punitive action (Government Code § 3305.6).

110.14 PROBATIONARY EMPLOYEES AND OTHER MEMBERS

At-will and probationary employees and those members other than non-probationary employees may be released from employment for non-disciplinary reasons (e.g., failure to meet standards) without adherence to any of the procedures set forth in this policy or any right to appeal. However, any probationary correctional officer subjected to an investigation into allegations of misconduct shall be entitled to those procedural rights, as applicable, set forth in the POBR (Government Code § 3303; Government Code § 3304).

At-will, probationary employees and those other than non-probationary employees subjected to discipline or termination as a result of allegations of misconduct shall not be deemed to have acquired a property interest in their position, but shall be given the opportunity to appear before the Sheriff or the authorized designee for a non-evidentiary hearing for the sole purpose of attempting to clear their name or liberty interest. There shall be no further opportunity for appeal beyond the liberty interest hearing and the decision of the Sheriff shall be final.

110.15 RETENTION OF PERSONNEL INVESTIGATION FILES

All personnel complaints shall be maintained in accordance with the established records retention schedule and as described in the Personnel Records Policy.

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110.16 REQUIRED REPORTING TO POST

The Sheriff or the authorized designee shall notify the Commission on Peace Officer Standards and Training (POST), on the appropriate POST form, within 10 days of certain correctional officer personnel events, including but not limited to (Penal Code § 13510.9):

(a) Termination or separation from employment or appointment. Separation from employment or appointment includes any involuntary termination, resignation, or retirement.

1. A POST affidavit-of-separation form shall be executed and maintained by the department and submitted to POST as required by Penal Code § 13510.9 and 11 CCR 1003.

(b) Events that could affect a correctional officer's POST certification, such as:

1. Complaints, charges, or allegations of serious misconduct (as defined by Penal Code § 13510.8)
2. Findings of civilian review boards
3. Final dispositions of any investigations
4. Civil judgments or court findings based on conduct, or settlement of a civil claim against a correctional officer or the Imperial County Sheriff's Office based on allegations of conduct by a correctional officer

The Sheriff or the authorized designee shall be responsible for providing POST access to or duplication of investigation documentation (e.g., physical or documentary evidence, witness statements, analysis, conclusions) within the applicable time frame provided in Penal Code § 13510.9.

110.16.1 NOTIFICATIONS TO POST FOR SERIOUS MISCONDUCT

The Sheriff or the authorized designee shall report allegations of serious misconduct by a correctional officer to POST, and the report shall include the following (11 CCR 1207):

(a) Name of the department

(b) Administrative case number

(c) Name, current address, and phone number of the complainant, if available

(d) Name, POST ID, current address, and phone number of the involved correctional officer

(e) A summary of the alleged misconduct, including:

1. A narrative of the allegations
2. Date and time of incidents
3. Location of occurrence
4. Any witness information, if available
5. Summary of arrest or indictment of involved correctional officer

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(f) A change in employment status of the involved correctional officer (e.g., administrative leave, suspension, termination)

(g) Name and contact information of the assigned investigator

The Sheriff or the authorized designee shall provide updates of the investigation to POST every 90 days until the final disposition in the method designated by POST (11 CCR 1207).

Upon completion of the investigation, the Sheriff or the authorized designee shall submit to POST the final disposition of the investigation as well as investigation materials and the correctional officer's service record as provided by 11 CCR 1207.

110.16.2 ADDITIONAL NOTIFICATIONS FOR SERIOUS MISCONDUCT

Additional notification shall be made to POST (11 CCR 1207):

(a) If the imposed disciplinary action is pending appeal or other review through an administrative or judicial proceeding:

1. The Department shall provide the name of the body conducting the proceeding.
2. The status of the proceeding, if known.

(b) If criminal charges are pending:

1. The name of the court having jurisdiction over the criminal charges against the correctional officer.
2. The status of the criminal case, if known.

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Anti-Retaliation

111.1 PURPOSE AND SCOPE

This policy prohibits retaliation against members who identify workplace issues, such as fraud, waste, abuse of authority, gross mismanagement, or any inappropriate conduct or practices, including violations that may pose a threat to the health, safety, or well-being of members.

This policy does not prohibit actions taken for nondiscriminatory or non-retaliatory reasons, such as discipline for cause.

These guidelines are intended to supplement and not limit members' access to other applicable remedies. Nothing in this policy shall diminish the rights or remedies of a member pursuant to any applicable federal law, provision of the U.S. Constitution, state and local law, ordinance, or memorandum of understanding.

111.2 POLICY

The Imperial County Sheriff's Office has a zero tolerance for retaliation and is committed to taking reasonable steps to protect from retaliation members who, in good faith, engage in permitted behavior or who report or participate in the reporting or investigation of workplace issues. All complaints of retaliation will be taken seriously and will be promptly and appropriately investigated.

111.3 RETALIATION PROHIBITED

No member may retaliate against any person for engaging in lawful or otherwise permitted behavior; for opposing a practice believed to be unlawful, unethical, discriminatory, or retaliatory; for reporting or making a complaint under this policy; or for participating in any investigation related to a complaint under this or any other policy.

Retaliation includes any adverse action or conduct, including but not limited to:

- Refusing to hire or denying a promotion.
- Extending the probationary period.
- Unjustified reassignment of duties or change of work schedule.
- Real or implied threats or other forms of intimidation to dissuade the reporting of wrongdoing or filing of a complaint, or as a consequence of having reported or participated in protected activity.
- Taking unwarranted disciplinary action.
- Spreading rumors about the person filing the complaint or about the alleged wrongdoing.
- Shunning or unreasonably avoiding a person because the person has engaged in protected activity.

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111.3.1 RETALIATION PROHIBITED FOR REPORTING VIOLATIONS
A member shall not be retaliated against for reporting a suspected violation of a law or regulation by another member to a supervisor or other person in the Department who has the authority to investigate the violation (Government Code § 7286 (b)).

111.4 COMPLAINTS OF RETALIATION

Any members who feel they have been retaliated against in violation of this policy should promptly report the matter to any supervisor, any command staff member, the Sheriff, or the county Director of Human Resources.

Members shall act in good faith, not engage in unwarranted reporting of trivial or minor deviations or transgressions, and make reasonable efforts to verify facts before making any complaint in order to avoid baseless allegations. Members shall not report or state an intention to report information or an allegation knowing it to be false or with willful or reckless disregard for the truth or falsity of the information, or otherwise act in bad faith.

Investigations are generally more effective when the identity of the reporting member is known, thereby allowing investigators to obtain additional information from the reporting member. However, complaints may be made anonymously. All reasonable efforts shall be made to protect the reporting member's identity. However, confidential information may be disclosed to the extent required by law or to the degree necessary to conduct an adequate investigation and make a determination regarding a complaint. In some situations, the investigative process may not be complete unless the source of the information and a statement by the member are part of the investigative process.

111.5 SUPERVISOR RESPONSIBILITIES

Supervisors are expected to remain familiar with this policy and ensure that members under their command are aware of its provisions.

The responsibilities of supervisors include but are not limited to:

(a) Ensuring complaints of retaliation are investigated as provided in the Personnel Complaints Policy.

(b) Receiving all complaints in a fair and impartial manner.

(c) Documenting the complaint and any steps taken to resolve the problem.

(d) Acknowledging receipt of the complaint, notifying the Sheriff via the chain of command, and explaining to the member how the complaint will be handled.

(e) Taking appropriate and reasonable steps to mitigate any further violations of this policy.

(f) Monitoring the work environment to ensure that any member making a complaint is not subjected to further retaliation.

(g) Periodic follow-up with the complainant to ensure that retaliation is not continuing.

(h) Not interfering with or denying the right of a member to make any complaint.

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(i) Taking reasonable steps to accommodate requests for assignment or schedule changes made by a member who may be the target of retaliation if it would likely mitigate the potential for further violations of this policy.

111.6 COMMAND STAFF RESPONSIBILITIES

The Sheriff should communicate to all supervisors the prohibition against retaliation.

Command staff shall treat all complaints as serious matters and shall ensure that prompt actions take place, including but not limited to:

(a) Communicating to all members the prohibition against retaliation.

(b) The timely review of complaint investigations.

(c) Remediation of any inappropriate conduct or condition and instituting measures to eliminate or minimize the likelihood of recurrence.

(d) The timely communication of the outcome to the complainant.

111.7 WHISTLE-BLOWING

California law protects members who (Labor Code § 1102.5; Government Code § 53296 et seq.):

(a) Report a violation of a state or federal statute or regulation to a government or law enforcement agency, including the member's supervisor or any other member with the authority to investigate the reported violation.

(b) Provide information or testify before a public body if the member has reasonable cause to believe a violation of law occurred.

(c) Refuse to participate in an activity that would result in a violation of a state or federal statute or regulation.

(d) File a complaint with a local agency about gross mismanagement or a significant waste of funds, abuse of authority, or a substantial and specific danger to public health or safety. Members shall exhaust all available administrative remedies prior to filing a formal complaint.

(e) Are family members of a person who has engaged in any protected acts described above.

Members are encouraged to report any legal violations through the chain of command (Labor Code § 1102.5).

Members who believe they have been the subject of retaliation for engaging in such protected behaviors should promptly report it to a supervisor. Supervisors should refer the complaint to the Administrative Investigations Unit for investigation pursuant to the Personnel Complaints Policy.

111.7.1 DISPLAY OF WHISTLE-BLOWER LAWS

The Department shall display a notice to members regarding their rights and responsibilities under the whistle-blower laws, including the whistle-blower hotline maintained by the Office of the Attorney General (Labor Code § 1102.8).

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111.8 RECORDS RETENTION AND RELEASE

The Records Supervisor shall ensure that documentation of investigations is maintained in accordance with the established records retention schedules.

111.9 TRAINING

This policy should be reviewed with each new member.

All members should receive periodic refresher training on the requirements of this policy.

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Chapter 2 - Organization and Administration

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Drug- and Alcohol-Free Workplace

200.1 PURPOSE AND SCOPE

The purpose of this policy is to establish clear and uniform guidelines regarding drugs and alcohol in the workplace (41 USC § 8103).

200.2 POLICY

It is the policy of the Imperial County Sheriff's Office to provide a drug- and alcohol-free workplace for all members.

200.3 GENERAL GUIDELINES

Alcohol and drug use in the workplace or on department time can endanger the health and safety of department members and the public.

Members who have consumed an amount of an alcoholic beverage or taken any medication, or combination thereof, that would tend to adversely affect their mental or physical abilities shall not report for duty. Affected members shall notify the Watch Commander or appropriate supervisor as soon as the member is aware that the member will not be able to report to work. If the member is unable to make the notification, every effort should be made to have a representative contact the supervisor in a timely manner. If the member is adversely affected while on-duty, the member shall be immediately removed and released from work (see the Work Restrictions section in this policy).

200.3.1 USE OF MEDICATIONS

Members should not use any medications that will impair their ability to safely and completely perform their duties. Any member who is medically required or has a need to take any such medication shall report that need to the member's immediate supervisor prior to commencing any on-duty status.

200.3.2 MEDICAL CANNABIS

Possession, use, or being under the influence of medical cannabis on-duty is prohibited and may lead to disciplinary action.

200.4 MEMBER RESPONSIBILITIES

Members shall report for work in an appropriate mental and physical condition. Members are prohibited from purchasing, manufacturing, distributing, dispensing, possessing, or using controlled substances or alcohol on department premises or on department time (41 USC § 8103). The lawful possession or use of prescribed medications or over-the-counter remedies is excluded from this prohibition.

Members shall notify a supervisor immediately if they observe behavior or other evidence that they believe demonstrates that a fellow on-duty member is impaired due to drug or alcohol use.

Members are required to notify their immediate supervisors of any criminal drug statute conviction for a violation occurring in the workplace no later than five days after such conviction (41 USC § 8103).

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200.5 EMPLOYEE ASSISTANCE PROGRAM

There may be available a voluntary employee assistance program to assist those who wish to seek help for alcohol and drug problems (41 USC § 8103). Insurance coverage that provides treatment for drug and alcohol abuse also may be available. Employees should contact the Human Resources Department Department, their insurance providers, or the employee assistance program for additional information. It is the responsibility of each employee to seek assistance before alcohol or drug problems lead to performance problems.

200.6 WORK RESTRICTIONS

If a member informs a supervisor that the member has consumed any alcohol, drug or medication that could interfere with a safe and efficient job performance, the member may be required to obtain clearance from the member's physician before continuing to work.

If the supervisor reasonably believes, based on objective facts, that a member is impaired by the consumption of alcohol or other drugs, the supervisor shall prevent the member from continuing work and shall ensure that the member is safely transported away from the Department.

200.7 SCREENING TESTS

The supervisor may require an employee to submit to a screening under any of the following circumstances:

(a) The supervisor reasonably believes, based upon objective facts, that the employee is under the influence of alcohol or drugs that are impairing the employee's ability to perform duties safely and efficiently.

(b) The employee discharges a firearm in the performance of duties (excluding training or authorized euthanizing of an animal).

(c) The employee discharges a firearm issued by the Department while off-duty, resulting in injury, death, or substantial property damage.

(d) The employee drives a motor vehicle in the performance of duties and becomes involved in an incident that results in bodily injury, death, or substantial damage to property.

200.7.1 SUPERVISOR RESPONSIBILITIES

The supervisor shall prepare a written record documenting the specific facts that led to the decision to require the test, and shall inform the employee in writing of the following:

(a) The test will be given to detect either alcohol or drugs, or both.

(b) The result of the test is not admissible in any criminal proceeding against the employee.

(c) The employee may refuse the test, but refusal may result in dismissal or other disciplinary action.

200.7.2 DISCIPLINE

An employee may be subject to disciplinary action if the employee:

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(a) Fails or refuses to submit to a screening test.

(b) After taking a screening test that indicates the presence of a controlled substance, fails to provide proof, within 72 hours after being requested, that the employee took the controlled substance as directed, pursuant to a current and lawful prescription issued in the employee's name.

200.8 COMPLIANCE WITH THE DRUG-FREE WORKPLACE ACT

No later than 30 days following notice of any drug statute conviction for a violation occurring in the workplace involving a member, the Department will take appropriate disciplinary action, up to and including dismissal, and/or requiring the member to satisfactorily participate in a drug abuse assistance or rehabilitation program (41 USC § 8104).

200.9 CONFIDENTIALITY

The Department recognizes the confidentiality and privacy due its members. Disclosure of any information relating to substance abuse treatment, except on a need-to-know basis, shall only be with the express written consent of the member involved or pursuant to lawful process.

The written results of any screening tests and all documents generated by the employee assistance program are considered confidential medical records and shall be maintained separately in the member's confidential medical file in accordance with the Personnel Records Policy.

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Financial Practices

201.1 PURPOSE AND SCOPE

The Sheriff shall prepare and present an annual budget request that ensures an adequate allocation of resources for facility operations and programming. Budget requests shall be prepared in the manner and detail prescribed by the Department. Service goals and objectives should be delineated in the budget plan.

201.2 POLICY

The Department’s responsibilities include the development of a budget plan, submitting the plan to the County Executive, and monitoring the facility’s progress toward meeting its budget objectives throughout the fiscal year.

A fiscal system has been established that accounts for all income and expenditures on an ongoing basis. Methods for collecting, safeguarding and disbursing monies shall comply with established accounting procedures.

201.3 BUDGET PLAN

The Jail Administrator will establish a system of quarterly projections of expenditures for personnel, operating expenses, equipment and capital projects. A record of a historical pattern of expenditures along with a justification for new expenditures should be used as the supporting documentation in the development of the budget plan.

Once completed, the budget plan will be submitted to the Fiscal Department for review and approval and/or returned to the Department for additional development. Once the budget plan has been approved by the County Executive or the authorized designee, the Department may initiate expenditures in accordance with the plan.

201.4 FISCAL ACCOUNTING AND MANAGEMENT OF APPROVED BUDGET

The Fiscal Department is responsible for monitoring the facility's progress toward meeting its budget objectives throughout the fiscal year. Data on key performance indicators should be collected and evaluated at regular intervals and reviewed by the Sheriff and the Jail Administrator's budget officials and other policy-makers. Reports should contain at a minimum the following information:

- The budget amount
- The amount expended for the month
- The year-to-date amount expended
- Any outstanding encumbrances
- The cumulative total year-to-date expenditures plus outstanding encumbrances

When the Jail Administrator receives the monthly budget report, they should review all of the expenditure accounts for risk indicators, such as:

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- Significant variations in expenditures in an account used consistently, where the amounts charged are expected to vary little, if any, from month to month.
- Expenditures that are significantly beyond the forecasted amounts or whether the year-to-date percentages expended are significantly higher than the percentage of time elapsed.
- Large balances of/or long-term outstanding encumbrances.

Fiscal data collected during the year should be used to formulate a budget for the following year.

201.5 TRANSFERRING FUNDS AMONG BUDGET CATEGORIES

Unless otherwise specified, the transfer of funds among budget categories may require the approval of the County Executive.

201.6 FINANCIAL AUDITS

The Sheriff should ensure that a financial audit of the facility is conducted annually. The audit shall conform to generally accepted auditing standards.

201.6.1 FINANCIAL AUDITS OF THE INCARCERATED PERSON WELFARE FUND

An annual financial audit of the Incarcerated Person Welfare Fund shall be conducted and shall include the Department's budget and any monies placed into the Incarcerated Person Welfare Fund. The methods used for collecting, safeguarding, and disbursing monies, including incarcerated persons' personal funds held by the facility, shall comply with accepted accounting procedures.

201.6.2 POSITION CONTROL

Position control is the process used by the Department to exercise control over the size and cost of its workforce. It ensures that any new, regular employee added to an agency’s payroll basis is filling a position that has been approved and budgeted, and that the rate of pay for the position is within the salary range for the job classification in which the position resides.

This facility is one of the most labor-intensive functions and therefore control of payroll expenditures is a crucial part of managing the facility budget. In order to exercise control of payroll expenditures, the Department will utilize a system of position control as part of its ongoing budget process.

201.7 STAFFING PLAN

The Jail Administrator should maintain an up-to-date staffing plan for the purpose of exercising position control. The staffing plan should include a comprehensive list of all positions in all facilities. Each position has a descriptive job title that is associated with a description of the position's duties and responsibilities. Each position will have a written job description for all position classifications and post assignments that define responsibilities, duties and qualifications.

The Jail Administrator should adhere to the following strategies for the management of position control and personnel costs:

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(a) Ensure that this facility is staffed with the appropriate number and type of staff. The proper allocation and deployment of staff across shifts and functional units is essential. In addition, the availability of the right classification of staff (e.g., custody staff supervising incarcerated persons, maintenance staff performing maintenance, food service staff preparing meals) with the appropriate job skills and training enhances efficiency.

(b) Strategically time the filling of newly authorized positions or vacancies in current positions. Strategic timing is important throughout the budget year to create vacancy savings that can be used to address current budget year shortfalls.

(c) Manage the use of overtime carefully. The historical use of overtime should be tracked to make the case for additional staff and/or to provide sufficient funding in an overtime line item. The use of overtime should also be monitored at regular intervals to verify that it is being used within projected levels.

(d) Manage the use of part-time staff. The number of hours worked by part-time staff should be monitored to ensure that part-time employees are not working in excess of what has been authorized (e.g., a part-time employee should be working no more than an average of 20 hours per week).

(e) Establish and maintain procedures to ensure the accuracy and integrity of payroll documentation. Time cards, time sheets and related documentation should reflect actual hours worked.

(f) Consider the impact of position upgrades on the entire job classification. An upgrade for one position may set the stage for upgrades of similar positions within the same job classification.

(g) Monitor the use of merit increases. Caution should be exercised in granting merit increases as a way of making up for perceived shortfalls in cost-of-living increases. Each merit increase, unless it is a one-time bonus, increases the base pay and has an impact on continuation funding in future budget years.

201.7.1 INSURANCE REQUIREMENTS

The Department shall ensure, by way of department risk managers, the procurement of adequate liability coverage of the jail operations. Coverage shall include, at minimum, workers' compensation, civil liability and the public employee blanket bond.

201.7.2 PERFORMANCE MONITORING

Performance monitoring necessitates the establishment of benchmarks and performance targets. The Fiscal Department shall develop budget benchmarks so that actual performance output can be compared with these targets to determine whether this facility is meeting the goals and objectives articulated in the budget.

A quarterly monitoring report assessing the effectiveness, efficiency and quality of custody operations will be provided to the Sheriff for the purpose of developing the budget for the following year.

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Supervision of Incarcerated Persons

202.1 PURPOSE AND SCOPE

The purpose of this policy is to ensure the safety and security of the facility through the application of appropriate staffing levels.

202.2 POLICY

It is the policy of this facility to provide for the safety and security of citizens, staff and incarcerated persons through appropriate staffing levels that are sufficient to operate the facility and perform functions related to the safety, security, custody, and supervision of incarcerated persons.

202.3 SUPERVISION OF INCARCERATED PERSONS

There shall be, at all times, sufficient staff designated to remain in the facility for the supervision and welfare of incarcerated persons, to ensure the implementation and operation of all programs and activities as required by Title 15 CCR Minimum Jail Standards, and to respond to emergencies when needed. Such staff must not leave the facility while incarcerated persons are present and should not be assigned duties that could conflict with the supervision of incarcerated persons (15 CCR 1027).

When a person from each gender is being held at this facility, a minimum of one correctional officer from each gender should be on-duty in the jail at all times.

Staff members shall not be placed in positions of responsibility for the supervision and welfare of incarcerated persons of the opposite gender in circumstances that can be described as an invasion of privacy or that may be degrading or humiliating to the incarcerated persons.

To the extent reasonably practicable, incarcerated person bathrooms will contain modesty screens that preserve privacy without creating areas that cannot be properly supervised.

The Jail Administrator or the authorized designee shall be responsible for developing staffing plans to comply with this policy. Records of staff deployment should be maintained in accordance with established records retention schedules (Penal Code § 4021; 15 CCR 1027).

202.4 SEPARATION OF DUTIES

Maintenance personnel are employed to perform preventive, routine, and emergency maintenance functions. Custody staff will not be given physical plant maintenance duties that distract from their primary responsibility of supervising incarcerated persons.

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Prohibition on Incarcerated Person Control

203.1 PURPOSE AND SCOPE

The purpose of this policy is to define the requirement that staff should at all times exercise control of the incarcerated person population under their supervision and should prevent incarcerated persons from controlling other incarcerated persons within the facility.

203.2 POLICY

All staff, including support staff, contractors, and volunteers should exercise control and supervision of all incarcerated persons under their control. It is the policy of this department to prohibit any staff member to implicitly allow, or by dereliction of duty allow, any incarcerated person or group of incarcerated persons to exert authority over any other incarcerated person (Penal Code § 4019.5; 15 CCR 1083(b)).

203.3 EDUCATION, DRUG, OR ALCOHOL PROGRAM ASSISTANTS

Nothing in the policy is intended to restrict the legitimate use of incarcerated persons to assist in the instruction of educational or drug and alcohol programs. Any use of incarcerated persons in this manner will be expressly authorized by the Jail Administrator in a legally prescribed manner. Any program that uses incarcerated persons to assist in legitimate program activities will be closely supervised by facility employees or vocational instructors. Nothing in this section is intended to authorize an incarcerated person program assistant to engage in disciplining other incarcerated persons.

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Equipment Inventory and Supplies

204.1 PURPOSE AND SCOPE

This facility must have the materials, supplies and equipment that are necessary to maintain effective and efficient operations. This policy establishes responsibilities and requirements for purchasing, storing, and inventory of those items.

204.2 POLICY

The Jail Administrator shall ensure that all jail property and fixed assets are inventoried annually and that all supplies purchased are reconciled with the invoice prior to payment.

The Jail maintains a secure storage area for the purpose of storing supplies and equipment. The Jail Administrator shall maintain oversight of the area.

With the exception of medical supplies, which are ordered by the contract medical provider, the Fiscal Department is responsible for the purchasing and acquisition of materials and equipment for this facility. Supplies and equipment that are not needed for immediate use should be stored in a secure storage area.

Purchase request forms bearing the signature of the Jail Administrator should be completed and received by the Fiscal Department before any supplies or equipment are purchased and distributed. Any encumbrance to this facility's budget requires review and approval by the Jail Administrator and the Department Finance Manager.

The Department's Fiscal Department, in conformance with established policies, is responsible for negotiating all other purchases.

204.3 PURCHASING

The Jail Administrator, along with the Finance Manager, is responsible for managing the purchasing process to ensure that amounts and types of purchases fall within budget parameters. The Jail Administrator must also ensure that this facility's purchasing process complies with applicable laws, regulations, and department policies.

With approval of the Jail Administrator and the Finance Manager, small purchases of under $100 that are a critical need may be procured by way of a petty cash voucher.

Personnel with spending authority should adhere to the following strategies:

(a) Be knowledgeable about the county’s requirements and procedures for purchasing goods and services.

(b) Establish a working relationship with this facility’s purchasing agent.

(c) Provide the purchasing agent with information describing the types of goods and services required to operate the facility.

(d) Ensure that staff with spending authority follow procedures that outline the process for submission and approval of purchase requisitions.

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(e) Review purchase requisitions to verify the need, urgency, and priority.

(f) Monitor service contracts to ensure that this facility is receiving the scope and quality of services specified in the contract.

(g) Regularly monitor expenditures to make certain the purchase of goods and services is charged to the appropriate accounts and within budget limits.

(h) Keep purchase records to maintain the integrity and availability of purchasing documents, including requisitions, purchase orders, receiving reports, and invoices.

(i) Maintain inventory records of disposal in accordance with county requirements and procedures.

204.4 EQUIPMENT INVENTORY

The Jail Administrator or the authorized designee will conduct an audit on all supplies and equipment annually. All losses will be reported by the Sheriff to the County Executive. The Fiscal Department may also conduct an interim audit on all fixed assets in order to maintain a complete and accurate accounting of equipment and its location.

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Tool and Culinary Equipment

205.1 PURPOSE AND SCOPE

The purpose of this policy is to establish a tightly controlled process for the use of tools and culinary equipment in order to reduce the risk of such items becoming weapons for the incarcerated person population. While there are times that specific incarcerated workers may need to possess tools or equipment for legitimate daily operations, the possession and use of those tools must be carefully monitored and controlled by staff (15 CCR 1029(a)(6)).

205.2 POLICY

It is the policy of this facility to securely store, inventory, control and monitor the use of tools and culinary equipment to ensure accountability and the secure use of these items (15 CCR 1029(a)(6)).

205.3 CUSTODY TOOLS

Tools include all implements that are maintained within the secure perimeter of the facility to complete specific tasks. These tools include but are not limited to mops, brooms, dustpans, and floor polishers.

All tools, culinary items, or medical equipment shall be locked in secure cabinets or storage rooms when not in use.

Any time tools are brought into a secure area where incarcerated persons are present, staff supervising the area shall count the number of tools brought in to ensure that the same number of tools is taken out.

Any tool that is used within the secure perimeter of the facility must be closely monitored and controlled by the staff supervising the area so that it cannot be used as a weapon (15 CCR 1029(a)(6)). Incarcerated persons who are assigned tasks that require these tools shall be closely supervised.

An inventory of all tools used and stored within the secure perimeter of the facility shall be developed and maintained by the Jail Administrator. Tools will be inventoried by an assigned staff member at least once every 24 hours. The loss of any tool will be immediately reported to the on-duty supervisor, who shall initiate immediate action to locate or account for the missing tool, including:

(a) Detaining and searching any incarcerated person who had access to the tool.

(b) Conducting a thorough search of the immediate area for the missing item.

(c) Initiating a facility-wide search.

The staff member responsible for the supervision of the use of the missing tool will prepare and submit a report to the Watch Commander documenting the specific tool that is missing and the circumstances of the disappearance. The report will be forwarded to the Jail Administrator. A

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report identifying all members involved in the search should be submitted to the on-duty supervisor documenting their findings.

205.4 MAINTENANCE OR CONSTRUCTION TOOLS

Maintenance or construction tools are those tools and equipment that are brought into and out of the secure perimeter of the facility by employees or contractors to facilitate repairs or construction of the physical plant. Only the tools and equipment needed specifically for the intended work will be permitted into the facility. All tools and equipment will be inventoried and a list of the tools will be provided to the control booth prior to any tools or equipment being brought inside the secure perimeter.

A staff member will check the tools being brought into this facility against the inventory list. Prior to entering the secure perimeter of the facility, the contractor shall be instructed to maintain personal possession of the tools at all times. When it is necessary to complete a task in an area where incarcerated persons are present, the incarcerated persons shall be locked down by staff supervising the area.

When the person has finished working in the area, a correctional officer will ensure that all tools are accounted for by checking the tool inventory. In the event of a discrepancy, the on-duty supervisor shall be immediately notified and appropriate action taken to locate or account for the items. Once all tools have been accounted for, the incarcerated persons may be released from lockdown.

205.5 EXTERIOR-USE TOOLS

Exterior-use tools are those that are used by incarcerated workers outside of the secure perimeter. These tools include, but are not limited to, the following:

- Handheld tools
- Power tools
- Landscape maintenance tools
- Farm equipment

Only incarcerated workers who are classified to work outside the secure perimeter of the facility will be allowed to possess exterior-use tools. The staff member responsible for supervising incarcerated workers on outside work crews will inventory all tools assigned for this purpose at the beginning of the shift.

Any tool issued to an incarcerated person will be logged with the their name, the tool type and serial number (if applicable) documented. When an incarcerated worker is finished with that tool, the responsible staff member shall check the tool against the check-out log and document its return. incarcerated workers shall not be permitted to pass tools between each other except under the direct supervision of a staff member.

All tools will be checked-in and noted on the log and returned to the tool storage area at the end of each shift. Until all tools are accounted for, incarcerated workers should not be released from the work assignment.

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In the event that an exterior-use tool is missing, the responsible staff member shall immediately notify a supervisor. A thorough search for the tool will be undertaken and an incident report shall be completed. Incarcerated persons may only be released from their work assignments when it has been determined that it is safe to do so, and upon the approval of the supervisor. The incident report with all relevant information shall be forwarded to the Jail Administrator.

205.6 KITCHEN EQUIPMENT

Culinary tools are located in the kitchen and include common tools used in the preparation, service and delivery of meals.

All kitchen knives or metal tools with sharp edges shall be stored in a locked cabinet. There shall be an outline of the tool's assigned location in the cabinet so that any tool missing from the cabinet can be easily identified. When in use, all knives shall be tethered to the work area. All tools shall be returned to the secure cabinet when not in use.

The staff assigned to the kitchen shall inventory all kitchen tools at the beginning of their shift and prior to the arrival of incarcerated workers. Kitchen tools will only be issued to incarcerated persons who have been classified as incarcerated workers. Staff will supervise incarcerated persons at all times when the incarcerated persons are using tools.

Each tool issued will be assigned to an individual incarcerated person and logged. The incarcerated person's name and the tool type will be documented. When an incarcerated worker is finished with a tool, the tool shall be checked in with the responsible staff member and documented. Incarcerated workers shall not be permitted to pass tools between each other except under the direct supervision of a staff member.

All tools will be returned to the kitchen tool cabinet at the end of each shift and must be accounted for prior to any incarcerated worker being released from the work assignment.

In the event that a kitchen tool is missing, the responsible staff shall immediately notify the on-duty supervisor, who shall initiate immediate action to locate or account for the missing tool. A thorough search for the tool will be undertaken and an incident report shall be completed by the staff member responsible for the supervision of the use of the tool. The incident report with all relevant information shall be forwarded to the Jail Administrator.

205.7 SERVING AND INDIVIDUAL EATING TOOLS

Serving tools and individual eating tools are those culinary tools located outside of the kitchen. Only incarcerated workers who are assigned to serve food shall be in control of serving tools. These tools shall be assigned to each incarcerated worker by the kitchen lead prior to leaving the kitchen. The tool type shall be documented. Upon returning to the kitchen from serving meals, the incarcerated workers shall individually check their tools in with the kitchen lead, who shall document each one.

In the event that a serving tool is missing, the kitchen lead shall notify a supervisor and a search for the tool shall be initiated.

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Disposition of Evidence

206.1 PURPOSE AND SCOPE

The purpose of this policy is to provide direction regarding the proper handling and disposition of contraband, property and evidence to ensure that the chain of custody is maintained so that evidence is admissible in a court of law or disciplinary hearing. For the purpose of this policy, property refers to items that are found and the owner is unknown. The handling of property This policy should not be confused with the handling of personal property taken from an incarcerated person during the booking process.

206.2 POLICY

It is the policy of the Imperial County Sheriff's Office to seize evidence and contraband in accordance with current constitutional and search-and-seizure law. Members of this department shall properly handle all contraband and evidence in order to maintain its admissibility. All contraband and evidence shall be handled in a safe manner and in a way that will maintain the chain of custody.

206.3 INITIAL SEIZURE OF EVIDENCE

Any staff member who first comes into possession of any evidence should retain such evidence in their possession until it is properly tagged and booked. When handling evidence and contraband, staff should observe the following safety precautions:

(a) Unload any firearm located in the approved loading/unloading area outside of the facility. If it is a revolver, the cylinder should be left open. If it is a semi-automatic pistol, the magazine shall be removed and the slide locked back in an open position. The cartridges and/or magazine will be packaged separately and booked with the firearm.

(b) Sheath any knife or other stabbing instrument in its holster (if any), or attach (tape) stiff cardboard to completely cover the blade.

(c) Place needles, such as syringes, into a hard plastic container that cannot be punctured by the needle.

(d) If the contraband is a suspected "home brew" alcoholic beverage, the handling correctional officer shall place a sample of the liquid in a plastic container that can be safely sealed. The remainder of the liquid will be treated as a biohazard and carefully disposed of as recommended by the environmental health official.

206.4 EVIDENCE HANDLING PROCEDURE

All evidence shall be appropriately submitted prior to the employee going off-duty unless otherwise approved by a supervisor. Employees booking evidence shall observe the following guidelines:

(a) Complete the appropriate form describing each item separately, listing all serial numbers (if applicable), owner's name, finder's name and other identifying information or markings.

(b) Complete the chain of custody record on the evidence packaging or tag complete with the corresponding case number.

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(c)

(d) When the evidence is too large to be placed in a locker, the item may be retained in the secure supply room or another area that can be secured from unauthorized entry. Place the completed evidence form into a numbered locker indicating the location of the property.

206.4.1 NARCOTICS AND DANGEROUS DRUGS

All narcotics and dangerous drugs shall be booked separately using a separate form. Paraphernalia shall also be booked separately. All narcotics and dangerous drugs shall be properly weighed by the booking staff member. The weight of all narcotics and dangerous drugs shall be documented on the evidence booking form. A copy of the booking form shall be placed with the evidence in the designated locker and shall also be distributed in accordance with current evidence booking procedures.

206.4.2 EXCEPTIONAL HANDLING

Certain property items require a separate process. Bodily fluids, such as blood or semen stains, shall be air-dried prior to booking.

206.4.3 RECORDING OF PROPERTY

The property and evidence technician receiving custody of evidence or property shall record their signature, the date and time the property was received and where the property will be stored.

A property number shall be obtained for each item or group of items. This number shall be recorded on the property tag and the records management system.

Any changes in the location of property held by the Department shall be noted in the records management system.

206.4.4 PROPERTY CONTROL

Every time property or evidence is released or received, an appropriate entry on the record management system and the evidence package shall be completed to maintain the chain of custody. No property or evidence is to be released without first receiving written authorization from a supervisor or the employee who is managing the case.

Correctional officers desiring property or evidence for court shall contact the property and evidence technician at least one day prior to the court day.

Request for analysis for items other than narcotics and dangerous drugs shall be completed on the appropriate forms and submitted to the property and evidence technician.

206.4.5 STATUS OF EVIDENCE

Each person receiving evidence will make the appropriate entry to document the chain of custody. Temporary release of property to a law enforcement authority for investigative purposes or for court shall be noted on the records management system, stating the date, time and to whom it was released.

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The property and evidence technician shall obtain the signature of the person to whom the property or evidence was released and the reason for the release. Any employee receiving property or evidence shall be responsible for such property or evidence until it is returned or released to another authorized person or entity.

The return of the property or evidence should be recorded on the records management system, indicating date, time and the name of the person who returned the property or evidence.

206.5 RELEASE OR DISPOSITION OF UNCLAIMED FUNDS AND PROPERTY

The employee managing the case or a supervisor shall authorize the disposition or release of all evidence and property coming into the care and custody of the Department.

All reasonable attempts should be made to return unclaimed property, found property or evidence not needed for an investigation.

Release of property shall be made upon receipt of an authorized release form. The release authorization shall be signed by the approving staff member and must match the items listed on the property form or must specify the items to be released. A signature of the person receiving the property shall be recorded on the original property form. Upon release, the proper entry shall be documented on the records management system and related forms.

The Property supervisor shall ensure that all cash not needed as evidence or funds that are left unclaimed by an incarcerated person, are transferred as soon as practical to the Fiscal Department. A record of the transfer shall be kept in the records management system.

The Property supervisor or the authorized designee shall submit a report of presumed abandoned property or funds once a year to the Sheriff and the Fiscal Department, or more frequently as directed. The Property supervisor may dispose of property in compliance with existing laws upon receipt of proper authorization from the Sheriff.

Found property and property held for safekeeping shall be held for a minimum of 90 days during which time the property and evidence technician shall attempt to contact the rightful owner if sufficient identifying information is available. If no person appears to prove rightful ownership of the property during this period, the Department shall publish notice of its possession of any property valued at $250 or more at least once in a newspaper of general circulation. If, after seven days following the publication, a person does not appear to claim ownership, the property shall be sold at public auction. Property valued at less than $250 shall be sold at public auction if no person appears to prove rightful ownership within 90 days (Civil Code § 2080.3).

If such property is not sold at auction or otherwise lawfully claimed, it may thereafter be destroyed in accordance with applicable law. The final disposition of all such property shall be fully documented in related reports.

The property and evidence technician shall release the property upon proper identification presented by the person receiving the property for which an authorized release has been received. A signature of the person receiving the property shall be recorded on the original property form. Upon release, the proper entry shall be documented in the property log.

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After release of all property listed on the property control card, the card shall be forwarded to the Records Division for filing with the case. If some items have not been released, the property card will remain in the property section.

206.6 DISPOSITION OF PROPERTY

All property not held for evidence in a pending criminal investigation or proceeding, and held for three months or longer because the owner has not been located or has failed to claim the property, may be disposed of in compliance with existing laws, upon receipt of proper authorization for disposal.

Property personnel shall make reasonable efforts to attempt to contact the owner when known. Property not held for any other purpose and not claimed within 90 days after notification (or receipt, if notification is not feasible) may be auctioned to the highest bidder at a properly published public auction. If such property is not sold at auction or otherwise lawfully claimed, it may thereafter be destroyed (Civil Code § 2080.6). The final disposition of all such property shall be fully documented on the records management system and in any related reports (Civil Code § 2080.6).

206.7 UNCLAIMED MONEY

Except as otherwise provided by law, money, excluding restitution to victims, that is in the custody of this department and is no longer needed as evidence, and that remains unclaimed after three years, will be transferred to the general fund after proper notice has been given. Before transferring the money to the general fund, the Department shall publish a notice each week for a period of two consecutive weeks in a local newspaper of general circulation, in accordance with all laws, ordinances and regulations (Government Code § 50050 et seq.). Such notice shall state the amount of money, the fund in which it is held and that the money will become the property of the department on a designated date, between 45 days and 60 days after the first publication of the notice (Government Code § 50051).

If the money remains unclaimed as of the date designated in the published notice, the money will become the property of this department to fund official custody facility operations. Money representing restitution collected on behalf of victims shall either be deposited into a restitution fund or used for purposes of victim services.

Any individual item with a value of less than $15, or any amount of money if the depositor/owner’s name is unknown, that remains unclaimed for a year or by order of the court, may be transferred to the general fund without the necessity of public notice in accordance with applicable laws, ordinances and regulations (Government Code § 50055).

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Records and Data Practices

207.1 PURPOSE AND SCOPE

This policy establishes guidelines for the control and access of confidential records by staff, contractors and volunteers.

207.2 ACCESS TO CRIMINAL RECORDS

Official files, documents, records, electronic data, video and audio recordings and information held by the Imperial County Sheriff's Office or in the custody or control of department employees, volunteers or contractors are regarded as non-public and/or confidential.

Access to confidential paper or electronically generated records in this facility is restricted at various locations according to job function and the need to know. Employees working in assigned areas will only have access to the information that is necessary for the performance of their duties. Granting access to other employees or anyone outside of the work area must meet with supervisory approval. All requests for information received from outside the Department shall be forwarded to the Jail Administrator.

Custody staff, volunteers and contractors shall not access, disclose or permit the disclosure or use of such files, documents, reports, records, video or audio recordings or other confidential information except as required in the performance of their official duties and in accordance with department policies, statutes, ordinances and regulations related to data practices.

Custody staff, volunteers and contractors who are uncertain of the confidentiality status of any document should consult with a supervisor or Jail Administrator to determine the status of the documents in question.

207.3 STAFF TRAINING

Prior to being allowed to work inside this facility, all custody staff, volunteers and contractors will receive training on department records, policies and confidentiality requirements, including the potential criminal and civil penalties that may result from a breach of confidentiality in violation of this policy and all applicable statutes.

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Research Involving Incarcerated Persons

208.1 PURPOSE AND SCOPE

The purpose of this policy is to establish safeguards and guidelines to protect incarcerated persons from being used as research subjects in medical and other research experiments based only on their status as incarcerated persons and without proper approval, review, or informed consent.

208.2 POLICY

The Imperial County Sheriff's Office will conduct and support research that improves operations, enhances professional knowledge, decreases recidivism, and advances the department's mission in accordance with existing laws and with appropriate protection of all incarcerated persons. However, the use of incarcerated persons for medical, pharmaceutical, or cosmetic experiments is prohibited.

208.3 AUTHORIZATION REQUIREMENTS

Prior to initiating any approved research, all persons conducting research in this facility must agree to abide by all department policies relating to the security and confidentiality of incarcerated persons files. Based upon the intended use of the research, guidelines will be established regarding what information shall be accessible to the researcher or the research organization.

Any requests for an exception shall include a response to the following questions as part of the proposed research project:

- Who is conducting the research?
- What is the purpose of the research?
- What is the methodology?
- Do the researchers or persons advocating research involving the use of incarcerated persons have an understanding of their ethical responsibilities, including considerations for the establishment of an Institutional Review Board (IRB), as described in 45 CFR 46.301 et seq.?
- Any other information as deemed appropriate by the Jail Administrator or Sheriff.

Inquiries regarding proposed research projects from local, state and federal executive and legislative bodies/agencies will be brought to the attention of the Sheriff immediately by the employee who receives the request. At the direction of the Sheriff, an appropriate and timely response will be made to each legitimate inquiry.

Research or studies involving more than the information identified as public information may require signed release/waiver forms from the involved incarcerated persons. The Sheriff should consult and seek guidance from the County Counsel or other legal expert in these matters.

Incarcerated persons are not precluded from individual treatment based on the need for a specific medical procedure that is not generally available. An incarcerated person's treatment with a new medical procedure by the incarcerated person's own physician shall be undertaken only after the

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incarcerated person has received a full explanation of the positive and negative features of the treatment, and only with the incarcerated person's informed consent.

208.4 LEGAL CONSIDERATIONS

Any research conducted or supported by the United States Department of Health and Human Services (DHHS) will be required to comply with the provisions of 45 CFR 46.301 et seq.

208.4.1 BIOMEDICAL RESEARCH

Research relating to or involving biological, medical, or physical science shall not be conducted on any incarcerated person. This does not include the accumulation of statistical data in the assessment of the effectiveness of nonexperimental public health programs or treatment programs in which incarcerated persons routinely participate (Penal Code § 3502).

Records-based biomedical research using existing information, without prospective interaction with incarcerated persons, may be conducted consistent with Penal Code § 3500 et seq. and federal law.

208.5 INCARCERATED PERSONS IN COMMUNITY-BASED RESEARCH

When incarcerated persons who are participants in a community-based research protocol are admitted to the facility, the following shall occur:

(a) The intake nurse shall collect all relevant data, including name and contact information of the treating physician, and all available detail about the treatment regimen and the condition being treated.

(b) The responsible physician shall be contacted prior to the initiation of treatment.

(c) Consultation with community researchers shall be made by the responsible physician to determine the intent of the study and any necessary parameters to measure as the treatment period progresses.

(d) Necessary information shall be obtained so that withdrawal from the research protocol is done without harming the health of the incarcerated person.

208.6 HUMAN RESEARCH STUDIES

This department does not endorse enrolling incarcerated persons in human research studies. Requests to enroll incarcerated persons in human research studies will not ordinarily be approved. However, any request to enroll an incarcerated person into such a study must be reviewed by the Sheriff, the Responsible Physician, and legal counsel, and authorization provided prior to enrollment. Any authorized enrollments shall comply with all state and federal guidelines.

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Incarcerated Person Records

209.1 PURPOSE AND SCOPE

This policy establishes the procedures required to create and maintain accurate records of all persons booked and confined in this facility.

209.2 POLICY

It is the policy of this department that all records shall be complete and comprehensive, resulting in reliable data that provides information about each incarcerated person's period of confinement, as well as histories of previous confinement in this facility. All incarcerated person records are official department documents and should be used for official business only. Incarcerated person records are a vital component of the criminal justice system and should only be released to authorized persons.

209.3 RECORD MAINTENANCE

It shall be the responsibility of the Records Division to maintain records on all persons who have been committed or assigned to this facility, including but not limited to the following (15 CCR 1041):

- Information gathered during the admission process as provided in the Incarcerated person Reception Policy
- Photographs and fingerprints cross-referenced to the booking number
- Duration of confinement
- Cash and property inventory and receipts
- Classification records, including incarcerated person classification levels and housing restrictions
- Housing history records
- Reports of disciplinary events and dispositions
- Grievances and dispositions
- Reports of incidents or crimes committed during confinement
- Request forms
- Special visit forms
- Court appearances, documents, and the disposition of hearings
- Work documentation
- Program documentation
- Visitation records
- Telephone records
- Non-medical information regarding disabilities and other limitations

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The Jail Administrator or the authorized designee shall establish a procedure for managing incarcerated person records.

209.3.1 COURT ORDERS OF NAME OR GENDER CHANGE
When a court order is received that involves a name change of an incarcerated person, the Records Division shall document the new name in the incarcerated person's records and list any prior names as an alias. When a court order is received involving a gender change, appropriate adjustments will be made to the incarcerated person records (Code of Civil Procedure § 1279.5).

209.4 RELEASE OF INCARCERATED PERSON RECORDS

incarcerated person records are confidential and shall be used for official business only. Any release of incarcerated person records shall be made only in compliance with a lawful court order or as authorized by state and federal law to persons having a legitimate criminal justice need, or with a consent form signed by the incarcerated person (15 CCR 1045). A copy of the release authorization document shall be maintained in the records management system.

209.5 ELECTRONIC RECORD MAINTENANCE

All incarcerated person records and data maintained in an electronic format shall be accessible only through a login/password-protected system capable of documenting by name, date, and time any person who has accessed the information. The Jail Administrator shall be responsible for working with the information technology personnel to ensure the security of the data and to develop and maintain a copy of the security plan.

209.6 RECORDS RETENTION

Incarcerated person records shall be maintained consistent with the established records retention schedule.

209.7 INFORMATION SHARING REGARDING IMMIGRATION STATUS

No member of this department will prohibit, or in any way restrict, another member from doing any of the following regarding the citizenship or immigration status, lawful or unlawful, of any individual (8 USC § 1373; Government Code § 7284.6):

(a) Sending information to, or requesting or receiving such information from federal immigration officials

(b) Maintaining such information in department records

(c) Exchanging such information with any other federal, state or local government entity

Nothing in this policy restricts sharing information permissible under the California Values Act.

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Report Preparation

210.1 PURPOSE AND SCOPE

Report preparation is a major part of each correctional officer's job. The purpose of these reports is to document incidents at the facility, refresh the correctional officer's memory, and provide sufficient information for a follow-up investigation and successful prosecution or a disciplinary proceeding. Report writing is the subject of substantial formal and on-the-job training.

210.2 POLICY

It is the policy of the Imperial County Sheriff's Office that members shall act with promptness and efficiency in the preparation and processing of all reports.

210.3 REPORT PREPARATION

Employees should ensure that reports are sufficiently detailed for their purpose and free from errors prior to submission. Reports shall be prepared by the staff assigned to investigate or document an incident, approved by a supervisor and submitted to the Jail Administrator or the authorized designee in a timely manner (15 CCR 1044). Reports relating to any incident resulting in death, serious injury or endangerment to staff, incarcerated person, or a visitor; an escape; a major disturbance; a facility emergency, or an unsafe condition at the facility shall be submitted to the Jail Administrator as soon as practicable but within 24 hours of the incident. It is the responsibility of the assigned employee to ensure that all the above listed reports meet this requirement or that supervisory approval has been obtained to delay the report. The supervisor must determine whether the report will be available in time for appropriate action to be taken, such as administrative notifications or resolution, investigative leads, or an incarcerated person disciplinary proceeding.

Handwritten reports must be prepared legibly. If the report is not prepared legibly, the employee shall be required by the reviewing supervisor to promptly correct the report. Employees who dictate reports by any means shall use appropriate grammar, as content is not the responsibility of the typist. Employees who generate reports on computers are subject to all requirements of this policy.

All reports shall accurately reflect the identity of the persons involved, all pertinent information seen, heard, or assimilated by any other sense, and any actions taken. Employees shall not suppress, conceal, or distort the facts of any reported incident, nor shall any employee make a false report orally or in writing. Generally, the reporting employee's opinions should not be included in reports unless specifically identified as such.

210.4 REQUIRED REPORTING

Written reports are required in all of the following situations on the appropriate department-approved form unless otherwise approved by a supervisor (15 CCR 1044).

210.4.1 CRIMINAL ACTIVITY REPORTING

When an employee responds to an incident, or as a result of self-initiated activity, and becomes aware of any activity where a crime has occurred, the employee is required to document the activity. The fact that a victim is not desirous of prosecution is not an exception to documentation.

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210.4.2 INCIDENT REPORTING

Incident reports generally serve as an in-house notation of occurrences in the facility and to initiate, document, and support the incarcerated person disciplinary process. The Department shall establish a filing system that differentiates between incident reports, crime reports, and disciplinary actions. This policy does not require the duplication of information on two different forms. Where both exist, cross-referencing facilitates retrieval of one or both.

Incidents that shall be documented using the appropriate approved report include (15 CCR 1044):

(a) Non-criminal incidents of rule violations by incarcerated persons.

(b) Attempted suicide or suicidal ideation on the part of an incarcerated person.

(c) Non-criminal breaches of security or evidence of an escape attempt.

(d) Non-criminal security threats, including intelligence related to jail activities.

(e) Significant incidents related to medical issues, health, or safety in the jail.

(f) Discovery of contraband in the possession of incarcerated persons or their housing areas.

(g) Detaining or handcuffing any visitor at the facility.

(h) Traffic collisions involving department vehicles.

(i) Risk management incidents, including injuries to incarcerated persons and lost or damaged property.

(j) Accidental injuries of staff, incarcerated persons, or the public.

(k) Unusual occurrences.

210.4.3 DEATHS

All deaths shall be investigated and a report completed by the Imperial County Sheriff's Office Investigations Unit to determine the manner of death and to gather information, including statements of incarcerated persons and staff who were in the area at the time the death occurred.

Reporting of deaths will be handled in accordance with the Reporting In-Custody Deaths Policy.

210.4.4 INJURY OR DAMAGE BY DEPARTMENT PERSONNEL

Reports shall be taken if an injury occurs that is a result of an act of an employee. Reports shall be taken involving damage to property or equipment.

210.4.5 USE OF FORCE

Reports related to the use of force shall be made in accordance with the Use of Force Policy.

210.5 GENERAL POLICY OF EXPEDITIOUS REPORTING

In general, all employees and supervisors shall act with promptness and efficiency in the preparation and processing of all reports. An incomplete report, unorganized reports or reports delayed without supervisory approval are not acceptable. Reports shall be processed according to established priorities or according to special priority necessary under exceptional circumstances.

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210.5.1 GENERAL USE OF HANDWRITTEN FORMS
County, state and federal agency forms may be block printed as appropriate. In general, the form itself may make the requirement for typing apparent.

210.6 REPORT CORRECTIONS
Supervisors shall review reports for content and accuracy. If a correction is necessary, the reviewing supervisor should return it to the reporting employee for correction as soon as practicable. It shall be the responsibility of the originating employee to ensure that any report returned for correction is processed in a timely manner. It shall be the responsibility of the supervisor rejecting the report to follow up on any report corrections not received in a timely manner.

210.7 REPORT CHANGES OR ALTERATIONS
Reports that have been approved by a supervisor and submitted to the Records Division for filing and distribution shall not be modified or altered except by way of a supplemental report. Reviewed reports that have not yet been submitted to the Records Division may be corrected or modified by the authoring employee only with the knowledge and authorization of the reviewing supervisor. Reviewing supervisors should not alter reports. When modifications are required, these should be the responsibility of the authoring employee.

210.8 ELECTRONIC SIGNATURES
The Department has established an electronic signature procedure for use by all employees. The Jail Administrator or the authorized designee shall be responsible for maintaining the electronic signature system and ensuring that each employee creates a unique, confidential password for their electronic signature. The system use and design shall follow the requirements of Civil Code § 1633 et seq. when applicable.

(a) Employees may only use their electronic signature for official reports or other official communications.

(b) Each employee shall be responsible for the security and use of their electronic signature and shall promptly notify a supervisor if the electronic signature has or may have been compromised or misused.

210.9 USE OF ARTIFICIAL INTELLIGENCE IN PREPARATION OF REPORTS
Official reports that are generated using artificial intelligence (AI) either fully or partially shall contain the following (Penal Code § 13663):

(a) On each page of an official report, or within the body of the text, identify every specific AI program used in a manner that makes such identification readily apparent to the reader and prominently state the following: "This report was written either fully or in part using artificial intelligence."

(b) The signature of the member who is preparing the official report, either in physical or electronic form, verifying that they reviewed the contents of the report and that the facts contained in the official report are true and correct. Except for the official report, a draft of any report created with the use of AI shall not constitute a member's statement.

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For purposes of this section artificial intelligence means an engineered or machine-based system that varies in its level of autonomy and that can, for explicit or implicit objectives, infer from the input it receives how to generate outputs that can influence physical or virtual environments. AI as used in this section applies to AI systems that automatically draft police report narratives based upon an analysis of in-car or dash-mounted cameras, or body-worn camera audio or video, and AI systems that analyze a law enforcement officer's dictated report to generate a police report narrative automatically enhanced by generative AI (Penal Code § 13663).

210.9.1 ARTIFICIAL INTELLIGENCE AUDIT TRAIL

The Department shall maintain an audit trail for AI generated first drafts or official reports for as long as the official report is retained that, at a minimum, identifies both of the following (Penal Code § 13663):

(a) The name of the person who used AI to create the report.

(b) The video and audio footage that is used to create a report, if any.

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Key and Electronic Access Device Control

211.1 PURPOSE AND SCOPE

The control and accountability of facility keys and electronic access devices are vital factors in maintaining a safe and secure environment for incarcerated persons, staff, volunteers, contractors, and the public (15 CCR 1029(a)(6)). This policy outlines the methods that the Department will use in maintaining strict security of its keys and electronic access devices. For ease of reference, the term "key" as used in this policy includes all physical means of access to or exit from the secure areas of the facility.

211.2 POLICY

It is the policy of this department that all keys used to access secure areas of the facility or to exit the secure areas of the facility are strictly controlled. Employees and supervisors will be held accountable for the security and safety of the facility. All key control activities shall be accurately documented on a daily basis (15 CCR 1029(a)(6)).

211.3 KEY CONTROL RECORDS

A shift roster will be maintained for the accounting and security of all key sets. Each shift is responsible for reporting any key malfunctions or missing key sets. Key control measures shall be documented by the control room staff on logs and forms, and the records retained in accordance with established records retention schedules.

211.4 ELECTRONIC ACCESS DEVICES

Proximity cards, fobs, or other devices may be issued to staff to allow access to restricted or controlled areas of the facility. In the event of a lost or stolen device, an employee shall notify their supervisor as soon as it is known the device is missing. The device shall be immediately deactivated to prevent unauthorized use.

211.5 KEY IDENTIFICATION

All keys that open any doors within the facility shall be marked with unique identification codes that will allow for quick inventory. Keys that are bundled together as a set shall be numbered or coded with a tag to identify that set and the number of keys on the ring. The identifying numbers or code on keys shall not correspond to numbers/codes on locks.

A separate secure document identifying all keys will be maintained by the Central Control supervisor.

211.6 KEY SET CONTENTS

Key sets issued to staff for use within the secure perimeter of the facility shall not contain any key that would permit access to areas outside the secure perimeter. The armory key shall not be permitted inside the secure perimeter.

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211.7 KEY CONTROL

All facility keys shall be maintained in a locked key box within the appropriate Control room. This room shall have controlled access for staff only. Each person assigned to the facility shall be issued key tags bearing their employee number. Key sets will be exchanged for key tags to maintain a record of which employee has which set. At the end of a shift, employees shall exchange all keys for their key tags.

All keys must be checked out through the control process. Employees shall not possess any key for which they have not been authorized.

Employees shall not duplicate, mark, alter, or manufacture any key without written authorization from the Jail Administrator or the authorized designee.

Control room staff shall, at the beginning and end of their respective shifts, inventory the key box and its contents. All keys must be accounted for before the end of shift.

Under no circumstances will security keys be made available to incarcerated persons regardless of their status.

211.8 LOCK POLICY

All security perimeter entrances, Control center doors and cell doors shall be kept locked, except when used for admission or exit of employees, incarcerated persons, or visitors, and in an emergency. Operators of sallyports shall ensure that only one of the doors of a sallyport is opened at any time for entry or exit purposes, except where the entry or exit of emergency personnel requires the operator to override the doors and allow for rapid entry or exit. Each time the override function is engaged, the officer must submit a written report to the on-duty supervisor prior to the end of their shift.

211.9 TESTING

The Watch Commander shall ensure locks to security doors or gates are tested for proper function at least weekly to ensure proper operation. This testing shall be documented and a weekly report forwarded to the facility administrator.

211.10 EXTERIOR DOOR AND ARMORY KEYS

Keys for exterior doors to the facility and the armory shall be kept in a locked cabinet in a secure location, outside of the facility’s secure perimeter. Supervisors shall, at the beginning and end of their respective shifts, inventory and account for these keys.

211.11 EMERGENCY KEY SET

At least one key set containing every key for the facility shall be kept separate from all other key sets in a secure location and made accessible only to the Jail Administrator, the Watch Commander, the supervisor, or the authorized designee in the event of an emergency.

211.12 MISSING KEYS

Any staff member who discovers that a key or key set is missing shall immediately make a verbal report to a supervisor and shall prepare a written incident report as directed by the supervisor. The

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supervisor shall immediately initiate a search for the missing key. If a reasonable effort to locate the key fails, the supervisor shall order a lockdown of the facility. All incarcerated persons shall be locked in their cells/housing units and a headcount conducted. Incarcerated persons shall not be allowed to pass into or out of the facility without being thoroughly searched for the missing key. The supervisor shall, as soon as practicable, notify the Jail Administrator regarding the loss of the key, when it was discovered and the circumstances involved.

A methodical and thorough search of the entire facility will be made by the on-duty staff.

Additional staff may be called to assist with the search. If, after a thorough search, the key or key set is not located, the Jail Administrator will determine whether to re-key any locks that may have been compromised, and whether this should be done immediately.

The Jail Administrator shall initiate an investigation into the disappearance of the keys to reexamine the procedures for key control, and shall notify the Sheriff of their findings. Based upon the findings of the investigation and any recommendations, the procedures governing this policy may be amended.

211.13 DAMAGED KEYS OR LOCK

Damaged keys or locks shall be promptly reported to a supervisor. No part of a broken key shall be left in the lock. All portions of the damaged key must be turned in to the Watch Commander, who will ensure duplicate keys are provided as needed. Damaged locks shall be replaced or repaired as soon as practicable. Appropriate security measures shall be taken until such time as the lock is properly restored. No lock to a security door or gate shall be permitted to be inoperable or left in an unsuitable condition. No incarcerated person shall be secured in a cell, detention room, or area that has inoperable locks.

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Daily Activity Logs and Shift Reports

212.1 PURPOSE AND SCOPE

Accurate and legible records are vital to the management of the facility. They provide a means for managers to review events and emergency situations that have occurred within the facility.

This policy provides guidance for creating and maintaining accurate and legible records necessary for the management of the facility.

212.2 POLICY

This policy establishes the requirement for the preparation, maintenance and retention of permanent logs and shift reports to provide a record of both routine activities and unusual events such as emergencies or other notable occurrences.

212.3 PROCEDURES

All members assigned to a security post shall prepare an accurate daily activity log and shift report. The daily activity log and shift report is a permanent record of daily activities. Members who falsify any official document may be subject to disciplinary action, up to and including termination, as well as criminal prosecution.

All members will adhere to the following procedures when preparing a daily activity log or shift report:

(a) Logged into an electronic record in the records management system.

(b) Entries should provide sufficient detail to ensure that the log entry or report properly reflects the events of the day.

(c) Entries shall include the name and badge number of the individual making the entry.

(d) Entries shall reflect the date and time of the event logged.

(e) Entries created and stored electronically shall not be modified. If corrections or changes become necessary, they shall be done by way of a supplemental entry, leaving the original entry unaltered and retrievable.

212.4 SHIFT ACTIVITY LOG

All pertinent activities should be documented in the daily activity log. At a minimum this includes:

- Personnel on-duty
- Bookings and releases
- Formal counts
- Well-being checks, security checks and inspections and routine activities
- All searches/shakedowns
- Incarcerated person movement within the facility
- Changes in Housing assignment for incarcerated persons

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- Meal service
- Professional visits to the housing units, including maintenance work and tours
- Alarms and security equipment tests
- Medication delivery, sick call or incarcerated person complaint of illness or injury and the action taken
- Locking and unlocking of incarcerated person cells
- Incarcerated persons disciplinary actions
- Supervisor rounds to the housing area and/or to specific incarcerated persons
- Unusual incarcerated person behavior
- Discovered contraband
- Activities and programs offered and the attendees
- Unusual occurrences
- Sanitation inspections
- Use of emergency equipment
- Any use of force
- Key counts

The daily activity log will be retained in accordance with established records retention schedules.

212.5 SHIFT REPORT

Each member assigned to a security post, as well as the supervisor, shall prepare a shift report for the oncoming staff. This report shall include the following:

(a) The formal incarcerated person count at the beginning and end of each shift

(b) Key count and exchange

(c) Exchange of security equipment (e.g., duress alarm, radio)

(d) The time the supervisor made rounds

(e) Information that would assist the oncoming staff

(f) Unusual occurrences

The shift report will be retained in accordance with established records retention schedules.

212.6 SUPERVISOR RESPONSIBILITIES

Supervisors shall review the daily activity logs and shift reports during the course of each shift. Supervisors shall sign and include the date and time of review on each log or report. When appropriate, supervisors should include comments in the logbook with regard to an incident or unusual occurrence in the facility.

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Whenever a major event in the facility requires a coordinated command response, the Incident Commander (IC) should designate someone to keep a running log that identifies, at a minimum, the following:

- Date and time the incident began
- Specific location of the incident
- Times of significant response measures taken during the incident
- Name, identification number and time of arrival of personnel on-scene
- Orders issued by the IC
- Significant events that occurred as a result of the incident

The above information should remain available to the IC throughout the event to assist with ongoing response planning.

212.7 REPORTING MAINTENANCE ISSUES

All maintenance issues reported shall be recorded in the daily activity log. Routine maintenance issues shall also be reported to the staff assigned to liase with maintenance personnel. All emergency maintenance issues shall be reported to the Watch Commander.

The Watch Commander will direct a staff member to contact the on-call maintenance personnel and advise them of the issue and request a prompt response to address the issue.

At least once per week the Watch Commander shall direct a staff member to complete a facility maintenance report and submit the completed report to the staff assigned to liase with maintenance personnel.

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Personnel Records

213.1 PURPOSE AND SCOPE

This policy governs maintenance and access to personnel records. Personnel records include any file maintained under an individual member's name.

213.2 POLICY

It is the policy of this department to maintain personnel records and preserve the confidentiality of personnel records pursuant to the Constitution and the laws of California (Penal Code § 832.7).

213.3 DEPARTMENT FILE

The Department file shall be maintained as a record of a person's employment/appointment with this department. The department file should contain at a minimum:

(a) Personal data, including photographs, marital status, names of family members, educational and employment history, or similar information. A photograph of the member should be permanently retained.

(b) Election of employee benefits.

(c) Personnel action reports reflecting assignments, promotions, and other changes in employment/appointment status. These should be permanently retained.

(d) Original performance evaluations. These should be permanently retained.

(e) Discipline records including copies of sustained personnel complaints (see the Personnel Complaints Policy.

1. Disciplinary action resulting from sustained internally initiated complaints or observation of misconduct shall be maintained pursuant to the established records retention schedule and at least four years (Government Code § 12946).
2. Disciplinary action resulting from a sustained civilian’s complaint involving misconduct shall be maintained pursuant to the established records retention schedule and at least 15 years (Penal Code § 832.5).
3. A civilian’s complaint involving misconduct that was not sustained shall be maintained pursuant to the established records retention schedule and at least five years (Penal Code § 832.5).

(f) Adverse comments, such as supervisor notes or memos may be retained in the department file after the member has had the opportunity to read and initial the comment (Government Code § 3305).

1. Once a member has had an opportunity to read and initial any adverse comment, the member shall be given the opportunity to respond in writing to the adverse comment within 30 days (Government Code § 3306).
2. Any member response shall be attached to and retained with the original adverse comment (Government Code § 3306).

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3. If a member refuses to initial or sign an adverse comment, at least one supervisor should note the date and time of such refusal on the original comment and the member should sign or initial the noted refusal. Such a refusal, however, shall not be deemed insubordination, nor shall it prohibit the entry of the adverse comment into the member's file (Government Code § 3305).

(g) Commendations and awards.

(h) Any other information, the disclosure of which would constitute an unwarranted invasion of personal privacy.

213.4 DIVISION FILE

Division files may be separately maintained internally by a member's supervisor for the purpose of completing timely performance evaluations. The Division file may contain supervisor comments, notes, notices to correct, and other materials that are intended to serve as a foundation for the completion of timely performance evaluations.

All materials intended for this interim file shall be provided to the employee prior to being placed in the file in accordance with Government Code § 3305 and Government Code § 3306.

213.5 TRAINING FILE

An individual training file shall be maintained by the Training Manager for each member. Training files will contain records of all training; original or photocopies of available certificates, transcripts, diplomas, and other documentation; and education and firearms qualifications. Training records may also be created and stored remotely, either manually or automatically (e.g., Daily Training Bulletin (DTB) records).

(a) The involved member is responsible for providing the Training Manager or immediate supervisor with evidence of completed training/education in a timely manner.

(b) The Training Manager or supervisor shall ensure that copies of such training records are placed in the member's training file.

213.6 ADMINISTRATIVE INVESTIGATIONS UNIT FILE

Internal affairs files shall be maintained under the exclusive control of the Administrative Investigations Unit in conjunction with the office of the Sheriff. Access to these files may only be approved by the Sheriff or the Administrative Investigations Unit supervisor.

These files shall contain the complete investigation of all formal complaints of member misconduct, regardless of disposition (Penal Code § 832.12). Investigations of complaints that result in the following findings shall not be placed in the member's file, but will be maintained in the internal affairs file:

(a) Not sustained

(b) Unfounded

(c) Exonerated

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Investigation files arising out of sustained civilian’s complaints involving misconduct shall be maintained pursuant to the established records retention schedule and for a period of at least 15 years. Investigations that resulted in other than a sustained finding may not be used by the Department to adversely affect an employee’s career (Penal Code § 832.5).

Investigation files arising out of internally generated complaints shall be maintained pursuant to the established records retention schedule and for at least four years (Government Code § 12946).

Investigation files arising out of a civilian complaint involving misconduct that was not sustained shall be maintained pursuant to the established records retention schedule and at least five years (Penal Code § 832.5).

213.7 MEDICAL FILE

A medical file shall be maintained separately from all other personnel records and shall contain all documents relating to the member’s medical condition and history, including but not limited to:

(a) Materials relating to a medical leave of absence, including leave under the Family and Medical Leave Act (FMLA).

(b) Documents relating to workers' compensation claims or the receipt of short- or long-term disability benefits.

(c) Fitness-for-duty examinations, psychological and physical examinations, follow-up inquiries, and related documents.

(d) Medical release forms, doctor's slips, and attendance records that reveal a member's medical condition.

(e) Any other documents or material that reveals the member's medical history or medical condition, including past, present, or future anticipated mental, psychological, or physical limitations.

213.8 SECURITY

Personnel records should be maintained in a secured location and locked either in a cabinet or access-controlled room. Personnel records maintained in an electronic format should have adequate password protection.

Personnel records are subject to disclosure only as provided in this policy or according to applicable discovery procedures.

Nothing in this policy is intended to preclude review of personnel records by the County Executive, County Counsel, or other attorneys or representatives of the county in connection with official business.

213.9 REQUESTS FOR DISCLOSURE

Any member receiving a request for a personnel record shall promptly notify the custodian of records or other person charged with the maintenance of such records.

Upon receipt of any such request, the responsible person shall notify the affected member as soon as practicable that such a request has been made (Evidence Code § 1043).

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The responsible person shall further ensure that an appropriate response to the request is made in a timely manner, consistent with applicable law. In many cases, this may require assistance of available legal counsel.

All requests for disclosure that result in access to a member's personnel records shall be logged in the corresponding file.

213.9.1 REQUESTS FOR DISCLOSURE OF FORMER EMPLOYEE FILES

Members receiving requests for information from another agency regarding allegations of sexual abuse or sexual harassment involving a former employee should work with counsel to ensure compliance with Prison Rape Elimination Act (PREA) requirements (28 CFR 115.17).

213.9.2 RELEASE OF PERSONNEL INFORMATION

Personnel records shall not be disclosed except as allowed by law (Penal Code § 832.7; Evidence Code § 1043).

Any person who maliciously, and with the intent to obstruct justice or the due administration of the laws, publishes, disseminates, or otherwise discloses the residence address or telephone number of any member of this department may be guilty of a misdemeanor (Penal Code § 146e).

The Department may release any factual information concerning a disciplinary investigation if the member who is the subject of the investigation (or the member's representative) publicly makes a statement that is published in the media and that the member (or representative) knows to be false. The disclosure of such information, if any, shall be limited to facts that refute any such false statement (Penal Code § 832.7).

The Department may, without a request, disclose to the public the cause of termination for a disclosable incident involving a former correctional officer, as permitted by law (Penal Code § 832.7)(b)(13)).

213.9.3 RELEASE OF LAW ENFORCEMENT GANG INFORMATION

Information relating to the termination of a correctional officer from this department for participation in a law enforcement gang shall be disclosed to another law enforcement agency that is conducting a preemployment background investigation except where specifically prohibited by law (Penal Code § 13670).

213.9.4 SUBPOENAS

Personnel files may be subpoenaed by a third party. If employment records are subpoenaed under state authority, the employee may be notified and has the right to object to production of the records under certain circumstances.

Any subpoena duces tecum should be promptly provided to a supervisor for review and processing. While a subpoena duces tecum may ultimately be subject to compliance, it is not an order from the court that will automatically require the release of the requested information.

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All questions regarding compliance with any subpoena or subpoena duces tecum should be promptly referred to legal counsel for the Department so that a timely response can be prepared.

213.10 RELEASE OF PERSONNEL RECORDS AND RECORDS RELATED TO CERTAIN INCIDENTS, COMPLAINTS, AND INVESTIGATIONS OF OFFICERS

Personnel records and records related to certain incidents, complaints, and investigations of correctional officers shall be released pursuant to a proper request under the Public Records Act and subject to redaction and delayed release as provided by law.

The custodian of records should work as appropriate with the Sheriff or the Administrative Investigations Unit supervisor in determining what records may qualify for disclosure when a request for records is received and if the requested record is subject to redaction or delay from disclosure.

For purposes of this section, a record includes (Penal Code § 832.7(b)(3)):

- All investigation reports.
- Photographic, audio, and video evidence.
- Transcripts or recordings of interviews.
- Autopsy reports.
- All materials compiled and presented for review to the District Attorney or to any person or body charged with determining whether to file criminal charges against a correctional officer in connection with an incident, whether the correctional officer's action was consistent with law and department policy for purposes of discipline or administrative action, or what discipline to impose or corrective action to take.
- Documents setting forth findings or recommending findings.
- Copies of disciplinary records relating to the incident, including any letters of intent to impose discipline, any documents reflecting modifications of discipline due to the *Skelly* or grievance process, and letters indicating final imposition of discipline or other documentation reflecting implementation of corrective action.

Unless a record or information is confidential or qualifies for delayed disclosure as provided by Penal Code § 832.7(b)(8) or other law, the following records (hereinafter referred to as "qualifying records") shall be made available for public inspection no later than 45 days from the date of a request (Penal Code § 832.7(b)(1)):

(a) Records relating to the report, investigation, or findings of:

1. The discharge of a firearm at another person by a correctional officer.
2. The use of force against a person resulting in death or in great bodily injury (as defined by Penal Code § 243(f)(4)) by a correctional officer.
3. A sustained finding involving a complaint that alleges unreasonable or excessive force.
4. A sustained finding that a correctional officer failed to intervene against another correctional officer using force that is clearly unreasonable or excessive.

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(b) Records relating to an incident where a sustained finding was made by the Department or oversight agency regarding:

1. A correctional officer engaged in sexual assault of a member of the public (as defined by Penal Code § 832.7(b)).
2. Dishonesty of a correctional officer relating to the reporting, investigation, or prosecution of a crime, or directly relating to the reporting of, or investigation of misconduct by another correctional officer, including but not limited to any false statements, filing false reports, destruction, falsifying, or concealing of evidence, or perjury.
3. A correctional officer engaged in conduct including but not limited to verbal statements, writings, online posts, recordings, and gestures involving prejudice or discrimination against a person on the basis of race, religious creed, color, national origin, ancestry, physical disability, mental disability, medical condition, genetic information, marital status, sex, gender, gender identity, gender expression, age, sexual orientation, or military and veteran status.
4. A correctional officer made an unlawful arrest or conducted an unlawful search.

Qualifying records will be made available regardless of whether the correctional officer resigns before the department or an oversight agency concludes its investigation (Penal Code § 832.7(b)(3)).

A record from a separate and prior investigation or assessment of a separate incident shall not be released unless it is independently subject to disclosure (Penal Code § 832.7(b)(4)).

When an investigation involves multiple correctional officers, the Department shall not release information about allegations of misconduct or the analysis or disposition of an investigation of a correctional officer unless it relates to a sustained finding of a qualified allegation as provided by Penal Code § 832.7(b)(5). However, factual information about the action of the correctional officer during an incident or the statements of a correctional officer shall be released if the statements are relevant to a finding of the qualified allegation against another correctional officer that is subject to release (Penal Code § 832.7(b)(5)).

A record of a complaint, or the investigations, findings, or dispositions of that complaint, shall not be released if the complaint is frivolous or if the complaint is unfounded (Penal Code § 832.7(b)(9)).

213.10.1 REDACTION

The custodian of records, in consultation with the Sheriff or the authorized designee, shall redact the following portions of qualifying records made available for release (Penal Code § 832.7(b)(6)):

(a) Personal data or information (e.g., home address, telephone number, identities of family members) other than the names and work-related information of correctional officers

(b) Information that would compromise the anonymity of whistleblowers, complainants, victims, and witnesses

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(c) Confidential medical, financial, or other information where disclosure is prohibited by federal law or would cause an unwarranted invasion of personal privacy that clearly outweighs the strong public interest in records about possible misconduct and use of force

(d) Where there is a specific, articulable, and particularized reason to believe that disclosure of the record would pose a significant danger to the physical safety of the correctional officer or another person

Additionally, a record may be redacted, including redacting personal identifying information, where, on the facts of the particular case, the public interest served by not disclosing the information clearly outweighs the public interest served by disclosing it (Penal Code § 832.7(b)(7)).

213.10.2 DELAY OF RELEASE

Unless otherwise directed by the Sheriff, the custodian of records should consult with a supervisor familiar with the underlying investigation to determine whether to delay disclosure of qualifying records due to any of the following conditions (Penal Code § 832.7):

(a) Active criminal investigations

1. Disclosure may be delayed 60 days from the date the misconduct or use of force occurred or until the District Attorney determines whether to file criminal charges, whichever occurs sooner.
2. After the initial 60 days, delay of disclosure may be continued if the disclosure could reasonably be expected to interfere with a criminal enforcement proceeding against a correctional officer or against someone other than a correctional officer who engaged in misconduct or used the force.

(b) Filed criminal charges

1. When charges are filed related to an incident in which misconduct occurred or force was used, disclosure may be delayed until a verdict on those charges is returned at trial or, if a plea of guilty or no contest is entered, the time to withdraw the plea has passed.

(c) Administrative Investigations

1. Disclosure may be delayed until there is a determination from the investigation whether the misconduct or use of force violated law or department policy, but no longer than 180 days after the date of the department’s discovery of the misconduct or use of force or allegation of misconduct or use of force.

213.10.3 NOTICE OF DELAY OF RECORDS

When there is justification for delay of disclosure of qualifying records, the custodian of records shall provide written notice of the reason for any delay to a requester as follows (Penal Code § 832.7):

(a) Provide the specific basis for the determination that the interest in delaying disclosure clearly outweighs the public interest in disclosure. The notice shall also include the estimated date for the disclosure of the withheld information.

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(b) When delay is continued beyond the initial 60 days because of criminal enforcement proceedings against anyone at 180-day intervals provide, the specific basis that disclosure could reasonably be expected to interfere with a criminal enforcement proceeding and the estimated date for disclosure.

1. Information withheld shall be disclosed when the specific basis for withholding the information is resolved, the investigation or proceeding is no longer active, or no later than 18 months after the date of the incident, whichever occurs sooner, unless:

(a) When the criminal proceeding is against someone other than a correctional officer and there are extraordinary circumstances to warrant a continued delay due to the ongoing criminal investigation or proceeding, then the Department must show by clear and convincing evidence that the interest in preventing prejudice to the active and ongoing criminal investigation or proceeding outweighs the public interest for prompt disclosure of records about misconduct or use of force by correctional officers.

In cases where an action to compel disclosure is brought pursuant to Government Code § 7923.000, the Department may justify delay by filing an application to seal the basis for withholding if disclosure of the written basis itself would impact a privilege or compromise a pending investigation (Penal Code § 832.7(b)(8)).

213.11 MEMBERS' ACCESS TO THEIR PERSONNEL RECORDS

Any member may request access to the member's own personnel records during the normal business hours of those responsible for maintaining such files. Any member seeking the removal of any item from the member's personnel records shall file a written request to the Sheriff through the chain of command. The Department shall remove any such item if appropriate, or within 30 days provide the member with a written explanation of why the contested item will not be removed. If the contested item is not removed from the file, the member’s request and the written response from the Department shall be retained with the contested item in the member’s corresponding personnel record (Government Code § 3306.5).

Members may be restricted from accessing files containing any of the following information:

(a) An ongoing internal affairs investigations to the extent that it could jeopardize or compromise the investigation pending final disposition or notice to the member of the intent to discipline

(b) Confidential portions of internal affairs files that have not been sustained against the member

(c) Criminal investigations involving the member.

(d) Letters of reference concerning employment/appointment, licensing, or issuance of permits regarding the member.

(e) Any portion of a test document, except the cumulative total test score for either a section of the test document or for the entire test document

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(f) Materials used by the Department for staff management planning, including judgments or recommendations concerning future salary increases and other wage treatments, management bonus plans, promotions and job assignments or other comments or ratings used for department planning purposes

(g) Information of a personal nature about a person other than the member if disclosure of the information would constitute a clearly unwarranted invasion of the other person's privacy

(h) Records relevant to any other pending claim between the Department and the member that may be discovered in a judicial proceeding

213.12 RETENTION AND PURGING

Unless provided otherwise in this policy, personnel records shall be maintained in accordance with the established records retention schedule.

(a) During the preparation of each member’s performance evaluation, all personnel complaints and disciplinary actions should be reviewed to determine the relevancy, if any, to progressive discipline, training, and career development. Each supervisor responsible for completing the member’s performance evaluation should determine whether any prior sustained disciplinary file should be retained beyond the required period for reasons other than pending litigation or other ongoing legal proceedings.

(b) If a supervisor determines that records of prior discipline should be retained beyond the required period, approval for such retention should be obtained through the chain of command from the Sheriff.

(c) If, in the opinion of the Sheriff, a personnel complaint or disciplinary action maintained beyond the required retention period is no longer relevant, all records of such matter may be destroyed in accordance with the established records retention schedule.

213.12 BRADY MATERIAL IN PERSONNEL FILES

The purpose of this section is to establish a procedure for releasing potentially exculpatory information (*Brady* material) contained within personnel files.

If a member is a material witness in a criminal case, a person or persons designated by the Sheriff may examine the subject correctional officer’s personnel file to determine whether it contains *Brady* material.

Brady material includes all material evidence and facts that are reasonably believed to be exculpatory to any individual in a case (to impeach a witness, for example). Evidence or facts are considered material if there is a reasonable probability that they may affect the result of any criminal proceeding, including sentencing. If potential *Brady* material is located, the prosecuting attorney shall be notified.

Because a determination of what is or is not *Brady* material will often require legal or even judicial review, any questions should be resolved by the prosecuting attorney.

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Prior to the release of any information pursuant to this process, a protective order should be requested from the court limiting the use of such materials to the involved case and requiring the return of all copies upon completion of the case.

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Administrative and Supervisory Inspections

214.1 PURPOSE AND SCOPE

The purpose of this policy is to establish both regularly scheduled and unannounced inspections of the facility's living and activity areas. This is to encourage contact with staff and incarcerated persons and to observe incarcerated person living and working conditions. Inspections may be useful in identifying deficiencies, which can be corrected, as well as processes working properly, which may be replicated elsewhere in the facility.

214.2 POLICY

Tours and inspections shall be conducted by administrative and supervisory staff throughout the jail at least weekly to facilitate and encourage communication among administrators, managers, supervisors, staff employees, incarcerated persons, and the visiting public.

214.3 INSPECTIONS

The Jail Administrator is responsible for ensuring that scheduled and unscheduled inspections, visits, and contacts are implemented to minimally include:

(a) The general conditions and overall climate of the facility.

(b) The living and working conditions of incarcerated persons.

(c) Communication between administrators, managers, supervisors, staff, incarcerated persons, and the visiting public.

(d) Compliance with policies.

(e) Safety, security, and sanitation concerns.

(f) Incarcerated person concerns.

(g) Meal services.

214.3.1 AREAS TO BE INSPECTED

Supervisor inspections should occur in all occupied areas of the facility on a daily basis, including weekends and holidays. Inspections should be conducted randomly, and special effort should be given to tour and informally inspect the following areas:

- Incarcerated person housing areas
- Booking and receiving areas, including holding cells
- Exercise yard and recreation areas
- Visiting and program areas
- Medical and dental service areas
- Vocational work areas, e.g., the kitchen, janitorial closets
- Sallyports and transportation staging areas

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214.4 INSPECTIONS OF SECURITY EQUIPMENT

The Jail Administrator shall be responsible for designating a qualified person to conduct weekly inspections of all security devices, identifying those in need of repair or maintenance and providing a written report of the results of the inspection. The Jail Administrator shall document all action taken to correct identified deficiencies, including maintenance records, and shall retain those records in accordance with established records retention schedules.

214.5 DOCUMENTATION AND REPORTING

Each staff member conducting the inspection or tour shall document the activity in the appropriate station form or facility log. The log should include any significant findings that indicate remedial action or training may be needed. Significant issues of security or safety shall be addressed promptly. Commendable or successful actions that should be replicated elsewhere in the facility should also be noted in the log.

The Watch Commander shall review the logs daily and ensure that any deficiencies noted are addressed or forwarded through the chain of command, as appropriate, and that commendable actions are also appropriately addressed.

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Perimeter Security

215.1 PURPOSE AND SCOPE

The purpose of this policy is to establish this facility's perimeters, to ensure that incarcerated persons remain inside the perimeters, and that visitor, vendor, volunteer, and employee access is granted only with proper authorization and through designated safety vestibules and sallyports. The secure perimeter of this facility will provide protection from the escape of persons being processed, held, or housed, and will act as a defense against the entry of unauthorized persons. It shall be maintained to prevent contraband from entering the secure areas of the facility (15 CCR 1029(a)(6)).

215.2 POLICY

All entry points to the secure perimeter of the facility shall be monitored and controlled continuously by staff assigned to a control center. The entire perimeter shall be inspected, maintained, monitored and continuously assessed to ensure its physical integrity and prevent unauthorized entry, escape and contraband from entering the facility.

215.2.1 VISITORS

This facility shall be maintained as a secure area and no person shall enter any portion of the inner perimeter without specific authorization from the Jail Administrator or the authorized designee. All visitors shall be required to provide satisfactory identification, such as a valid driver's license, valid passport or military identification. Visitors shall be required to sign in on the visitor log and state the reason for the visit. Visitors must wear a visitor's badge at all times and shall be escorted by one or more staff members at all times while they are in the secure areas of the facility.

215.3 PROCEDURE

The secure perimeter shall be maintained by assigned staff. The Jail Administrator or the authorized designee shall ensure that a staffing plan is in place to monitor the secure perimeter of this facility. Suspicious activity at or near the perimeter shall immediately be reported to the Watch Commander and Central Control. The Central Control staff shall initiate an appropriate law enforcement response.

Individuals suspected to be in violation of any law may be subject to detention or arrest. Warrant checks should be conducted on all individuals who are on the property without proper authorization. Individuals found to be loitering on or around the perimeter of the facility will be stopped and questioned to determine the circumstances of their presence. They may be denied entrance into the facility.

The Central Control staff shall identify all persons seeking to gain access to the secure perimeter of the facility. Persons delivering goods or services shall identify themselves to the Central Control staff prior to being allowed access to the delivery area.

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Perimeter Security

Materials delivered to or transported from the facility's secure perimeter shall be inspected for contraband. Vendors making deliveries into the secure area of the facility will do so under the supervision of custody staff.

Keys to the secure perimeter shall be easily identifiable and issued only in emergency situations or with the authorization of the Jail Administrator.

Weapons lockers are provided outside all secure perimeter entrances. All weapons must be secured prior to an individual being allowed to enter the facility.

Operation of the sallyport doors will be done in such a manner as to effectively control movement into and out of the secure inner perimeter of this facility. Central Control staff are responsible for ensuring all perimeter surveillance equipment is in good working order and shall immediately report malfunctions or failures to the on-duty supervisor.

Outer perimeter security may be accomplished by using fencing or another type of barrier. These barriers should be designed to route vehicular and pedestrian traffic away from non-public areas. Outer perimeter lighting should be designed to illuminate all areas of the exterior to allow visual inspection by video monitor or perimeter patrols.

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News Media Relations

217.1 PURPOSE AND SCOPE

This policy provides guidelines for media releases and media access to this facility's incidents and general public information.

217.2 POLICY

It is the policy of this department that the ultimate authority and responsibility for the release of information to the media shall remain with the Sheriff. However, in situations not warranting immediate notice to the Sheriff and in situations where the Sheriff has given prior approval, the Jail Administrator or designated Public Information Officer may prepare and release information to the media in accordance with this policy and applicable law (15 CCR 1045).

217.3 MEDIA ACCESS

Authorized members of the media may be provided access to scenes of disasters, investigations, emergencies, and other law enforcement activities related to this facility, subject to the following conditions:

(a) The media representative shall produce valid press credentials that shall be prominently displayed at all times.

(b) Media representatives may be prevented from interfering with emergency operations and investigations.

1. In situations where media access would reasonably appear to interfere with the facility's security, emergency operations, or an investigation, every reasonable effort should be made to provide media representatives with information regarding the incident in such a manner that does not compromise the safety and security of the incarcerated persons, staff, or the facility itself. All information released to the media should be coordinated through the Public Information Officer or other designated spokesperson.

(c) No member of this department shall be subjected to media visits or interviews without the consent of the involved employee.

(d) Media interviews with individuals who are in custody shall not be permitted without the approval of the Sheriff and the express consent of the person in custody. The supervisor shall obtain a signed waiver from the incarcerated person prior to being interviewed, photographed, or videotaped.

217.4 MEDIA REQUEST

Any media request for information or access to this facility shall be referred to the designated Public Information Officer or, if unavailable, to the first available supervisor. Prior to releasing any information to the media, employees shall consider the following:

(a) At no time shall any employee of this department make any comment or release any official information to the media without prior approval from a supervisor or the designated Public Information Officer.

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(b) In any situation involving a law enforcement agency, reasonable efforts shall be made to coordinate media releases with the authorized representative of each involved agency prior to the release of any information by this department.

(c) Under no circumstance should any member of this department make any comment to the media regarding any law enforcement or corrections-related incident that does not involve this department without prior approval of the Sheriff or the authorized designee.

217.5 SCOPE OF INFORMATION SUBJECT TO RELEASE

The Department will maintain a daily log of individuals who are currently in custody or were recently booked. Unless restricted by law and except to the extent that disclosure of a particular item of information would endanger the safety of a person involved in an investigation or would endanger the successful completion of the investigation or a related investigation, the following information on incarcerated persons and persons booked is considered public information and can be released upon request:

(a) The full name and occupation of the incarcerated person

(b) The incarcerated person's physical description, including age

(c) Date and time of arrest

(d) Date and time of booking

(e) Location of arrest

(f) The factual circumstances surrounding the incarcerated person's arrest

(g) All charges the incarcerated person is being held on, including outstanding warrants, probation/parole holds

(h) Amount of bail

(i) The time and manner of the incarcerated person's release or the location where the incarcerated person is currently being held

(j) Court appearance dates

(k) Arresting agency

Information on this facility's policies and procedures regarding non-security related matters, (e.g., programs, facility rules and regulations, visitation, health care, religious services) can be released to the general public by any custody staff member. A copy of the applicable portions of this facility's policy and procedures manual can be made available for public review with the approval of the Sheriff.

Any information related to the safety, security, and maintenance of order shall be redacted before being provided to the general public. Applicable regulations for the operation of a custody facility can be made available for review by the public and incarcerated persons. Incarcerated persons can request a copy through the incarcerated person programs staff.

Information related to escapes, suicides, or crimes occurring in this facility shall only be released with the approval of the Jail Administrator or the authorized designee.

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Identifying information pertaining to a juvenile detainee shall not be publicly released without prior approval of a competent court, except as otherwise authorized by law. Information concerning incidents involving certain sex crimes and other offenses set forth in all applicable laws shall be restricted.

Identifying information concerning deceased individuals shall not be released to the media until notification of next of kin or until otherwise cleared by the coroner's/medical examiner's office or otherwise required by law.

217.5.1 RESTRICTED INFORMATION

It shall be the responsibility of the Jail Administrator or the authorized designee to ensure that restricted information is not inappropriately released to the media by this department. When in doubt, authorized and available legal counsel should be consulted.

Examples of such restricted information include, but are not limited to:

(a) Confidential personnel information concerning staff and volunteers of the Department.

    1. The identities of custody personnel involved in major incidents may only be released to the media pursuant to consent of the involved personnel or upon a request processed in accordance with the Public Records Act.

(b) Criminal history information.

(c) Information that would tend to endanger the safety of any individual or jeopardize the successful completion of any ongoing investigation.

(d) Information pertaining to pending litigation involving this department.

(e) Information obtained in confidence.

(f) Any information that is otherwise privileged or restricted under state or federal law.

217.6 INCARCERATED PERSON ACCESS TO THE MEDIA

Incarcerated persons may correspond with the media at their own expense however they shall not be employed by a news organization, act as a reporter, or publish under a byline. The incarcerated person may not receive compensation or anything of value for interviews with the news media or the production of any news material.

Any news media organization or representative thereof seeking an interview with an incarcerated person shall request in writing to the Jail Administrator. The Jail Administrator shall consider all relevant information regarding the safety, security, and orderly running of the facility when deciding to approve or deny any requests for an interview with an incarcerated person. Prior to approving any request for an interview with an incarcerated person the Jail Administrator shall direct staff to obtain written consent from the incarcerated person to be interviewed.

Reasons for which an interview request may be denied include, but are not limited to:

(a) The news media representative or the news organization represented does not agree to the conditions established in this policy or has in the past failed to abide by the required conditions.

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(b) The Responsible Physician has declared that the incarcerated person is physically or mentally unable to participate.

(c) The incarcerated person does not give written consent to the interview.

(d) The interview would endanger the health or safety of the interviewer or would adversely affect the good order of the facility.

(e) The incarcerated person is involved in a pending court action that forbids such an interview.

(f) The interview may endanger the incarcerated person's safety.

217.6.1 CONDITIONS OF INTERVIEWS

Interviews will generally be held in the Regional Adult Detention Facility (RADF) visitation room during normal weekday business hours. All persons and equipment entering the facility are subject to search. The Jail Administrator may limit the duration or frequency of interviews and/or change the location of the interview based on the orderly operation of the facility.

217.7 PROVIDING ADVANCE INFORMATION

To protect the safety and rights of personnel working in this facility, advance information about planned actions by custody personnel, such as movement of persons in custody or the execution of a mass arrest in which field booking is arranged, should not be disclosed to the news media nor should media representatives be invited to be present at such actions except with the prior approval of the Sheriff.

Any exceptions to the above should only be considered for the furtherance of this facility's legitimate purposes. Prior to approving any exception, the Sheriff will consider, at a minimum, whether the release of information or the presence of the media would unreasonably endanger any individual, prejudice the rights of any person, or is otherwise prohibited by law.

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Community Relations and Public Information

218.1 PURPOSE AND SCOPE

This policy provides guidelines to custody personnel when dealing with the general public or interested groups when requests are received to share information regarding the operations and policies of the facility (see the News Media Relations Policy for guidance on media releases) (15 CCR 1045).

218.2 POLICY

It is the policy of the Imperial County Sheriff's Office to protect the privacy rights of individuals while releasing non-confidential information to interested groups when requests are received. Information that has the potential to affect the safety and security of the Jail or an investigation will not be released.

218.3 RESPONSIBILITIES

The Jail Administrator is responsible for ensuring that the following information is public and available to all who inquire about it.

(a) The Board of State and Community Corrections Minimum Standards for Local Detention Facilities as found in Title 15 of the California Code of Regulations.

(b) Facility rules and procedures affecting incarcerated persons as specified in 15 CCR sections:

1. 1045, Public Information Plan
2. 1061, Education Plan
3. 1062, Visiting
4. 1063, Correspondence
5. 1064, Library Service
6. 1065, Exercise and Out of Cell Time
7. 1066, Books, Newspapers, Periodicals, and Writings
8. 1067, Access to Telephone
9. 1068, Access to Courts and Counsel
10. 1069, Orientation
11. 1070, Individual/Family Service Programs
12. 1071, Voting
13. 1072, Religious Observance
14. 1073, Grievance Procedure
15. 1080, Rules and Disciplinary Actions
16. 1081, Plan for Incarcerated Person Discipline

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17. 1082, Forms of Discipline
18. 1083, Limitations on Disciplinary Actions
19. 1200, Responsibility for Health Care Services

This information is to be made available on the Sheriff's Office's website. No information will be released on persons whose booking process is not completed.

218.4 PROHIBITED MATERIALS

Policies, procedures, and other information and materials related to the safety and security of incarcerated persons, custody personnel, the facility, or the maintenance of order should not be provided as a part of the public information material unless directed by the Sheriff.

218.5 TOURS OF THE CUSTODY FACILITY

Tours of this facility may be arranged through the Jail Administrator. Authorized tours are subject to facility rules and restrictions:

(a) Persons who tour this facility must be of an appropriate age as determined by the Sheriff.

(b) A short application form must be completed and a background check for warrants will be conducted before an applicant is approved to participate in a tour.

A record of all facility tours should be maintained in accordance with applicable retention requirements.

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Victim Notification

219.1 PURPOSE AND SCOPE

The purpose of this policy is to ensure victims of crimes receive notice when an incarcerated person held for those crimes is released or escapes, and that victims receive any other notification required by California law.

219.2 POLICY

It is the policy of this department to act in accordance with all laws regarding victim notification.

219.3 PROCEDURE

The Jail Administrator shall ensure that a system is in place for individuals to request release or escape notification on any incarcerated person housed in this facility.

Notification requests or requirements that are known during the booking process should be documented in the appropriate designated section of the incarcerated person's booking file.

In the event that an individual contacts this facility and requests notification on any incarcerated person housed in this facility, staff should notify a supervisor, who will determine whether notifications are required or appropriate, and ensure the notification request and determination is documented in the incarcerated person's file. The supervisor will also ensure that the requesting individual is advised of the determination.

219.4 NOTIFICATION

Members tasked with the release of an incarcerated person or investigating an escape shall verify whether there is a required release notification in the incarcerated person's file.

Members shall document notification efforts in the incarcerated person's file.

Unless ordered by the court or a supervisor, no victim or witness information shall be provided to any incarcerated person by any employee or volunteer of this facility. Any unauthorized access or release of victim information is a direct violation of victim confidentiality and applicable policies, and may subject the person releasing the information to disciplinary action, up to and including termination from employment and/or criminal prosecution.

219.4.1 REQUIRED NOTIFICATIONS

The Watch Commander or the authorized designee shall make a reasonable and good faith effort to make all notifications required by law including:

(a) Notice to any person a court identifies as a victim of the offense, a family member of the victim, or a witness to the offense not less than 15 days prior to the release of any person convicted of stalking under Penal Code § 646.9 or convicted of a felony involving domestic violence (Penal Code § 646.92(a)).

(b) Notice to any person a court identifies as a victim of the offense, a family member of the victim, or a witness upon escape and capture of any person convicted of violating

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Penal Code § 646.9 or convicted of a felony offense involving domestic violence (Penal Code § 646.92(d)).

(c) Notice to any victim or other affected person who has requested notification that an incarcerated person convicted of the offenses listed in Penal Code § 679.02(a)(13) has been ordered placed on probation and the proposed date of release (Penal Code § 679.02(a)(14)).

(d) Upon request by the victim, or the next of kin of the victim, if the crime was a homicide, within 60 days of an incarcerated person's placement in a reentry or work furlough program, or of the incarcerated person's escape (Penal Code § 679.02(a)(6)).

(e) Notice of the release of any incarcerated person to victims of crime who have requested to be notified.

(f) Notice to law enforcement agencies known to be involved with the case upon any escape and capture of an incarcerated person.

Notification should be made by telephone, certified mail, or electronic mail, using the method of communication selected by the person to be notified, if that method is reasonably available. In the event the person's contact information provided to the Department is no longer current, the Department shall make a diligent, good faith effort to learn the whereabouts of the victim in order to comply with these notification requirements. Notification shall only be left on a messaging system if the person has indicated in the notification request that such notification is acceptable or if staff has attempted and cannot make other contact with the person.

If contact cannot be made and no means exist to leave a message with the person, the Watch Commander or the authorized designee should request the law enforcement agency having jurisdiction where the person resides perform a welfare check. Subsequent and continuing attempts shall be made to contact the person using the numbers listed in the notification request. All attempts to contact shall be documented on the victim notification request form.

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Vehicle Safety

220.1 PURPOSE AND SCOPE

It is the policy of this department to maintain and operate the vehicles assigned to this facility in a lawful and safe manner. The Department utilizes department-owned motor vehicles for a variety of applications. To maintain a system of accountability and ensure that department-owned vehicles are used appropriately, regulations relating to the use of these vehicles have been established. The term "department-owned" as used in this section also refers to any vehicle leased or rented by the Department.

220.2 POLICY

The Imperial County Sheriff's Office provides vehicles for official business use and may assign take-home vehicles based on its determination of operational efficiency, economic impact to the Office, tactical deployments, and other considerations.

220.3 USE AND SECURITY OF DEPARTMENT VEHICLES

All staff members who operate department-owned or leased vehicles must comply with all applicable state laws and must possess a valid driver’s license endorsed for the type of vehicle operated.

A list of individuals who are authorized to drive department vehicles shall be maintained by the Jail Administrator. The list shall be updated monthly to ensure that only qualified personnel who are in possession of a current and appropriately endorsed operator’s license are on the list.

220.3.1 USE OF SEAT BELTS

The use of seat belts and other safety restraints significantly reduces the chance of death or injury in case of a traffic collision. This policy establishes guidelines for seat belt use to promote maximum operator and passenger safety, thus reducing the possibility of death or injury as the result of a motor vehicle crash. This policy will apply to all members operating or riding in department vehicles.

All members shall wear properly adjusted safety restraints when operating or riding in a seat equipped with restraints, in any vehicle owned, leased, or rented by this department, while on- or off-duty, or in any privately owned vehicle while on-duty. The member driving such a vehicle shall ensure that all other occupants, including non-members, are also properly restrained.

Exceptions to the requirement to wear safety restraints may be made only in exceptional situations where, due to unusual circumstances, wearing a seat belt would endanger the member or the public. Members must be prepared to justify any deviation from this requirement.

Whenever possible, incarcerated persons should be secured in a prisoner restraint system or, when a prisoner restraint system is not available, by seat belts. The incarcerated person should be in the seating position for which seat belts have been provided by the vehicle manufacturer. The prisoner restraint system is not intended to be a substitute for handcuffs or other appendage restraints.

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No person shall operate any department vehicle in which the seat belt in the driver's position is inoperable. No person shall be transported in a seated position in which the seat belt is inoperable.

No person shall modify, remove, deactivate, or otherwise tamper with the vehicle safety belts, except for vehicle maintenance and repair staff, who shall do so only with the express authorization of the Sheriff.

Members who discover an inoperable restraint system shall report the defect to the appropriate supervisor. Prompt action will be taken to replace or repair the system.

220.3.2 VEHICLE SECURITY

Department vehicles will be locked and the keys will be secured when not in use. The staff will make every effort to ensure that the vehicles are parked in a secure location.

Under no circumstances will incarcerated persons be allowed to operate a vehicle or have possession of any vehicle keys. Incarcerated workers who are assigned to clean vehicles must be closely supervised by staff.

The loss of any vehicle key shall be promptly reported, in writing, to the on-duty supervisor.

220.3.3 VEHICLE AIRBAGS

In all vehicles equipped with airbag restraint systems, the system will not be tampered with or deactivated. All equipment installed in vehicles equipped with airbags will be installed as per the vehicle manufacturer's specifications to avoid the danger of interfering with the effective deployment of the airbag device.

220.4 VEHICLE INSPECTIONS

All department-owned vehicles are subject to inspection and or search at any time by a supervisor. No member assigned to or operating such vehicle shall be entitled to any expectation of privacy with respect to the vehicle or any of its contents, regardless of who owns the contents.

220.5 VEHICLE SAFETY REPAIRS

Anyone authorized to drive department vehicles is responsible for assisting in maintaining the vehicles so that they are properly equipped, maintained, and refueled and present a clean appearance.

Anyone authorized to drive department vehicles is responsible for inspecting the interior and exterior of any assigned vehicle before placing the vehicle into service and again at the conclusion of their shift. Any previously unreported damage, mechanical problems, unauthorized contents, or other problems with the vehicle shall be promptly reported to a supervisor and documented as appropriate.

Vehicles that are deemed as unsafe shall not be used until necessary repairs are made. The written request for repairs shall be submitted before the operator checks out a replacement vehicle. The Jail Administrator or the authorized designee shall monitor the maintenance requests and ensure that the necessary repairs are made before the vehicle is placed back into service.

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Annual vehicle safety inspections will be conducted on all vehicles that are owned, leased, or used by the Department. The inspection will be conducted by a qualified individual designated by the Jail Administrator. Inspection reports will be forwarded to and maintained by the Jail Administrator.

220.6 USE OF PERSONAL VEHICLES

The use of personal vehicles for official business must be approved by the Jail Administrator. The Jail Administrator or the authorized designee shall verify that the personal vehicle meets the state's insurance requirements. A copy of the insurance card shall be retained in facility files. All policies and procedures applicable to facility vehicles shall apply to the personal vehicle while it is being used for official business.

220.7 COLLISION DAMAGE, ABUSE AND MISUSE

When any department-owned or leased vehicle is involved in a traffic collision, the involved member shall promptly notify a supervisor. A traffic collision report shall be filed with the agency having jurisdiction. The member shall complete the department’s vehicle collision form.

When a collision involves any department vehicle or when a member of this department is an involved driver in a collision that occurs in this jurisdiction, and the collision results in serious injury or death or potentially involves any criminal charge, an outside agency should be summoned to handle the investigation. If the member is incapable of completing the department’s vehicle collision form, a supervisor shall complete the form.

Any damage to a vehicle that was not caused by a traffic collision shall be immediately reported during the shift in which the damage was discovered. It shall be documented in memorandum format and forwarded to the Watch Commander. An administrative investigation will be conducted to determine if there is any vehicle abuse or misuse. If it is determined that misuse or abuse was a result of negligent conduct or operation, appropriate disciplinary action may result.

220.8 TOLL ROAD USE

Law enforcement vehicles are not routinely exempt from incurring toll road charges. Pursuant to the non-revenue policy of the toll roads, law enforcement agencies responding to an emergency or incident on the toll roads while on-duty are exempt from paying the toll.

Commuting or returning to the Department after an emergency does not qualify for this exemption; personnel using department-owned vehicles are subject to the toll charge.

To avoid unnecessary toll road violation charges, all members operating a department-owned vehicle on a toll road shall adhere to the following:

(a) Members operating department-owned vehicles for any reason other than an initial response to an emergency shall stop and pay the appropriate toll charge.

(b) Members may submit for reimbursement from the Department for any toll fees.

(c) Members driving department-owned vehicles through a toll plaza or booth during a response to an emergency shall draft a memo to their supervisor within five working days, explaining the circumstances.

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Fitness for Duty

221.1 PURPOSE AND SCOPE

The purpose of this policy is to ensure that all correctional officers of this department are fit for duty and able to perform their job functions upon hire, and remain fit for duty throughout their employment.

221.2 POLICY

This policy requires all correctional officers to be free from any physical, emotional, or mental condition that might adversely affect their ability to effectively perform their duties throughout their employment.

(a) It shall be the responsibility of each employee of this department to maintain physical, emotional, and mental conditions sufficient to safely and properly perform the essential duties of their job classification.

(b) Each employee of this department shall perform their respective duties without physical, emotional, and/or mental constraints.

(c) During working hours, all employees are required to be alert, attentive, and capable of performing the assigned responsibilities.

(d) Any employee who feels unable to perform their duties shall promptly notify a supervisor. In the event that an employee believes another employee is unable to perform their duties, such observations and/or beliefs shall be promptly reported to a supervisor.

221.3 SUPERVISOR RESPONSIBILITIES

(a) A supervisor observing an employee or receiving a report of an employee who is perceived as being unable to safely perform their duties due to a physical, emotional, or mental condition, shall take prompt and appropriate action to resolve the situation.

(b) Whenever reasonably feasible, the supervisor shall attempt to ascertain the reason or source of the problem. In all cases, a preliminary evaluation should be made to determine the employee's level of inability to perform their duties.

(c) In the event the employee appears to be in need of immediate medical or mental health treatment, all reasonable efforts should be made to provide such care.

(d) The employee's Watch Commander or the Jail Administrator should determine whether the employee should be temporarily relieved of duty.

(e) The Jail Administrator shall be promptly notified in the event that any employee is relieved of duty.

221.4 NON-WORK RELATED CONDITIONS

Any employee suffering from a non-work related condition that warrants a temporary relief from duty may be required to use sick leave or other paid time off in order to obtain medical treatment or other reasonable relief from symptoms. If the condition is a serious health condition of the

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employee or a qualified family member, the employee's supervisor should facilitate the employee's contact with the appropriate person to initiate the leave process under the Family and Medical Leave Act.

221.5 WORK-RELATED CONDITIONS

Any employee suffering from a work-related condition that warrants temporary relief from duty shall comply with personnel rules and guidelines for processing such claims.

Upon the recommendation of the Watch Commander or supervisor, and with the concurrence of the Jail Administrator, any employee whose actions or use of force result in death or serious injury to another may be temporarily removed from regularly assigned duties and/or placed on paid administrative leave for the well-being of the employee, and until such time as the following may be completed:

(a) A preliminary determination indicates that the employee's conduct appears to be in compliance with policy and appropriate for the circumstances.

(b) The employee has had the opportunity to receive necessary counseling and any necessary or required psychological or medical clearance to return to full duty.

221.6 PHYSICAL AND PSYCHOLOGICAL EXAMINATIONS

(a) Whenever circumstances reasonably indicate that the employee may be unfit for duty, the Jail Administrator or the authorized designee may serve that employee with a written order to undergo a physical and/or psychological examination in cooperation with department personnel to determine the level of the employee's fitness for duty. The order shall indicate the date, time, and place for the examination.

(b) The examining physician or therapist will provide the Department with a report indicating whether the employee is fit for duty. If the employee is not fit for duty, the report should list any functional limitations that restrict their ability to perform the job duties. If the employee places their condition at issue in any subsequent or related administrative action/grievance, the examining physician or therapist may be required to disclose any information that is relevant to such proceedings.

(c) In order to facilitate the examination of any employee, the Department will provide all appropriate documents and available information to assist in the evaluation and/or treatment.

(d) All reports and evaluations submitted by the treating physician or therapist shall be part of the employee's confidential personnel file.

(e) Any employee ordered to receive a fitness-for-duty examination shall comply with the terms of the order and cooperate fully with the examining physician or therapist regarding any clinical interview, tests administered, or other procedures. Any failure to comply with such an order and any failure to cooperate with the examining physician or therapist, including signing of releases, may be deemed insubordination and shall be subject to discipline, up to and including termination.

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(f) Once an employee has been deemed fit for duty by the examining physician or therapist, the employee will be notified to resume their duties.

221.7 APPEALS

An employee whose salary is reduced or withheld due to a fitness-for-duty exam shall be entitled to an administrative appeal.

221.8 MEDICAL RECORDS

All employee medical information and records shall be treated as confidential and stored in the employee’s separate medical file.

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Staffing Plan

222.1 PURPOSE AND SCOPE

The purpose of this policy is to establish a comprehensive staffing plan and analysis to identify staffing needs sufficient to maintain the safety and security of the facility, staff, visitors, incarcerated persons, and the public.

222.2 POLICY

It is the policy of the Imperial County Sheriff's Office to ensure the safety, security and efficient operation of this facility by assigning custody personnel according to a detailed staffing plan that is developed and maintained in accordance with law.

222.3 STAFFING PLAN REQUIREMENTS

The Jail Administrator shall ensure that a staffing plan conforming to the class type and size of this facility is prepared and maintained as described in the following section. The plan should detail all custody personnel assignments, including work hours and weekly schedules, and should account for holidays, vacations, training schedules, and other atypical situations (15 CCR 1027).

At minimum, the staffing plan will include the following:

- Facility administration and supervision
- Facility programs, including exercise and out of cell time
- Incarcerated person supervision and custody
- Support services including medical, food services, maintenance, and clerical
- Other jail-related functions such as escort and transportation of incarcerated persons

222.4 STAFFING ANALYSIS

The Sheriff or the authorized designee shall complete an annual comprehensive staffing analysis to evaluate personnel requirements and available staffing levels. The staffing analysis will be used to determine staffing needs and to develop staffing plans.

This analysis shall include information gathered in collaboration with the health care provider in each facility regarding staffing requirements. The analysis relating to health care personnel shall be annually reviewed for adequacy by the health authority.

The Jail Administrator, in conjunction with the PREA coordinator, should ensure that staffing levels are sufficient to consistently and adequately fill essential positions, as determined by the staffing plan (28 CFR 115.13). Relief factors for each classification and position should be calculated into the staffing analysis to ensure staffing levels will consistently meet requirements. Staff should be deployed in an efficient and cost-effective manner that provides for the safety and security of the staff, incarcerated persons, and the public.

The staffing analysis should be used to identify whether required activities are being performed competently and in compliance with current laws and department policies. If deficiencies are noted,

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the staffing analysis should also include recommendations regarding what corrective measures may be needed, including the following:

(a) Operational change

(b) Equipment requirement

(c) Additional training

(d) Supervisory intervention

(e) Additional personnel

222.4.1 DATA COLLECTION FOR ANALYSIS

The following data should be collected and included in the annual staffing analysis:

- All categories of leave usage for each staff member working in the jail
- Date of hire or assignment to a jail position for each member
- Date of transfer from the jail to another non-custody position for each member
- Annual hours of authorized overtime expended during the previous year
- Number of part-time or extra personnel hired during the previous year
- Details of any unusual occurrence or significant medical issues in the jail that were related to staffing during the previous year
- Details of claims or litigation, if any, that were related to staffing levels and were initiated against the facility in the previous year
- Labor contracts/collective bargaining agreements relating to corrections and medical personnel
- Annual training requirements that affected staffing levels in the jail
- Concerns expressed by members of the public
- Any investigations or reports by the grand jury or other government agency, jail monitor, or ombudsperson
- Other data that may influence the number of personnel available to occupy posted positions

222.5 REPORTING

The facility staffing plan shall be made available for review to the Board of State and Community Corrections (BSCC) staff at the time of their biennial inspection. The Jail Administrator shall report the results of the BSCC biennial review and recommendations to the officials with fiscal responsibility for the facility (15 CCR 1027).

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Speech, Expression, and Social Networking

223.1 PURPOSE AND SCOPE

This policy is intended to address issues associated with employee use of social networking sites and to provide guidelines for the regulation and balancing of employee speech and expression with the legitimate needs of the Department.

Nothing in this policy is intended to prohibit or infringe upon any communication, speech or expression that is protected or privileged under law. This includes speech and expression protected under state or federal constitutions as well as labor or other applicable laws. For example, this policy does not limit an employee from speaking as a private citizen, including acting as an authorized member of a recognized bargaining unit, about matters of public concern, such as misconduct or corruption.

Employees are encouraged to consult with their supervisor regarding any questions arising from the application or potential application of this policy.

223.1.1 APPLICABILITY

This policy applies to all forms of communication including, but not limited to, film, video, print media, public or private speech, use of all internet services, including the World Wide Web, email, file transfer, remote computer access, news services, social networking, social media, instant messaging, blogs, forums, video, and other file-sharing sites.

223.2 POLICY

Public employees occupy a trusted position in the community, and thus, their statements have the potential to contravene the policies and performance of this department. Due to the nature of the work and influence associated with the law enforcement profession, it is necessary that employees of this department be subject to certain reasonable limitations on their speech and expression. To achieve its mission and efficiently provide service to the public, the Imperial County Sheriff's Office will carefully balance the individual employee’s rights against the Department’s needs and interests when exercising a reasonable degree of control over its employees’ speech and expression.

223.3 SAFETY

Employees should consider carefully the implications of their speech or any other form of expression when using the internet. Speech and expression that may negatively affect the safety of the Imperial County Sheriff's Office employees, such as posting personal information in a public forum, can result in compromising an employee’s home address or family ties. Employees should therefore not disseminate or post any information on any forum or medium that could reasonably be anticipated to compromise the safety of any employee, an employee’s family or associates. Examples of the type of information that could reasonably be expected to compromise safety include:

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- Disclosing a photograph and name or address of a correctional officer who is working undercover.
- Disclosing the address of a fellow correctional officer.
- Otherwise disclosing where another correctional officer can be located off-duty.

223.4 PROHIBITED SPEECH, EXPRESSION, AND CONDUCT

To meet the department's safety, performance and public-trust needs, the following are prohibited unless the speech is otherwise protected (for example, an employee speaking as a private citizen, including acting as an authorized member of a recognized bargaining unit, on a matter of public concern):

(a) Speech or expression made pursuant to an official duty that tends to compromise or damage the mission, function, reputation or professionalism of the Department or its employees.

(b) Speech or expression that, while not made pursuant to an official duty, is significantly linked to, or related to, the Department and tends to compromise or damage the mission, function, reputation or professionalism of the Department or its employees. Examples may include:

1. Statements that indicate disregard for the law or the state or U.S. Constitution.
2. Expression that demonstrates support for criminal activity.
3. Participating in sexually explicit photographs or videos for compensation or distribution.

(c) Speech or expression that could reasonably be foreseen as having a negative impact on the credibility of the employee as a witness. For example, posting statements or expressions to a website that glorify or endorse dishonesty, unlawful discrimination or illegal behavior.

(d) Speech or expression of any form that could reasonably be foreseen as having a negative impact on the safety of the employees of the jail. For example, a statement on a blog that provides specific details as to how and when prisoner transportations are made could reasonably be foreseen as potentially jeopardizing employees by informing criminals of details that could facilitate an escape or attempted escape.

(e) Speech or expression that is contrary to this department's Code of Ethics.

(f) Use or disclosure, through whatever means, of any information, photograph, video or other recording obtained or accessible as a result of employment with the jail for financial or personal gain, or any disclosure of such materials without the express authorization of the Sheriff or the authorized designee.

(g) Posting, transmitting or disseminating any photographs, video or audio recordings, likenesses or images of department logos, emblems, uniforms, badges, patches, marked vehicles, equipment or other material that specifically identifies the Department on any personal or social networking or other website or web page, without the express authorization of the Sheriff.

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(h) Accessing websites for non-authorized purposes, or use of any personal communication device, game device or media device, whether personally or department-owned, for personal purposes while on-duty, except in the following circumstances:

1. When brief personal communication may be warranted by the circumstances (e.g., inform family of extended hours).
2. During authorized breaks such usage should be limited as much as practicable to areas out of sight and sound of the public and shall not be disruptive to the work environment.

Employees must take reasonable and prompt action to remove any content, including content posted by others, that is in violation of this policy from any web page or website maintained by the employee (e.g., social or personal website).

223.4.1 UNAUTHORIZED ENDORSEMENTS AND ADVERTISEMENTS

While employees are not restricted from engaging in the following activities as private citizens or as authorized members of a recognized bargaining unit, employees may not represent the Department or identify themselves in any way that could be reasonably perceived as representing the Department in order to do any of the following, unless specifically authorized by the Sheriff (Government Code § 3206; Government Code § 3302):

(a) Endorse, support, oppose, or contradict any political campaign or initiative.

(b) Endorse, support, oppose, or contradict any social issue, cause or religion.

(c) Endorse, support or oppose any product, service, company, or other commercial entity.

(d) Appear in any commercial, social or nonprofit publication, or any motion picture, film, video, public broadcast, or on any website.

Additionally, when it can reasonably be construed that an employee, acting in their individual capacity or through an outside group or organization (e.g., bargaining group), is affiliated with this department, the employee shall give a specific disclaiming statement that any such speech or expression is not representative of the Department.

Employees retain their right to vote as they choose, to support candidates of their choice, and to express their opinions as private citizens, including as authorized members of a recognized bargaining unit, on political subjects and candidates at all times while off-duty. However, employees may not use their official authority or influence to interfere with or affect the result of an election or a nomination for office. Employees are also prohibited from directly or indirectly using their official authority to coerce, command, or advise another employee to pay, lend, or contribute anything of value to a party, committee, organization, agency, or person for political purposes (5 USC § 1502).

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223.5 PRIVACY EXPECTATION

Employees forfeit any expectation of privacy with regard to anything published or maintained through file-sharing software or any internet site open to public view (e.g., Facebook).

The Department also reserves the right to access, audit, and disclose for whatever reason all messages, including attachments, and any information transmitted over any technology that is issued or maintained by the Department, including the department email system, computer network, or any information placed into storage on any department system or device.

All messages, pictures and attachments transmitted, accessed or received over department networks are considered department records and, therefore, are the property of the Department. The Department reserves the right to access, audit and disclose for whatever reason all messages, including attachments, that have been transmitted, accessed or received through any department system or device, or any such information placed into any department storage area or device. This includes records of all key strokes or web-browsing history made at any department computer or over any department network. The fact that access to a database, service or website requires a user name or password will not create an expectation of privacy if it is accessed through department computers or networks.

223.6 CONSIDERATIONS

In determining whether to grant authorization of any speech or conduct that is prohibited under this policy, the factors that the Sheriff or authorized designee should consider include:

(a) Whether the speech or conduct would negatively affect the efficiency of delivering public services.

(b) Whether the speech or conduct would be contrary to the good order of the Department or the efficiency or morale of its members.

(c) Whether the speech or conduct would reflect unfavorably upon the Department.

(d) Whether the speech or conduct would negatively affect the member's appearance of impartiality in the performance of their duties.

(e) Whether similar speech or conduct has been previously authorized.

(f) Whether the speech or conduct may be protected and outweighs any interest of the Department.

223.7 TRAINING

Subject to available resources, the Department should provide training regarding employee speech and the use of social networking to all members of the department.

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Information Technology Use

224.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the proper use of department information technology resources, including computers, electronic devices, hardware, software, and systems.

224.1.1 DEFINITIONS

Definitions related to this policy include:

Computer system - All computers (on-site and portable), electronic devices, hardware, software, and resources owned, leased, rented or licensed by the Imperial County Sheriff's Office that are provided for official use by its members. This includes all access to, and use of, Internet Service Providers (ISP) or other service providers provided by or through the Department or department funding.

Hardware - Includes, but is not limited to, computers, computer terminals, network equipment, electronic devices, telephones including cellular and satellite, pagers, modems or any other tangible computer device generally understood to comprise hardware.

Software - Includes, but is not limited to, all computer programs, systems and applications including "shareware." This does not include files created by the individual user.

Temporary file, permanent file or file - Any electronic document, information or data residing or located, in whole or in part, on the system including, but not limited to, spreadsheets, calendar entries, appointments, tasks, notes, letters, reports, messages, photographs or videos.

224.2 POLICY

Imperial County Sheriff's Office members shall use information technology resources, including computers, software and systems, that are issued or maintained by the Department in a professional manner and in accordance with this policy.

224.3 PRIVACY EXPECTATION

Members forfeit any expectation of privacy with regard to emails, texts, or anything published, shared, transmitted, or maintained through file-sharing software or any internet site that is accessed, transmitted, received, or reviewed on any department technology system.

The Department reserves the right to access, audit, and disclose, for whatever reason, any message, including attachments, and any information accessed, transmitted, received, or reviewed over any technology that is issued or maintained by the Department, including the department email system, computer network, or any information placed into storage on any department system or device. This includes records of all keystrokes or web-browsing history made at any department computer or over any department network. The fact that access to a database, service, or website requires a username or password will not create an expectation of privacy if it is accessed through department computers, electronic devices, or networks.

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224.4 RESTRICTED USE

Members shall not access computers, devices, software or systems for which they have not received prior authorization or the required training. Members shall immediately report unauthorized access or use of computers, devices, software or systems by another member to the Watch Commander.

Members shall not use another person’s access passwords, logon information and other individual security data, protocols and procedures unless directed to do so by the Watch Commander.

224.4.1 SOFTWARE

Members shall not copy or duplicate any copyrighted or licensed software except for a single copy for backup purposes, in accordance with the software company’s copyright and license agreement.

To reduce the risk of a computer virus or malicious software infection, members shall not install any unlicensed or unauthorized software on any department computer. Members shall not install personal copies of any software on any department computer. Any files or software that a member finds necessary to install on department computers or networks shall be installed only with the approval of department information systems technology (IT) staff and only after being properly scanned for malicious attachments.

When related to criminal investigations, software program files may be downloaded only with the approval of IT staff and with the authorization of the Sheriff or the authorized designee.

No member shall knowingly make, acquire or use unauthorized copies of computer software that is not licensed to the Department while on department premises, computer system or electronic device. Such unauthorized use of software exposes the Department and involved members to severe civil and criminal penalties.

Introduction of software by members should only occur as a part of the automated maintenance or update process of department- or county-approved or installed programs by the original manufacturer, producer or developer of the software. Any other introduction of software requires prior authorization from IT staff.

224.4.2 HARDWARE

Access to technology resources provided by or through the Department shall be strictly limited to department-related activities. Data stored on or available through department computer systems shall only be accessed by authorized members who are engaged in an active investigation, assisting in an active investigation, or who otherwise have a legitimate law enforcement or department-related purpose to access such data. Any exceptions to this policy must be approved by the Watch Commander.

224.4.3 INTERNET USE

Internet access provided by or through the Department shall be strictly limited to department-related activities. Internet sites containing information that is not appropriate or applicable to department use and which shall not be intentionally accessed include but are not limited to

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adult forums, pornography, gambling, chat rooms, and similar or related internet sites. Certain exceptions may be permitted with the express approval of the Watch Commander as a function of a member's assignment.

Downloaded information from the internet shall be limited to messages, mail, and data files.

224.4.4 OFF-DUTY USE

Members shall only use technological resources related to their job while on-duty or in conjunction with specific on-call assignments unless specifically authorized by the Watch Commander. This includes the use of telephones, cell phones, texting, email, or any other off-the-clock work-related activities.

224.5 PROTECTION OF SYSTEMS AND FILES

All members have a duty to protect the computer system and related systems and devices from physical and environmental damage and are responsible for the correct use, operation, care and maintenance of the computer system.

Members shall ensure department computers and access terminals are not viewable by persons who are not authorized users. Computers and terminals should be secured, users logged off, and password protections enabled whenever the user is not present. Access passwords, logon information, and other individual security data, protocols, and procedures are confidential information and are not to be shared. Password length, format, structure, and content shall meet the prescribed standards required by the computer system or as directed by the Watch Commander and shall be changed at intervals as directed by IT staff or the Watch Commander.

It is prohibited for a member to allow an unauthorized user to access the computer system at any time or for any reason. Members shall promptly report any unauthorized access to the computer system or suspected intrusion from outside sources (including the internet) to the Watch Commander.

224.6 INSPECTION OR REVIEW

The Watch Commander or the authorized designee has the express authority to inspect or review the computer system, all temporary or permanent files, related electronic systems or devices, and any contents thereof, whether such inspection or review is in the ordinary course of their duties or based on cause.

Reasons for inspection or review may include but are not limited to computer system malfunctions, problems, or general computer system failure, a lawsuit against the Department involving one of its members or a member's duties, an alleged or suspected violation of any department policy, request for disclosure of data, or a need to perform or provide a service.

The IT staff may extract, download, or otherwise obtain any and all temporary or permanent files residing or located in or on the department computer system when requested by the Watch Commander or during the course of regular duties that require such information.

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Payroll Records

225.1 PURPOSE AND SCOPE

This policy provides the guidelines for completing and submitting payroll records of department members who are eligible for the payment of wages.

225.2 POLICY

The Imperial County Sheriff's Office maintains timely and accurate payroll records.

225.3 RESPONSIBILITIES

Members are responsible for the accurate completion and timely submission of their payroll records for the payment of wages. This includes completion of overtime authorization and pay status change forms as appropriate.

Supervisors are responsible for approving the payroll records and overtime authorization and pay status change forms as appropriate for those under their commands.

225.4 TIME REQUIREMENTS

Members who are eligible for the payment of wages are paid on a scheduled, periodic basis, generally on the same day or date each period, with certain exceptions, such as holidays. Payroll records shall be completed and submitted to the fiscal manager as established by the county payroll procedures.

225.5 RECORDS

The Jail Administrator shall ensure that accurate and timely payroll records are maintained as required by 29 CFR 516.2 for a minimum of three years (29 CFR 516.5).

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Temporary Modified-Duty Assignments

226.1 PURPOSE AND SCOPE

This policy establishes procedures for providing temporary modified-duty assignments. This policy is not intended to affect the rights or benefits of employees under federal or state law, county rules, current memorandums of understanding or collective bargaining agreements. For example, nothing in this policy affects the obligation of the Department to engage in a good faith, interactive process to consider reasonable accommodations for any employee with a temporary or permanent disability or limitation that is protected under federal or state law.

226.2 POLICY

Subject to operational considerations, the Imperial County Sheriff's Office may identify temporary modified-duty assignments for employees who have an injury or medical condition resulting in temporary work limitations or restrictions. A temporary assignment allows the employee to work, while providing the Department with a productive employee during the temporary period.

226.3 GENERAL CONSIDERATIONS

Priority consideration for temporary modified-duty assignments will be given to employees with work-related injuries or illnesses that are temporary in nature. Employees having disabilities covered under the Americans with Disabilities Act (ADA) or the California Fair Employment and Housing Act (Government Code § 12940 et seq.) shall be treated equally, without regard to any preference for a work-related injury.

No position in the Imperial County Sheriff's Office shall be created or maintained as a temporary modified-duty assignment.

Temporary modified-duty assignments are a management prerogative and not an employee right. The availability of temporary modified-duty assignments will be determined on a case-by-case basis, consistent with the operational needs of the Department. Temporary modified-duty assignments are subject to continuous reassessment, with consideration given to operational needs and the employee’s ability to perform in a modified-duty assignment.

The Sheriff or the authorized designee may restrict employees working in temporary modified-duty assignments from wearing a uniform, displaying a badge, carrying a firearm, operating an department-owned vehicle, or engaging in outside employment, or may otherwise limit them in employing their peace officer powers.

Temporary modified-duty assignments shall generally not exceed a cumulative total of 1,040 hours in any one-year period.

226.4 PROCEDURE

Employees may request a temporary modified-duty assignment for short-term injuries or illnesses.

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Employees seeking a temporary modified-duty assignment should submit a written request to the Jail Administrator or the authorized designee. The request should, as applicable, include a certification from the treating medical professional containing:

(a) An assessment of the nature and probable duration of the illness or injury.

(b) The prognosis for recovery.

(c) The nature and scope of limitations and/or work restrictions.

(d) A statement regarding any required workplace accommodations, mobility aids, or medical devices.

(e) A statement that the employee can safely perform the duties of the temporary modified-duty assignment.

The Jail Administrator will make a recommendation through the chain of command to the Sheriff regarding temporary modified-duty assignments that may be available based on the needs of the Department and the limitations of the employee. The Sheriff or the authorized designee shall confer with the Director of Human Resources Department or the County Counsel as appropriate.

Requests for a temporary modified-duty assignment of 20 hours or less per week may be approved and facilitated by the Chief Deputy or the Jail Administrator, with notice to the Sheriff.

226.5 ACCOUNTABILITY

Written notification of assignments, work schedules, and any restrictions should be provided to employees assigned to temporary modified-duty assignments and their supervisors. Those assignments and schedules may be adjusted to accommodate department operations and the employee's medical appointments, as mutually agreed upon with the Jail Administrator.

226.5.1 EMPLOYEE RESPONSIBILITIES

The responsibilities of employees assigned to temporary modified duty shall include but are not limited to:

(a) Communicating and coordinating any required medical and physical therapy appointments in advance with their supervisors.

(b) Promptly notifying their supervisors of any change in restrictions or limitations after each appointment with their treating medical professionals.

(c) Communicating a status update to their supervisors no less than once every 30 days while assigned to temporary modified duty.

(d) Submitting a written status report to the Jail Administrator that contains a status update and anticipated date of return to full duty when a temporary modified-duty assignment extends beyond 60 days.

226.5.2 SUPERVISOR RESPONSIBILITIES

The employee's immediate supervisor shall monitor and manage the work schedule of those assigned to temporary modified duty.

The responsibilities of supervisors shall include but are not limited to:

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(a) Periodically apprising the Jail Administrator of the status and performance of employees assigned to temporary modified duty.

(b) Notifying the Jail Administrator and ensuring that the required documentation facilitating a return to full duty is received from the employee.

(c) Ensuring that employees returning to full duty have completed any required training and certification.

226.6 MEDICAL EXAMINATIONS

Prior to returning to full-duty status, employees shall be required to provide certification from their treating medical professionals stating that they are medically cleared to perform the essential functions of their jobs without restrictions or limitations.

The Department may require a fitness-for-duty examination prior to returning an employee to full-duty status, in accordance with the Fitness for Duty Policy.

226.7 PREGNANCY

If an employee is temporarily unable to perform regular duties due to a pregnancy, childbirth, or a related medical condition, the employee will be treated the same as any other temporarily disabled employee (42 USC § 2000e(k)). A pregnant employee shall not be involuntarily transferred to a temporary modified-duty assignment. Nothing in this policy limits a pregnant employee's right to a temporary modified-duty assignment if required under Government Code § 12945.

If notified by an employee or the employee's representative regarding a limitation related to pregnancy, childbirth, or related medical conditions, the Department should make reasonable efforts to provide an accommodation for the employee in accordance with federal and state law. The accommodation should be provided without unnecessary delay, as appropriate (42 USC § 2000gg-1; 29 CFR 1636.3; 29 CFR 1636.4; Government Code § 12945).

226.7.1 NOTIFICATION

Pregnant employees should notify their immediate supervisors as soon as practicable and provide a statement from their medical providers identifying any pregnancy-related job restrictions or limitations. If at any point during the pregnancy it becomes necessary for the employee to take a leave of absence, such leave shall be granted in accordance with the county’s personnel rules and regulations regarding family and medical care leave.

226.8 PROBATIONARY EMPLOYEES

Probationary employees who are assigned to a temporary modified-duty assignment may have their probation extended by a period of time equal to their assignment to temporary modified duty.

226.9 MAINTENANCE OF CERTIFICATION AND TRAINING

Employees assigned to temporary modified duty shall maintain all certification, training, and qualifications appropriate to both their regular and temporary duties, provided that the certification, training, or qualifications are not in conflict with any medical limitations or restrictions. Employees

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who are assigned to temporary modified duty shall inform their supervisors of any inability to maintain any certification, training, or qualifications.

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Illness and Injury Prevention

227.1 PURPOSE AND SCOPE

The purpose of this policy is to establish an ongoing and effective plan to reduce the incidence of illness and injury for members of the Imperial County Sheriff's Office, in accordance with the requirements of 8 CCR 3203.

This policy specifically applies to illness and injury that results in lost time or that requires medical treatment beyond first aid. Although this policy provides the essential guidelines for a plan that reduces illness and injury, it may be supplemented by procedures outside the Custody Manual.

This policy does not supersede, but supplements any related county-wide safety efforts.

227.2 POLICY

The Imperial County Sheriff's Office is committed to providing a safe environment for its members and visitors and to minimizing the incidence of work-related illness and injuries. The Department will establish and maintain an illness and injury prevention plan and will provide tools, training, and safeguards designed to reduce the potential for accidents, illness, and injuries. It is the intent of the Department to comply with all laws and regulations related to occupational safety.

227.3 ILLNESS AND INJURY PREVENTION PLAN

The Jail Administrator is responsible for developing an illness and injury prevention plan that shall include:

(a) Workplace safety and health training programs.

(b) Regularly scheduled safety meetings.

(c) Posted or distributed safety information.

(d) A system for members to anonymously inform management about workplace hazards.

(e) Establishment of a safety and health committee that will:

1. Meet regularly.
2. Prepare a written record of safety and health committee meetings.
3. Review the results of periodic scheduled inspections.
4. Review investigations of accidents and exposures.
5. Make suggestions to command staff for the prevention of future incidents.
6. Review investigations of alleged hazardous conditions.
7. Submit recommendations to assist in the evaluation of member safety suggestions.
8. Assess the effectiveness of efforts made by the Department to meet relevant standards.

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(f) Establishment of a process to ensure serious illnesses or injuries and death are reported as required by the Division of Occupational Safety and Health Administration (Cal/OSHA) (8 CCR 342).

227.4 JAIL ADMINISTRATOR RESPONSIBILITIES

The responsibilities of the Jail Administrator include but are not limited to:

(a) Managing and implementing a plan to reduce the incidence of member illness and injury.

(b) Ensuring that a system of communication is in place that facilitates a continuous flow of safety and health information between supervisors and members. This system shall include:

1. New member orientation that includes a discussion of safety and health policies and procedures.
2. Regular member review of the illness and injury prevention plan.
3. Access to the illness and injury prevention plan to members or their representatives as set forth in 8 CCR 3203.

(c) Ensuring that all safety and health policies and procedures are clearly communicated and understood by all members.

(d) Taking reasonable steps to ensure that all members comply with safety rules in order to maintain a safe work environment. This includes but is not limited to:

1. Informing members of the illness and injury prevention guidelines.
2. Recognizing members who perform safe work practices.
3. Ensuring that the member evaluation process includes member safety performance.
4. Ensuring department compliance to meet standards regarding the following:
    (a) Respiratory protection (8 CCR 5144)
    (b) Bloodborne pathogens (8 CCR 5193)
    (c) Aerosol transmissible diseases (8 CCR 5199)
    (d) Heat illness (8 CCR 3395)
    (e) Emergency Action Plan (8 CCR 3220). See the Fire Safety and Evacuation policies.
    (f) Fire Prevention Plan (8 CCR 3221)
    (g) Hazards associated with wildfire smoke (8 CCR 5141.1)

(e) Making available the Identified Hazards and Correction Record form to document inspections, unsafe conditions, or unsafe work practices, and actions taken to correct unsafe conditions and work practices.

(f) Making available the Investigation/Corrective Action Report to document individual incidents or accidents.

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(g) Making available a form to document the safety and health training of each member. This form will include the member's name or other identifier, training dates, type of training, and training providers.

(h) Conducting and documenting a regular review of the illness and injury prevention plan.

227.5 SUPERVISOR RESPONSIBILITIES

Supervisor responsibilities include but are not limited to:

(a) Ensuring member compliance with illness and injury prevention guidelines and answering questions from members about this policy.

(b) Training, counseling, instructing, or making informal verbal admonishments any time safety performance is deficient. Supervisors may also initiate discipline when it is reasonable and appropriate under the Standards of Conduct Policy.

(c) Establishing and maintaining communication with members on health and safety issues. This is essential for an injury-free, productive workplace.

(d) Completing required forms and reports relating to illness and injury prevention; such forms and reports shall be submitted to the Jail Administrator.

(e) Notifying the Jail Administrator when:

1. New substances, processes, procedures, or equipment that present potential new hazards are introduced into the work environment.
2. New, previously unidentified hazards are recognized.
3. Occupational illnesses and injuries occur.
4. New and/or permanent or intermittent members are hired or reassigned to processes, operations, or tasks for which a hazard evaluation has not been previously conducted.
5. Workplace conditions warrant an inspection.

227.6 HAZARDS

All members should report and/or take reasonable steps to correct unsafe or unhealthy work conditions, practices, or procedures in a timely manner. Members should make their reports to a supervisor (as a general rule, their own supervisors).

Supervisors should make reasonable efforts to correct unsafe or unhealthy work conditions in a timely manner, based on the severity of the hazard. These hazards should be corrected when observed or discovered, when it is reasonable to do so. When a hazard exists that cannot be immediately abated without endangering members or property, supervisors should protect or remove all exposed members from the area or item, except those necessary to correct the existing condition.

Members who are necessary to correct the hazardous condition shall be provided with the necessary protection.

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All significant actions taken and dates they are completed shall be documented on an Identified Hazards and Correction Record form. This form should be forwarded to the Jail Administrator via the chain of command.

The Jail Administrator will take appropriate action to ensure the illness and injury prevention plan addresses potential hazards upon such notification.

227.7 INSPECTIONS

Safety inspections are crucial to a safe work environment. These inspections identify and evaluate workplace hazards and permit mitigation of those hazards. A hazard assessment checklist should be used for documentation and to ensure a thorough assessment of the work environment.

The Jail Administrator shall ensure that the appropriate documentation is completed for each inspection.

227.7.1 EQUIPMENT

Members are charged with daily inspections of their assigned areas and of their PPE as described in the Sanitation Inspections and Daily Activity Logs and Shift Reports policies. Members shall complete the Identified Hazards and Correction Record form if an unsafe condition cannot be immediately corrected. Members should forward this form to their supervisors.

227.8 INESTIGATIONS

Any member sustaining any work-related illness or injury, as well as any member who is involved in any accident or hazardous substance exposure while on-duty, shall report such event as soon as practicable to a supervisor. Members observing or learning of a potentially hazardous condition are to promptly report the condition to their immediate supervisors.

A supervisor receiving such a report should personally investigate the incident or ensure that an investigation is conducted. Investigative procedures for workplace accidents and hazardous substance exposures should include:

(a) A visit to the accident scene as soon as possible.

(b) An interview of the injured member and witnesses.

(c) An examination of the workplace for factors associated with the accident/exposure.

(d) Determination of the cause of the accident/exposure.

(e) Corrective action to prevent the accident/exposure from reoccurring.

(f) Documentation of the findings and corrective actions taken.

(g) Completion of a Supervisors Accident Investigation Report form.

(h) Completion of an Identified Hazards and Correction Record form.

Additionally, the supervisor should proceed with the steps to report an on-duty injury, as required under the Occupational Disease and Work-Related Illness and Injury Reporting Policy, in conjunction with this investigation to avoid duplication and ensure timely reporting.

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227.9 TRAINING

The Jail Administrator should work with the Training Manager to provide all members, including supervisors, with training on general and job-specific workplace safety and health practices. Training shall be provided:

(a) To supervisors to familiarize them with the safety and health hazards to which members under their immediate direction and control may be exposed.

(b) To all members with respect to hazards specific to each member's job assignment.

(c) To all members given new job assignments for which training has not previously been provided.

(d) Whenever new substances, processes, procedures, or equipment are introduced to the workplace and represent a new hazard.

(e) Whenever the Department is made aware of a new or previously unrecognized hazard.

227.9.1 TRAINING TOPICS

The Training Manager shall ensure that training includes:

(a) Reporting unsafe conditions, work practices, and injuries, and informing a supervisor when additional instruction is needed.

(b) Use of appropriate clothing, including gloves and footwear.

(c) Use of respiratory equipment.

(d) Availability of toilet, hand-washing, and drinking-water facilities.

(e) Provisions for medical services and first aid.

(f) Handling of bloodborne pathogens and other biological hazards.

(g) Prevention of heat and cold stress.

(h) Identification and handling of hazardous materials, including chemical hazards to which members could be exposed, and review of resources for identifying and mitigating hazards (e.g., hazard labels, Safety Data Sheets (SDS)).

(i) Mitigation of physical hazards, such as heat and cold stress, noise, and ionizing and non-ionizing radiation.

(j) Identification and mitigation of ergonomic hazards, including working on ladders or in a stooped posture for prolonged periods.

(k) Back exercises/stretches and proper lifting techniques.

(l) Avoidance of slips and falls.

(m) Good housekeeping and fire prevention.

(n) Other job-specific safety concerns.

227.10 RECORDS

Records and training documentation relating to illness and injury prevention will be maintained in accordance with the established records retention schedule.

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Occupational Disease and Work-Related Injury Reporting

228.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance regarding the timely reporting of occupational diseases, mental health issues, and work-related injuries.

228.1.1 DEFINITIONS

Definitions related to this policy include:

Occupational disease or work-related injury - An injury, disease, or mental health issue arising out of employment (Labor Code § 3208; Labor Code § 3208.3; Labor Code § 3212 et seq.).

228.2 POLICY

The Imperial County Sheriff's Office will address occupational diseases and work-related injuries appropriately, and will comply with applicable state workers' compensation requirements (Labor Code § 3200 et seq.).

228.3 RESPONSIBILITIES

228.3.1 MEMBER RESPONSIBILITIES

Any member sustaining any occupational disease or work-related injury shall report such event as soon as practicable, but within 24 hours, to a supervisor, and shall seek medical care when appropriate (8 CCR 14300.35).

228.3.2 SUPERVISOR RESPONSIBILITIES

A supervisor learning of any occupational disease or work-related injury should ensure the member receives medical care as appropriate.

Supervisors shall ensure that required documents regarding workers' compensation are completed and forwarded promptly. Any related countywide disease- or injury-reporting protocol shall also be followed.

Supervisors shall determine whether the Illness and Injury Prevention Policy applies and take additional action as required.

228.3.3 FACILITYMANAGER RESPONSIBILITIES

The Jail Administrator who receives a report of an occupational disease or work-related injury should review the report for accuracy and determine what additional action should be taken. The report shall then be forwarded to the Sheriff and the county's risk management entity to ensure any required Division of Occupational Safety and Health (Cal/OSHA) reporting is made as required in the illness and injury prevention plan identified in the Illness and Injury Prevention Policy.

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228.3.4 AGENCYHEAD RESPONSIBILITIES
The Sheriff shall review and forward copies of the report to the Human Resources Department Department. Copies of the report and related documents retained by the Department shall be filed in the member's confidential medical file.

228.4 OTHER DISEASE OR INJURY
Diseases and injuries caused or occurring on-duty that do not qualify for workers' compensation reporting shall be documented on the designated report of injury form, which shall be signed by a supervisor. A copy of the completed form shall be forwarded to the appropriate Correctional Lieutenant through the chain of command and a copy sent to the Jail Administrator.

Unless the injury is extremely minor, this report shall be signed by the affected member, indicating that they desired no medical attention at the time of the report. By signing, the member does not preclude their ability to later seek medical attention.

228.5 SETTLEMENT OFFERS
When a member sustains an occupational disease or work-related injury that is caused by another person and is subsequently contacted by that person, their agent, insurance company, or attorney and offered a settlement, the member shall take no action other than to submit a written report of this contact to their supervisor as soon as possible.

228.5.1 NO SETTLEMENT WITHOUT PRIOR APPROVAL
No less than 10 days prior to accepting and finalizing the settlement of any third-party claim arising out of or related to an occupational disease or work-related injury, the member shall provide the Sheriff with written notice of the proposed terms of such settlement. In no case shall the member accept a settlement without first providing written notice to the Sheriff. The purpose of such notice is to permit the county to determine whether the offered settlement will affect any claim the county may have regarding payment for damage to equipment or reimbursement for wages against the person who caused the disease or injury, and to protect the county's right of subrogation, while ensuring that the member's right to receive compensation is not affected.

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Evaluation of Employees

229.1 PURPOSE AND SCOPE

The Department’s employee performance evaluation system is designed to record work performance for both the Department and the employee, providing recognition for good work and developing a guide for improvement.

229.2 POLICY

The Imperial County Sheriff's Office utilizes a performance evaluation report to measure performance and to use as a factor in making personnel decisions that relate to merit increases, promotion, reassignment, discipline, demotion, and termination. The evaluation report is intended to serve as a guide for work planning and review by the supervisor and employee. It gives supervisors a way to create an objective history of work performance based on job standards.

The Department evaluates employees in a nondiscriminatory manner based upon job-related factors specific to the employee’s position, without regard to actual or perceived race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, age, disability, pregnancy, genetic information, veteran status, marital status, and any other classification or status protected by law.

229.3 EVALUATION PROCESS

Evaluation reports will cover a specific period of time and should be based on documented performance during that period. Evaluation reports will be completed by each employee’s immediate supervisor. Other supervisors directly familiar with the employee’s performance during the rating period should be consulted by the immediate supervisor for their input.

All sworn and Civilian supervisory personnel shall attend an approved supervisory course that includes training on the completion of performance evaluations within one year of the supervisory appointment.

Each supervisor should discuss the tasks of the position, standards of performance expected and the evaluation criteria with each employee at the beginning of the rating period. Supervisors should document this discussion in the prescribed manner.

Assessment of an employee’s job performance is an ongoing process. Continued coaching and feedback provides supervisors and employees with opportunities to correct performance issues as they arise.

Non-probationary employees demonstrating substandard performance shall be notified in writing as soon as possible in order to have an opportunity to remediate the issues. Such notification should occur at the earliest opportunity, with the goal being a minimum of 90 days' written notice prior to the end of the evaluation period.

Employees who disagree with their evaluation and who desire to provide a formal response or a rebuttal may do so in writing in the prescribed format and time period.

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229.4 FULL-TIME PROBATIONARY PERSONNEL

Civilian personnel are on probation for 12 months before being eligible for certification as permanent employees. Probationary civilian personnel are evaluated at five months, 10 months, and 12 months during the probationary period.

Sworn personnel are on probation for 18 months before being eligible for certification as permanent employees. Probationary correctional officers are evaluated at five, 10 months, and 18 months during the probationary period.

Sworn personnel who are subsequently promoted are on probation for 12 months before being eligible for certification as permanent employees and are evaluated at five months and 12 months during their probationary period.

229.5 FULL-TIME PERMANENT STATUS PERSONNEL

Permanent employees are subject to three types of performance evaluations:

Regular - An Employee Performance Evaluation shall be completed once each year by the employee's immediate supervisor on the anniversary of the employee’s date of hire except for employees who have been promoted in which case an Employee Performance Evaluation shall be completed on the anniversary of the employee’s date of last promotion.

Transfer - If an employee is transferred from one assignment to another in the middle of an evaluation period and less than six months have transpired since the transfer, then an evaluation shall be completed by the current supervisor with input from the previous supervisor.

Special - A special evaluation may be completed any time the rater and the rater's supervisor feel one is necessary due to employee performance that is deemed less than standard. Generally, the special evaluation will be the tool used to demonstrate those areas of performance deemed less than standard when follow-up action is planned (action plan, remedial training, retraining). The evaluation form and the attached documentation shall be submitted as one package.

229.5.1 RATINGS

When completing the Employee Performance Evaluation, the rater will place a check mark in the column that best describes the employee's performance. The definition of each rating category is as follows:

Clearly Exceeds - Clearly exceeds normal expectations of proficiency. Is actual performance well beyond that required for the position. It is exceptional performance, definitely superior or extraordinary.

Exceeds - Exceeds normal expectations of proficiency. Represents performance that is better than expected of a fully competent employee. It is superior to what is expected, but is not of such rare nature to warrant clearly exceeds.

Meets - Meets and is reasonable and consistent with normal expectations of proficiency. Is the performance of a fully competent employee. It means satisfactory performance that meets the standards required of the position.

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Does not quite meet - Does not quite meet and is not quite reasonable and consistent with normal expectations. Is the level of performance less than that expected of a fully competent employee and less than standards required of the position. A needs improvement rating shall be thoroughly discussed with the employee.

Does not meet - Does not meet and is not reasonable and consistent with normal expectations of proficiency. Performance is inferior to the standards required of the position. It is inadequate or undesirable performance that cannot be tolerated.

Space for written comments is provided at the end of the evaluation in the rater comments section. This section allows the rater to document the employee's strengths, weaknesses, and suggestions for improvement. Any rating under any job dimension marked above or below reasonable expectation of proficiency ("meets") shall be substantiated in the rater comments section.

229.6 EVALUATION INTERVIEW

When the supervisor has completed the preliminary evaluation, arrangements shall be made for a private discussion of the evaluation with the employee. The supervisor should discuss the results of the just completed rating period and clarify any questions the employee may have. If the employee has valid and reasonable protests of any of the ratings, the supervisor may make appropriate changes to the evaluation. Areas needing improvement and goals for reaching the expected level of performance should be identified and discussed. The supervisor should provide relevant counseling regarding advancement, specialty positions, and training opportunities. The supervisor and employee will sign and date the evaluation. Permanent employees may also write comments in the Employee Comments section of the performance evaluation report.

229.6.1 DISCRIMINATORY HARASSMENT FORM

At the time of each employee’s annual evaluation, the reviewing supervisor shall require the employee to read the county and Imperial County Sheriff's Office harassment and discrimination policies. Following such policy review, the supervisor shall provide the employee a form to be completed and returned by the employee certifying the following:

(a) That the employee understands the harassment and discrimination policies.

(b) Whether any questions the employee has have been sufficiently addressed.

(c) That the employee knows how and where to report harassment policy violations.

(d) Whether the employee has been the subject of, or witness to, any conduct that violates the discrimination or harassment policy which has not been previously reported.

The completed form should be returned to the supervisor (or other authorized individual if the employee is uncomfortable returning the form to the presenting supervisor) within one week.

The employee’s completed answers shall be attached to the evaluation. If the employee has expressed any questions or concerns, the receiving supervisor or other authorized individual shall ensure that appropriate follow-up action is taken.

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229.7 EVALUATION REVIEW

After the supervisor finishes the discussion with the employee, the signed performance evaluation is forwarded to the rater's supervisor. The Jail Administrator shall review the evaluation for fairness, impartiality, uniformity, and consistency. The Jail Administrator shall evaluate the supervisor on the quality of ratings given.

229.8 EVALUATION DISTRIBUTION

The original performance evaluation shall be maintained in the employee's personnel file in the office of the Department for the tenure of the employee's employment.

A copy will be given to the employee and a copy will be forwarded to the county Department of Human Resources Department.

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Wellness Program

230.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance on establishing and maintaining a proactive wellness program for department members.

The wellness program is intended to be a holistic approach to a member's well-being and encompasses aspects such as physical fitness, mental health, and overall wellness.

230.1.1 DEFINITIONS

Definitions related to this policy include:

Critical incident - An event or situation that may cause a strong emotional, cognitive, or physical reaction that has the potential to interfere with daily life.

Critical Incident Stress Debriefing (CISD) - A standardized approach using a discussion format to provide education, support, and emotional release opportunities for members involved in work-related critical incidents.

Peer support - Mental and emotional wellness support provided by peers trained to help members cope with critical incidents and certain personal or professional problems.

230.2 POLICY

It is the policy of the Imperial County Sheriff's Office to prioritize member wellness to foster fitness for duty and support a healthy quality of life for department members. The Department will maintain a wellness program that supports its members with proactive wellness resources, critical incident response, and follow-up support.

230.3 WELLNESS COORDINATOR

The Sheriff should appoint a trained wellness coordinator. The coordinator should report directly to the Sheriff or the authorized designee and should collaborate with advisers (e.g., Human Resources Department, legal counsel, licensed psychotherapist, qualified health professionals), as appropriate, to fulfill the responsibilities of the position, including but not limited to:

(a) Identifying wellness support providers (e.g., licensed psychotherapists, external peer support providers, physical therapists, dietitians, physical fitness trainers holding accredited certifications).

1. As appropriate, selected providers should be trained and experienced in providing mental wellness support and counseling to public safety personnel.
2. When practicable, the Department should not use the same licensed psychotherapist for both member wellness support and fitness-for-duty evaluations.

(b) Developing management and operational procedures for department peer support members, such as:

1. Peer support member selection and retention.

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2. Training and applicable certification requirements.
3. Deployment.
4. Managing potential conflicts between peer support members and those seeking service.
5. Monitoring and mitigating peer support member emotional fatigue (i.e., compassion fatigue) associated with providing peer support.
6. Using qualified peer support personnel from other public safety agencies or outside organizations for department peer support, as appropriate.

(c) Verifying members have reasonable access to peer support or licensed psychotherapist support.

(d) Establishing procedures for CISDs, including:

1. Defining the types of incidents that may initiate debriefings.
2. Steps for organizing debriefings.

(e) Facilitating the delivery of wellness information, training, and support through various methods appropriate for the situation (e.g., phone hotlines, electronic applications).

(f) Verifying a confidential, appropriate, and timely employee assistance program (EAP) is available for members. This also includes:

1. Obtaining a written description of the program services.
2. Providing for the methods to obtain program services.
3. Providing referrals to the EAP for appropriate diagnosis, treatment, and follow-up resources.
4. Obtaining written procedures and guidelines for referrals to, or mandatory participation in, the program.
5. Obtaining training for supervisors in their role and responsibilities, and identification of member behaviors that would indicate the existence of member concerns, problems, or issues that could impact member job performance.

(g) Assisting members who have become disabled with their application for federal government benefits such as those offered through the Public Safety Officers' Benefits Program (34 USC § 10281 et seq.).

(h) Assisting qualified members and survivors with application for other benefits, wellness support, and counseling services, as applicable, when there has been a member death.

230.4 DEPARTMENT PEER SUPPORT

230.4.1 PEER SUPPORT MEMBER SELECTION CRITERIA

The selection of any department peer support member will be at the discretion of the coordinator. Selection should be based on the member's:

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- Desire to be a peer support member.
- Experience or tenure.
- Demonstrated ability as a positive role model.
- Ability to communicate and interact effectively.
- Evaluation by supervisors and any current peer support members.

230.4.2 PEER SUPPORT MEMBER RESPONSIBILITIES
The responsibilities of department peer support members include:

(a) Providing pre- and post-critical incident support.

(b) Presenting department members with periodic training on wellness topics, including but not limited to:

1. Stress management.
2. Suicide prevention.
3. How to access support resources.

(c) Providing referrals to licensed psychotherapists and other resources, where appropriate.

1. Referrals should be made to department-designated resources in situations that are beyond the scope of the peer support member's training.

230.4.3 PEER SUPPORT MEMBER TRAINING
Every department peer support member should complete department-approved training prior to being assigned.

230.5 CRITICAL INCIDENT STRESS DEBRIEFINGS

A Critical Incident Stress Debriefing should occur as soon as practicable following a critical incident. The coordinator is responsible for organizing the debriefing. Notes and recorded statements shall not be taken because the sole purpose of the debriefing is to help mitigate the stress-related effects of a critical incident.

The debriefing is not part of any investigative process. Care should be taken not to release or repeat any communication made during a debriefing unless otherwise authorized by policy, law, or a valid court order.

Attendance at the debriefing should only include peer support members and those directly involved in the incident.

230.6 PEER SUPPORT COMMUNICATIONS

Although the Department will honor the sensitivity of communications with peer support members, there is no legal privilege to such communications.

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230.7 PHYSICAL WELLNESS PROGRAM

The coordinator is responsible for establishing guidelines for any on-duty physical wellness program, including the following:

(a) Voluntary participation by members

(b) Allowable physical fitness activities

(c) Permitted times and locations for physical fitness activities

(d) Acceptable use of provided physical fitness facilities and equipment

(e) Individual health screening and fitness assessment

(f) Individual education (e.g., nutrition, sleep habits, proper exercise, injury prevention) and goal-setting

(g) Standards for fitness incentive programs. The coordinator should collaborate with the appropriate entities (e.g., human resources, legal counsel) to verify that any standards are nondiscriminatory.

(h) Maintenance of physical wellness logs (e.g., attendance, goals, standards, progress)

(i) Ongoing support and evaluation

230.8 WELLNESS PROGRAM AUDIT

At least annually, the coordinator or the authorized designee should audit the effectiveness of the department's wellness program and prepare a report summarizing the findings. The report shall not contain the names of members participating in the wellness program, and should include the following information:

- Data on the types of support services provided
- Wait times for support services
- Participant feedback, if available
- Program improvement recommendations
- Policy revision recommendations

The coordinator should present the completed audit to the Sheriff for review and consideration of updates to improve program effectiveness.

230.9 TRAINING

The coordinator or the authorized designee should collaborate with the Training Manager to provide all members with regular education and training on topics related to member wellness, including but not limited to:

- The availability and range of department wellness support systems.
- Suicide prevention.
- Recognizing and managing mental distress, emotional fatigue, post-traumatic stress, and other possible reactions to trauma.

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- Alcohol and substance disorder awareness.
- Countering sleep deprivation and physical fatigue.
- Anger management.
- Marriage and family wellness.
- Benefits of exercise and proper nutrition.
- Effective time and personal financial management skills.

Training materials, curriculum, and attendance records should be forwarded to the Training Manager as appropriate for inclusion in training records.

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Personal Communication Devices

231.1 PURPOSE AND SCOPE

To establish guidelines for the possession and use of personal communication devices within secured areas of the jail facilities. Such devices pose a risk to facility security if lost or stolen and can also distract staff members during the performance of their duties.

231.1.1 DEFINITIONS

Personal Communication Device - A personal communication device is any wired or wireless communication device or other prescribed device that is capable of receiving or transmitting telephone communications, electronic data, email, text messages, videos, or photos, internet access including but not limited to cellular/satellite telephones, pagers, personal handheld computers (PDAs) and cellular/satellite push to talk devices or similar products.

231.2 POLICY

It is the policy of this Office that the possession of personal communication devices within the secured areas of the jail is prohibited unless specifically authorized by the Jail Administrator. This prohibition extends to all personnel including vendors, instructors, medical staff, and/or support staff.

231.3 EXCEPTIONS

This policy does not prohibit personnel that have been issued a communication device from possessing or using the issued device within the secured areas.

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Shift Briefing

232.1 PURPOSE AND SCOPE

This policy establishes standards for the time and manner in which staff shall report to work for shifts within the jail facilities.

232.2 POLICY

It is the policy of this Office that all employees shall report to shift briefing prior to the start of their shift to receive their assignments, orders, directives, and information pertinent for their assignment. All employees reporting to briefing shall be appropriately dressed, equipped, and cognizant of the information required for the proper performance of duty so that they may immediately assume their duties.

232.3 PROCEDURE

Staff reporting for duty will be in appropriate uniform based upon their job classification. Staff will report to the designated briefing area on time. Employees who are late to shift briefing will be deducted pay for the actual time missed from the briefing.

There will be no unnecessary talking once the shift briefing has begun. Staff may ask questions or give comments only after being recognized by the Watch Commander conducting the shift briefing. The Watch Commander will brief the employees on the events and incidents of the prior shift(s) as necessary and all directives issued.

The Watch Commander will issue duty assignments, post orders, relay pertinent information, and conduct shift training as time allows.

Employees that are reporting to work for shift coverage that is not at the normal shift change times shall report to the Watch Commander for necessary information and duty assignment.

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Personal Communication Devices

233.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for the use of mobile telephones and communication devices, whether issued or funded by the Department or personally owned, while on-duty or when used for authorized work-related purposes.

This policy generically refers to all such devices as Personal Communication Devices (PCDs) but is intended to include all mobile telephones, personal digital assistants (PDAs), wireless-capable tablets, and similar wireless two-way communications and/or portable internet-access devices. PCD use includes but is not limited to placing and receiving calls, text messaging, blogging and microblogging, emailing, using video or camera features, playing games, and accessing sites or services on the internet.

233.2 POLICY

The Imperial County Sheriff's Office allows members to utilize department-issued or funded PCDs and to possess personally owned PCDs in the workplace, subject to certain limitations. Any PCD used while on- or off-duty for business-related purposes, or reasonably associated with work-related misconduct, will be subject to monitoring and inspection consistent with applicable law and this policy.

Additionally, the use of a PCD either on-duty or after duty hours for business-related purposes, or reasonably associated with work-related misconduct, may subject the member and the member's PCD records to civil or criminal discovery or disclosure under applicable public records laws.

Members who have questions regarding the application of this policy or the guidelines contained herein are encouraged to seek clarification from supervisory staff.

233.3 PRIVACY EXPECTATION

Members forfeit any expectation of privacy with regard to any communication accessed, transmitted, received, or reviewed on any PCD issued or funded by the Department and shall have no expectation of privacy in their location should the device be equipped with location-detection capabilities. This includes records of all keystrokes or web-browsing history made on the PCD. The fact that access to a database, service, or website requires a username or password will not create an expectation of privacy if it is accessed through department PCDs or networks (see the Information Technology Use Policy for additional guidance).

Members have no expectation of privacy regarding any communications while using a personally owned PCD for department-related business or when the use reasonably implicates work-related misconduct.

233.3.1 CALIFORNIA ELECTRONIC COMMUNICATIONS PRIVACY ACT (CALECPA)

No member is authorized to be the sole possessor of an department-issued PCD. Department-issued PCDs can be retrieved, reassigned, accessed, or used by any member as directed by a supervisor without notice. Member use of an department-issued PCD and use of a personal

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PCD at work or for work-related business constitutes specific consent for access for department purposes. Prior to conducting an administrative search of a PCD, supervisors should consult legal counsel to ensure access is consistent with CalECPA (Penal Code § 1546; Penal Code § 1546.1).

233.4 DEPARTMENT-ISSUED PCD

Depending on a member's assignment and the needs of the position, the Department may, at its discretion, issue or fund a PCD for the member's use to facilitate on-duty performance. Department-issued or funded PCDs may not be used for personal business either on- or off-duty unless authorized by the Sheriff or the authorized designee. Such devices and the associated telephone number, if any, shall remain the sole property of the Department and shall be subject to inspection or monitoring (including all related records and content) at any time without notice and without cause.

Unless a member is expressly authorized by the Sheriff or the authorized designee for off-duty use of the PCD, the PCD will be either secured in the workplace at the completion of the tour of duty or turned off when leaving the workplace.

233.5 PERSONALLY OWNED PCD

Members may carry a personally owned PCD while on-duty, subject to the following conditions and limitations:

(a) Permission to carry a personally owned PCD may be revoked if it is used contrary to provisions of this policy.

(b) The Department accepts no responsibility for loss of or damage to a personally owned PCD.

(c) The PCD and any associated services shall be purchased, used, and maintained solely at the member's expense.

(d) The device should not be used for work-related purposes except in exigent circumstances (e.g., unavailability of department communications) or as otherwise authorized by department procedures.

1. Use of a personally owned PCD for work-related business constitutes consent for the Department to access the PCD to inspect and copy the work-related data (e.g., for litigation purposes, public records retention and release obligations, internal investigations).

2. Use of, and data within, a personally owned PCD may be discoverable in cases when there is reason to believe it is associated with work-related misconduct.

3. Searches of a personally owned PCD by the Department should be limited to those matters reasonably associated with the work-related business or work-related misconduct.

(e) The device shall not be utilized to record or disclose any department business-related information, including photographs, video, or the recording or transmitting of any information or material obtained or made accessible as a result of employment or

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appointment with the Department, without the express authorization of the Sheriff or the authorized designee.

(f) If the PCD is carried on-duty, members will provide the Department with the telephone number of the device.

(g) All work-related documents, emails, photographs, recordings, or other public records created or received on a member's personally owned PCD should be transferred to the Imperial County Sheriff's Office and deleted from the member's PCD as soon as reasonably practicable but no later than the end of the member's shift.

Except with prior express authorization from their supervisors, members are not obligated or required to carry, access, monitor, or respond to electronic communications using a personally owned PCD while off-duty. If a member is in an authorized status that allows for appropriate compensation consistent with policy or existing memorandum of understanding or collective bargaining agreement, or if the member has prior express authorization from their supervisor, the member may engage in department business-related communications. Should members engage in such approved off-duty communications or work, members entitled to compensation shall promptly document the time worked and communicate the information to their supervisors to ensure appropriate compensation. Members who independently document off-duty department-related business activities in any manner shall promptly provide the Department with a copy of such records to ensure accurate recordkeeping.

233.6 USE OF PCD

The following protocols shall apply to all PCDs that are carried while on-duty or used to conduct department business:

(a) A PCD shall not be carried in a manner that allows it to be visible while in uniform unless it is in an approved carrier.

(b) All PCDs in the workplace shall be set to silent or vibrate mode.

(c) A PCD may not be used to conduct personal business while on-duty except for brief personal communications (e.g., informing family of extended hours). Members shall endeavor to limit their use of PCDs to authorized break times unless an emergency exists.

(d) Members may use a PCD to communicate with other personnel in situations where the use of radio communications is either impracticable or not feasible. PCDs should not be used as a substitute for, as a way to avoid, or in lieu of regular radio communications.

(e) Members are prohibited from taking pictures, audio or video recordings, or making copies of any such picture or recorded media unless it is directly related to official department business. Disclosure of any such information to any third party through any means requires the express authorization of the Sheriff or the authorized designee.

(f) Members will not access social networking sites for any purpose that is not official department business. This restriction does not apply to a personally owned PCD used during authorized break times.

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(g) Using PCDs to harass, threaten, coerce, or otherwise engage in inappropriate conduct with any third party is prohibited. Any member having knowledge of such conduct shall promptly notify a supervisor.

233.7 SUPERVISOR RESPONSIBILITIES

The responsibilities of supervisors include but are not limited to:

(a) Ensuring that members under their command are provided appropriate training on the use of PCDs consistent with this policy.

(b) Monitoring, to the extent practicable, PCD use in the workplace and taking prompt corrective action if a member is observed or reported to be improperly using a PCD.

1. An investigation into improper conduct should be promptly initiated when circumstances warrant.
2. Before conducting any administrative search of a member's personally owned device, supervisors should consult with the Sheriff or the authorized designee.

233.8 OFFICIAL USE

Members are reminded that PCDs are not secure devices and conversations may be intercepted or overheard. Caution should be exercised while using PCDs to ensure that sensitive information is not inadvertently transmitted. As soon as reasonably possible, members shall conduct sensitive or private communications on a land-based or other department communications network.

233.9 USE WHILE DRIVING

The use of a PCD while driving can adversely affect safety, cause unnecessary distractions, and present a negative image to the public. Members operating department vehicles should restrict the use of these devices to matters of an urgent nature and should, where practicable, stop the vehicle at an appropriate location to use the PCD.

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Chapter 3 - Recruitment, Selection, and Planning

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Employee Orientation

300.1 PURPOSE AND SCOPE

The purpose of this policy is to define the parameters for new employee orientation.

300.2 POLICY

It is the policy of the Imperial County Sheriff's Office to provide new employees with basic information about the facility and the environment in which they will be working. Orientation is not meant to supplant other basic training required by law, ordinance, or regulations.

300.3 NEW EMPLOYEE ORIENTATION

Each new facility employee shall receive an orientation prior to assuming their duties. At a minimum, the orientation shall include the following:

- Working conditions
- Code of ethics
- Personnel policy manual
- Employee rights and responsibilities
- Overview of the criminal justice system
- Tour of the facility
- Facility goals and objectives
- Facility organization
- Staff rules and regulations
- Program overview

300.4 EMPLOYEE ACKNOWLEDGEMENTS

Department personnel assigned to provide the new employee orientation will ensure that each new employee is given copies of work rules and regulations, department ethics, and any other department documents, for which the employee will be held accountable.

A staff member will collect a signature page from the employee, acknowledging receipt, review and understanding of the documents. A copy of the signature page shall be retained in the employee's personnel file in accordance with established records retention schedules.

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Continuing Education and Professional Development

301.1 PURPOSE AND SCOPE

This policy is designed to support the ongoing professional education and professional development of department personnel at all levels.

301.2 OBJECTIVES

The objective for continuing education and professional development is for all members to enhance their knowledge and skills to their fullest potential.

Members who engage in furthering their education in conjunction with skills-based training make for well-rounded employees who can better serve the mission of the Department and the community.

Supervisors should accommodate, to the extent feasible and schedules permitting, requests by personnel for shift adjustments and available leave time to assist personnel with their continuing education and professional development efforts.

301.3 POLICY

It is the policy of the Imperial County Sheriff's Office to encourage members to participate in continuing education and professional development opportunities whenever practicable.

The Department encourages all personnel to participate in formal education on a continuing basis.

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Jail Training Officer

303.1 PURPOSE AND SCOPE

The jail training officer program is intended to provide a standardized program to facilitate the correctional officer's transition from the academic setting to the actual performance of general corrections duties.

303.2 POLICY

It is the policy of this department to assign all new correctional officers to a structured jail training officer program designed to prepare the new correctional officer to perform in a custody assignment, and to provide training on all skills needed to operate in a safe, productive, and professional manner.

303.3 JAIL TRAINING OFFICER

The Jail Training Officer (TO) is an experienced correctional officer trained in the art and science of supervising, training and evaluating entry-level correctional officers in the application of their previously acquired knowledge and skills.

303.3.1 SELECTION PROCESS

Jail Training Officers will be selected based on certain requirements, including:

(a) A desire to perform the training mission.

(b) Completion of their probationary period.

(c) A demonstrated ability to be a positive role model.

(d) Positive recommendation from their current supervisor.

(e) No disciplinary actions for a period of one year.

303.3.2 TRAINING

All JTOs shall successfully complete a 40-hour course of instruction prior to being assigned a trainee.

All JTOs must complete a 24-hour update course every three years while assigned to the position of JTO.

303.4 TRAINING OFFICER RESPONSIBILITIES

The JTO's responsibilities include the following:

(a) JTOs shall complete and submit a written evaluation on the performance of their assigned trainees to the JTO's immediate supervisor on a daily basis.

(b) JTOs shall review the performance evaluations with the trainees each day.

(c) JTOs shall complete a detailed end-of-phase performance evaluation on the assigned trainee at the end of each phase of training.

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(d) JTOs shall be responsible for signing off all completed topics contained in the training manual, noting the methods of learning and evaluating the performance of the assigned trainee.

303.5 JAIL TRAINING OFFICER PROGRAM COORDINATOR

The JTO program coordinator will be selected from the rank of sergeant or above by the Jail Administrator or the authorized designee and shall possess supervisory credentials from the state's law enforcement certifying agency, where applicable. The supervisor's responsibilities include the following:

(a) Assignment of trainees to JTOs.

(b) Conduct JTO meetings.

(c) Maintain and ensure JTO/trainee performance evaluations are completed in a timely manner.

(d) Maintain, update and issue the training manual to each trainee.

(e) Monitor individual JTO performance.

(f) Monitor the overall JTO program.

(g) Develop ongoing training for JTOs.

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Recruitment and Selection

304.1 PURPOSE AND SCOPE

This policy provides a framework for employee recruiting efforts and identifying job-related standards for the selection process. This policy supplements the rules that govern employment practices for the Imperial County Sheriff's Office and that are promulgated and maintained by the Department of Human Resources Department.

304.2 POLICY

In accordance with applicable federal, state, and local law, the Imperial County Sheriff's Office provides equal opportunities for applicants and employees, regardless of actual or perceived race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, age, disability, pregnancy, genetic information, veteran status, marital status, and any other classification or status protected by law. The Department does not show partiality or grant any special status to any applicant, employee, or group of employees unless otherwise required by law.

The Department will recruit and hire only those individuals who demonstrate a commitment to service and who possess the traits and characteristics that reflect personal integrity and high ethical standards.

304.3 RECRUITMENT

The Jail Administrator should employ a comprehensive recruitment and selection strategy to recruit and select employees from a qualified and diverse pool of candidates. The strategy should include:

(a) Identification of racially and culturally diverse target markets.

(b) Use of marketing strategies to target diverse applicant pools.

(c) Expanded use of technology and maintenance of a strong internet presence. This may include an interactive department website and the use of department-managed social networking sites, if resources permit.

(d) Expanded outreach through partnerships with media, community groups, citizen academies, local colleges, universities, and the military.

(e) Employee referral and recruitment incentive programs.

(f) Consideration of shared or collaborative regional testing processes.

The Jail Administrator shall avoid advertising, recruiting, and screening practices that tend to stereotype, focus on homogeneous applicant pools, or screen applicants in a discriminatory manner.

The Jail Administrator should strive to facilitate and expedite the screening and testing process, and should periodically inform each candidate of their status in the recruiting process.

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304.4 SELECTION PROCESS

The Department shall actively strive to identify a diverse group of candidates who have in some manner distinguished themselves as being outstanding prospects.

Minimally, the Department should employ a comprehensive screening, background investigation, and selection process that assesses cognitive and physical abilities and includes review and verification of the following:

(a) A comprehensive application for employment (including previous employment, references, current and prior addresses, education, military record)

1. The personnel records of any applicant with prior peace officer experience in this state shall be requested from the appropriate law enforcement agency and reviewed prior to extending an offer of employment (Penal Code § 832.12).
2. This includes review of prior law enforcement employment information maintained by the California Commission on Peace Officer Standards and Training (POST) (Penal Code § 13510.9).

(b) Driving record

(c) Reference checks

(d) Employment eligibility, including U.S. Citizenship and Immigration Services (USCIS) Employment Eligibility Verification Form I-9 and acceptable identity and employment authorization documents consistent with Labor Code § 1019.1. This required documentation should not be requested until a candidate is hired. This does not prohibit obtaining documents required for other purposes.

(e) Information obtained from public internet sites

(f) Financial history consistent with the Fair Credit Reporting Act (FCRA) (15 USC § 1681 et seq.)

(g) Local, state, and federal criminal history record checks (Government Code § 1030; Penal Code § 11105.002; Penal Code § 11105.05)

(h) Lie detector test (when legally permissible) (Labor Code § 432.2)

(i) Medical and psychological examination (may only be given after a conditional offer of employment)

1. The Medical Suitability Declaration (POST form 2-363) provided by the evaluating physician shall be maintained in the candidate's background investigation file (11 CCR 1954).
2. The Psychological Suitability Declaration (POST form 2-364) provided by the evaluator shall be maintained in the candidate's background investigation file (11 CCR 1955).

(j) Review board or selection committee assessment

304.4.1 VETERAN'S PREFERENCE

Qualifying veterans of the United States Armed Forces who receive a passing score on an entrance examination shall be ranked in the top rank of any resulting eligibility list. The veteran’s

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preference shall also apply to a widow or widower of a veteran or a spouse of a 100 percent disabled veteran (Government Code § 18973.1).

304.5 BACKGROUND INVESTIGATION

Every candidate shall undergo a thorough background investigation to verify their personal integrity and high ethical standards, and to identify any past behavior that may be indicative of the candidate's unsuitability to perform duties relevant to the operation of the Imperial County Sheriff's Office (11 CCR 1953).

The narrative report and any other relevant background information shall be shared with the psychological evaluator. Information shall also be shared with others involved in the hiring process if it is relevant to their respective evaluations (11 CCR 1953).

Criminal record background checks will be conducted on all members or contractors who may have contact with incarcerated persons.

304.5.1 INVESTIGATOR TRAINING

Background investigators shall complete POST-certified background investigation training before conducting investigations (11 CCR 1953).

304.5.2 BACKGROUND INVESTIGATION UPDATE

A background investigation update may, at the discretion of the Sheriff, be conducted in lieu of a complete new background investigation on a peace officer candidate who is reappointed within 180 days of voluntary separation from the Imperial County Sheriff's Office (11 CCR 1953(f)).

304.5.3 NOTICES

Background investigators shall ensure that investigations are conducted and notices provided in accordance with the requirements of the FCRA and the California Investigative Consumer Reporting Agencies Act (15 USC § 1681d; Civil Code § 1786.16).

304.5.4 STATE NOTICES

If information disclosed in a candidate’s criminal offender record information (CORI) is the basis for an adverse employment decision, a copy of the CORI shall be provided to the applicant (Penal Code § 11105).

304.5.5 REVIEW OF SOCIAL MEDIA SITES

All peace officer candidates shall be subject to a social media search for statements, postings, and/or endorsements made by the candidate that are relevant to suitability for peace officer employment, including bias-relevant information consistent with the requirements of 11 CCR 1955(d)(3), and any public expression of hate made in an online forum as defined in Penal Code § 13680(g) (11 CCR 1953(e)(12)).

Due to the potential for accessing unsubstantiated, private, or protected information, the Department shall not require candidates to provide passwords, account information, or access to password-protected social media accounts (Labor Code § 980).

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The Administration Chief Deputy should consider utilizing the services of an appropriately trained and experienced third party to conduct open-source, internet-based searches and/or review information from social media sites to ensure that:

(a) The legal rights of candidates are protected.

(b) Material and information to be considered are verified, accurate, and validated.

(c) The Department fully complies with applicable privacy protections and local, state, and federal law.

Regardless of whether a third party is used, the Department should ensure that potentially impermissible information is not available to any person involved in the candidate selection process.

304.5.6 RECORDS RETENTION

The background report and all supporting documentation shall be maintained according to the established records retention schedule and at a minimum as follows (Government Code § 12946; 11 CCR 1953):

(a) Reports and documentation for candidates hired by the department shall be retained for the entire term of employment and for a minimum of four years after separation from the department.

(b) Reports and documentation for candidates not hired by the department for a minimum of four years.

304.5.7 DOCUMENTING AND REPORTING

The background investigator shall summarize the results of the background investigation in a narrative report that includes sufficient information to allow the reviewing authority to decide whether to extend a conditional offer of employment. The report shall include sections that summarize relevant Background Investigation Dimensions and include any findings of behaviors, traits, and/or attributes relevant to bias per the Bias Assessment Framework as described in the POST Background Investigation Manual: Guidelines for the Investigator. The report shall identify the data sources reviewed for the findings, regardless of weight given. The report shall include narrative information in the format described in 11 CCR 1953(g)(1). The report shall also include whether the candidate has engaged or is engaging in membership in a hate group, participating in hate group activity, advocacy, or public expressions of hate pursuant to Penal Code § 13680 et seq. (11 CCR 1953).

The report shall not include any information that is prohibited from use, including that from social media sites, in making employment decisions. The report and all supporting documentation, including relevant documentation of bias-related findings and documentation obtained through the social media search, shall be included in the candidate's background investigation file (11 CCR 1953).

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The background investigator shall document proof of verification of qualification for peace officer appointment on the Verification of Qualification for Peace Officer Appointment form and forward it to the Administration Chief Deputy for final review and submission to POST (11 CCR 1953).

The background investigation file shall be made available during POST compliance inspections (11 CCR 1953).

304.5.8 CONFIDENTIAL POST RECORDS

Records released to the Imperial County Sheriff's Office from POST that were previously withheld from the candidate by POST shall be kept confidential as provided in Penal Code § 13510.9.

304.6 DISQUALIFICATION GUIDELINES

As a general rule, performance indicators, candidate information, and records shall be evaluated by considering the candidate as a whole, and taking into consideration the following:

- Age at the time the behavior occurred
- Passage of time
- Patterns of past behavior
- Severity of behavior
- Probable consequences if past behavior is repeated or made public
- Likelihood of recurrence
- Relevance of past behavior to public safety employment
- Aggravating and mitigating factors
- Other relevant considerations

A candidate’s qualifications will be assessed on a case-by-case basis, using a totality-of-the-circumstances framework.

304.6.1 MANDATORY DISQUALIFICATION

No members or contractors shall be hired who have (28 CFR 115.17):

(a) Engaged in sexual abuse in a prison, jail, lockup, community confinement facility, juvenile facility, or other institution (as defined in 42 USC § 1997).

(b) Been convicted of engaging or attempting to engage in sexual activity in the community facilitated by force, by overt or implied threats of force, or by coercion, or if the victim did not consent, or was unable to consent or refuse.

(c) Been civilly or administratively adjudicated to have engaged in the activity described in paragraph (b) of this section.

The Department shall ask all candidates who may have contact with incarcerated persons to disclose any conduct described above in written applications or interviews. Material omissions regarding such misconduct, or the provision of materially false information, are grounds for termination.

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The Department shall make reasonable efforts to contact prior institutions that the candidate has been employed by to inquire about any substantiated allegations of sexual abuse or any resignation during a pending investigation of sexual abuse allegations. The Department shall consider incidents of sexual harassment in determining whether to hire, promote, or enlist the services of any contractor in accordance with 28 CFR 115.17.

304.7 EMPLOYMENT STANDARDS

All candidates shall meet the minimum standards required by state law (Government Code § 1029; Government Code § 1031; Penal Code § 13510.1; 11 CCR 1950 et seq.). Candidates will be evaluated based on merit, ability, competence, and experience, in accordance with the high standards of integrity and ethics valued by the Department and the community. The California Commission on Peace Officer Standards and Training (POST) developed a Job Dimensions list, which is used as a professional standard in background investigations.

Validated, job-related, and nondiscriminatory employment standards shall be established for each job classification and shall minimally identify the training, abilities, knowledge, and skills required to perform the position's essential duties in a satisfactory manner. Each standard should include performance indicators for candidate evaluation. The Human Resources Department Department should maintain validated standards for all positions.

304.7.1 STANDARDS FOR CORRECTIONAL OFFICERS

Candidates shall meet the minimum standards established by POST or required by state law (Government Code § 1029; Government Code § 1031; 11 CCR 1950 et seq.):

(a) Free of any felony convictions

(b) Legally authorized to work in the United States under federal law

(c) At least 18 years of age

(d) Fingerprinted for local, state, and national fingerprint check

(e) Good moral character as determined by a thorough background investigation (11 CCR 1953)

(f) High school graduate, passed the GED or other high school equivalency test, or obtained a two-year, four-year, or advanced degree from an accredited or approved institution

(g) Free from any physical, emotional, or mental condition, including bias against race or ethnicity, gender, nationality, religion, disability, or sexual orientation, that might adversely affect the exercise of police powers (11 CCR 1954; 11 CCR 1955)

(h) Free of hate group memberships, participation in hate group activities, or advocacy of public expressions of hate within the previous seven years and since age 18 as determined by a background investigation (Penal Code § 13681)

(i) Candidates must also satisfy the POST selection requirements, including (11 CCR 1950 et seq.):

    1. Reading and writing ability assessment (11 CCR 1951)

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2. Oral interview to determine suitability for law enforcement service (11 CCR 1952)

(j) POST certification that has not been revoked, denied, or voluntarily surrendered pursuant to Penal Code § 13510.8(f)

(k) Not identified in the National Decertification Index of the International Association of Directors of Law Enforcement Standards and Training or similar federal government database that reflects revoked certification for misconduct or reflects misconduct that would result in a revoked certification in California

In addition to the above minimum POST required standards, candidates may be subjected to additional standards established by the Department (Penal Code § 13510(d)).

304.8 PROBATIONARY PERIODS

The Jail Administrator should coordinate with the Imperial County Department of Human Resources Department to identify positions subject to probationary periods and procedures for:

(a) Appraising performance during probation.

(b) Assessing the level of performance required to complete probation.

(c) Extending probation.

(d) Documenting successful or unsuccessful completion of probation.

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Training

305.1 PURPOSE AND SCOPE

This policy establishes training requirements and guidelines for correctional officers, support personnel, supervisors, and managers. The policy addresses the training program and the probationary period.

305.2 MINIMUM TRAINING REQUIREMENTS

All correctional officers, full- or part-time, shall successfully complete the Adult Corrections Officer Core Course as described in 15 CCR 179 within one year from the date of assignment (15 CCR 1020(a)).

Custodial personnel who have successfully completed the course of instruction required by Penal Code § 832.3 shall successfully complete the Corrections Officer Basic Academy Supplemental Core Course as described in 15 CCR 180, within one year of the date of assignment (15 CCR 1020(b)).

Individuals assigned to work in the facility prior to completing the required training may do so only when under the direct supervision of a fully trained correctional officer.

Transfer courses may be utilized to meet Adult Corrections Officer Core Course requirements when the member has had the relevant probation or juvenile corrections training (15 CCR 179.1; 15 CCR 179.2).

305.2.1 TRAINING FOR MANAGERS AND SUPERVISORS

All supervisory personnel shall have completed the Corrections Core Course training requirements in accordance with 15 CCR 1020, as specified in this policy, before assuming supervisory responsibilities (15 CCR 1021).

All Jail Administrators and supervisors (full- or part-time) shall receive management and supervision training specified by the Commission on Peace Officer Standards and Training (POST) and the Standards and Training for Corrections Program (STC) within the first year of their appointment as described in 15 CCR 181 (15 CCR 1021).

Managers shall receive required management training as described in 15 CCR 182 or complete the POST management course within one year from the date of assignment (15 CCR 1023).

305.2.2 REQUIRED ANNUAL TRAINING

With the exception of the year that the correctional officer is enrolled in a core training module, all facility/system administrators, managers, supervisors, and custodial staff members shall complete the annual required training specified in 15 CCR 184. Additionally, correctional officers shall complete annual in-service training on mental and behavioral health (15 CCR 184; 15 CCR 1025).

305.2.3 REQUIRED CPR TRAINING

All correctional officers shall complete CPR certification as required by 15 CCR 184 and 15 CCR 1028. Training shall include that when it is safe and appropriate, CPR shall begin on a

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nonresponsive person without obtaining approval from a supervisor or medical staff (15 CCR 184; 15 CCR 1028).

See the Emergency Health Care Services Policy for additional CPR requirements.

305.3 JAIL TRAINING PROGRAM PHASES

The jail training program is designed to build upon the conceptual foundation taught in the basic academy, whereupon the theoretical knowledge gained in the academy can be molded into a practical skill set. The jail training program consists of the three phases described below.

305.3.1 FIRST PHASE - FACILITY ORIENTATION/SHADOWING

The trainee will be assigned to a Jail Training Officer (JTO) to whom the trainee is assigned. The JTO will, at a minimum:

(a) Brief the trainee on the purpose, scope and responsibilities expected during the training program.

(b) Explain the evaluation system and acquaint the trainee with the rating forms that will be used.

(c) Provide the trainee with any required equipment or materials.

(d) Tour the entire facility and support services with the trainee.

(e) Introduce the trainee to the Jail Administrator and key supervisory, administrative and support personnel.

305.3.2 SECOND PHASE - HANDS-ON WITH CLOSE SUPERVISION

During this phase the JTO will instruct the trainee in each required activity at each post, including transportation and special functions. Once each task is demonstrated, the trainee will be directed to perform each activity under the close supervision of the JTO.

The JTO will provide direction as needed to the trainee during the hands-on activities.

The work performance of the trainee will be evaluated and recorded daily by the JTO. Areas of deficiency will be discussed and remedial training provided if deemed necessary by the JTO.

305.3.3 THIRD PHASE - SOLO WITH MONITORING

During this phase the trainee will be directed to work solo in each area that training has been provided.

The solo activities of the trainee will be monitored by the JTO and a supervisor.

The work performance of the trainee will be evaluated and recorded by the JTO. Areas of deficiency will be discussed and remedial training provided if deemed necessary by the JTO.

305.4 PROBATIONARY PERIOD EVALUATION

Probationary employees will receive a written evaluation of their job skills and learning progress at least once a month or at the completion of each phase of training, whichever occurs first. Prior to being permanently appointed, each probationary employee will receive a final evaluation. These

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evaluations shall be in writing and discussed with the employee by their supervisor. The final evaluation shall be made a part of the employee's personnel record.

305.5 PROBATIONARY EVALUATION

Probationary correctional officers will receive a written evaluation of their job skills at five, 10, and 18 months. Prior to being permanently appointed, each probationary correctional officer will receive a final evaluation. These evaluations shall be in writing and discussed with the employee by their supervisor. These evaluations shall be made a part of the employee's personnel record.

305.6 POLICY

It is the policy of this department to assign all members to a structured jail training program designed to prepare the member to perform their assigned duties in a custodial jail in a safe, productive, and professional manner.

305.7 TRAINING OBJECTIVES

The objectives of the training program are to:

(a) Improve the competency of staff at all levels.

(b) Ensure that staff can carry out the mission of the Department through a thoroughly demonstrated knowledge of department policies and procedures.

(c) Increase the technical expertise and overall effectiveness of personnel.

(d) Provide for continued professional development of department personnel.

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Specialized Training

306.1 PURPOSE AND SCOPE

Correctional officers who are assigned to the Correctional Special Operations Response Team (C-SORT) will receive training commensurate with the complexity of their specialty and must be able to demonstrate proficiency in the specific skills related to their specialized function.

306.2 QUALIFICATIONS

To be eligible for assignment to the Correctional Special Operations Response Team (C-SORT), correctional officers are required to be off probation and to have at least three years of experience as a correctional officer.

306.3 TRAINING

The Training Manager is responsible for ensuring that all personnel who are assigned to the Correctional Special Operations Response Team (C-SORT) will receive not less than 16 hours of specialized training as specified above or as a part of their annual training requirement.

The Department will use courses certified by a competent government or standards-setting organization whenever practicable. All training should include testing to identify and document the employee's knowledge in the subject matter presented.

It shall be the responsibility of the employee to provide the Training Manager or immediate supervisor with evidence of completed training and education in a timely manner. The Training Manager or supervisor shall ensure that copies of training records are placed in the employee's training file.

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Firearms Training

307.1 PURPOSE AND SCOPE

This policy is intended to ensure that all personnel legally assigned a firearm will develop proficiency in the use, care and safety of firearms through a regular training schedule in accordance with all laws and regulations.

307.2 POLICY

All personnel authorized to use firearms shall receive training in accordance with state law.

Notwithstanding any statutory and regulatory requirements, at a minimum, firearms training will include the use and care of firearms and knowledge of the department Use of Force Policy and of relevant state and federal regulations involving the use of firearms.

307.3 FIREARMS TRAINING

Whenever possible, the Department will use firearm training courses certified by a competent government or standards-setting organization. Whenever training is provided by the Department, the Training Manager should ensure that a course outline and/or lesson plan, a roster signed and dated by those in attendance and the name of the person coordinating the event are on file.

Personnel who are authorized to carry a firearm in the performance of their duties are required to maintain proficiency with firearms used in the course of their assignment. All custody personnel who carry firearms are required to qualify annually with their duty weapon on an approved range course.

The Rangemaster shall keep accurate records of quarterly qualifications, repairs, maintenance and training records as directed by the Training Manager. In addition to regular qualification schedules, the Rangemaster shall be responsible for providing all affected personnel with annual practical training that is designed to simulate situations that may occur in a custody facility or transportation setting. At least annually, all personnel carrying a firearm will receive training on the Use of Force Policy and demonstrate their knowledge and understanding by passing either a performance or written test.

307.4 FIREARMS NON-QUALIFICATION

If any staff member is unable to qualify for any reason, including injury, illness, duty status, or scheduling conflict, that staff member shall submit a memorandum to their immediate supervisor prior to the end of the required shooting period.

Members who repeatedly fail to qualify will be relieved from the assignment that required a firearm; appropriate disciplinary action may follow.

Personnel who fail to qualify on the first shooting attempt shall be provided remedial training until proficiency is demonstrated, and will be subject to the following requirements:

(a) Additional range assignments may be required until consistent weapon proficiency is demonstrated.

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(b) Members shall be given credit for a range qualification after remedial training and a qualifying score is obtained.

(c) No range credit will be given for the following:

1. Unauthorized range makeup
2. Failure to qualify after remedial training

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Chemical Agents Training

308.1 PURPOSE AND SCOPE

This policy establishes the required training for members to be authorized to carry and use chemical agents.

308.2 POLICY

The Department authorizes the use of selected chemical agents. Chemical agents are weapons used to minimize the potential for injury to members, incarcerated persons, and others. Chemical agents should only be used in situations where such force reasonably appears justified and necessary.

308.3 CHEMICAL AGENT TRAINING

Only members trained and having shown adequate proficiency in the use of any chemical agent and the Use of Force Policy are authorized to carry the device.

(a) The Training Manager shall ensure that appropriate training for all chemical agents occurs annually at a minimum.

(b) All initial and proficiency training for chemical agents will be documented in the member's training file.

(c) Members failing to demonstrate continuing proficiency with chemical agents or knowledge of the Use of Force Policy will lose their authorization to carry or use the devices and will be provided remedial training. If, after two remedial training sessions, a member fails to demonstrate proficiency with chemical agents or knowledge of the Use of Force Policy, the member may be subject to discipline.

(d) The Training Manager shall be responsible for ensuring that all personnel who are authorized to use chemical agents have also been trained in the proper medical treatment of persons who have been affected by the use of chemical agents. Training should include the initial treatment (e.g., providing the proper solution to cleanse the affected area) and knowing when to summon medical personnel for more severe effects.

308.4 PROFICIENCY TESTING

The Training Manager shall ensure that all training delivered to staff should also test proficiency in order to document that the member understands the subject matter, and that proficiency training is monitored and documented by a certified weapons or tactical instructor.

308.5 TRAINING RECORDS

It shall be the responsibility of the Training Manager to ensure that the following is maintained on file for all training provided by the Department:

- A course outline or lesson plan
- A roster signed and dated by those in attendance
- The name of the person coordinating the training

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The Training Manager shall ensure that copies of such training records are placed in the member's training file and retained in accordance with established records retention schedules.

308.6 REVIEW, INSPECTION AND APPROVAL

Every chemical agent delivery device will be periodically inspected by the Rangemaster or the designated instructor for a particular device.

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Prison Rape Elimination Act Training

309.1 PURPOSE AND SCOPE

This policy establishes an education and training process related to implementation of the Prison Rape Elimination Act of 2003 (PREA) and the implementing regulation (PREA Rule) (28 CFR 115.5 et seq.).

309.2 POLICY

The Imperial County Sheriff's Office endeavors to comply with the training standards in the PREA Rule and to ensure that all staff, volunteers, and contractors, are aware of their responsibilities and that staff, volunteers, contractors, and incarcerated persons are aware of the policies and procedures of the facility as they relate to PREA.

309.3 MEMBER TRAINING

All staff, volunteers, and contractors who may have contact with incarcerated persons shall receive department-approved training on the prevention and detection of sexual abuse and sexual harassment within this facility. The Training Manager shall ensure that the staff receives training and testing in prevention and intervention techniques, that they have sufficient knowledge to answer any questions the arrestees and incarcerated persons may have regarding sexual assault or abuse, and that they are familiar enough with the reporting process to take an initial report of a sexual assault or abuse. The Training Manager shall be responsible for developing and administering this training, covering at minimum (28 CFR 115.31; 28 CFR 115.32):

(a) The zero-tolerance policy for sexual abuse and sexual harassment and how to report such incidents.

(b) The dynamics of sexual abuse and sexual harassment in confinement.

(c) The common reactions of sexual abuse and sexual harassment victims.

(d) Prevention and intervention techniques to avoid sexual abuse and sexual harassment in the jail.

(e) Procedures for the investigation of a report of sexual abuse and/or sexual harassment.

(f) Individual responsibilities under sexual abuse and sexual harassment prevention, detection, reporting, and response policies and procedures.

(g) An individual's right to be free from sexual abuse and sexual harassment.

(h) The right of incarcerated persons to be free from retaliation for reporting sexual abuse and sexual harassment.

(i) How to detect and respond to signs of threatened and actual sexual abuse.

(j) How to communicate effectively and professionally with incarcerated persons, including lesbian, gay, bisexual, transgender, intersex, or gender nonconforming incarcerated persons.

(k) How to comply with relevant laws related to mandatory reporting of sexual abuse and sexual harassment to outside authorities.

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(l) How to avoid inappropriate relationships with incarcerated persons.

Training shall be tailored according to the gender of the incarcerated persons at the facility. Staff should receive additional training on security measures and the separation of multiple gendered populations in the same facility if incarcerated persons have been reassigned from a facility that houses only a single gender incarcerated person population.

Training should include written testing to validate knowledge and understanding of the material. The Training Manager shall document, through signature or electronic verification, that staff, volunteers, and contractors have received and understand the training. The Training Unit will maintain training records on all those receiving training in accordance with procedures developed by the Training Manager.

The Training Manager shall ensure that members undergo annual refresher training that covers the department's sexual abuse and sexual harassment policies and related procedures (28 CFR 115.31)

309.4 SPECIALIZED MEDICAL TRAINING

All full- and part-time qualified health care and mental health professionals who work regularly in the facility shall receive all of the member training listed above, as well as training that includes (28 CFR 115.35):

(a) Detecting and assessing signs of sexual abuse and sexual harassment.

(b) Preserving physical evidence of sexual abuse.

(c) Responding effectively and professionally to victims of sexual abuse and sexual harassment.

(d) Reporting allegations or suspicions of sexual abuse and sexual harassment.

If the qualified health care and mental health professionals employed by this facility conduct forensic examinations, they shall receive the appropriate training to conduct such examinations.

The Training Manager shall maintain documentation that the facility's health care and mental health professionals have received the training referenced above, either from this department or elsewhere.

309.5 SPECIALIZED INVESTIGATIVE TRAINING

Specialized investigative training for investigators shall include the uniform evidence protocol to maximize potential for obtaining useable physical evidence; techniques for interviewing sexual abuse victims; proper use of *Miranda* and *Garrity* warnings; sexual abuse evidence collection in confinement settings; and the criteria and evidence required to substantiate a case for administrative action or referral for prosecution (28 CFR 115.21; 28 CFR 115.34).

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Volunteer Program

310.1 PURPOSE AND SCOPE

It is the policy of this department to use qualified volunteers to assist in the daily operation through their contribution of services to the incarcerated person and the families of incarcerated persons, and to serve as a link between the facility and the community. Volunteers are intended to supplement and support, rather than supplant, correctional officers and other personnel. Volunteers can be an important part of any organization and are proven to be a valuable asset to corrections institutions.

310.1.1 DEFINITION OF VOLUNTEER

An individual who performs a service for the Department without promise, expectation or receipt of compensation for services rendered. This may include unpaid chaplains, interns and persons providing administrative support.

310.2 VOLUNTEER PROGRAM MANAGEMENT

310.2.1 PROGRAM COORDINATOR

The program coordinator shall be appointed by the Jail Administrator. The function of the program coordinator is to provide a central coordinating point for effective program management within the Department, and to direct and assist staff and volunteer efforts to provide more productive services. The program coordinator should work with other Department staff on an ongoing basis to assist in the development and implementation of volunteer positions.

The program coordinator or the authorized designee shall be responsible for:

(a) Developing and maintaining a volunteer recruiting plan.

(b) Developing and maintaining a handbook that minimally identifies expectations and the lines of authority, responsibility and accountability for the various volunteer assignments.

(c) Recruiting, selecting and training qualified volunteers for various positions.

(d) Facilitating the implementation of new volunteer activities and assignments.

(e) Maintaining records for each volunteer.

(f) Tracking and evaluating the contribution of volunteers.

(g) Maintaining a record of volunteer schedules and work hours.

(h) Completion and dissemination as appropriate of all necessary paperwork and information.

(i) Planning periodic recognition events.

(j) Administering discipline when warranted.

(k) Maintaining liaison with other community programs that use volunteers and assisting in community efforts to recognize and promote volunteering.

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310.2.2 RECRUITMENT

Volunteers should be recruited on a continuous and ongoing basis in accordance with department policy on equal opportunity non-discriminatory employment. A primary qualification for participation should be an interest in, and an ability to assist the Department in serving the public.

Requests for volunteers should be submitted in writing by interested staff to the program coordinator through the requester's immediate supervisor. A complete position description, including when the volunteer would be needed, should be included in the request. All parties should understand that the recruitment of volunteers is enhanced by creative and interesting assignments. The program coordinator may withhold assignment of any volunteer until such time as the requesting unit is prepared to make effective use of volunteer resources.

310.2.3 SCREENING

All prospective volunteers should complete the volunteer application form. The program coordinator or the authorized designee should conduct a face-to-face interview with an applicant under consideration.

A documented background investigation shall be completed on each volunteer applicant and shall include but not necessarily be limited to the following:

(a) Traffic, state, and national criminal history background check; fingerprints shall be obtained from applicants and submitted to the California Department of Justice (Penal Code § 11105.05; Penal Code § 11105.002.

(b) Employment

(c) References

(d) Credit check

A polygraph exam may be required of each applicant depending on the type of assignment.

310.2.4 SELECTION AND PLACEMENT

Service as a volunteer with the Department shall begin with an official notice of acceptance or appointment to a volunteer position. Notice may only be given by an authorized representative of the Department, normally the program coordinator. No volunteer should begin any assignment until they have been officially accepted for the position. Each volunteer should complete all required enrollment paperwork and will receive a copy of their position description and agreement of service with the Department.

Volunteers should be placed only in assignments or programs that are consistent with their knowledge, skills, abilities, and the needs of the facility.

310.2.5 TRAINING

The program coordinator or the authorized designee shall be responsible for developing and maintaining training curriculum and any related forms specific to volunteer assignments.

The program coordinator or the authorized designee shall be responsible for ensuring that volunteers are provided with an orientation program to acquaint them with the Department,

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personnel, and policies and procedures that have a direct impact on their work assignment. The training/orientation will include, but not be limited to, the following topics:

(a) Department policies and procedures

(b) Rules related to contraband in the facility

(c) Prohibition on carrying weapons in the facility

(d) Volunteer/offender relationship and general rules of conduct

(e) Safety and emergency information

(f) An overview and history of the Department

The program coordinator shall be responsible for creating and maintaining records of all training provided to each volunteer.

Volunteers should receive position training by their immediate supervisor to ensure they have adequate knowledge and skills to complete tasks required by the position. They should receive periodic ongoing training as deemed appropriate by their supervisor or the coordinator.

Training should reinforce to volunteers that they may not intentionally represent themselves as, or by omission infer, that they are sworn correctional officers or other full-time members or employees of the Department. They shall always represent themselves as volunteers.

All volunteers shall comply with the rules of conduct and with all orders and directives, either oral or written, issued by the Department.

310.2.6 FITNESS FOR DUTY

No volunteer shall report to work or be on-duty when their mental or physical condition has been impaired by alcohol, medication, or other substances, or when the volunteer is experiencing illness or injury.

Volunteers shall report to their supervisor any changes in status that may affect their ability to fulfill their duties. This includes but is not limited to the following:

(a) Driver's license status if driving is part of the duties of the assignment

(b) Any medical condition that might impair the volunteer's ability to perform the duties of the position

(c) Arrests

(d) Criminal investigations

All volunteers shall adhere to the guidelines set forth by this department regarding drug and alcohol use.

310.2.7 DRESS CODE

As representatives of the Department, volunteers should present a professional image to the community. Volunteers shall dress appropriately for the conditions and performance of their duties.

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Volunteers shall conform to department-approved dress in accordance with their duty assignment. Uniforms authorized for volunteers should be readily distinguishable from those worn by correctional officers. The uniform or identifiable parts of the uniform shall not be worn while off-duty. However, volunteers may choose to wear the uniform while in transit to or from official department assignments or functions, provided an outer garment is worn over the uniform shirt to avoid bringing attention to the volunteer while they are off-duty.

Volunteers shall be required to return any issued uniform or department property at the termination of service.

310.3 SUPERVISION OF VOLUNTEERS

Each volunteer who is accepted to a position with the Department and assigned to the jail must have a clearly identified supervisor who is responsible for direct management of that volunteer. This supervisor will be responsible for day-to-day management and guidance of the work of the volunteer and should be available to the volunteer for consultation and assistance.

A volunteer may be assigned and act as a supervisor of other volunteers, provided that the supervising volunteer is under the direct supervision of a paid staff member.

Functional supervision of volunteers is the responsibility of the supervisor in charge of the unit where the volunteer is assigned. The following are some considerations to keep in mind while supervising volunteers:

(a) Take the time to introduce volunteers to employees on all levels.

(b) Ensure volunteers have work space and necessary office supplies.

(c) Make sure the work is challenging. Do not hesitate to give them an assignment or task that will tap these valuable resources.

310.4 CONFIDENTIALITY

With appropriate security clearance, volunteers may have access to confidential information, such as criminal histories or investigative files. Unless otherwise directed by a supervisor or department policy, all information shall be considered confidential. Only that information specifically identified and approved by authorized personnel shall be released. Confidential information shall be given only to persons who have a need and a right to know, as determined by department policy and supervisory personnel.

Each volunteer will be required to sign a nondisclosure agreement before being given an assignment with the Department. Subsequent unauthorized disclosure of any confidential information, verbally, in writing or by any other means, by the volunteer is grounds for immediate dismissal and possible criminal prosecution.

Volunteers shall not address public gatherings, appear on radio or television, prepare any article for publication, act as correspondents to a newspaper or other periodical, release or divulge any information concerning the activities of the Department, or maintain that they represent the Department in such matters without permission from the proper department personnel.

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310.5 PROPERTY AND EQUIPMENT

Volunteers will be issued an identification card that must be worn at all times while on-duty.

Any fixed and portable equipment issued by the Department shall be for official and authorized use only. Any property or equipment issued to a volunteer shall remain the property of the Department and shall be returned at the termination of service.

310.6 DISCIPLINARY PROCEDURES/TERMINATION

A volunteer may be removed from the volunteer program at the discretion of the Sheriff, Jail Administrator or the program coordinator. Volunteers shall have no property interests in their continued appointment.

Volunteers may resign from volunteer service with the Department at any time. It is requested that volunteers who intend to resign provide advance notice of their departure and a reason for their decision.

310.6.1 EXIT INTERVIEWS

Exit interviews, when practicable, should be conducted with volunteers who are leaving their positions. The interview should attempt to ascertain the reason for leaving the position and solicit the volunteer's suggestions on improving the position. When appropriate, the interview should also include a discussion on the possibility of involvement in some other capacity with the Department.

310.7 EVALUATION

An evaluation of the overall volunteer program will be conducted on an annual basis by the program coordinator. Regular evaluations should be conducted with volunteers to ensure the best use of human resources, to ensure personnel problems can be identified and dealt with promptly and fairly, and to ensure optimum satisfaction on the part of volunteers.

310.8 VOLUNTEER REGISTRATION

All volunteers shall be registered with the Department for insurance purposes, and each volunteer shall be issued an identification card. The facility shall maintain an identification record for each volunteer that includes a photograph, home address, current telephone numbers, background certification, training/orientation certifications, and list of special skills, languages spoken or volunteer specialty.

310.9 POLICY

The Imperial County Sheriff's Office shall ensure that volunteers are properly appointed, trained, and supervised to carry out specified tasks and duties in order to create an efficient Department and improve services to the community.

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Briefing Training

311.1 PURPOSE AND SCOPE

Briefing training is generally conducted at the beginning of the correctional officer’s assigned shift. Briefing training provides an opportunity for an important exchange of information between employees and supervisors.

311.2 POLICY

Briefing is intended to facilitate the accurate flow of information to enhance coordination of activities, improve performance and safety, and outline the expected actions of members.

311.3 BRIEFING

Briefing training covers a wide range of topics selected by the management/supervisory and training staff.

The supervisor conducting briefing training is responsible for the preparation of the materials necessary for constructive training. Supervisors may delegate this responsibility to a subordinate correctional officer in their absence or for training purposes. The briefing training will be based upon a structured program to provide topics related to but not limited to the following:

- Custody facility policies and procedures
- Department Departmental Directives not yet established into policy
- Reviewing recent incidents for training purposes
- In preparation or response to an unusual occurrence
- Statutory requirements or court orders
- Operation of new equipment, including computer software
- Notifying the staff of changes in schedules and assignments
- Any other topic as determined by the Sheriff or the Jail Administrator

311.4 COMPUTER-BASED TRAINING OPTIONS

The Lexipol Daily Training Bulletins (DTBs) is a web-based system that provides training on the Imperial County Sheriff's Office Custody Manual and other important topics. Generally, 20 training bulletins are available each month. However, the number of DTBs may be adjusted by the Training Manager.

Personnel assigned to participate in DTBs should only use the passwords and login names assigned to them by the Training Manager. Personnel should not share their passwords with others and should frequently change their passwords to protect the security of the system. After each session, employees should log off the system to prevent unauthorized access. The content of the DTBs is copyrighted material and shall not be shared with others outside of the Department.

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Employees who are assigned to participate in the DTB program should complete each DTB at the beginning of their shifts or as otherwise directed by their supervisors. Employees should not allow uncompleted DTBs to build up over time. Personnel may be required to complete DTBs missed during extended absences (e.g., vacation, medical leave) upon returning to duty. Although the DTB system can be accessed from any internet-active computer, employees shall only take DTBs as part of their on-duty assignments as there will be no authorization for taking or viewing DTBs while off-duty.

Supervisors will be responsible for monitoring the progress of personnel under their command to ensure compliance with this policy.

311.5 TRAINING RECORDS

The Training Manager will assist the Watch Commanders with identifying relevant topics for delivery during briefing training and will be responsible for maintaining all briefing training records.

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Training Plan

312.1 PURPOSE AND SCOPE

The purpose of this policy is to establish a training plan that will provide for the professional growth and continued development of facility personnel and to forecast annual funding needs for future training. By doing so, the Department will ensure its personnel possess the knowledge and skills necessary to professionally manage the incarcerated person population.

312.2 POLICY

The Training Manager shall conduct an annual training needs assessment to determine the training needs of all employees based upon state laws, regulations, certification requirements and continued professional training requirements.

A training plan shall be based on the assessment. It is the responsibility of the Training Manager to develop, maintain, review and update the training plan on an annual basis.

The annual training plan should be presented to the management staff for review. The approved training plan should include the annual funding requirements forecast by the Training Manager. The Training Manager shall coordinate with the budgeting office to develop a funding source for all mandatory training.

The Sheriff or the authorized designee shall have final approval of the training plan and the budget to ensure that the training to be delivered is fiscally responsible and meets the mission of the Department.

The Training Manager will execute the training plan on behalf of the Sheriff.

312.3 TRAINING MANAGER

A qualified individual shall be appointed by the Sheriff or the authorized designee to serve as the Training Manager, who shall report to the Sheriff or the authorized designee.

Full-time employees who are assigned to be trainers shall receive specialized instruction, which at a minimum shall include a 40-hour train-the-trainers course.

The Training Manager is responsible for developing an annual training plan. The plan should ensure that employees meet all state law and certification requirements, any specialty training required for specialty assignments, and all continued professional training requirements. The plan should include a process to review course content and quality, typically by way of attendee feedback and/or a course audit by the training staff.

312.4 TRAINING RECORDS

An individual training file shall be maintained by the Training Manager or the authorized designee for each member. Training files shall contain records of all training and education (original or photocopies of available certificates, transcripts, diplomas, and other documentation) for all members.

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The maintenance of the training records shall be in sufficient detail as to comply with any outside audit requirements (28 CFR 115.34).

It shall be the responsibility of the member to provide their immediate supervisor or the Training Manager evidence of completed training or education in a timely manner.

The Training Manager or supervisor shall ensure that copies of such training records are placed in the member's training file.

Training records shall contain the following information:

- Name of the member
- Date of hire
- Education and training background (education and training received prior to hire)
- Type of training received
- Date the training was received and successfully completed
- Title of the training and name of the provider
- Test scores or training benchmarks

The Training Manager shall also be responsible for documenting the waivers of the training requirements based upon equivalent training received before employment or demonstrated competency through proficiency testing.

312.5 COURSE CERTIFICATION/QUALITY ASSURANCE

Training courses should be subject to a quality assurance process that, at minimum, provides:

- A complete description of the course, including the number of certified training hours achieved.
- A curriculum including job-related topics, and content and performance objectives.

Training should not only comprise the minimum number of hours required annually but also instruction specific to tasks performed by members in the facility. Courses should include a testing component that shows a measurable transfer of knowledge and a mastery of topics.

312.5.1 COURSE RECORDS

It shall be the responsibility of the Training Manager to ensure that the following is maintained on file for all training provided by the Department:

(a) The course outline or lesson plan

(b) A roster signed and dated by those in attendance

(c) The name of the person coordinating the training

(d) The credentials of the instructors/trainers

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312.6 TRAINING COMMITTEE

The Jail Administrator shall establish a training committee, which will serve to assist with identifying training needs for the Department. The training committee shall be comprised of at least three members, with the senior ranking member of the committee acting as the chairperson. Members should be selected based on their abilities at post-incident evaluation and at assessing related training needs.

The Jail Administrator may remove or replace members of the committee at their discretion. The training committee should review certain incidents, as detailed below, to determine whether training would likely improve future outcomes or would reduce or prevent the recurrence of an incident. Specific incidents the training committee should review include, but are not limited to:

(a) Any incident involving the death or serious injury of an employee.

(b) Incidents involving a high-risk of death, serious injury or civil liability.

(c) Incidents identified by a supervisor as appropriate to review to identify possible training needs.

The training committee should convene on a regular basis, as determined by the Jail Administrator, to review the identified incidents. The committee shall determine by consensus whether a training need exists and then submit a written recommendation to the Jail Administrator. The recommendation should not identify specific facts of any incident, such as identities of employees involved or the date, time and location of the incident, but should focus on the type of training being recommended.

The Jail Administrator will consider the recommendation of the committee and determine what training should be addressed, taking into consideration the mission of the Department and available resources.

312.7 TRAINING PROCEDURES

All members assigned to attend training shall attend as scheduled, unless previously excused by their immediate supervisor or the Training Manager.

(a) Excused absences from mandatory training should be limited to the following:

1. Court appearances
2. Authorized vacation
3. Sick leave
4. Physical limitations preventing the member's participation
5. Emergency situations

(b) When a member is unable to attend mandatory training, that member shall:

1. Notify their supervisor as soon as possible but no later than one hour prior to the start of training.
2. Document their absence in a memorandum to the supervisor.

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3. Make arrangements through the supervisor and the Training Manager to attend the required training on an alternate date.

(c) All training programs, whether in-house or outside the facility, are considered on-duty work assignments and the following should apply:

1. Uniform or business casual attire is required unless otherwise indicated.
2. Members should participate during training.
3. Members shall display a professional demeanor.
4. Members shall adhere to the Drug- and Alcohol-Free Workplace Policy.

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Support Personnel Orientation and Training

313.1 PURPOSE AND SCOPE

The Department has developed an orientation and training program for support and contract personnel, whether full- or part-time, to increase competency in their assigned tasks and to help ensure that all support personnel understand the issues that are unique to their positions as they relate to this jail.

313.2 TRAINING MANAGER RESPONSIBILITIES

The Training Manager is responsible for coordinating training and will ensure that the training and orientation given to all support or contract personnel is properly documented and placed in the worker's training file. At a minimum, the record should contain the name of the individual, the assignment, the date that the orientation and training was presented, the orientation outline indicating the subject material, and the name of the instructor. To the extent applicable, copies of tests and passing scores should also be included as a part of the record.

313.3 PART-TIME PERSONNEL

Support personnel working part-time, including contractors, shall receive formal orientation and training commensurate with the scope of their work assignments, as determined by the Jail Administrator, before assignment to duties within the jail. At a minimum, the orientation and training should include:

- Safety and security
- Jail regulations
- Jail operations
- Guidelines for conduct with incarcerated persons

Support and contract personnel who fail to successfully complete all required training shall not be permitted to work in the secure portions of the jail.

313.4 PERSONNEL WITH MINIMAL INCARCERATED PERSON CONTACT

Support personnel, including contractors, whose positions involve minimal contact with incarcerated persons shall receive orientation and training commensurate with the scope of their work.

Minimal incarcerated person contact is defined as tasks that do not involve the supervision of incarcerated persons, incarcerated person discipline, or specific tasks that involve custody and control of incarcerated persons. Orientation and training topics shall include but are not limited to the following:

- Safety and security
- Custody policies and procedures
- Emergency procedures

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- Job-specific training

313.5 PERSONNEL WITH REGULAR INCARCERATED PERSON CONTACT

Support personnel, including contractors, whose positions involve regular or daily incarcerated person contact shall receive orientation and training commensurate with the scope of their work.

Regular incarcerated person contact is defined as tasks that involve the direct provision of services to incarcerated persons (e.g., custody assistants, vocational supervisors, teachers, food services, commissary, chaplain) but that do not involve the custodial supervision of incarcerated persons in the areas of discipline and control. Orientation and training topics shall include but are not limited to the following:

- Safety and security
- Emergency procedures
- Staff responsibilities
- Guidelines for conduct with incarcerated persons
- Aspects and dynamics of the custody environment
- Restricted movement and access according to job function
- Supervision of incarcerated persons
- Suicide awareness and dynamics
- Use of force
- Incarcerated person rules and regulations
- Incarcerated person rights and responsibilities
- CPR and first aid
- Zero-tolerance policy and the identification response, and reporting requirements regarding sexual abuse and harassment

313.6 TESTING

All training delivered to support personnel should include testing to document that the employee understands the subject material presented.

313.7 POLICY

It is the policy of the Imperial County Sheriff's Office to establish minimum training guidelines for support and contract personnel.

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Chapter 4 - Emergency Planning

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Facility Emergencies

400.1 PURPOSE AND SCOPE

The purpose of this policy is to establish a plan to appropriately respond to emergencies within the facility and to ensure all affected personnel receive timely training regarding emergency response. This policy is intended to protect the community, employees, visitors, incarcerated persons, and all others who enter the jail, while allowing the facility to fulfill its primary purpose.

Facility emergencies related to fire will be addressed in the Fire Safety Policy.

400.2 POLICY

It is the policy of this department to have emergency response plans in place to quickly and effectively respond to and minimize the severity of any emergency within the facility.

400.3 PROCEDURE

The Jail Administrator should develop, publish, and review emergency response plans that address the following (15 CCR 1029(a)):

(a) Fires

(b) Escapes

(c) Disturbances/riots

(d) Taking of hostages

(e) Mass arrests

(f) Natural disasters

(g) Periodic testing of emergency equipment

(h) Storage, issue, and use of weapons, ammunition, chemical agents, and related security devices

(i) Other emergencies as needs are identified

The facility emergency response plans are intended to provide the staff with current methods, guidelines, and training for minimizing the number and severity of emergency events that may threaten the security of the facility or compromise the safety of staff, incarcerated persons, or the community.

The emergency response plans are intended to provide information on specific assignments and tasks for personnel. Where appropriate, the emergency response plans will include persons and emergency departments to be notified.

The emergency response plans should include procedures for continuing to house incarcerated persons in the facility; the identification of alternative facilities outside the boundaries of the disaster or threat and the potential capacity of those facilities; incarcerated person transportation options; and contact information for allied agencies.

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The emergency response plans shall be made available to the staff, volunteers, and contractors working in the facility as needed.

400.4 LOCKDOWN

Upon detecting any significant incident that threatens the security of the facility, such as a riot or hostage situation, staff shall immediately notify Central Control and the Watch Commander. The Watch Commander, or in their absence Central Control, may determine whether to order a partial or full lockdown of the facility and shall notify the Jail Administrator as soon as practicable.

If a lockdown is ordered, all incarcerated persons will be directed back to their housing units/cells. All incarcerated persons in transit within the facility will either be escorted back to their housing units/cells or to another secure location (holding cell). The Watch Commander should instruct any staff not directly involved in the lockdown to escort any visitors and nonessential contractors out of the facility.

A headcount shall be immediately conducted for all incarcerated persons, visitors, contractors, and staff. The Watch Commander shall be immediately notified of the status of the headcount. If any person is unaccounted for, the Watch Commander shall direct an immediate search of the facility and notify the Jail Administrator of the situation as soon as practicable.

Lockdown is not to be used as a form of punishment. It may only be used to ensure order.

400.5 HUNGER STRIKE

Upon being made aware that one or more incarcerated persons is engaging in a hunger strike, the staff will notify the Watch Commander, who will notify the Jail Administrator. The Jail Administrator should evaluate the basis for the strike and seek an appropriate resolution.

Should the Jail Administrator be unable to resolve the grievance leading to the strike, the Jail Administrator will notify the Sheriff and provide updates on the status of the hunger strike.

400.5.1 NOTIFICATION OF QUALIFIED HEALTH CARE PROFESSIONALS

The Jail Administrator or the authorized designee should notify the Responsible Physician to review, coordinate, and document any medical actions taken, based upon protocols and/or at the direction of qualified health care professionals, in response to a hunger strike.

Qualified health care professionals should monitor the health of incarcerated persons involved in the hunger strike and make recommendations to the Jail Administrator or the supervisory staff responsible for oversight of the incident.

If an incarcerated person is engaging in a hunger strike due to a mental condition, the appropriate medical protocols for mental illness will be followed.

400.5.2 RESPONSE TO HUNGER STRIKES

Beginning at the line staff level, a resolution to grievances should be sought at the lowest level. The Grievances Policy shall guide staff on resolving incarcerated person grievances.

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If the hunger strike remains unresolved, the Jail Administrator may direct the appropriate staff to examine the incarcerated person's commissary purchases made in advance of the hunger strike, and to monitor commissary purchases made during the hunger strike. Additional staff should be directed to observe the cell area, including trash containers, of the incarcerated persons involved for evidence of food items purchased from the commissary and of food hoarding.

400.5.3 LEGAL GUIDANCE
If all attempts to resolve the grievance are unsuccessful or not reasonably possible, the Sheriff should consider consulting with legal resources or the health authority, as appropriate, to develop other steps to resolve the issues.

400.6 RESPONSE TO DISTURBANCES

The staff should attempt to minimize the disruption to normal facility operations caused by a disturbance by attempting to isolate the disturbance to the extent possible. The staff should immediately notify the Watch Commander or the Jail Administrator of the incident. The Watch Commander or Jail Administrator may direct additional staff as needed to resolve the disturbance (15 CCR 1029(a)(7)(B)).

400.6.1 NOTIFICATIONS
The Watch Commander should notify the Jail Administrator of the disturbance as soon as practicable. Based on the seriousness of the event, the Jail Administrator should notify the Sheriff.

400.6.2 NOTIFICATION OF QUALIFIED HEALTH CARE PROFESSIONALS
The Jail Administrator or the authorized designee should notify the appropriate qualified health care professionals in order to review, coordinate, and document medical actions based upon protocols and/or at the direction of the Responsible Physician.

400.6.3 REPORTING
The Watch Commander or Jail Administrator should direct that an incident report be completed containing the details of the disturbance no later than the end of the shift. If appropriate, a crime report shall be initiated and prosecution sought.

400.7 RIOTS

Riots occur when incarcerated persons forcibly and/or violently take control or attempt to take control of any area within the confines of the jail.

Staff should make reasonable attempts to prevent incarcerated person -on-incarcerated person violence but should take measures to avoid being engulfed in the problem, thereby exacerbating the situation.

400.7.1 RESPONSE TO RIOTS
Once the area of the disturbance is secured and isolated from other areas of the facility, time is generally on the side of staff. If possible, the process of quelling the disturbance should slow down in order for staff to develop response plans, to ensure there are adequate facility personnel

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to effectively take the required actions, and to ensure that responding staff are appropriately equipped with protective gear.

Staff should evaluate their response given the totality of circumstances in any situation, but generally should not enter the space where a riot is occurring until sufficient staff members are present to safely suppress the riot. Nothing in this policy shall prohibit any staff member from assisting staff members who are being assaulted.

All incarcerated persons who have participated in a riot shall be separated and secured as soon as practicable. If necessary, injured incarcerated persons shall receive a medical evaluation and treatment. If the injured incarcerated person is medically cleared to remain in the jail, the incarcerated person will be reclassified and moved to appropriate housing.

Other housing units must be secured, with sufficient staff remaining at their posts to continue to supervise the unaffected units. When the riot has been suppressed, all involved staff must immediately return to their assigned posts.

400.7.2 QUALIFIED HEALTH CARE PROFESSIONALS RESPONSE

A supervisor or the authorized designee should notify the appropriate qualified health care professionals and identify a staging area for medical emergency responders and for medical triage should it appear to be necessary.

The Responsible Physician or the authorized designee should be included in developing the response plan as it relates to the potential for a medical response, medical triage and treatment activities, and the safety and security of medical personnel during the incident.

400.7.3 NOTIFICATIONS

As soon as practicable, the Watch Commander or a responsible staff member shall notify the Jail Administrator, who in turn, shall notify the Sheriff.

400.7.4 REPORTING

The Jail Administrator or Watch Commander shall direct that a report be written detailing the incident by the end of the shift. If appropriate, a crime report will also be prepared by the responsible law enforcement agency.

400.7.5 DEBRIEFING

All responding staff, including medical responders, shall be debriefed on the incident as soon as practicable after the conclusion of the emergency incident. The staff shall examine the incident from the perspective of what worked, what actions were less than optimal, and how the response to a future incident might be improved.

If appropriate, the details of the incident will be used to develop a training course for responding to facility disturbances. The goal of any debriefing process is continuous improvement. The debriefing should be focused on the incident and an improved response. A moderator should be used to ensure that no individual or group involved in the response is publicly ridiculed.

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400.8 HOSTAGES

The Department does not recognize the taking of hostages as a reason to relinquish control of the jail environment. All staff, incarcerated persons, visitors, volunteers, and contractors shall be informed of the "no hostage" policy prior to entering the facility for the first time and shall sign an acknowledgment, which the facility shall retain.

It is the policy of the Imperial County Sheriff's Office to use all available resources necessary to bring about a successful end to a hostage situation (15 CCR 1029(a)(7)(B)).

400.8.1 RESPONSE TO HOSTAGE INCIDENT

Central Control should immediately be notified at the earliest sign of a hostage incident. Central Control shall notify the Watch Commander and Jail Administrator. The Jail Administrator will notify the Sheriff as soon as practicable.

The Watch Commander or Jail Administrator shall make every effort to ensure that the hostage incident remains confined to the smallest area possible. All door controls accessible to the incarcerated person shall be disabled. Emergency exits that lead outside the secure perimeter shall be guarded.

400.8.2 NOTIFICATION OF QUALIFIED HEALTH CARE PROFESSIONALS

At the direction of the Watch Commander or the authorized designee, the qualified health care professionals should be notified in order to identify a location and form a logistical plan for medical triage. The location also shall serve as a medical staging area for other medical emergency responders.

400.8.3 HOSTAGE RESCUE

Communications with the hostage-taker should be established as soon as practicable. Hostage-taker demands for the staff to open doors will not be met. A hostage rescue team should be immediately summoned and the established protocols for resolving the situation shall be implemented. The Jail Administrator and Sheriff should be consulted regarding decisions faced by the hostage rescue team.

400.8.4 REPORTING AND DEBRIEFING

Following the conclusion of a hostage incident, the Jail Administrator should direct that an incident report be completed by the end of the shift. All aspects of the incident should be reviewed, focusing on the incident and the outcome, with the intent of using the incident as an opportunity for continuous improvement and to identify additional training or systemic changes that may be required.

400.9 ESCAPES

Upon being made aware that an escape may have occurred, or did in fact occur, the staff member should immediately notify Central Control. Central Control should notify the Watch Commander or Jail Administrator. As soon as practicable, the Jail Administrator should notify the Sheriff.

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Once the escape is verified and immediate actions taken inside the facility (lockdown, etc.), the Watch Commander should notify all local law enforcement agencies.

400.9.1 INCARCERATED PERSON COUNTS

As soon as the facility is fully locked down, a full incarcerated person/wristband count should be taken.

All incarcerated persons who are outside of the secure perimeter of the facility (e.g., court, work details) should be located and identified. Any missing incarcerated person should have their identity disclosed and their facility record should be accessed by the Jail Administrator (15 CCR 1029(a)(6)).

400.9.2 SEARCH

Concurrent with the lockdown, the area surrounding the facility should be searched for the escapee. Areas where an incarcerated person may be hiding or may have discarded jail clothing should be searched first. Any witnesses should be interviewed.

The Watch Commander or a designated staff member will develop a flyer with the incarcerated person's name, description, latest picture, classification status, and charges, and supply it to the custody staff and local law enforcement. Local law enforcement should also be given the incarcerated person's last known address and a list of their associates.

400.9.3 REPORTING

The Watch Commander or a designated staff member should submit an incident report to the Jail Administrator. A crime report should also be written regarding the escape. The incident report should focus on events and physical plant weaknesses that contributed to the escape. The Jail Administrator should review the reports, interview involved parties, and develop action plans to minimize the risk of future occurrences.

400.10 CIVIL DISTURBANCES OUTSIDE OF THE JAIL

Upon being notified that jail space will be needed in response to a civil disturbance involving mass arrests, the Watch Commander should notify the Jail Administrator. The Jail Administrator should make the determination regarding the magnitude of the event and whether it warrants notification of the Sheriff.

The size of the event may also require a lockdown, suspension of any programs that are not critical to jail operations, and/or implementation of alternate staffing plans. To accommodate the influx of incarcerated persons, the Watch Commander shall develop a housing plan that will not adversely affect the safety and security of the facility. Program spaces, such as exercise yards, classrooms, and dayrooms, may be used to temporarily house a limited number of additional incarcerated persons.

In the event that the jail can no longer accept additional incarcerated persons without compromising the safety and security of the facility, mutual aid may be requested from allied counties. Title 15 CCR standards may be temporarily suspended. The Jail Administrator shall

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notify the California Board of State and Community Corrections (BSCC) in writing in the event that such a suspension lasts longer than three days. Suspensions lasting for more than 15 days require approval of the chairperson of the BSCC (15 CCR 1012).

400.11 REVIEW OF EMERGENCY PROCEDURES

The Jail Administrator shall ensure that there is a review of emergency response plans at least annually. This review should be documented with reports submitted to the Jail Administrator or the authorized designee within 10 days of the review for approval. This review should also include the signatures or initials of the facility staff responsible for the review. At a minimum, the review shall include:

(a) Assignments of persons to specific tasks in emergency situations.

(b) Instructions in the use of the alarm systems and signals.

(c) Systems for the notification of appropriate persons outside of the facility.

(d) Information on the location and use of emergency equipment in the facility.

(e) Specification of evacuation routes and procedures.

400.12 PANIC ALARMS

If a location-based panic alarm is activated, the nearest control unit should announce the panic alarm via radio. All available staff should respond to the location. Staff response should continue until it is announced that the panic alarm is cleared.

If a radio-based panic alarm is activated the nearest control unit should announce via radio the identity of the individual to whom the radio is assigned. All available staff should attempt to locate the affected staff member, once located and it is determined that the staff member is not in danger, it should be announced that the staff member's panic alarm is cleared. No staff member shall be authorized to clear their own panic alarm.

400.13 TRAINING

The staff shall be trained annually on this policy. This facility will provide emergency preparedness training as part of orientation training for all personnel assigned to the facility and for those who may be required to respond to the facility in an emergency. The staff shall also receive refresher training at least annually in the emergency response plans. The Training Manager is responsible for developing and delivering appropriate initial training and annual refresher training.

Emergency planning training should occur in the form of classroom instruction (or roll call training), mock practical exercises, and drills. Each type of emergency covered in the emergency response plan must be included in the training.

A lesson plan, staff training sign-up sheet with the dates and the times training should be provided, and proof of competency (testing) for each participant should be maintained by the Training Manager.

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Facility Emergencies

The Training Manager shall forward an annual report to the Sheriff and Jail Administrator on the status of emergency response plan training. Any training deficiencies identified in this report should be rectified within 90 days of the report.

The facility emergency plans and all training shall be documented by the Training Manager and retained in accordance with established records retention schedules.

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Emergency Staffing

401.1 PURPOSE AND SCOPE

The facility must operate at all times as a safe and secure environment, regardless of staffing levels. Consequently, contingency plans must be made in advance for any staffing emergency or planned job action, regardless of the length of the staffing deficit.

The purpose of this policy is to establish roles and responsibilities for creating and implementing emergency staffing plans, providing appropriate emergency staffing training to supervisory and management personnel, and identifying an update schedule and distribution list for the plan, as identified by the Sheriff or the authorized designee.

401.2 POLICY

It is the policy of this department to be prepared to operate a safe and secure facility in the event of a work staffing emergency. Staffing emergencies that could negatively affect the good order of the facility may include, but are not limited to, an outbreak of infectious disease, a work stoppage or strike by the staff, a natural disaster or other disruption. The Sheriff or the authorized designee shall be responsible for ensuring that an appropriate emergency staffing plan exists.

401.2.1 EMERGENCY STAFFING

In the event the Jail Administrator becomes aware that a staffing emergency exists or may occur, staff members who are present may be ordered to remain at their posts. The Jail Administrator will notify the Sheriff. Plans should include measures to achieve minimum staffing for the facility within four hours of a staffing emergency and may include the following operational adjustments:

- The facility may go to a lockdown. Minimum activities, including visiting, exercise, and other programs will be suspended only if necessary. Meals, cleaning, medical services, court transportation, and attorney visits will continue. Other activities will be assessed by the Jail Administrator on a case-by-case basis.
- Supervisory and management personnel may have time-off cancelled or rescheduled for the duration of the staffing emergency.
- Staff from other areas of the department who have custody experience may be used to fill vacancies in the facility.
- Assistance from allied agencies may be requested to help management and supervisors in safely staffing the facility.
- Contracting with surrounding facilities may be necessary if adequate staffing cannot be obtained to safely operate the facility.
- In the event of a health-related staffing emergency, the department Exposure Control Officer and medical staff shall be notified in accordance with the Communicable Diseases Policy.

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401.2.2 LEGAL ASSISTANCE

In cases where the Jail Administrator becomes aware that a work stoppage is planned or has occurred, legal counsel should be consulted for assistance in preparing the necessary legal action to either prevent the work stoppage or to cause it to cease. Immediate contact with the employees' representatives may also be necessary to prevent or conclude the job action.

401.2.3 TRAINING

The Jail Administrator or the authorized designee should be responsible for:

(a) Establishing a distribution list for the contingency plan.

(b) Establishing a periodic review and update of the plan.

(c) Ensuring that all supervisors and managers are periodically trained on the plan.

(d) Ensuring that all supervisors and managers are provided a copy of the plan and/or a means to access it in the event of an emergency.

(e) Documenting all training.

(f) Maintaining training records for each supervisor and manager and ensuring that those personnel periodically receive appropriate update training on the plan.

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Fire Safety

402.1 PURPOSE AND SCOPE

The threat of fire and toxic smoke in the facility represents a significant risk to the safety and security of the community, the staff, incarcerated persons, volunteers, contractors, and visitors. The purpose of this policy is to clearly identify and conform to applicable federal, state, and/or local fire safety codes, and to establish a process of creating, disseminating, and training all individuals in the facility on the emergency plans for fire safety and evacuation.

402.2 POLICY

It is the policy of this department that fire prevention strategies are a high priority.

The Jail Administrator shall ensure that a fire alarm and detection and suppression system, as required by law, are installed, maintained, and periodically tested. Any variance, exception, or equivalency issues must be approved by the fire jurisdiction authorities and must not constitute a serious life-safety threat to the occupants of the facility (15 CCR 1029(a)(7)(A); 15 CCR 1032 et seq.).

402.2.1 FIRE CODES

The Department shall conform to all federal, state, and local fire safety codes.

402.2.2 FIRE PREVENTION RESPONSIBILITY

All staff, volunteers, and contractors who work in the facility are responsible for the prevention of fires. They should be trained and given the tools to carry out the tasks necessary to reduce the risk of fire.

402.3 FIRE SUPPRESSION PRE-PLANNING

Pursuant to Penal Code § 6031.1, the Jail Administrator shall, in cooperation with the local fire department or other qualified entity, develop a plan for responding to a fire. The plan shall include but is not limited to (15 CCR 1032):

(a) A fire suppression pre-plan by the local fire department, to be included as part of this policy.

(b) Fire prevention, safety inspection plans, and record retention schedules developed by designated staff or as required by applicable law.

(c) Fire prevention inspections as required by Health and Safety Code § 13146.1(a) and (b), which requires inspections at least once every two years.

(d) Documentation of all fire prevention inspections, all orders to correct, and all proofs of correction should be maintained for a minimum of two years or as otherwise required by law.

(e) An evacuation plan (see the Evacuation Policy).

(f) A plan for the emergency housing of incarcerated persons in case of fire.

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(g) A plan for the cross-training of responders and facility staff via drills, which should occur at least quarterly, if practicable.

402.4 FIRE PREVENTION EQUIPMENT

All required fire alarms, sprinklers, and detection devices shall be in good working order at all times.

Should such a device become inoperative, the Jail Administrator or the authorized designee shall be responsible for ensuring that emergency repairs are undertaken as soon as possible and that staff is provided with an alternative emergency fire safety and evacuation plan.

Any time any fire prevention system is inoperative and poses a serious life-safety risk, that portion of the facility shall not be inhabited by incarcerated persons or staff.

402.5 FIREFIGHTING EQUIPMENT

The Jail Administrator shall ensure that the facility is equipped with the necessary firefighting equipment (e.g., fire hoses, extinguishers) in an amount and in a location as recommended by the local fire authority or other qualified entity. The locations of firefighting equipment will be shown on the facility fire plan (schematic).

While the staff is not trained as fully qualified firefighters, the Jail Administrator or the authorized designee will ensure that the staff is trained to initially respond to a fire with the purpose of facilitating the safety of the occupants, including evacuation, if necessary.

402.6 FIRE TRAINING

The Training Manager is responsible for ensuring that within the first six months of assignment to the facility all staff members receive training on the facility's firefighting equipment sufficient to demonstrate proficiency. The staff should receive refresher training at least annually on the use of firefighting equipment.

402.7 INSPECTIONS

The Department shall be inspected by an appointed staff member who is qualified to perform fire and safety inspections on a monthly basis to ensure that fire safety standards are maintained (15 CCR 1032). These inspections will be focused on, but not limited to, fire prevention, staff training and proficiency, firefighting equipment availability and functionality, alarms, fire detectors, fire safety equipment, and staff familiarity with prevention and suppression techniques, suppression pre-planning, emergency response, fire safety equipment use, and the evacuation plan.

The Jail Administrator or the authorized designee shall ensure that staff conduct monthly fire and safety inspections of the facility and that all fire safety equipment is tested at least quarterly (15 CCR 1029(a)(7)(E)).

A staff member shall be assigned to coordinate with local or state fire officials for the inspections as required once every two years, pursuant to Health and Safety Code § 13146.1(a); and Health and Safety Code § 13146.1(b). The result of all fire inspections and fire equipment testing shall

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be provided to the Jail Administrator and the Sheriff, and the records maintained for at least two years (15 CCR 1032(b)).

402.7.1 FURNISHINGS
All furnishings allowed in the facility shall meet fire authority standards for fire performance characteristics. Prior to the introduction of any furnishing into the facility, the staff shall receive clearance from the local fire authority as to its appropriateness.

402.7.2 FLAMMABLE, TOXIC, AND CAUSTIC MATERIALS
The Jail Administrator, in collaboration with the local environmental health expert, will review the type of materials introduced into the facility to ensure that flammable, toxic, and caustic materials are controlled and used safely. All such materials will be safely stored and only used by incarcerated persons under the direction of the staff.

402.8 EMERGENCY HOUSING OF INCARCERATED PERSONS
The Jail Administrator or the authorized designee shall develop a plan for the emergency housing of incarcerated persons in the event of a fire (15 CCR 1032(e)). The plan should include procedures for continuing to house incarcerated persons in the facility, identification of alternate facilities and the potential capacity of those facilities, incarcerated person transportation options, and contact information for allied agencies. This plan shall be reviewed annually and revised if necessary.

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Emergency Power and Communications

403.1 PURPOSE AND SCOPE

The Imperial County Sheriff's Office facilities must continue to operate as a safe and secure environment regardless of emergencies, including electrical outages. The purpose of this policy is to establish guidelines regarding back-up power and communication systems, and the inspection, preventive maintenance and testing of the systems to ensure a seamless transition in the event of a loss of power.

403.2 POLICY

It is the policy of this department to ensure that power to critical systems and communications continues to operate within the facility in the event of a loss of power.

403.2.1 PREVENTIVE MAINTENANCE

It is the responsibility of the Sheriff and Jail Administrator to ensure that there is sufficient emergency power to operate all essential lighting, security equipment, safety equipment and communications systems. The emergency power system should have sufficient fuel to allow the facility to operate continuously for a three-day period, if necessary, without external resources.

The emergency power system should be inspected, tested and maintained as necessary. In the event that the system fails, the Jail Administrator or Watch Commander should contact the designated maintenance authority or repair company to obtain necessary repairs as soon as practicable. If the emergency power system cannot be repaired within eight hours, portable emergency generators should be secured as a temporary emergency power source until the repair or replacement of the primary system occurs.

403.2.2 SAFETY AND SECURITY

All safety and security equipment will be repaired or replaced in an expedited manner by qualified personnel. In the event that safety and security equipment become inoperable or damaged and it is not safe to operate a secure portion of the facility, that portion of the facility should be vacated and the incarcerated persons housed elsewhere. Or, staffing should be increased sufficiently for the area to remain safe and secure until the repair can be completed.

403.2.3 INSPECTION AND TESTING

The Jail Administrator or the authorized designee is responsible for scheduled testing of emergency power systems (15 CCR 1029). The power system manufacturer should be contacted for the required testing intervals and load information. The emergency power system should be load-tested in accordance with the manufacturer’s recommendations or at least quarterly.

All emergency equipment and systems should be inspected and tested by a qualified individual at least quarterly.

Power generators should be inspected and tested by a qualified individual at least weekly.

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All testing and inspections shall be documented and the results included in a report to the Jail Administrator.

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Evacuation

404.1 PURPOSE AND SCOPE

The purpose of this policy is to promote planning and to establish procedures, responsibilities, and training requirements for the staff of the Imperial County Sheriff's Office jail in case of fire and other emergency evacuations.

404.2 POLICY

The community, staff, volunteers, contractors, and incarcerated persons should have a well-researched and validated evacuation plan that can be implemented in the event any portion of this facility requires evacuating due to an emergency (e.g., fire, smoke, flood, storm) (15 CCR 1032(d)). All custody staff should be knowledgeable about the evacuation plan, policy, and procedures.

404.3 EVACUATION PLAN

The Imperial County Sheriff's Office maintains an evacuation plan to be implemented in the event of a fire, natural disaster, or other emergency (15 CCR 1032(d)). At a minimum the evacuation plan shall address the following:

- Location of facility building and floor plans
- Procedures on how incarcerated persons are to be released from locked areas
- Relocation areas to be used for housing incarcerated persons in the event of a full or partial evacuation
- Notifications
- Training and drill requirements for staff
- Reporting requirements

The Jail Administrator shall ensure that the evacuation plan is maintained and updated as needed and is reviewed for accuracy at least annually by a qualified independent inspector and in coordination with the local fire authority.

A current copy of the evacuation plan shall be maintained in the Administration office and in the command area of each annex facility.

404.3.1 EXITS

All facility exits should be marked with signs that clearly indicate the direction of traffic.

Except for temporary reasons, such as maintenance or repairs, all exits to the facility shall remain free from obstacles at all times regardless of the frequency of use. It is the duty of all staff to remove any obstructions that block, either partially or completely, staff’s ability to observe or use any exit.

All housing areas and places of assembly that are designed for occupancy of 50 individuals or more shall have two available exits.

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404.3.2 EVACUATION PLANS AND ROUTES
Plans for evacuation routes will be posted in all public areas of the facility. All custody staff will be familiar with evacuation routes for incarcerated persons.

404.3.3 EMERGENCY HOUSING OF INCARCERATED PERSONS
The Jail Administrator or the authorized designee shall develop a plan on the emergency housing of incarcerated persons in the event of a full or partial evacuation of the facility. The plan will address when incarcerated persons should be housed in place, identification of alternate facilities, and the potential capacity of those facilities, incarcerated person transportation options, and contact information for allied agencies. This plan shall be reviewed at least annually and revised if necessary.

404.4 TRAINING DRILLS
The Jail Administrator should ensure that drills of the evacuation plan are conducted at least annually, or more often if required by code, for each shift and at all facility locations. Drills will include staff and volunteers. The local fire agency may be invited to participate in one or more drills annually. Nonviolent and compliant incarcerated persons may participate. Violent and/or dangerous incarcerated persons or those known to be a flight risk will not be involved in the drills.

Drills should be designed to ensure that all staff members are proficient in their duties during each type of evacuation. Each drill should be documented as to its scope and participants. Upon completion of the drill, each staff member will be required to complete a written test to document knowledge and to show proficiency.

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Chapter 5 - Management of Incarcerated Persons

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Population Management

500.1 PURPOSE AND SCOPE

The purpose of this policy is to establish a system of incarcerated person population accounting that promotes the safety and security of the facility on a daily operational basis. It assembles data that enables the Department to forecast staffing and facility growth needs into the future, and to plan for the associated expenditures.

500.2 POLICY

It is the policy of this facility that an incarcerated person population management system should be established and maintained to account for the admission, processing, transfer, and release of incarcerated persons.

500.3 REPORTS

The Jail Administrator or the authorized designee is responsible for ensuring that detailed daily reports of the facility's incarcerated person population are completed and maintained by the staff. The reports shall reflect the average daily population of sentenced and non-sentenced incarcerated persons by categories of gender and juvenile status. The Jail Administrator should collect and submit the data to the Sheriff in a monthly report within 10 working days of the end of each month. The Sheriff or the authorized designee should maintain the data in an accessible format for historical purposes and trend analysis and to respond to funding opportunities (see the Crowding Policy) (15 CCR 1040).

500.4 DATA COLLECTION

For each reporting period, the report should include but is not limited to:

(a) Current number of beds in:
    1. Compliance with local or state standards
    2. General housing
    3. Medical/mental health

(b) Average daily population (ADP) for:
    1. Minimum security
    2. Maximum security
    3. High security
    4. Administrative segregation

(c) Highest one-day incarcerated person population

(d) Number and percentage of:
    1. Bookings
    2. Incarcerated persons by gender

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3. Non-sentenced incarcerated persons
4. Felony incarcerated persons
5. Pretrial incarcerated persons released
6. Sentenced incarcerated persons released early due to lack of space
7. Incarcerated persons receiving psychotropic medication

(e) Number of incarcerated persons:

1. Enrolled in work release program
2. Enrolled in work furlough program
3. Assigned to home electronic monitoring program

(f) Number of:

1. Incarcerated person-on-incarcerated person assaults
2. Incarcerated person-on-staff assaults
3. Escapes/attempted escapes
4. Incarcerated person grievances and dispositions
5. Incarcerated person disciplinary reports and dispositions

(g) Any other demographic information (e.g., gang activity)

The Jail Administrator or the authorized designee is responsible for ensuring that all required information is supplied to the Board of State and Community Corrections as required (15 CCR 1040).

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Incarcerated Person Counts

501.1 PURPOSE AND SCOPE

Incarcerated person counts are vital to the security of the facility, the safety of the staff, and the welfare of the incarcerated persons. This policy establishes guidelines for the frequency of incarcerated person counts, which ensures that all incarcerated persons and their status can be accounted for at any time.

501.2 POLICY

It is the policy of this department to account for all incarcerated persons within and under the control of this facility through scheduled and other counts as needed (15 CCR 1029(a)(6)).

501.3 PROCEDURE

The Jail Administrator or the authorized designee shall be responsible for creating and maintaining a written procedure establishing the process and frequency of counts. Incarcerated person counts shall be conducted at least once every eight hours. Emergency counts may be conducted at the direction of the Watch Commander as needed. Electronic counts shall not be substituted for direct staff observation.

All counts shall be documented on the daily activity log and verified by the Watch Commander. Counts shall include all incarcerated persons in custody, including those on work assignments, furlough, education release, and those who are off-site, such as at the hospital or court.

Any discrepancy in the count should immediately be reported to the Jail Administrator and resolved prior to the release of the shift personnel responsible for the count. A formal count in which all incarcerated persons are personally identified by a correctional officer should be conducted once a day at a time established by the Jail Administrator.

In the event that an escape is discovered during the incarcerated person count, the Watch Commander will initiate action to investigate the escape by promptly notifying law enforcement agencies and the Jail Administrator, initiating a search, and complying with other procedures as needed in accordance with the Facility Emergencies Policy.

A complete report of the incident will be prepared and provided to the Jail Administrator and Sheriff as soon as practicable.

All counts shall be recorded into the records management system.

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Reception

502.1 PURPOSE AND SCOPE

This policy establishes guidelines for admission, including implementing security measures, processing initial classification, processing immigration detainers, identifying medical and mental health issues, seizing and storing personal property, and providing intake telephone calls.

502.2 POLICY

This department shall use the following standardized guidelines when receiving individuals to be booked into this jail to maintain security and to respect individuals' civil rights.

502.3 PRE-BOOKING SCREENING

All individuals shall be screened prior to booking to ensure each individual is physically acceptable for admission and that all arrest or commitment paperwork is present (see the Medical Screening Policy). Required paperwork includes, as applicable:

(a) Arrest reports

(b) Probable cause declarations

(c) Warrants or court orders

(d) Victim notification information

(e) Documentation of needs related to religious practices, such as diet, clothing, and appearance (see the Religious Programs Policy)

(f) Accommodation requests related to disabilities (see the Incarcerated Persons with Disabilities Policy)

(g) Information regarding suicidal statements or actions, or assessments of suicide risk

(h) Medical and mental health records

Any discrepancies in required paperwork should be resolved or missing documentation located before accepting the individual for booking from the arresting or transporting correctional officer.

Prior to accepting custody of an individual who claims to have been arrested due to a mistake of identity or an individual who claims that identity theft led to the issuance of a warrant in the individual's name, members shall make reasonable efforts to investigate the claim of identity fraud or mistake. Members shall notify a supervisor when an individual makes a claim of mistaken identity or identity fraud.

Individuals who can post bail or qualify for a release on their Own Recognizance (O.R.), citation, or Penal Code § 849(b) will be processed and released (15 CCR 1029(a)(5)).

502.3.1 IMMIGRATION DETAINERS

No individual should be held based solely on a federal immigration detainer under 8 CFR 287.7 (Government Code § 7284.6).

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Notification to a federal authority may be made prior to release of an individual who is the subject of a notification request only if the individual meets at least one of the following (Government Code § 7282.5; Government Code § 7284.6):

(a) Has been arrested and had a judicial probable cause determination for a serious or violent felony identified in Penal Code § 667.5(c) or Penal Code § 1192.7(c)

(b) Has been arrested and had a judicial probable cause determination for a felony punishable by time in a state penitentiary

(c) Has been convicted of an offense as identified in Government Code § 7282.5(a)

(d) Is a current registrant on the California Sex and Arson Registry

(e) Is identified by the U.S. Department of Homeland Security's (DHS) Immigration and Customs Enforcement (ICE) as the subject of an outstanding federal felony arrest warrant

502.3.2 NOTICE TO INDIVIDUALS
Individuals in custody shall be given a copy of documentation received from ICE regarding a hold, notification, or transfer request along with information as to whether the Department intends to comply with the request (Government Code § 7283.1).

If the Department provides ICE with notification that an individual is being, or will be, released on a certain date, the same notification shall be provided in writing to the individual and to their attorney or to one additional person whom the individual may designate (Government Code § 7283.1).

502.3.3 ICE INTERVIEWS
Before any interview between ICE personnel and an individual in custody for civil immigration violations, the department shall provide the individual with a written consent form that explains the purpose of the interview, that the interview is voluntary, and that they may decline to be interviewed or may choose to be interviewed only with their attorney present. The consent form must be available in the languages specified in Government Code § 7283.1.

502.3.4 IMMIGRATION INQUIRIES PROHIBITED
Correctional officers shall not inquire into an individual’s immigration status for immigration enforcement purposes (Government Code § 7284.6).

502.4 SEARCHES BEFORE ADMISSION

All individuals and their property shall be searched for contraband by the booking correctional officer before being accepted for booking. All contraband items will be handled according to facility policy. Items of possible evidentiary value may be turned over to the arresting or transporting officer. Approved personal property and clothing will be accepted. Items not approved will be returned to the arresting or transporting officer prior to the arrestee being accepted for booking. Only personal property that can fit in the provided property bags will be accepted. Additional property will only be accepted from bookings from this Office. For all other agencies, any property that cannot fit in the property bag will be returned to the arresting or transporting officer. A

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description of the items returned to the arresting or transporting officer shall be documented on the individual's property form booking record. The following items will not be accepted into property:

(a) Electronic devices (e.g., computers, iPads, tablets, e-Readers)

(b) Perishable items (e.g., food)

(c) Tobacco products (e.g., cigarettes, cigars, etc.)

(d) Marijuana in any form (e.g., prescription, edibles, oils, leaf, concentrate)

(e) Smoking devices or paraphernalia

(f) Alcoholic beverages

(g) Weapons of any type

(h) Cutting tools (e.g. knives, scissors, razors)

(i) Incendiary items (e.g., explosives, vaping or electronic smoking devices (e-cigs), ammunition)

Strip searches shall be conducted in accordance with the Searches Policy.

502.4.1 SEARCHES REGARDING RELIGIOUS CLOTHING AND HEADWEAR

Unless exigent circumstances exist, when an individual is wearing religious clothing or headwear, a correctional officer shall offer to conduct searches of the individual using a correctional officer of the same gender and offer the search to be out of view of members of a different gender (Penal Code § 2607).

Following the search, any religious clothing or headwear purchased, accessed (as defined by Penal Code § 2607), or retained shall be returned unless there is a reason to confiscate the item due to a security risk. If the item is not returned, the reason shall be documented (Penal Code § 2607).

502.5 ADMISSION PROCESS

A unique booking number shall be assigned to each individual specific to the current admission. Photographs and fingerprints shall be taken.

Members facilitating the admission process should attempt to gather a comprehensive record of each individual, including the following:

- Identifying information, including name and any known aliases or monikers
- Current or last known address and telephone number
- Date and time of arrest
- Date and time of admission
- Name, rank, agency, and signature of the arresting officer and transporting officer, if different
- Health insurance information

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- Legal authority for confinement
- Sex
- Gender
- Gender identity
- Age
- Date and place of birth
- Race
- Height and weight
- Occupation and current or most recent employer
- Emergency contact, including name, address, telephone number, and relationship to the individual
- Driver's license number and state where issued, state identification number, or passport number
- Social Security number
- Information regarding religious practices and disabilities
- Local, state, and federal criminal history records
- Notation of any unique marks or physical characteristics, such as scars, birthmarks, or tattoos
- Medical clearance, if applicable
- Suicide risk
- Inventory of all personal property, including clothing, jewelry, and money
- A record of personal telephone calls made at the time of booking or the opportunity to place calls if the calls were not made
- Records related to past periods of detention at the jail

The individual shall be asked if they served in the U.S. military. The response shall be documented and made available to the individual, the individual's counsel, and the District Attorney (Penal Code § 4001.2).

502.5.1 WARRANTS

For any warrant to be valid for purposes of booking it must contain the following information:

(a) Date of Issuance

(b) Issuing Court

(c) Charges

(d) Bail Amount

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(e) Name of the Wanted Person

(f) Name of the Judge issuing the warrant

(g) Warrant Number

If a warrant is received that is missing any of the above-listed information, the staff member shall make reasonable efforts to contact the issuing agency to have them provide a warrant that includes the missing information. If staff are unable to contact the issuing agency, they shall notify the Watch Commander.

502.5.2 LIVESCAN RESPONSE

All fingerprinting will be conducted using an approved livescan machine capable of submitting records to the California Department of Justice (CALDOJ). No incarcerated person shall be released prior to receiving a livescan response. If a livescan response has not been received within two hours of submission, the booking clerk shall contact CALDOJ and request a response for the submission.

502.5.3 LEGAL BASIS FOR DETENTION

Individuals admitted to the jail shall be notified of the charge or other legal basis of confinement in a language they understand.

502.5.4 ADMISSION OF SEX OFFENDER REGISTRANTS

The Records Division shall inform the California Department of Justice when incarcerated persons required to register address changes under Penal Code § 290.013 have been admitted into the jail within 15 days of the admission (Penal Code § 290.013).

502.5.5 RELIGIOUS ACCOMMODATIONS AT INTAKE

Correctional officers shall ask each individual during intake whether the individual practices a sincerely held religious belief that requires accommodation for grooming, religious clothing, or headwear. Accommodations shall be made as follows (Penal Code § 2607):

(a) Allow the individual to purchase facility-issued religious clothing and headwear or provide access as defined by Penal Code § 2607.

1. If religious clothing or headwear is unavailable, the individual shall be allowed to retain their religious clothing or headwear until facility-issued religious clothing and headwear can be accessed or purchased.

(b) Not require an individual's hair or beard to be trimmed or cut during the booking, intake, or classification process.

For additional guidance, see the Religious Programs Policy.

502.6 TRANSITION FROM RECEPTION TO HOUSING UNITS

The Watch Commander or the authorized designee is responsible for ensuring only individuals who qualify are placed into appropriate housing. Those who will not be housed include individuals who are:

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(a) Eligible for release following citation.

(b) Intoxicated or under the influence of any intoxicating substance.

(c) Arranging bail. Such individuals should be permitted a reasonable amount of time, at the discretion of the Watch Commander or designee, to make telephone calls before being housed.

502.6.1 PROPERTY AND CLOTHING

Incarcerated persons being transferred to housing will be issued suitable clothing consistent with their designated classification in accordance with the Incarcerated Person Hygiene Policy. All personal clothing and property will be stored in accordance with this policy.

502.6.2 IDENTIFICATION WRISTBANDS

Prior to being transferred to housing the booking correctional officer shall ensure that an identification wristband is secured onto the incarcerated person's wrist. The wristband should be sized to allow for normal movement but should not be able to be easily removed.

502.6.3 MONITORING FOR SIGNS OF INTOXICATION AND WITHDRAWAL

Members should respond promptly to an individual's complaint of symptoms and remain alert to signs of drug and alcohol overdose and withdrawal, which include but are not limited to sweating, nausea, abdominal cramps, anxiety, agitation, tremors, hallucinations, rapid breathing, and generalized aches and pains. Any member who suspects that an individual may be suffering from overdose or experiencing withdrawal symptoms shall promptly notify the Watch Commander and the appropriate medical staff.

502.6.4 SEPARATION

Individuals should be kept separate from admitted individuals during the admission process. When justified, individuals may be moved to administrative separation during the booking process (see the Special Management Incarcerated Persons Policy).

Newly admitted individuals should be separated according to the jail's classification plan (see the Classification Policy).

502.7 PROPERTY CONTROL

All approved personal property received from individuals at the time of booking shall be inventoried. A receipt referencing the individual's name and date of birth should be signed by the individual and the transporting officer. The original copy of the property receipt should be retained and placed in the individual's file and/or with the property. A second copy should be presented to the individual at the time of booking. Excess personal property shall be handled according to jail procedures.

502.7.1 VERIFICATION OF MONEY

All monies belonging to the individual shall be verified in front of the individual. The individual should initial the dollar amount on the booking sheet. All money should be placed in a separate envelope and sealed.

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Negotiable checks or other instruments and foreign currency shall also be sealed in an envelope with the amount indicated but not added to the cash total. Jewelry and other small property shall also be sealed in an envelope. All envelopes shall clearly indicate the contents on the front. The member sealing an envelope shall initial across the sealed flap. Should any money be withdrawn or added to the cash envelope, the member making the change shall enter the new amount below the original entry on the booking sheet, initial it, and write the new total on the outside of the envelope.

502.7.2 PROPERTY STORAGE

All approved property should be stored in a secure storage area. Only authorized personnel may access the storage area and only for the purpose of depositing or retrieving property, or to conduct authorized work, including maintenance and other duties as directed by the Jail Administrator.

502.8 TELEPHONE CALLS

Every individual detained in this facility shall be entitled to at least three completed telephone calls immediately upon being admitted and no later than three hours after arrest. Either the arresting or booking correctional officer must ask the individual if they are a custodial parent with responsibility for a minor child as soon as practicable, but no later than three hours after the arrest, except when physically impossible. If the person is a custodial parent with responsibility for a minor child, the person shall be entitled to make two additional telephone calls to arrange care for the minor child (Penal Code § 851.5).

(a) Telephone calls may be limited to local calls, except that long-distance calls may be made by the individual at their own expense, using calling cards, or by calling collect.

    1. The Department should pay the cost of any long-distance calls related to arranging for the care of a child or dependent adult.

(b) The individual should be given sufficient time to make any necessary arrangements, including child or dependent adult care, or transportation upon release.

    1. These telephone calls are not intended to be lengthy conversations. The member assigned to monitor or process the individual may use their judgment in determining the appropriate duration of the calls.

(c) Calls to an attorney shall be deemed confidential and shall not be monitored, eavesdropped upon, or recorded.

(d) A sign containing the information as required in Penal Code § 851.5 in bold block type shall be posted in a conspicuous place where the individuals make their booking telephone calls and within the custody jail.

    1. The public defender's telephone number shall be posted with the sign.

    2. The signs shall be in English, Spanish, and any other language spoken by a substantial number of the public, as specified in Government Code § 7296.2, who are served by this department (Penal Code § 851.5).

There is no obligation for members to make a telephone call on an individual's behalf; however, members shall facilitate reasonable accommodations to individuals with disabilities to make phone

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calls (see the Incarcerated Persons with Disabilities Policy). A member is not required to wake a sleeping individual so that the individual may complete a call. The individual should be provided the opportunity to make telephone calls once awake.

502.9 SHOWERING AND CLOTHING EXCHANGE

Individuals may be required to shower before being dressed in clean jail clothing. Showering should occur before transfer from the temporary holding area to a housing unit (see the Incarcerated Person Hygiene Policy).

502.10 JUVENILE DETAINEES

Juveniles are not eligible for admission to this jail. A juvenile may be held only for the length of time needed for release to a parent or guardian or transfer to an appropriate facility and, in any case, for a maximum of six hours (Welfare and Institutions Code § 207.1). Detention is subject to the following conditions:

(a) The juvenile shall be held in an unlocked area that is not used for housing and is outside the secure perimeter of the jail, such as an interview room, lobby, or office.

(b) The juvenile shall not be physically secured to a cuffing rail or other stationary object.

(c) The juvenile shall be under continuous visual supervision by a law enforcement officer, a facility employee, or a designated youth attendant. Continuous visual monitoring may be by an audio/video system. The juvenile shall have constant auditory access to the staff.

(d) Separation by sight and sound shall be maintained between all juveniles and adults in custody (34 USC § 11133). There should also be sight and sound separation between non-offender juveniles, such as those who may be in protective custody, and juveniles and status offenders.

502.11 IN-ABSENTIA BOOKINGS

In absentia booking refers to the process by which an arrested person is placed into custody or "booked" into the jail without the physical presence of the arrestee. The most common in-absentia booking occurs with hospitalized arrestees. An in-absentia booking will only be accepted with the express consent of the Jail Administrator or their designee.

Once an arrestee has been booked in-absentia, the security of the incarcerated person becomes the responsibility of the OFDF Watch Commander. The Watch Commander is responsible for providing the appropriate security for the incarcerated person in accordance with the Hospital Guards policy.

The Jail Administrator shall consult with County Counsel if the incarcerated person is medically unavailable for arraignment after an in-absentia booking. If required, special arrangements shall be made for the arraignment of the incarcerated person if recommended by the office of the County Counsel.

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Handbook and Orientation

503.1 PURPOSE AND SCOPE

This policy provides for the orientation of incarcerated persons booked into the Imperial County Jail. The purpose of the orientation is to inform incarcerated persons of the jail routine, rules, incarcerated persons' rights, and services.

503.2 POLICY

The Jail Administrator shall provide an effective method of orienting all incoming incarcerated persons that includes an incarcerated person handbook. The orientation should take place within 24 hours of an incarcerated person's admission and in any event prior to the incarcerated person being moved to general population housing and should be an ongoing process in the housing area so that the information is available to the incarcerated persons throughout their entire time in custody.

503.3 INITIAL ORIENTATION

To assist with the incarcerated person's transition into a custody environment, the orientation will be both written and verbal (including video orientation if available) and include the following topics, supplemented by a more detailed incarcerated person handbook that will be provided to each incarcerated person (15 CCR 1069):

(a) Jail rules and disciplinary actions

(b) Correspondence, visiting, and telephone rules

(c) Incarcerated person grievance procedure, including all steps and deadlines necessary to exhaust the grievance process

(d) Co-pays, fees, and charges

(e) Medical, dental, and mental health services

(f) Possibilities for pretrial release

(g) Programs and activities, including application procedures

(h) Classification/housing assignments and appeal procedures

(i) Court appearance, where scheduled, if known

(j) Availability of personal care items and opportunities for personal hygiene

(k) Emergency procedures (e.g., fires, evacuations)

(l) Sexual abuse and sexual harassment information, including the following (28 CFR 115.33):

1. Jail's zero-tolerance policy
2. Prevention and intervention
3. Instruction on how incarcerated persons can avoid being victims of sexual abuse and sexual harassment through self-protection techniques

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4. Treatment and counseling for victims of sexual abuse or sexual harassment
5. Reporting sexual abuse or sexual harassment incidents, including how to report such incidents anonymously
6. Mailing addresses and telephone numbers, including toll-free hotline numbers, where available, of local, state, or national victim advocacy or rape crisis organizations (28 CFR 115.53)
7. Information regarding confidentiality, monitoring, and mandatory reporting

(m) Contacting foreign consuls

(n) Requests for religious accommodations

(o) Voting, including registering to vote

(p) A list of approved items that incarcerated persons are permitted to possess

(q) A list of contraband items and definitions of excess property

(r) Direction for pregnant incarcerated persons, including the information required in Penal Code § 3407(e) and 15 CCR 1058.5

(s) The right to be taken before a magistrate in this county if held on an out-of-county warrant (Penal Code § 821; Penal Code § 822)

In addition to English, orientation information will be provided in the most commonly used languages for the incarcerated person population.

The Jail Administrator should consider enlisting the assistance of volunteers who are qualified and proficient in both English and the language in which they are providing translation assistance to translate the orientation information. Use of outside translation sources may also be considered.

Interpretive services will be provided to incarcerated persons who do not speak English or any of the other languages in which the orientation information is available.

A written and signed acknowledgment of the orientation and receipt of the handbook should be maintained in the incarcerated person's permanent file (28 CFR 115.33).

503.4 ORIENTATION FOR INCARCERATED PERSONS WHO ARE NON-READERS, VISUALLY IMPAIRED, OR HAVE A HEARING DISABILITY

Incarcerated persons who cannot read, are visually impaired, or have intellectual, psychiatric, or speech disabilities, or limited reading skills shall have the materials read to them by a staff member or presented to them using audible recorded media (28 CFR 115.16).

Incarcerated persons who have hearing disabilities shall be provided with interpretation services. Reasonable efforts should be made by the staff to assist the incarcerated person in understanding the information.

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Safety Checks

504.1 PURPOSE AND SCOPE

The purpose of this policy is to establish a requirement for conducting visual safety checks for all incarcerated persons, and for creating and maintaining a log to document all safety checks.

504.2 POLICY

It is the policy of the Imperial County Sheriff's Office that all correctional staff shall conduct safety checks on all incarcerated persons, at a frequency determined by custody status, housing classification, and applicable state law.

504.3 SAFETY CHECKS

The staff shall adhere to the following procedures when conducting safety checks (15 CCR 1027; 15 CCR 1027.5):

(a) Safety checks shall be conducted at least once every 60 minutes and more frequently if necessary.

(b) Safety checks shall be conducted on an irregular schedule (staggered) so that incarcerated persons cannot predict when the checks will occur.

(c) Safety checks shall be done by personal observation of the correctional officer and shall be sufficient to determine whether the incarcerated person is experiencing any stress or trauma.

(d) Cameras and monitors may supplement the required visual observation safety checks, but they shall not replace the need for direct visual observation.

(e) Safety checks will be clearly documented on permanent logs in accordance with the department Daily Activity Logs and Shift Reports Policy.

(f) Actual times of the checks and notations should be recorded on the daily activity logs.

(g) Log entries shall never be made in advance of the actual check. Log entries made in this manner do not represent factual information and are prohibited.

(h) Special management incarcerated persons shall be checked more frequently as detailed in the Special Management Incarcerated Persons Policy.

504.3.1 SAFETY CHECK DOCUMENTATION

All safety checks shall be documented. Documentation shall include (15 CCR 1027.5):

(a) The actual time when each safety check occurred.

(b) The location where each safety check occurred, such as a cell, module, or dormitory number.

(c) Initials or member identification number of staff who completed the safety check.

Safety check documentation shall be reviewed at regular, defined intervals by the Jail Administrator or supervisor. The review shall include any noted inconsistent documentation or any untimely completion of safety checks (15 CCR 1027.5).

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504.4 SUPERVISORY CHECKS

The shift Watch Commander shall be responsible for conducting unannounced rounds to identify and deter staff sexual abuse and sexual harassment. Staff shall not alert other staff that these supervisory rounds are occurring unless such announcement is related to the legitimate operational functions of the facility.

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Special Management Incarcerated Persons

505.1 PURPOSE AND SCOPE

Incarcerated persons who pose a heightened risk to themselves or others require special management, including frequent interaction and increased supervision by staff. Interaction with special management incarcerated persons is essential to maintaining a safe, secure, and humane environment. This policy establishes guidelines and procedures for interacting with special management incarcerated persons in the custody of the Imperial County Sheriff's Office.

505.1.1 DEFINITIONS

Definitions related to this policy include:

Administrative separation - The physical separation of an incarcerated person who has (15 CCR 1053):

(a) A documented history of activity or behavior, or promoting such activity or behavior, that is criminal in nature, disruptive to facility operations, or affects the safety of the facility, other incarcerated persons, and facility staff.

(b) Influenced or participated in activity that is criminal in nature or disruptive to facility operations or affects the safety and security of the facility, other incarcerated persons, and facility staff.

(c) A history of escape or recently attempted escape.

(d) Committed assault, attempted assault, or participated in a conspiracy to assault or harm other incarcerated persons or facility staff.

(e) A demonstrated need for protection from other incarcerated persons and facility staff.

This is a non-punitive classification process and must not adversely affect an incarcerated person's health (15 CCR 1053).

Protective custody separation - A level of custody either requested or required for an incarcerated person's protection from others.

Special management incarcerated person - An incarcerated person who is either classified as administrative separation or protective custody separation. Classification as a special management incarcerated person is a non-punitive classification.

505.2 POLICY

This department shall provide for the secure and restrictive housing of any special management incarcerated person but shall not impose more deprivation of privileges than is necessary to obtain the objective of protecting the incarcerated person, staff, or the public (15 CCR 1053).

505.3 SPECIAL MANAGEMENT INCARCERATED PERSONS HOUSING CRITERIA

The safety and security of this facility is dependent on a classification system that identifies incarcerated persons who pose a risk to themselves or to others. Incarcerated persons who pose such a risk must be promptly and appropriately separated from the general incarcerated persons

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population until such time that they no longer pose a risk. Staff must have the ability to promptly separate these incarcerated persons pending further review.

Individuals who may be classified as special management incarcerated persons include but are not limited to incarcerated persons who are:

- In protective custody or court-imposed separation.
- Exhibiting mental health concerns.
- An escape threat.
- A serious violence threat.
- Known to have gang affiliation.
- A known management problem.
- A suicide risk.
- Exhibiting medical issues.
- Physically impaired.

505.4 CIRCUMSTANCES REQUIRING IMMEDIATE SEPARATION

Incarcerated persons will generally be assigned to separation through the classification process. The Jail Administrator or the Watch Commander has the authority to immediately place any incarcerated person into separation when it reasonably appears necessary to protect the incarcerated person or others (15 CCR 1081(d)).

Reasons that an incarcerated person may be placed into separation include the following:

(a) The incarcerated person requests protection or is under court-ordered protection, or the staff has determined that the incarcerated person requires protection.

(b) There is reason to believe the incarcerated person poses a danger to themself or others.

(c) The incarcerated person poses an escape risk.

(d) The incarcerated person requires immediate mental health evaluation and medical housing is not reasonably available.

(e) The incarcerated person is charged with a disciplinary infraction and is awaiting a disciplinary hearing and in the judgment of the staff, the incarcerated person may become disruptive or dangerous if left in general population.

(f) The incarcerated person is in the process of being transferred to a higher security classification.

(g) Other circumstances where, in the judgment of the staff, the incarcerated person may pose a threat to themself, others, or the security of the facility.

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505.4.1 REVIEW PROCESS

The Jail Administrator shall be notified when any incarcerated person is placed into immediate separation and shall be informed of the circumstances leading to the order to separate. Within 72 hours of the incarcerated person being placed into restrictive housing, the Jail Administrator or the authorized designee must review the circumstances surrounding the separation to determine which of the following actions shall be taken:

(a) The incarcerated person is designated for administrative separation.

(b) The incarcerated person is designated for protective custody.

(c) The incarcerated person remains separated pending a disciplinary hearing.

(d) The incarcerated person is returned to general population.

505.5 PROTECTIVE CUSTODY

The correctional officer responsible for assigning classifications to incoming incarcerated persons shall clearly document the reason an incarcerated person should be placed into protective custody. Incarcerated persons in need of protective custody may be placed in a separation unit when there is documentation that the protective custody is warranted and separation is the least restrictive alternative reasonably available.

Incarcerated persons who are in protective custody shall receive all services and programs that are available to incarcerated persons in general population and that are deemed a privilege. Any deviation from allowing usually authorized items or activities shall be documented on the incarcerated person's file.

505.6 MAINTENANCE OF PROGRAMS AND SERVICES

Administrative separation and protective custody shall consist of separate and secure housing but shall not involve any deprivation of privileges other than what is necessary to protect the incarcerated person or staff (15 CCR 1053).

Incarcerated persons who are classified for housing in administrative separation or protective custody shall, at a minimum, be allowed access to programs and services, including but not limited to:

- Incarcerated person telephones.
- Visitation.
- Educational programming appropriate to the incarcerated person's classification.
- Commissary services.
- Library and law library services.
- Social services.
- Faith-based guidance, counseling, and religious services.
- Out of cell time activities and exercise.

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- Social and professional visits.

Nothing in this policy prohibits changing the delivery of programs or services to separated incarcerated persons in order to provide for the safety and security of other incarcerated persons and staff.

505.7 REVIEW OF STATUS

The Watch Commander or the classification officer shall review the status of all incarcerated persons who are housed in restrictive housing units and designated for administrative separation or protective custody. This review shall occur every 30 days. The review should include information about these incarcerated persons to determine whether their status in administrative separation and protective custody is still warranted.

If other reasonable housing options exist that will provide for the safety of the incarcerated person and the facility, the incarcerated person should be moved out of separation. In reviewing an alternative housing decision for an incarcerated person in protective custody, the safety of the incarcerated person should receive the utmost consideration.

505.8 HEALTH EVALUATION REQUIREMENTS

After notification from staff that an incarcerated person is being placed in separation, the Watch Commander shall ensure that the following occurs:

(a) A qualified health care professional shall assess the incarcerated person's health needs and coordinate the appropriate housing assignment.

(b) If contraindications or special accommodations are noted, the qualified health care professional shall inform the Watch Commander and coordinate the appropriate plan for the incarcerated person based on the safety needs of the facility and the medical needs of the incarcerated person.

505.8.1 HEALTH CONSIDERATIONS

Due to the possibility of self-inflicted injury and depression during periods of separation, health evaluations should include notations of any bruises and other trauma markings and the qualified health care professional's comments regarding the incarcerated person's attitude and outlook.

(a) Unless medical attention is needed more frequently, each incarcerated person in separation should receive a weekly visit by medical/mental health staff. A medical assessment should be documented in the incarcerated person's medical file.

(b)

When an incarcerated person is classified as a special management incarcerated person due to the presence of a serious mental illness and is placed in a separation setting, the staff shall document this in the incarcerated person's file and notify the qualified health care professional. When an incarcerated person is expected to remain in separation for more than 30 days, the qualified health care professional shall be notified.

Where reasonably practicable, a qualified health care professional should provide screening for suicide risk during the three days following admission to the restrictive housing unit.

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505.9 SAFETY CHECKS

A staff member shall conduct a face-to-face safety check of all special management incarcerated persons, including those housed in administrative separation or protective custody, at least every 60 minutes on an irregular schedule. Incarcerated persons who are violent, have mental health problems, or demonstrate behavior that is easily identified as out of the ordinary or bizarre in nature should be personally observed by the staff every 30 minutes on an irregular schedule.

Incarcerated persons who are at risk of suicide shall be under continuous observation until seen by a qualified health care professional. Subsequent supervision routines should be in accordance with orders provided by the qualified health care professional.

Special management incarcerated persons shall receive increased monitoring to include, at a minimum:

(a) A daily visit by the Watch Commander or the authorized designee.

All management, program staff, and qualified health care professional visits shall be documented in the appropriate records and logs and retained in accordance with established records retention schedules.

505.10 LOG PROCEDURES

Once a log entry is made it should not be modified. If corrections or changes are needed, they should be done by way of a supplemental entry. Electronically captured logs will be maintained in a way that prevents entries from being deleted or modified once they are entered. Corrections or changes must be done by way of supplemental entries. At a minimum the log will contain the following:

- Incarcerated person's name
- Incarcerated person's booking number
- Classification status
- Housing assignment
- Date and time initially housed
- Date and time of entry and exit from the cell
- Reason for the special housing
- Anticipated time of removal
- Medical, psychological, or behavioral considerations
- Counseling for behavior
- Removal date and time from special housing

Log entries should be entered promptly, and provide sufficient detail to adequately reflect the events of the day for future reference.

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The date and time of the observation or incident and the name and identification number of the staff member making the log entry shall be included on each entry.

Supervisors should review the logs frequently during the shift and enter comments as appropriate. At a minimum, supervisors should enter the date and time of each review.

All safety checks will be documented in detail and should include the exact time of the safety check and the identification information of the employee conducting the check. All documentation will be gathered and provided to the Watch Commander or the Jail Administrator each day.

505.10.1 LOG INSPECTION AND ARCHIVE OF LOGS

The Watch Commander shall review and evaluate the logs and pass any significant incidents via the chain of command to the Jail Administrator for review.

The logs will be retained by the Department in accordance with established records retention schedules, but in no case for less than one year.

505.11 STAFF ASSIGNMENT

Whenever possible, the Watch Commander should assign experienced staff members to supervise special management incarcerated persons.

Nothing in this section prohibits a probationary employee from working in a special management incarcerated persons unit under direct supervision of a training officer as a part of the training program.

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Civil Detainees

506.1 PURPOSE AND SCOPE

This policy provides safeguards to ensure that persons held under a civil detainee are afforded appropriate standards of custody.

Nothing in this policy prevents application of discipline under the Discipline Policy.

506.1.1 DEFINITIONS

Definitions related to this policy include:

Civil detainee - Any person in custody held for a reason other than for criminal matters.

Enhanced security concern - A status applicable to a civil detainee that indicates the person poses an enhanced threat to staff or others due to the person's past criminal behavior, criminal sophistication, or other actions.

506.2 POLICY

It is the policy of the Imperial County Sheriff's Office that any confinement conditions placed on civil detainees are for legitimate, non-punitive purposes.

506.3 LESS RESTRICTIVE CONDITIONS

The Jail Administrator or the authorized designee is responsible for monitoring the accommodations of civil detainees and taking steps to keep those accommodations above the level of non-sentenced, general population incarcerated persons. The Jail Administrator or the authorized designee should institute alternative and less harsh confinement methods for civil detainees, while still maintaining security and effective management of the facility.

506.4 SCREENING

Civil detainees should undergo the same screening process as incarcerated persons, including attention to whether the person poses an enhanced security concern. Any reason for departure from the standard treatment of civil detainees as defined in this policy or in related procedures should be documented with specific recommendations included addressing the risks.

The Jail Administrator or the authorized designee should review the screening documents to ensure any enhanced safety concerns are appropriately addressed and part of the detainee's record.

506.5 ORIENTATION

Civil detainees should receive orientation materials explaining the benefits and rules that are applicable to them.

Staff should specifically review the grievance process with the detainees and encourage them to use the grievance process when appropriate.

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506.6 CONDITIONS OF CONFINEMENT IN HOUSING

All civil detainees should be housed separately from other incarcerated persons.

506.6.1 CLOTHING

Civil detainees should be provided a minimum of 50 percent additional clothing exchanges than incarcerated persons in general population and be provided with an extra set of undergarments and socks that they may retain in their housing area.

Civil detainees should be provided an additional storage container for their personal belongings and extra issued clothing.

506.6.2 USE OF RESTRAINTS AND TRANSPORTATION

Civil detainees should not be placed in leg or waist restraints absent an identified security concern.

Civil detainees may be handcuffed in the event that there is a need to control the detainee based on identified security concerns.

Civil detainees should be transported separately from incarcerated persons.

506.6.3 OUT OF CELL TIME

Civil detainees should receive a minimum of 50 percent additional out of cell time (indoor and outdoor) than incarcerated persons in the general population. Out of cell time may be increased by the Jail Administrator as resources allow.

506.6.4 ACCESS TO MAIL AND TELEPHONE

Civil detainees shall have the same access to books, periodicals, and magazines as any other general population incarcerated person, except incoming books and magazines must only be censored with a substantial government interest, and only when it is necessary or essential to address the particular government interest. Incoming books, periodicals, or magazines may be justifiably confiscated from a detainee when there is a government interest to:

(a) Maintain facility security and safety, such as a book covering improvised weapons or promoting aggression.

(b) Prevent dangerous conduct.

(c) Comply with a court order or court-ordered treatment plan.

Outgoing and incoming mail may be inspected but not read, unless there is specific and articulable information to believe a particular security or safety issue.

Civil detainees should be provided with a minimum of 50 percent additional telephone access than incarcerated persons in the general population. Civil detainees should be provided with telephone privacy. A reasonable amount of telephone messages should be taken for a civil detainee.

506.6.5 VISITING

Civil detainees should be allowed to receive a minimum of 50 percent additional visitation time than incarcerated persons in the general population.

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506.6.6 MENTAL HEALTH CARE

Civil detainees who are detained due to issues related to their mental health should be provided with:

(a) An interview with the civil detainee's established mental health care provider and/or a review of the civil detainee's records by a department mental health professional.

(b) A review of the reasonable options available to address the civil detainee's continued mental health care. The department's mental health professional and the Jail Administrator or the authorized designee should identify benefits or restrictions that may advance the purpose of the civil detainee's confinement. Examples include:

1. Restricting or providing special access to books, periodicals, or internet sites as part of the civil detainee's treatment.
2. Providing special access to mental health care professionals or other visitors.

(c) A conference with the detainee's mental health care provider prior to the decision to discipline the detainee.

506.7 SEARCHES

Strip searches of civil detainees must be justified by probable cause, unless the Jail Administrator specifies otherwise based upon an identified security concern. The specified concern shall be documented in the detainee's record. Modified strip searches may be conducted when a detainee has entered an environment where contraband or weapons may be accessed (see the Searches Policy).

Absent an identified security concern or reasonable suspicion that contraband may be found, there should be no unscheduled cell searches of a detainee's personal effects or a cell search when the detainee is not present. Non-invasive cell inspections for security purposes may still be conducted.

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Management of Weapons and Control Devices

507.1 PURPOSE AND SCOPE

This policy will address the availability and control of weapons.

507.2 POLICY

It is the policy of the Imperial County Sheriff's Office that the presence and the use of weapons in the jail will be tightly controlled and supervised to reduce the potential for injury. Staff will only carry and use those weapons for which they have been trained in and are qualified to use.

507.3 FIREARMS

With the exception described below, armed personnel shall secure all firearms in gun lockers located at the entry points prior to entering the secure perimeter. Firearms shall not be stored inside the secure perimeter at any time. If it is necessary to load or unload a firearm, personnel shall use the clearing barrels located outside of the facility's secure perimeter to facilitate the safe loading and unloading of firearms.

Firearms shall only be allowed in the secure perimeter of the facility when it is necessary to protect the safety and security of staff, incarcerated persons, contractors, volunteers, or the public.

Firearms shall only be allowed inside the secure perimeter with the approval of the Jail Administrator or authorized designee and under the direct supervision of a supervisor.

507.4 OTHER WEAPONS, TOOLS, AND CHEMICAL AGENTS

Department-approved weapons, tools, and chemical agents, including but not limited to pepper projectiles, batons, conducted energy devices (CEDs), impact weapons, weapon-fired projectiles, noise/flash distraction devices, sting grenades, and similar devices, may be possessed and used only by custody staff members who have received department-authorized training and are qualified to use them.

Department-approved weapons, tools and chemical agents shall only be allowed inside the secure perimeter with the approval of the Jail Administrator or the authorized designee.

507.5 STORAGE OF WEAPONS, CHEMICAL AGENTS, AND CONTROL DEVICES

The armory shall be located in a secure and readily accessible repository outside of incarcerated person housing and activity areas. It shall be secured at all times. Access to the armory shall be limited to the Jail Administrator and the Watch Commander or the authorized designee. Only personnel who have received department-approved training in the maintenance of the stored equipment and who have been designated by the Jail Administrator are authorized to be inside the armory.

The following equipment shall be stored and secured in the armory:

(a) All department-approved weapons.

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(b) All department-approved control devices and associated supplies, with the exception of the CED.

(c) All security equipment, such as helmets, face shields, stab or protective vests, and handheld shields.

(d) All department-approved chemical agents.

Explosive materials will be stored in a safe approved by the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) and in compliance with 27 CFR 555.201 et seq.

507.5.1 WEAPONS LOCKER

There should be a secure weapons locker located outside of the secure perimeter of the jail.

507.5.2 INVENTORY

The Jail Administrator should designate one or more properly trained staff to be responsible for maintaining all weapons, chemical agents and control devices in a safe and secure manner, and to inventory and report the condition and availability of the facility's weapons and control devices on a monthly basis.

To facilitate the inventory, all weapons, chemical agents and control devices shall be stored in assigned locations inside the armory. A log shall be maintained within the armory at all times, detailing the exact location of each item. The removal of any weapon, chemical agent or control device shall be documented on the log, showing who removed the item, the date and time of removal and the reason for removal. An additional log entry shall be made indicating the date and time of the item's return.

The Watch Commander and the Jail Administrator shall be immediately notified in the event that any weapon, chemical agent or control device is determined to be missing. An immediate and thorough search of the facility shall take place in order to locate the item.

507.5.3 REVIEW, INSPECTION, AND APPROVAL

Every control device and chemical agent will be periodically inspected for serviceability and expiration dates by the Rangemaster or the instructor designated to train on the use of a particular control device or chemical agent. The Rangemaster or the designated instructor is responsible for ensuring replacement of outdated or unserviceable items.

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Classification

508.1 PURPOSE AND SCOPE

This policy describes the Imperial County Sheriff's Office's classification process, which is designed to identify security and health issues so that incarcerated persons may be held and housed in such a way as to foster a safe and secure facility (15 CCR 1050).

508.1.1 DEFINITIONS

Definitions related to this policy include:

Civil detainee - Any person held in custody for a reason other than for criminal matters.

508.2 POLICY

It is the policy of this department to process all individuals entering this jail to determine whether they will be housed in the jail, cited and released, released on their own recognizance (O.R.) or bail, or released back to the community through an appropriate release mechanism, including alternatives to incarceration programs, such as electronic supervision.

Anyone housed in the jail shall be properly classified according to security and health risks so that appropriate supervision, temporary holding, and housing assignments may be made.

508.3 RELEASE AT OR FOLLOWING CLASSIFICATION

Individuals arrested for intoxication only, with no further proceedings anticipated, should be released as soon as custodial staff reasonably determine they are no longer impaired to the extent that they cannot care for their own safety.

Misdemeanor incarcerated persons who meet criterion established by local courts may be cited and released on O.R. by the Sheriff or the authorized designee. Incarcerated persons who meet the established criteria will be interviewed by classification personnel and a determination will be made whether there is good cause to release the incarcerated person on O.R. (15 CCR 1029(a)(5)).

508.4 CLASSIFICATION PLAN

The Jail Administrator or the authorized designee should create and maintain a classification plan to guide members in the processing of individuals brought into the jail.

The plan should include an initial screening process, as well as a process for determining appropriate housing assignments (28 CFR 115.42). The plan should include use of an objective screening instrument, procedures for making decisions about classification and housing assignments, intake and housing forms, and a process to ensure that all classification and housing records are maintained for each incarcerated person. The plan should include an evaluation of the following criteria (15 CCR 1050):

- Age
- Gender identity

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- Current charges
- Behavior during arrest and intake process
- Criminal and incarceration history
- Emotional and mental condition
- Potential risk of safety to others or self
- Special management status
- Special needs assessment for vulnerable incarcerated persons
- Behavioral or physical limitations or disabilities and physical/mental health needs
- Medical condition
- Level of sobriety at booking
- Suicidal ideation
- Escape history and degree of escape risk
- Prior assaultive or violent behavior
- The need to be separated from other classifications of incarcerated persons (e.g., gang affiliation, confidential informant, former law enforcement, sexual orientation)
- Prior convictions for sex offenses against an adult or child
- Whether the incarcerated person is or is perceived to be gay, lesbian, bisexual, transgender, intersex, or gender-nonconforming (see the Prison Rape Elimination Act Policy for transgender and intersex definitions)
- Previous sexual victimization
- The incarcerated person's own perceptions of vulnerability
- Whether the incarcerated person is a foreign national and, if so, from what country (see the Foreign Nationals and Diplomats Policy)
- Prior acts of sexual abuse, prior convictions for violent offenses, and history of prior institutional violence or sexual abuse, as known to the Department (28 CFR 115.41)
- Any other criteria as deemed appropriate by the Sheriff or the authorized designee
- Any other requirements for a classification plan under 15 CCR 1050

The plan should include a methodology for evaluating the classification process and a periodic review for the purpose of continuous quality improvement.

Information obtained in response to screening questions shall be considered confidential and shall only be made available to those who have a legitimate need to know (28 CFR 115.41).

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508.4.1 INCARCERATED PERSON RESPONSE TO SCREENING

Incarcerated persons may not be compelled by threat of discipline to provide information or answers regarding (28 CFR 115.41):

(a) Whether the incarcerated person has a mental, physical, or developmental disability.

(b) Whether the incarcerated person is or is perceived to be gay, lesbian, bisexual, transgender, intersex, or gender nonconforming.

(c) Whether the incarcerated person has previously experienced sexual victimization.

(d) The incarcerated person's own perception of vulnerability.

508.5 INITIAL CLASSIFICATION

The initial classification process is intended to identify predatory, violent, and at-risk incarcerated persons. It should occur early in the intake process to allow for appropriate supervision while an incarcerated person is being temporarily held in this facility and until a decision is made to place the individual into a more permanent housing assignment.

Incarcerated persons should be interviewed by an intake correctional officer as soon as possible in the booking process. The intake correctional officer shall complete the initial classification assessment. The initial classification assessment should include a place for the intake correctional officer to make a housing recommendation. This recommendation should be based on the initial classification assessment, an assessment of the incarcerated person's condition, and the incarcerated person's interview.

The initial classification assessment shall be placed in the incarcerated person's file and provided to the classification unit, who will, within the limits of available resources, determine the appropriate temporary housing location.

508.6 CLASSIFICATION UPON HOUSING

Once it has been determined that the person arrested will not be released from custody on bail or O.R., a more in-depth classification of the incarcerated person will be conducted as soon as possible but no later than 72 hours after theperson's arrival at the facility, after which the person will be moved to more permanent housing.

508.6.1 INTERVIEW

The comprehensive classification process begins with a review of any initial classification information obtained during the reception and booking process, as well as an interview by the classification unit staff. The review of initial classification documents and the questions, answers, and observations from the incarcerated person's interview will be documented and numerically scored, representing the security level and housing assignment appropriate for each incarcerated person.

Individualized determinations shall be made about how to ensure the health and safety of each incarcerated person (28 CFR 115.42; 15 CCR 1050).

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508.6.2 OVERRIDE
The classification correctional officer has the authority to override the scores when it appears necessary to more appropriately assign housing. The override capability exists to use the classification correctional officer's training and expertise in those instances when the numerical scores are not reflective of the incarcerated person's potential security or health risk. All overrides will be reviewed by a supervisor and are intended to be an exception, rather than the rule.

508.7 REVIEWS AND APPEALS

Once an incarcerated person is classified and housed, the person may appeal the decision of the classification unit staff. The appeal process shall begin with the classification supervisor level. The decision by the supervisor may be appealed to the Jail Administrator or the authorized designee. The decision by the classification Jail Administrator or the authorized designee is final.

508.7.1 PERIODIC CLASSIFICATION REVIEWS
The classification unit shall review the status of all incarcerated persons who have been incarcerated in the facility for more than 90 days. Additional reviews should occur each year thereafter. The review should examine changes in the incarcerated person's behavior or circumstances and should either raise, lower, or maintain the classification status (28 CFR 115.41).

Housing and program assignments for each transgender or intersex incarcerated person shall be reassessed at least twice each year to review any threats experienced by the person (28 CFR 115.42).

Incarcerated person risk levels shall be reassessed when required due to a referral, request, incident of sexual abuse, or receipt of additional information that increases the incarcerated person's risk of sexual victimization or abusiveness (28 CFR 115.41).

508.7.2 MEMBER REQUESTED REVIEW
At any point during an incarcerated person's incarceration, a member may request a review of the incarcerated person's classification. The reason for the review, the review itself, and the outcome of the review shall be documented in the incarcerated person's file. Nothing in this section shall prohibit members from immediately moving an incarcerated person to another location in the jail based on exigent circumstances. Under such circumstances, the member moving the incarcerated person must immediately document the action and notify the classification correctional officer.

508.7.3 INCARCERATED PERSON REQUESTED REVIEW
Incarcerated persons may request a review of their classification plan no more often than 30 days from their last review (15 CCR 1050).

508.8 HOUSING ASSIGNMENTS

Incarcerated persons should be housed based upon the following criteria:

- Classification level
- Age

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- Incarcerated persons will be housed in separate units based on gender
- Legal status (e.g., pretrial or sentenced)
- Need for protection or separation
- Criminal sophistication
- Any other criteria identified by the Jail Administrator

508.8.1 SEPARATION
Incarcerated persons shall be housed to ensure visual and physical separation based on gender.

Civil detainees shall be housed separately from pretrial and sentenced incarcerated persons.

508.9 CLASSIFICATION SPACE ALLOCATION

The classification plan depends on the ability of the facility to physically separate different classes of incarcerated persons. To ensure that allocated space meets the current population needs, the Jail Administrator or the authorized designee should periodically meet with representatives of the classification unit to discuss the fixed resources (e.g., cells, dorms, dayrooms).

508.10 SINGLE-OCCUPANCY CELLS

Single-occupancy cells may be used to house the following categories of incarcerated persons:

- Maximum security
- Administrative separation
- Medical condition or disabilities (upon consultation with medical staff and the availability of medical beds)
- Mental condition (upon consultation with mental health staff and the availability of mental health beds)
- Sexual predators
- Any incarcerated person with an elevated risk of being taken advantage of, being mistreated, or becoming a victim of sexual abuse or harassment
- Any other condition or status for single-occupancy housing

The classification supervisor shall notify the Jail Administrator or the authorized designee when single-occupancy cells are not available for housing the above described incarcerated persons. In such cases, a risk assessment shall be used to identify incarcerated persons in the above categories who may be safely housed together.

508.11 PRISON RAPE ELIMINATION ACT (PREA) CONSIDERATIONS

Housing, bed, work, and program assignments should be made to separate incarcerated persons at high risk of being sexually victimized from those at high risk of being sexually abusive (28 CFR 115.42). Incarcerated persons identified as being at high risk for sexually aggressive behavior will be monitored and housed in an area that will minimize the risk to other incarcerated persons and staff. All incarcerated persons identified as being at risk of victimization shall be monitored and

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housed in an area to minimize the risk to their safety. However, incarcerated persons at high risk for sexual victimization shall not be placed in involuntary protective custody unless an assessment of all available alternatives has been made and it has been determined that there is no available alternative means of separation from likely abusers (28 CFR 115.43; 28 CFR 115.68).

Housing and program assignments of a transgender or an intersex incarcerated person shall include individualized consideration for the incarcerated person's health and safety and any related supervisory, management, or facility security concerns (15 CCR 1050). A transgender or an intersex incarcerated person's views with respect to their own safety shall be given serious consideration.

Lesbian, gay, bisexual, transgender, or intersex incarcerated persons shall not be placed in dedicated facilities, units, or wings solely on the basis of such identification or status, unless such placement is pursuant to a consent decree, legal settlement, or legal judgment (28 CFR 115.42).

508.12 STAFF TRAINING IN CLASSIFICATION

Classification unit staff should receive training specific to incarcerated person classification before being assigned primary classification duties. Individuals not specifically trained in classification may work in classification provided that they are under the immediate supervision of a trained and qualified staff member.

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Conducted Energy Device

509.1 PURPOSE AND SCOPE

This policy provides guidelines for the issuance and use of the conducted energy device (CED).

509.2 POLICY

The CED is used in an attempt to control a violent or potentially violent individual. The appropriate use of such a device may result in fewer serious injuries to members and suspects.

509.3 ISSUANCE AND CARRYING CEDS

Only authorized members who have successfully completed department-approved training may be issued and may carry the CED.

The Rangemaster should keep a log of issued CEDs and the serial numbers of cartridges/magazines issued to members.

CEDs are issued for use during a member's current assignment. Those leaving a particular assignment may be required to return the device to the department inventory.

Members shall only use the CED and cartridges/magazines that have been issued by the Department. Cartridges/magazines should not be used after the manufacturer's expiration date.

Uniformed members who have been issued the CED shall wear the device in an approved holster.

Correctional officers who carry the CED while in uniform shall carry it in a holster on the side opposite the duty weapon (Penal Code § 13660).

(a) The CED shall be maintained in a secure storage location (see the Management of Weapons and Control Devices Policy).

(b) Each CED shall be clearly and uniquely numbered.

(c) Members shall sign out their CED at the beginning of their shift and sign in their CED upon finishing the shift unless a member is authorized by the Sheriff or the authorized designee to maintain possession of the CED.

(d) At the beginning of each shift, the oncoming Watch Commander shall inventory all CEDs.

(e) For single-shot devices, whenever practicable, members should carry an additional cartridge on their person when carrying the CED.

(f) Correctional officers should not hold both a firearm and the CED at the same time.

(g) All CEDs shall be clearly distinguishable to differentiate them from the duty weapons and any other device.

Non-uniformed members may secure the CED in a concealed, secure location in the driver's compartment of their vehicles.

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509.3.1 USER RESPONSIBILITIES

Members shall be responsible for ensuring that the issued CED is properly maintained and in good working order. This includes a function test and battery life monitoring, as required by the manufacturer, and should be completed prior to the beginning of the member's shift.

CEDs that are damaged or inoperative, or cartridges/magazines that are expired or damaged, shall be returned to the Rangemaster for disposition. Members shall submit documentation stating the reason for the return and how the CED or cartridge/magazine was damaged or became inoperative, if known.

509.4 VERBAL AND VISUAL WARNINGS

A verbal warning of the intended use of the CED should precede its application, unless it would endanger the safety of members or when it is not practicable due to the circumstances. The purpose of the warning is to:

(a) Provide the individual with a reasonable opportunity to voluntarily comply.

(b) Provide other members and individuals with a warning that the CED may be deployed.

If, after a verbal warning, an individual fails to voluntarily comply with a member's lawful orders and it appears both reasonable and feasible under the circumstances, the member may, but is not required to, activate any warning on the device, which may include display of the electrical arc, an audible warning, or the laser, in a further attempt to gain compliance before application of the CED. The laser should not be intentionally directed into anyone's eyes.

The fact that a verbal or other warning was given or the reasons it was not given shall be documented by the member deploying the CED in the related report.

509.5 USE OF THE CED

The CED has limitations and restrictions requiring consideration before its use. The CED should only be used when its operator can safely deploy the device within its operational range. Although the CED may be effective in controlling most individuals, members should be aware that the device may not achieve the intended results and be prepared with other options.

If sufficient personnel are available and can be safely assigned, a member designated as cover for any member deploying a CED may be considered for member safety, as applicable.

509.5.1 APPLICATION OF THE CED

The CED may be used when circumstances reasonably perceived by the member at the time indicate that such application reasonably appears necessary to control a person who:

(a) Is violent or is physically resisting.

(b) Has demonstrated by words or action an intention to be violent or to physically resist and reasonably appears to present the potential to harm members, themselves, or others.

Mere flight from a pursuing member, without additional circumstances or factors, is not good cause for the use of the CED to apprehend an individual.

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The CED shall not be used to psychologically torment, elicit statements, or punish any individual.

509.5.2 SPECIAL DEPLOYMENT CONSIDERATIONS

The use of the CED on certain individuals should generally be avoided unless the totality of the circumstances indicates that other available options reasonably appear ineffective or would present a greater danger to the member, the subject, or others, and the member reasonably believes that the need to control the individual outweighs the potential risk of using the device. This includes:

(a) Elderly individuals or obvious juveniles.

(b) Individuals with obviously low body mass.

(c) Individuals who are handcuffed or otherwise restrained.

(d) Individuals known to have been recently sprayed with a flammable chemical agent or who are otherwise known to be in proximity to any known combustible vapor or flammable material, including alcohol-based oleoresin capsicum (OC) spray.

(e) Individuals whose position or activity is likely to result in collateral injury (e.g., falls from height, located in water).

Any CED capable of being applied in the drive-stun mode (i.e., direct contact without probes as a primary form of pain compliance) should be limited to supplementing the probe mode to complete the circuit, or as a distraction technique to gain separation between members and the subject, thereby giving members time and distance to consider other force options or actions.

509.5.3 PREGNANT INCARCERATED PERSONS

Application of the CEW shall not be used on a pregnant incarcerated person (Penal Code § 4023.8).

509.5.4 TARGETING CONSIDERATIONS

Recognizing that the dynamics of a situation and movement of the subject may affect target placement of probes, when practicable, members should attempt to target the back, lower center mass, and upper legs of the subject, and avoid intentionally targeting the head, neck, area of the heart, or genitals. If circumstances result in one or more probes inadvertently striking an area outside of the preferred target zones, the individual should be closely monitored until examined by paramedics or a qualified health care professional.

509.5.5 MULTIPLE APPLICATIONS OF THE CED

Once a member has successfully deployed two probes on the subject, the member should continually assess the subject to determine if additional probe deployments or cycles reasonably appear necessary. Additional factors members may consider include but are not limited to:

(a) Whether it is reasonable to believe that the need to control the individual outweighs the potentially increased risk posed by multiple applications.

(b) Whether the probes are making proper contact.

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(c) Whether the individual has the ability and has been given a reasonable opportunity to comply.

(d) Whether verbal commands or other options or tactics may be more effective.

Given that on certain devices (e.g., TASER 10™) each trigger pull deploys a single probe, the member must pull the trigger twice to deploy two probes to create the possibility of neuro-muscular incapacitation.

509.5.6 ACTIONS FOLLOWING DEPLOYMENTS

Members should take appropriate actions to control and restrain the individual as soon as reasonably practicable to minimize the need for longer or multiple exposures to the CED. As soon as practicable, members shall notify a supervisor any time the CED has been discharged in compliance with the Use of Force Policy. If needed for evidentiary purposes, the expended cartridge, along with any probes and wire, should be submitted into evidence (including confetti tags, when equipped on the device). The evidence packaging should be marked "Biohazard" if the probes penetrated the subject's skin.

509.5.7 DANGEROUS ANIMALS

The CED may be deployed against an animal if the animal reasonably appears to pose an imminent threat to human safety.

509.5.8 OFF-DUTY CONSIDERATIONS

Members are not authorized to carry department CEDs while off-duty.

Members shall ensure that CEDs are secured while in their homes, vehicles, or any other area under their control, in a manner that will keep the device inaccessible to others.

509.6 MEDICAL TREATMENT

Consistent with local medical personnel protocols and absent extenuating circumstances, only qualified health care professionals or members trained in probe removal and handling should remove CED probes from a person's body. Used CED probes shall be treated as a sharps biohazard, similar to a used hypodermic needle, and handled appropriately. Universal precautions should be taken.

All persons who have been struck by CED probes, who have been subjected to the electric discharge of the device, or who sustained direct exposure of the laser to the eyes shall be medically assessed prior to continued processing or returning to housing. Additionally, any such individual who falls under any of the following categories should, as soon as practicable, be examined by paramedics or a qualified health care professional:

(a) The person is suspected of being under the influence of controlled substances and/or alcohol.

(b) The person may be pregnant.

(c) The person reasonably appears to be in need of medical attention.

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(d) The CED probes are lodged in a sensitive area (e.g., groin, area of the heart, head, face, neck).

(e) The person requests medical treatment.

Any individual exhibiting signs of distress or who is exposed to multiple or prolonged applications shall be transported to a medical facility for examination or promptly examined by paramedics or a qualified health care professional. If any individual refuses medical attention, such a refusal should be witnessed by another member and/or medical personnel and shall be fully documented in related reports. If an audio/video recording is made of the contact or an interview with the individual, any refusal should be included, if possible.

The transporting member shall inform any person providing medical care or receiving custody that the individual has been subjected to the application of the CED (see the Access to Health Care and the Non-Emergency Health Care policies).

509.7 TRAINING

Personnel who are authorized to carry the CED shall be permitted to do so only after successfully completing the initial department-approved training. Any personnel who have not carried the CED as a part of their assignment for a period of six months or more shall be recertified by a qualified CED instructor prior to again carrying or using the device.

Proficiency training for personnel who have been issued CEDs should occur every year. A reassessment of member's knowledge and/or practical skills may be required at any time if deemed appropriate by the Training Manager. All training and proficiency for CEDs will be documented in the member's training files.

Command staff, supervisors, and investigators should receive CED training as appropriate for the investigations they conduct and review.

Members who do not carry CEDs should receive training that is sufficient to familiarize them with the device and with working with members who use the device.

The Training Manager is responsible for ensuring that all members who carry CEDs have received initial and annual proficiency training. Periodic audits should be used for verification.

Application of CEDs during training could result in injuries and should not be mandatory for certification.

The Training Manager should include the following training:

(a) A review of this policy.

(b) A review of the Use of Force Policy.

(c) Performing weak-hand draws or cross-draws until proficient to reduce the possibility of unintentionally drawing and firing a firearm.

(d) Target area considerations, to include techniques or options to reduce the unintentional application of probes to the head, neck, area of the heart, and groin.

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(e) Scenario-based training, including virtual reality training when available.

(f) Handcuffing a subject during the application of the CED and transitioning to other force options.

(g) De-escalation techniques.

(h) Restraint techniques that do not impair respiration following the application of the CED.

(i) Proper use of cover and concealment during deployment of the CED for purposes of member safety.

(j) Proper tactics and techniques related to multiple applications of CEDs.

509.8 DOCUMENTATION

Members shall document all CED discharges in the related incident reports in compliance with the department Use of Force Policy and in the CED report forms. Photographs should be taken of any obvious probe impact or drive-stun application sites and attached to the CED report form. Unintentional discharges, pointing the device at a person, audible warning, laser activation, and arcing the device, other than for testing purposes, will also be documented on the report form. Data downloads from the CED after use on a subject should be done as soon as practicable using an department-approved process to preserve the data.

509.8.1 REPORTS

The member should include the following in the incident report:

(a) Identification of all personnel firing CEDs

(b) Identification of all witnesses

(c) Medical care provided to the subject

(d) Observations of the subject's physical and physiological actions

(e) Any known or suspected drug use, intoxication, or other medical problems

509.8.2 CED REPORT FORM

As applicable based on the device type, items that shall be included in the CED report form are:

(a) The brand, model, and serial number of the CED and any cartridge/magazine.

(b) Date, time, and location of the incident.

(c) Whether any warning, display, laser, or arc deterred a subject and gained compliance.

(d) The number of probes deployed, CED activations, the duration of each cycle, the duration between activations, and (as best as can be determined) the duration that the subject received applications.

(e) The range at which the CED was used.

(f) The type of mode used (e.g., probe deployment, drive-stun).

(g) Location of any probe impact.

(h) Location of contact in drive-stun mode.

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(i) Description of where missed probes went.

(j) Whether medical care was provided to the subject.

(k) Whether the subject sustained any injuries.

(l) Whether any members sustained any injuries.

The Training Manager should periodically analyze the report forms to identify trends, including deterrence and effectiveness. The Training Manager should also conduct audits of CED data downloaded to an approved location and reconcile CED report forms with recorded activations. CED information and statistics, with identifying information removed, should periodically be made available to the public.

509.9 SUPERVISOR RESPONSIBILITIES

When possible, supervisors should respond to calls when they reasonably believe there is a likelihood the CED may be used. A supervisor should respond to all incidents where the CED was activated.

A supervisor should review each incident where a person has been exposed to a CED. The device's internal logs should be downloaded by a supervisor or Rangemaster and saved with the related incident report. The supervisor should arrange for photographs of probe sites to be taken and witnesses to be interviewed.

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Control of Incarcerated Person Movement

510.1 PURPOSE AND SCOPE

The purpose of this policy is to establish a process for the safe and secure movement of incarcerated persons between areas within the facility and transportation from the facility to court, medical appointments, or other jurisdictions (15 CCR 1029(a)(6)).

510.2 POLICY

The staff should be vigilant in the control and movement of incarcerated persons between areas within the facility and when transporting persons outside the secure confines of the facility. Control may be by direct or indirect visual observation. All staff should consider all incarcerated person movement as high-risk activity. The staff should be aware of their surroundings at all times and take necessary steps to prevent the possession and exchange of contraband.

510.3 CONTROL OF MOVEMENT

Staff shall not allow incarcerated persons to leave their assigned housing area unless they have approved activities that may include but are not limited to the following:

(a) Court

(b) Transportation to another facility

(c) Receiving a visit

(d) Law enforcement interview or to participate in a lineup

(e) Reporting for work

(f) Receiving dental or medical care

(g) Attending educational classes or religious services

(h) Release

(i) Facility Emergency

(j) Any other reason deemed appropriate by staff

510.4 MOVEMENT OF INCARCERATED PERSONS

Movement of one or more incarcerated persons in the facility should be done in an orderly manner with incarcerated persons walking in a single-file line. Staff members should have situational awareness during the movement of incarcerated persons and should consider the design of the facility, areas of poor visibility, and the presence of other persons being moved. The staff should avoid areas where incarcerated persons may have access to contraband items.

510.5 MOVEMENT OF SPECIAL MANAGEMENT INCARCERATED PERSONS

Incarcerated persons should be restrained during movement based upon individual security classification, with higher risk persons in designated restraint devices with handcuffs and leg irons. An exception to this procedure is when an incarcerated person has a physical disability where

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restraint devices may cause serious injury. Pregnant incarcerated persons shall be moved in accordance with the Use of Restraints Policy.

Whenever a high-security incarcerated person is not able to be restrained, the staff should compensate by utilizing wheelchairs and should secure the incarcerated person to the chair. It may also be necessary to increase the number of staff present to ensure the safe movement of high-security incarcerated persons.

The staff should be watchful in and around passageways and ensure that sallyport doors are secured to prevent escape.

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Use of Force

511.1 PURPOSE AND SCOPE

This policy provides guidelines on the reasonable use of force. While there is no way to specify the exact amount or type of reasonable force to be applied in any situation, every member of this department is expected to use these guidelines to make such decisions in a professional, impartial, and reasonable manner (Government Code § 7286; 15 CCR 1029(a)(3)).

In addition to those methods, techniques, and tools set forth below, the guidelines for the reasonable application of force contained in this policy shall apply to all policies addressing the potential use of force, including but not limited to the Conducted Energy Device, Use of Restraints, and Electronic Restraints policies.

Retaliation prohibitions for reporting suspected violations are addressed in the Anti-Retaliation Policy.

511.1.1 DEFINITIONS

Definitions related to this policy include:

Deadly force - Any use of force that creates a substantial risk of causing death or serious bodily injury, including but not limited to the discharge of a firearm (Penal Code § 835a).

Feasible - Reasonably capable of being done or carried out under the circumstances to successfully achieve the arrest or lawful objective without increasing risk to the correctional officer or another person (Government Code § 7286(a)).

Force - The application of physical techniques or tactics, chemical agents, or weapons to another person. It is not a use of force when individuals allow themselves to be searched, escorted, handcuffed, or restrained.

Force team technique - The force team technique ordinarily involves trained members clothed in protective gear who enter the incarcerated person's area in tandem, each with a specific task, to achieve immediate control of the incarcerated person.

Serious bodily injury - A serious impairment of physical condition, including but not limited to the following: loss of consciousness; concussion; bone fracture; protracted loss or impairment of function of any bodily member or organ; a wound requiring extensive suturing; and serious disfigurement (Penal Code § 243(f)(4)).

Totality of the circumstances - All facts known to the correctional officer at the time, including the conduct of the correctional officer and the individual leading up to the use of force (Penal Code § 835a).

511.2 POLICY

The use of force is a matter of critical concern, both to the public and to the public safety community. Members are involved on a daily basis in numerous and varied interactions and, when warranted, may use reasonable force in carrying out their duties.

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Members must have an understanding of, and true appreciation for, their authority and limitations. This is especially true with respect to overcoming resistance while engaged in the performance of public safety duties.

The Imperial County Sheriff's Office recognizes and respects the value of all human life and dignity without prejudice to anyone. Vesting members with the authority to use reasonable force and to protect the public welfare requires monitoring, evaluation, and a careful balancing of all interests.

511.2.1 FAIR AND UNBIASED USE OF FORCE

Correctional officers are expected to carry out their duties, including the use of force, in a manner that is fair and unbiased (Government Code § 7286(b)).

511.3 USE OF FORCE

Authorized members shall use only that amount of force that reasonably appears necessary given the facts and totality of the circumstances known to or perceived by the member at the time of the event to accomplish a legitimate government purpose such as to gain control of the individual; protect and ensure the safety of incarcerated persons, members, and others; prevent serious property damage; prevent escape; obtain compliance with facility rules and member orders; or to ensure the institution's security and good order (Penal Code § 835a).

The reasonableness of force will be judged from the perspective of a reasonable member on the scene at the time of the incident. Any evaluation of reasonableness must allow for the fact that members are often forced to make split-second decisions about the amount of force that reasonably appears necessary in a particular situation, with limited information and in circumstances that are tense, uncertain, and rapidly evolving.

Given that no policy can realistically predict every possible situation a member might encounter, members are entrusted to use well-reasoned discretion in determining the appropriate use of force in each incident. Members may only use a level of force that they reasonably believe is proportional to the seriousness of the suspected offense or the reasonably perceived level of actual or threatened resistance (Government Code § 7286(b)).

It is also recognized that circumstances may arise in which members reasonably believe that it would be impractical or ineffective to use any of the approved or authorized tools, weapons, or methods provided by this department. Members may find it more effective or reasonable to improvise their response to rapidly unfolding conditions that they are confronting. In such circumstances, the use of any improvised device or method must nonetheless be objectively reasonable and utilized only to the degree that reasonably appears necessary to accomplish a legitimate government purpose.

While the ultimate objective of every encounter is to avoid or minimize injury, nothing in this policy requires a member to retreat or be exposed to possible physical injury before applying reasonable force.

Force shall never be used as punishment.

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511.3.1 ALTERNATIVE TACTICS - DE-ESCALATION

As time and circumstances reasonably permit, and when community and correctional officer safety would not be compromised, correctional officers should consider actions that may increase correctional officer safety and may decrease the need for using force:

(a) Summoning additional resources that are able to respond in a reasonably timely manner.

(b) Formulating a plan with responding correctional officers before entering an unstable situation that does not reasonably appear to require immediate intervention.

(c) Employing other tactics that do not unreasonably increase correctional officer jeopardy.

In addition, when reasonable and feasible, correctional officers shall evaluate the totality of circumstances presented at the time in each situation and, when reasonable and feasible, shall determine and utilize reasonably available de-escalation techniques, crisis intervention tactics, and other alternatives, if any, that may persuade an individual to voluntarily comply or may mitigate the need to use a higher level of force to resolve the situation before applying force (Government Code § 7286(b)).

511.3.2 FACTORS USED TO DETERMINE THE REASONABLENESS OF FORCE

When determining whether to apply force and evaluating whether a member has used reasonable force, a number of factors should be taken into consideration, as time and circumstances permit (Government Code § 7286(b)). These factors include but are not limited to:

(a) The apparent immediacy and severity of the threat to members or others (Penal Code § 835a).

(b) The conduct of the individual being confronted, as reasonably perceived by the member at the time (Penal Code § 835a).

(c) Member/individual factors (e.g., age, size, relative strength, skill level, injuries sustained, level of exhaustion or fatigue, the number of members available vs. individuals).

(d) The conduct of the involved member leading up to the use of force (Penal Code § 835a).

(e) The effects of suspected drug or alcohol use.

(f) The individual's apparent mental state or capacity (Penal Code § 835a).

(g) The individual's apparent ability to understand and comply with correctional officer commands (Penal Code § 835a).

(h) The proximity of weapons or dangerous improvised devices.

(i) The degree to which the individual has been effectively restrained and the individual's ability to resist despite being restrained.

(j) The availability of other reasonable and feasible options and their possible effectiveness (Penal Code § 835a).

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(k) The seriousness of the suspected offense or reason for contact with the individual prior to and at the time force is used.

(l) The training and experience of the member.

(m) The potential for injury to members, incarcerated persons, bystanders, and others.

(n) Whether the individual appears to be resisting, attempting to evade arrest by flight, or is attacking the member.

(o) The risk and reasonably foreseeable consequences of escape.

(p) The apparent need for immediate control of the individual or a prompt resolution of the situation to maintain or restore order.

(q) Whether the conduct of the individual being confronted no longer reasonably appears to pose an imminent threat to the member or others.

(r) Prior contacts with the individual or awareness of any propensity for violence.

(s) Any other exigent circumstances.

511.3.3 DUTY TO INTERCEDE

Any correctional officer present and observing another law enforcement officer or member using force that is clearly beyond that which is necessary, as determined by an objectively reasonable correctional officer under the circumstances, shall, when in a position to do so, intercede (as defined by Government Code § 7286) to prevent the use of unreasonable force.

When observing or reporting force used by a law enforcement officer, each correctional officer should take into account the totality of the circumstances and the possibility that other law enforcement officers may have additional information regarding the threat posed by the subject (Government Code § 7286(b)).

511.3.4 FAILURE TO INTERCEDE

A correctional officer who has received the required training on the duty to intercede and then fails to act to intercede when required by law may be disciplined in the same manner as the correctional officer who used force beyond that which is necessary (Government Code § 7286(b)).

511.3.5 NOTIFICATION TO SUPERVISORS REGARDING USE OF FORCE

Any use of force by a correctional officer shall be reported immediately to a supervisor (Penal Code § 832.13).

As used in this section, “immediately” means as soon as it is safe and feasible to do so.

511.3.6 DUTY TO REPORT EXCESSIVE FORCE

Any correctional officer who observes a law enforcement officer or a member use force that potentially exceeds what the correctional officer reasonably believes to be necessary shall immediately report these observations to a supervisor (Government Code § 7286(b)).

As used in this section, “immediately” means as soon as it is safe and feasible to do so.

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511.3.7 PAIN COMPLIANCE TECHNIQUES

Pain compliance techniques may be effective in controlling a physically or actively resisting individual. Members may only apply those pain compliance techniques for which they have successfully completed department-approved training. Members utilizing any pain compliance technique should consider:

(a) The degree to which the application of the technique may be controlled given the level of resistance.

(b) Whether the individual can comply with the direction or orders of the member.

(c) Whether the individual has been given sufficient opportunity to comply.

The application of any pain compliance technique shall be discontinued once the member determines that compliance has been achieved.

511.3.8 USE OF SPIT HOOD

A spit hood, also known as a spit mask or spit sock is a loose fabric hood designed to be placed over an individual's head to restrict their ability to spit. A spit hood should only be applied on an individual that demonstrates behavior consistent with an individual that is going to spit at or on staff. The use of a spit hood is considered a use of force by itself and should be documented appropriately when used.

511.3.9 RESTRICTIONS ON THE USE OF A CAROTID CONTROL HOLD

Correctional officers of this department are not authorized to use a carotid restraint hold. A carotid restraint means a vascular neck restraint or any similar restraint, hold, or other defensive tactic in which pressure is applied to the sides of a person's neck that involves a substantial risk of restricting blood flow and may render the person unconscious in order to subdue or control the person (Government Code § 7286.5; 15 CCR 1029).

511.3.10 RESTRICTIONS ON THE USE OF A CHOKE HOLD

Correctional officers of this department are not authorized to use a choke hold. A choke hold means any defensive tactic or force option in which direct pressure is applied to a person's trachea or windpipe (Government Code § 7286.5; 15 CCR 1029).

511.3.11 ADDITIONAL RESTRICTIONS

Terms such as "positional asphyxia," "restraint asphyxia," and "excited delirium" continue to remain the subject of debate among experts and medical professionals, are not universally recognized medical conditions, and frequently involve other collateral or controlling factors such as narcotics or alcohol influence, or preexisting medical conditions. While it is impractical to restrict a correctional officer's use of reasonable control methods when attempting to restrain a combative individual, correctional officers are not authorized to use any restraint or transportation method which might unreasonably impair an individual's breathing or respiratory capacity for a period beyond the point when the individual has been adequately and safely controlled. Once the individual is safely secured, correctional officers should promptly check and continuously monitor the individual's condition for signs of medical distress (Government Code § 7286.5).

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511.3.12 USE OF FORCE TO SEIZE EVIDENCE

In general, members may use reasonable force to lawfully seize evidence and to prevent the destruction of evidence. However, members are discouraged from using force solely to prevent a person from swallowing evidence or contraband. In the instance when force is used, members should not intentionally use any technique that restricts blood flow to the head, restricts respiration, or creates a reasonable likelihood that blood flow to the head or respiration would be restricted. Members are encouraged to use techniques and methods taught by the Imperial County Sheriff's Office for this specific purpose.

511.3.13 MEDICAL CONSIDERATION

Once it is reasonably safe to do so, properly trained members should promptly provide or procure medical assistance for any individual injured or claiming to have been injured in a use of force incident (Government Code § 7286(b)).

511.4 USE OF OTHER WEAPONS, TOOLS, AND CHEMICAL AGENTS ON INCARCERATED PERSONS

511.4.1 NOISE/FLASH DISTRACTION DEVICES

Noise/flash distraction devices, sting grenades, chemical grenades, and similar devices shall be used only at the direction of a supervisor and only by members who have been trained in and are qualified for the use of the devices.

511.4.2 ELECTRONIC CONTROL DEVICES

The use of the conducted energy device (CED) shall be in accordance with the department's Conducted Energy Device Policy.

The use of other electronic devices, such as stun cuffs, stun vests, and stun belts, shall be in accordance with the department's Electronic Restraints Policy.

511.4.3 CHEMICAL AGENTS

Chemical agents shall only be used in the facility as authorized by the Jail Administrator or the authorized designee and in accordance with the department's Chemical Agents Training Policy. Oleoresin capsicum (OC) spray should not be used in the medical unit or other designated areas where incarcerated persons are assigned to respiratory isolation or on any incarcerated person who is under control with or without restraints.

Incarcerated persons who have been affected by the use of chemical agents shall be promptly provided with the proper solution to decontaminate the affected areas.

If the incarcerated person refuses to decontaminate, such a refusal shall be documented. If an incarcerated person has been exposed in a cell and not removed from the cell where the exposure occurred, in-cell decontamination shall be afforded to the incarcerated person, including:

(a) Health-trained custody member advising the incarcerated person how to decontaminate in the cell.

(b) Clean clothing if the incarcerated person's clothing was contaminated.

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(c) Monitoring of the in-cell incarcerated person at least every 15 minutes on an irregular schedule, for a period of not less than 45 minutes, by a health-trained custody member.

511.4.4 CHEMICAL AGENTS AND PREGNANT INCARCERATED PERSONS

Pregnant incarcerated persons shall not be pepper sprayed or exposed to other chemical weapons (Penal Code § 4023.8).

511.4.5 PROJECTILE CHEMICAL AGENTS

Pepper projectile systems are plastic spheres filled with a derivative of OC powder. A compressed gas launcher delivers the projectiles with enough force to burst the projectiles on impact, releasing the OC powder. The potential exists for the projectiles to inflict injury if they strike the head, neck, spine, or groin. Therefore, members deploying the pepper projectile system should not intentionally target those areas except when the member reasonably believes the incarcerated person may cause serious bodily injury or death to the member or others. The use of the pepper projectile system is subject to the following requirements:

(a) Department-approved projectile chemical agents may only be used by members who have received department-authorized training in their use.

(b) Members encountering a situation that requires the use of the pepper projectile system shall notify a supervisor as soon as practicable. The supervisor shall respond to all such deployments. The supervisor shall ensure that all notifications and reports are completed as required by this policy.

Each deployment of a pepper projectile system shall be documented and, if reasonably practicable, recorded on video. This includes situations where the launcher was directed toward the incarcerated person, regardless of whether the launcher was used. Only non-incident deployments are exempt from the reporting requirement (e.g., training, product demonstrations).

511.4.6 IMPACT WEAPONS

The need to immediately incapacitate the incarcerated person must be weighed against the risk of causing serious injury or death. The head and neck should not be intentionally targeted with an impact weapon, except when the member reasonably believes the incarcerated person may cause serious bodily injury or death to the member or others.

511.4.7 KINETIC ENERGY PROJECTILES

Kinetic energy projectiles, when used properly, are less likely to result in death or serious physical injury and can be used by a trained and qualified member in an attempt to de-escalate a potentially deadly situation.

511.5 IMMEDIATE AND CALCULATED USE OF FORCE

An immediate use of force occurs when force is used to respond without delay to a situation or circumstance that constitutes an imminent threat to security or safety. For example, the immediate or unplanned use of force by a member may be necessary to stop an incarcerated person from inflicting self-injury or to stop an assault on any other person, including other incarcerated persons. The destruction of government property may require the immediate use of force by a member in

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some circumstances. A verbal warning should be given before an immediate use of force unless the circumstances preclude it.

If there is no need for immediate action, members should attempt to resolve the situation through voluntary compliance or, if it reasonably appears necessary, the calculated use of force. A calculated use of force is called for when an incarcerated person's presence or conduct poses a threat to safety or security and the incarcerated person is located in an area that can be controlled or isolated, or when time and circumstances permit advance planning, staffing, and organization.

The assistance of available non-custodial members (e.g., psychologists, counselors) should be considered when attempting to resolve a situation without confrontation.

A supervisor shall be present in any situation involving the calculated use of force. The supervisor shall notify the Jail Administrator or the authorized designee for approval and consultation prior to any calculated use of force action.

511.5.1 CONFRONTATION AVOIDANCE PROCEDURES

Prior to any calculated use of force, the supervisor shall confer with the appropriate persons to gather pertinent information about the incarcerated person and the immediate situation. Based on the supervisor's assessment of the available information, the supervisor should direct the members to attempt to obtain the incarcerated person's voluntary cooperation and consider other available options before determining whether force is necessary.

The supervisor should consider including the following persons and resources in the process:

(a) Mental health specialist

(b) Qualified health care professional

(c) Chaplain

(d) Department Records Division

(e) Any other relevant resources

Regardless of whether discussions with any of the above resources are accomplished by telephone or in person, the purpose is to gather information to assist in developing a plan of action, such as the incarcerated person's medical/mental history (e.g., asthma or other breathing-related illness, hypoglycemia, diabetes), any recent incident reports or situations that may be contributing to the incarcerated person's present condition (e.g., pending criminal prosecution or sentencing, recent death of a loved one, divorce). The assessment should include discussions with members who are familiar with the incarcerated person's background or present status. This may provide insight into the cause of the person's immediate agitation. It also may identify other members who have a rapport with the incarcerated person and could possibly resolve the incident peacefully, without the use of force.

If force is determined to be necessary and other means of gaining control of an incarcerated person are deemed inappropriate or ineffective, then the force team technique should be used to control the person and to apply restraints, if required.

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Consideration should also be given to preventing exposure to communicable diseases in calculated use of force situations, and to ensuring that medical services personnel are available.

511.6 REPORTING THE USE OF FORCE

Every member use of force is an incident that shall be reported on the appropriate report form.

The documentation will reflect the actions and responses of each member participating in the incident, as witnessed by the reporting member.

The report should include:

(a) A clear, detailed description of the incident, including any application of weapons or restraints.

(b) The identity of all individuals involved in the incident (e.g., incarcerated persons, members, others).

(c) The member should articulate the factors perceived and why the member believed the use of force was reasonable under the circumstances.

(d) Efforts made to temper the severity of a forceful response, and if there were none, the reasons why.

(e) Description of any injuries to anyone involved in the incident, including the result of any medical checks that show the presence or absence of injury.

Any member directly observing the incident shall make a verbal report to a supervisor as soon as practicable and include as much of the aforementioned information as is known by the member.

Members shall submit the appropriate documentation prior to going off-duty, unless directed otherwise by a supervisor.

A video recording is required for all calculated use of force incidents and should include the introduction of all members participating in the process. The recording and documentation will be part of the investigation package. The supervisor should ensure the recording is properly processed for retention and a copy is forwarded with the report to the Jail Administrator within three working days.

The supervisor responsible for gathering the reports may allow a reasonable delay in preparation of a report in consideration of the immediate psychological and/or physical condition of the involved member.

The Watch Commander shall promptly notify the Jail Administrator of any incident involving a member employing deadly force, or any incident where a death or serious bodily injury may have been caused by a member.

511.6.1 REPORTING TO CALIFORNIA DEPARTMENT OF JUSTICE

Statistical data regarding all officer-involved shootings and incidents involving use of force resulting in serious bodily injury is to be reported to the California Department of Justice as required by Government Code § 12525.2.

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511.6.2 REPORT RESTRICTIONS

Correctional officers shall not use the term "excited delirium" to describe an individual in an incident report. Correctional officers may describe the characteristics of an individual's conduct, but shall not generally describe the individual's demeanor, conduct, or physical and mental condition at issue as excited delirium (Health and Safety Code § 24402).

511.7 SUPERVISOR RESPONSIBILITIES

A supervisor should respond to a reported application of force resulting in visible injury, if reasonably available. When a supervisor is able to respond to an incident in which there has been a reported use of force, the supervisor is expected to (Government Code § 7286(b)):

(a) Ensure a crime scene is established to preserve and protect evidence, if appropriate.

(b) Ensure that the chain of command is notified and that all necessary health and safety and security measures are initiated.

(c) Obtain the basic facts from the involved members. Absent an allegation of misconduct or excessive force, this will be considered a routine contact in the normal course of duties.

(d) Ensure that the appropriate investigation authority is notified, if appropriate.

(e) Ensure that any parties involved in a use of force situation are examined by medical staff, regardless of whether any injuries are reported or detectable, and afforded medical treatment as appropriate.

(f) When possible, separately obtain a recorded interview with all individuals upon whom force was used. If this interview is conducted without the person having voluntarily waived the individual's *Miranda* rights, the following should apply:

1. The content of the interview should not be summarized or included in any related criminal charges.
2. The fact that a recorded interview was conducted should be documented in a property or other report.
3. The recording of the interview should be distinctly marked for retention until all potential for civil litigation has expired.

(g) Once any initial medical assessment has been completed or first aid has been rendered, ensure that photographs have been taken of any areas involving visible injury or complaint of pain, as well as overall photographs of uninjured areas.

1. These photographs should be retained until all potential for civil litigation has expired.

(h) Identify any witnesses not already included in related reports.

(i) Review and approve all related reports.

(j) Determine if there is any indication that the individual may pursue civil litigation.

1. If there is an indication of potential civil litigation, the supervisor should complete and route a notification of a potential claim through the appropriate channels.

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(k) Evaluate the circumstances surrounding the incident and initiate an administrative investigation if there is a question of policy noncompliance or if for any reason further investigation may be appropriate.

In the event that a supervisor is unable to respond to the scene of an incident involving a reported application of force, the supervisor is still expected to complete as many of the above items as circumstances permit.

511.8 USE OF DEADLY FORCE

Where feasible, correctional officers shall, prior to the use of deadly force, make reasonable efforts to identify themselves as a correctional officer and to warn that deadly force may be used, unless a correctional officer has objectively reasonable grounds to believe the person is aware of those facts (Penal Code 835a).

If an objectively reasonable correctional officer would consider it safe and feasible to do so under the totality of the circumstances, correctional officers shall evaluate and use other reasonably available resources and techniques when determining whether to use deadly force. To the extent that it is reasonably practical, correctional officers should consider their surroundings and any potential risks to bystanders prior to discharging a firearm (Government Code § 7286(b)).

The use of deadly force is only justified when the correctional officer reasonably believes it is necessary in the following circumstances (Penal Code § 835a):

(a) A correctional officer may use deadly force for self-protection or to protect others from what the correctional officer reasonably believes is an imminent threat of death or serious bodily injury to the correctional officer or another person.

(b) A correctional officer may use deadly force to stop an escaping incarcerated person, or stop a fleeing individual, when the correctional officer has probable cause to believe that the individual has committed, or intends to commit, a felony involving the infliction or threatened infliction of serious bodily injury or death, and the correctional officer reasonably believes that there is an imminent or future potential risk of serious bodily injury or death to any other person if the individual is not immediately apprehended.

Correctional officers shall not use deadly force against an incarcerated person based on the danger that person poses to themself, if an objectively reasonable correctional officer would believe the incarcerated person does not pose an imminent threat of death or serious bodily injury to the correctional officer or to another person (Penal Code § 835a).

An "imminent" threat of death or serious bodily injury exists when, based on the totality of the circumstances, a reasonable correctional officer in the same situation would believe that an incarcerated person has the present ability, opportunity, and apparent intent to immediately cause death or serious bodily injury to the correctional officer or another person. A correctional officer's subjective fear of future harm alone is insufficient as an imminent threat. An imminent threat is one that from appearances is reasonably believed to require instant attention (Penal Code § 835a).

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511.9 USE OF FORCE REVIEW

The Facility Commander shall review all related reports of use of force incidents occurring within their facility. The review is to determine whether the use of force was in compliance with policy, procedure, and applicable law, and to determine if follow-up action or investigation is necessary. The Facility Commander should also ensure that a review packet containing a copy of all pertinent reports and materials is prepared and forwarded to the Use of Force Review Committee.

511.9.1 USE OF FORCE REVIEW COMMITTEE

The review committee shall meet and review all use of force cases within 30 days of the incident. It is the responsibility of the Facility Commander to ensure these meetings occur. The committee will comprise the following members:

(a) The Jail Administrator

(b) One supervisor assigned on a rotational basis

(c) The Training Unit

(d) One qualified health care professional

(e) A correctional officer with advanced use of force training

(f) Other members as selected by the Sheriff

The committee should render a single finding as to whether the use of force was within policy. Any recommendations for areas identified as needing training, changes in policy, or further investigation into incidents that may lead to member discipline shall be addressed in a separate memorandum to the Training Manager and/or the Administrative Investigations Unit, as appropriate.

511.10 USE OF FORCE COMPLAINTS

The receipt, processing, and investigation of public complaints involving use of force incidents should be handled in accordance with the Personnel Complaints Policy (Government Code § 7286(b)).

511.11 TRAINING

The Jail Administrator shall work with the Training Manager to ensure legal and facility training mandates are met. This training shall include the following:

(a) Use of force

(b) Weapons training

(c) Self-defense

(d) Confrontation avoidance procedures:

1. Communication techniques
2. De-escalation techniques
3. Dealing with persons with a behavioral crisis identification

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4. Application of restraints

(e) Forced cell extraction techniques

(f) Force team techniques

(g) General restraint training (soft and hard restraints)

(h) Reporting procedures

(i) Guidelines regarding vulnerable populations, including but not limited to incarcerated persons who are elderly or pregnant, and incarcerated persons with physical, mental, and developmental disabilities (Government Code § 7286(b))

(j) Training courses required by and consistent with POST guidelines set forth in Penal Code § 13519.10

The Training Manager is responsible for establishing a process to identify correctional officers who are restricted from training other correctional officers for the time period specified by law because of a sustained use of force complaint (Government Code § 7286(b)).

511.11.1 TRAINING FOR CONTROL DEVICES

The Training Manager shall ensure that all personnel who are authorized to carry a control device have been properly trained and certified to carry the specific control device and are retrained or recertified, as necessary.

(a) Proficiency training shall be monitored and documented by a certified control-device weapons or tactics instructor.

(b) All training and proficiency for control devices will be documented in the member's training file.

(c) Members who fail to demonstrate proficiency with the control device or knowledge of this policy will be restricted from carrying the control device until demonstrating proficiency. If a member cannot demonstrate proficiency with a control device or knowledge of this policy after remedial training, the member may be subject to discipline.

511.11.2 PERIODIC TRAINING

Members will receive periodic training on this policy and demonstrate their knowledge and understanding (Government Code § 7286(b)).

Supervisors should conduct and document regular periodic briefings concerning this policy and the storage and use of weapons and control devices. Any test sheets or documentation of performance should be forwarded to the Training Manager to be included in the member's training file.

511.12 POLICY REVIEW

The Sheriff or the authorized designee should regularly review and update this policy to reflect developing practices and procedures (Government Code § 7286(b)).

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511.13 POLICY AVAILABILITY

The Sheriff or the authorized designee should ensure this policy is accessible to the public (Government Code § 7286(c)).

511.14 PUBLIC RECORDS REQUESTS

Requests for public records involving a correctional officer’s personnel records shall be processed in accordance with Penal Code § 832.7 and the Personnel Records and Records and Data policies (Government Code § 7286(b)).

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Use of Restraints

512.1 PURPOSE AND SCOPE

This policy establishes guidelines for the application, supervisory oversight, and restrictions on the use of restraints on persons incarcerated in this facility.

This policy shall apply to the use of specific types of restraints, such as four/five-point restraints, restraint chairs, ambulatory restraints, and similar restraint systems, as well as all other restraints, including handcuffs, waist chains, and leg irons when such restraints are used to restrain any incarcerated person for prolonged periods.

This policy does not apply to the use of electrical restraints (see the Electronic Restraints Policy).

512.1.1 DEFINITIONS

Definitions related to this policy include:

Clinical restraints - Restraints applied when an incarcerated person's disruptive, assaultive, and/or self-injurious behavior is related to a medical or mental illness. Clinical restraints can include leather, rubber, or canvas hand and leg restraints with contact points on a specialized bed (four/five-point restraints),a portable restraint chair, the WRAP restraint system, or a similar device.

Therapeutic seclusion - Separated confinement of an agitated, vulnerable, and/or severely anxious incarcerated person with a serious mental illness as part of treatment when clinically indicated for preventive therapeutic purposes.

512.2 POLICY

It is the policy of this department that restraints shall be used only to prevent self-injury, injury to others, or property damage. Restraints may also be applied according to an incarcerated person's classification, such as maximum security, to control the behavior of a high-risk incarcerated person while the person is being moved outside the cell or housing unit.

Restraints shall never be used for retaliation or as punishment. Restraints shall not be utilized any longer than is reasonably necessary to control the incarcerated person. Restraints are to be applied only when less restrictive methods, including verbal de-escalation techniques, have been attempted and are deemed ineffective in controlling the dangerous behavior of an incarcerated person (15 CCR 1029(a)(4); 15 CCR 1058). Each incident where restraints are used shall be documented by the handling staff member and placed in the appropriate file prior to the end of the staff member's shift.

This policy does not apply to the temporary use of restraints, such as handcuffing or the use of leg irons to control an incarcerated person during movement and transportation inside or outside the facility.

512.3 USE OF RESTRAINTS - CONTROL

Supervisors shall proactively oversee the use of restraints on any incarcerated person. Whenever feasible, the use of restraints, other than routine use during transfer, shall require the approval of

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the Watch Commander prior to application. In instances where prior approval is not feasible, the Watch Commander shall be apprised of the use of restraints as soon as practicable.

Restraint devices, such as restraint chairs, shall only be used on an incarcerated person when it reasonably appears necessary to overcome resistance, prevent escape, or bring an incident under control, thereby preventing injury to the incarcerated person or others, or eliminating the possibility of property damage. Restraints shall not be utilized any longer than is reasonably necessary to achieve the above goals.

Excluding short-term use to gain immediate control, placing an incarcerated person in a restraint chair or other restraints for extended periods requires approval from the Jail Administrator or the authorized designee prior to taking action. The medical staff shall be called to observe the application of the restraints, when feasible, prior to the application or as soon as practicable after the application, and to check the incarcerated person for adequate circulation.

The use of restraints for purposes other than for the controlled movement or transportation of an incarcerated person shall be documented on appropriate logs and shall be video recorded unless exigent circumstances prevent staff from doing so. The documentation shall include, at a minimum, the type of restraint used, when it was applied, a detailed description of why the restraint was needed, the name of the person authorizing placement, names of staff involved in the placement, any injuries sustained, when the restraints were removed and the duration of placement (15 CCR 1058).

The following provisions shall be followed when utilizing restraints to control an incarcerated person (15 CCR 1058):

(a) Restraints shall not be used as punishment, placed around a person's neck, or applied in a way that is likely to cause undue physical discomfort or restrict blood flow or breathing (e.g., hog-tying).

(b) Restrained incarcerated persons shall not be placed facedown or in a position that inhibits breathing.

(c) Restraints shall not be used to secure a person to a fixed object except as a temporary emergency measure. A person who is being transported shall not be locked in any manner to any part of the transporting vehicle except for items installed for passenger safety, such as seat belts.

(d) Incarcerated persons in restraints shall be housed either alone or in an area designated for restrained persons.

(e) Restraints shall be applied for no longer than is reasonably necessary to protect the incarcerated person or others from harm.

(f) Staff members shall conduct continuous direct face-to-face observation at least twice every 30 minutes on an irregular schedule to check the incarcerated person's physical well-being and behavior. Restraints shall be checked to verify correct application and to ensure they do not compromise circulation. All checks shall be documented, with the actual time recorded by the person doing the observation, along with a description of the incarcerated person's behavior. Any actions taken should also be noted in the log.

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(g) The specific reasons for the continued need for restraints shall be reviewed, documented, and approved by the Jail Administrator or the Watch Commander at least every hour.

(h) Continuous direct visual observation shall be maintained until a medical opinion can be obtained.

(i) Within one hour of placement in restraints, a qualified health care professional shall document an opinion regarding the placement and retention of the restraints.

(j) As soon as practicable, but within four hours of placement in restraints, the incarcerated person shall be medically assessed to determine whether the person has a serious medical condition that is being masked by the aggressive behavior. The medical assessment shall be a face-to-face evaluation by a qualified health care professional.

(k) As soon as practicable, but within eight hours of placement in restraints, the incarcerated person must be evaluated by a mental health professional to assess whether the incarcerated person needs immediate and/or long-term mental health treatment. If the Jail Administrator, or the authorized designee, in consultation with responsible health care staff determines that the incarcerated person cannot be safely removed from restraints after eight hours, the person shall be taken to a medical facility for further evaluation.

(l) Where applicable, the Jail Administrator shall use the restraint device manufacturer's recommended maximum time limits for placement.

512.3.1 COURT APPROVAL

Prior judicial approval should be obtained for the use of restraints when the incarcerated person is in court if the restraints will be visible to a jury.

512.4 USE OF RESTRAINTS - CLINICAL

An Incarcerated person may be considered for clinically ordered restraints or seclusion when exhibiting dangerous behavior that is believed to be a product of a medical or mental illness and that puts the person or others at risk of physical harm, or when medical care is urgently required and the person is not considered competent to give or withhold consent.

Clinical restraints and/or therapeutic seclusion shall only be used when an incarcerated person's safety or the safety of others cannot be protected by less restrictive means, and only upon the direct order of a qualified health care professional and notification of the Jail Administrator or the authorized designee prior to taking action. Restraints shall be used no longer than is reasonably necessary to provide for the legitimate safety concerns of the incarcerated person, staff, or others.

The following provisions shall be used any time clinical restraints or therapeutic seclusion is authorized:

(a) Excluding short-term use to gain immediate control of an incarcerated person exhibiting dangerous or destructive behavior, an incarcerated person may be placed in clinical restraints or therapeutic seclusion only on the orders of a qualified health care professional and only after making a determination that less restrictive interventions

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are ineffective to prevent the person from causing property damage or serious self-injury or injury to others.

(b) Clinical restraints or therapeutic seclusion shall never be ordered or otherwise applied as a means of coercion, discipline, punishment, convenience, or retaliation.

(c) The qualified health care professional's order may only be in effect for up to 12 hours for adult incarcerated persons.

(d) Within one hour of the application of restraints or therapeutic seclusion, a face-to-face observation of the incarcerated person to evaluate the need for continued restraint or therapeutic seclusion shall be conducted by a qualified health care professional.

(e) If deemed clinically necessary, the qualified health care professional who gave the initial order for restraints or therapeutic seclusion may renew the original order for an additional four hours.

(f) Incarcerated persons placed in clinical restraints shall be placed in designated cells within the medical unit. The restraints shall be applied in the least restrictive manner possible, based on the qualified health care professional's evaluation and order.

(g) Incarcerated persons placed in restraints shall only be placed in a face-up position.

(h) Following the first face-to-face observation, a qualified health care professional shall conduct face-to-face checks every 15 minutes on an irregular schedule to assess the incarcerated person's condition and behavior. The restraints shall be checked for proper application and to ensure that circulation is not compromised. Checks shall be documented in the incarcerated person's medical file.

(i) Except in the event of a medical emergency for the incarcerated person, only a qualified health care professional shall determine when an incarcerated person shall be released from clinical restraints or therapeutic seclusion.

512.5 RANGE OF MOTION

Incarcerated persons placed in restraints for longer than two hours should receive a range-of-motion procedure that will allow for the movement of the extremities. Range-of-motion exercise will consist of alternate movement of the extremities (i.e., right arm and left leg) for a minimum of 10 minutes every two hours.

512.6 FOOD, HYDRATION, AND SANITATION

Incarcerated persons who are confined in restraints shall be given food and fluids. Provisions shall be made to accommodate any toileting needs at least once every two hours. Food shall be provided during normal meal periods. Hydration (water or juices) will be provided no less than once every two hours or when requested by the incarcerated person.

Offering food and hydration to incarcerated persons will be documented to include the time, the name of the person offering the food or water/juices, and the incarcerated person's response (receptive, rejected). Incarcerated persons shall be provided the opportunity to clean themselves or their clothing while they are in restraints.

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512.7 AVAILABILITY OF CPR EQUIPMENT

CPR equipment, such as barrier masks, shall be provided by the facility and located in proximity to the location where incarcerated persons in restraints are held.

512.8 RESTRAINED INCARCERATED PERSON HOLDING

Restrained incarcerated persons should be protected from abuse by other incarcerated persons. Under no circumstances will restrained incarcerated persons be housed with incarcerated persons who are not in restraints. In most instances, restrained incarcerated persons are housed alone or in an area designated for restrained persons (15 CCR 1058).

512.9 PREGNANT INCARCERATED PERSONS

Restraints will not be used on incarcerated persons who are known to be pregnant unless based on an individualized determination that restraints are reasonably necessary for the legitimate safety and security needs of the incarcerated person, the staff, or the public. Should restraints be necessary, the restraints shall be the least restrictive available and the most reasonable under the circumstances.

Incarcerated persons who are known to be pregnant will not be handcuffed behind their backs or placed in waist restraints or leg irons.

Once pregnancy has been confirmed, a pregnant incarcerated person should be advised of the policies and procedures regarding the restraint of pregnant persons (Penal Code § 3407; 15 CCR 1058.5).

512.9.1 INCARCERATED PERSONS IN LABOR

No incarcerated person who is in labor, delivery, or recovery from a birth shall be restrained by the use of leg restraints/irons, waist restraints/chains, or handcuffs behind the body (Penal Code § 3407; 15 CCR 1058.5).

No incarcerated person who is in labor, delivering, or recovering from a birth shall be otherwise restrained except when all of the following exist (Penal Code § 3407; 15 CCR 1058.5):

(a) There is a substantial flight risk or some other extraordinary medical or security circumstance that dictates restraints be used to ensure the safety and security of the incarcerated person, the staff of this or the medical facility, other incarcerated persons, or the public.

(b) A supervisor has made an individualized determination that such restraints are necessary to prevent escape or injury.

(c) There is no objection from the treating medical care provider.

(d) The restraints used are the least restrictive type and are used in the least restrictive manner.

Restraints shall be removed when medical staff responsible for the medical care of the pregnant incarcerated person determines that the removal of restraints is medically necessary (Penal Code § 3407).

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The supervisor should, within 10 days, make written findings specifically describing the type of restraints used, the justification, and the underlying extraordinary circumstances.

512.9.2 INCARCERATED PERSONS IN RECOVERY AFTER TERMINATED PREGNANCY
Incarcerated persons recovering from a termination of pregnancy shall not be restrained using leg restraints/irons, waist restraints/chains, or handcuffs behind the body unless an exception identified in the Incarcerated Persons in Labor subsection of this policy applies (15 CCR 1058.5).

Restraints shall be removed when medical staff responsible for the medical care of the incarcerated person determines that the removal of restraints is medically necessary (15 CCR 1058.5).

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Searches

513.1 PURPOSE AND SCOPE

The purpose of this policy is to provide clear direction on maintaining the safety and security of the jail by conducting searches in balance with protecting the constitutional rights of incarcerated persons (15 CCR 1029(A)(6)).

The introduction of contraband into the jail poses a serious risk to the safety and security of members, incarcerated persons, and the public. Any item that is not available to all incarcerated persons may be used as currency by those who possess the item and will allow those in possession of the item to have control over other persons. Any item that may be used to disengage a lock or other electronic security device or that could compromise the physical plant jeopardizes the safety and security of this jail. Carefully restricting the flow of contraband into the jail can only be achieved by thoroughly searching incarcerated persons and their environment.

Nothing in this policy is intended to prohibit the otherwise lawful collection of trace evidence from an individual.

513.1.1 DEFINITIONS

Definitions related to this policy include:

Contraband - Anything unauthorized for incarcerated persons to possess, including drugs and weapons of any kind.

Excess property - Anything authorized for incarcerated persons to possess but in an unauthorized manner or quantity.

Modified strip search - A search that requires the removal or rearranging of some of a person's clothing and does not include a visual inspection of the exposed breasts, buttocks, or genitalia of the person. This search may include a thorough tactile search of an incarcerated person's partially unclothed body. This also includes searching the person's clothing after it has been removed.

Pat-down search - A search used to check an individual for contraband. It involves thoroughly patting down an incarcerated person's clothed body to locate any items that could pose a danger to the correctional officer, the incarcerated person, or others.

Physical body cavity search - A search that includes a visual inspection of and may include physical intrusion into a body cavity. Body cavity means the stomach, colon, rectum, or vagina.

Strip search - A search that requires the removal or rearranging of some or all of a person's clothing to permit a visual inspection of the underclothing, breasts, buttocks, anus, or outer genitalia of the person.

513.2 POLICY

It is the policy of this department to promote the safety of members, incarcerated persons, and visitors by conducting effective and appropriate searches of incarcerated persons and areas within the jail in accordance with applicable laws. Members shall always be alert to the possible presence

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of contraband and shall take immediate action to seize and appropriately handle contraband when found.

Searches shall not be used for intimidation, harassment, punishment, or retaliation.

513.3 PAT-DOWN SEARCHES

Pat-down searches will be performed on all incarcerated persons/arrestees upon entering the secure booking area of the jail. Additionally, pat-down searches shall occur frequently within the jail. At a minimum, members shall conduct pat-down searches in circumstances that include:

(a) When incarcerated persons leave their housing units to participate in activities elsewhere in the jail (e.g., exercise yard, medical unit, visiting) and when they return.

(b) During searches of housing units.

(c) When incarcerated persons come into contact with other individuals housed outside of their housing units, such as on work details.

(d) Any time a member believes incarcerated persons may have contraband on their persons.

Except in emergencies, all pat-down searches will be conducted by a member of the same gender as the incarcerated person. Absent the availability of a member of the same gender, it is recommended that a witnessing member be present during a pat-down search of an individual of another gender. All cross-gender pat-down searches shall be documented (28 CFR 115.15).

The department does not restrict female incarcerated persons' access to regularly available programming or other out-of-cell opportunities to comply with this provision.

513.4 MODIFIED STRIP SEARCHES, STRIP SEARCHES, AND PHYSICAL BODY CAVITY SEARCHES

Correctional officers shall consider and be able to articulate the reason for the search and the scope, manner, and location of the search, and will utilize the least invasive search method to meet the goals of the search.

513.4.1 STRIP SEARCHES PRIOR TO PLACEMENT IN A HOUSING UNIT

Strip searches prior to placement in a housing unit shall be conducted as follows:

(a) No person held prior to placement in a housing unit shall be subjected to a modified strip search or strip search unless there is reasonable suspicion based upon specific and articulable facts to believe the person is concealing contraband. Factors to be considered in determining reasonable suspicion include but are not limited to:

1. The detection of an object during a pat-down search that may be contraband and cannot be safely retrieved without a modified strip search or strip search.
2. Circumstances of a current arrest that specifically indicate the person may be concealing contraband.

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(a) A felony or controlled substance arrest charge or being under the influence of a controlled substance should not suffice as reasonable suspicion absent other facts.

3. Custody history (e.g., past possession of contraband while in custody, assaults on members, escape attempts).
4. The person's actions or demeanor, such as a refusal to submit to a pat-down search.
5. Criminal history (e.g., level of experience in a custody setting; convictions for escape, possession of drugs or weapons, crimes of violence; being a fugitive).
6. An alert by a metal detector or drug detection device.
7. Other reliable information that the person possesses contraband.

(b) Except in the case of a medical emergency, no modified strip search or strip search of an incarcerated person shall be conducted before admittance to a housing unit without prior written authorization from the Watch Commander.

513.4.2 MODIFIED STRIP SEARCHES OR STRIP SEARCHES ON ADMITTED INCARCERATED PERSONS

Modified strip searches or strip searches shall be conducted on all incarcerated persons upon admission into a housing unit.

A modified strip search or a strip search of an incarcerated person in a housing unit should be conducted when the person has entered an environment where contraband may be accessed. This includes but is not limited to the following:

(a) Upon return from contact visits

(b) Upon leaving areas such as the kitchen, shop, or farm

(c) Upon return to the housing unit from outside the confines of the jail (e.g., court, work-release, work detail, medical visits)

Incarcerated persons returning from court with release orders shall not be subjected to modified strip searches or strip searches unless reasonable suspicion exists based on specific and articulable facts that the person is concealing contraband. The incarcerated person should not be returned to the housing unit, except to retrieve personal property under the direct visual supervision of a member.

Members may conduct modified strip searches and strip searches of incarcerated persons outside the above-listed circumstances only with prior written supervisor approval. In such cases, supervisors shall consider and articulate the scope, manner, justification, and location of the particular search. Less invasive searches should be used if they will accomplish the goals of the search. For example, a pat-down may be sufficient as an initial effort to locate a larger item, such as a cell phone.

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513.4.3 MODIFIED STRIP SEARCH AND STRIP SEARCH PROCEDURES

All modified strip searches and strip searches shall be conducted in a professional manner under sanitary conditions and in an area where the search cannot be observed by persons not participating in the search. The search shall not be video or audio recorded.

Unless conducted by a qualified health care professional or in case of an emergency, a modified strip search or strip search shall be conducted by members of the same gender as the person being searched (Penal Code § 4030). Any cross-gender modified strip searches and cross-gender strip searches shall be documented (28 CFR 115.15).

Whenever possible, a second member of the same gender should be present during the search for security purposes and to witness the discovery of evidence. Except in exceptional circumstances, the number of members present during a search shall not exceed three.

The member conducting a strip search shall not touch the breasts, buttocks, or genitalia of the person being searched except and only to the extent necessary to safely remove contraband from the exterior of the person being searched (Penal Code § 4030). These areas may be touched through the clothing during a modified strip search.

Generally, items protruding from body cavities should not be removed. If a body cavity search appears necessary, see the Physical Body Cavity Searches section of this policy.

(a) The searching member will instruct the incarcerated person to:

1. Remove or rearrange their clothing.
2. Raise their arms above the head and turn 360 degrees.
3. Bend forward and run their hands through their hair.
4. Turn their head, to the left and to the right, so the searching correctional officer can inspect the person's ear orifices.
5. Open their mouth and run a finger over the upper and lower gum areas, then raise the tongue so the correctional officer can inspect the interior of the person's mouth. Remove dentures if applicable.
6. Turn around and raise one foot first, then the other so the correctional officer can check the bottom of each foot.
7. Turn around, bend forward, and spread the buttocks if necessary to view the anus.

(b) At the completion of the search, the incarcerated person should be instructed to dress in either street clothes or jail-supplied clothing, as appropriate.

513.4.4 PHYSICAL BODY CAVITY SEARCHES

Physical body cavity searches shall be completed as follows:

(a) No person shall be subjected to a physical body cavity search without the approval of the Jail Administrator or the authorized designee and only with the issuance of a search warrant.

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(b) Only a physician may conduct a physical body cavity search. Except in exigent circumstances, only a physician who is not responsible for providing ongoing care to the incarcerated person may conduct the search (15 CCR 1206(o)).

(c) Except for the physician conducting the search, persons present must be of the same gender as the person being searched. Only correctional officers needed to maintain the safety and security of the medical personnel shall be present during the search (Penal Code § 4030).

(d) Privacy requirements, including restricted touching of body parts, and sanitary condition requirements are the same as required for a strip search.

(e) All such searches shall be documented, including:

1. The facts that led to the decision to perform a physical body cavity search of the incarcerated person.
2. The reasons less intrusive methods of searching were not used or were insufficient.
3. The Jail Administrator's approval.
4. A copy of the search warrant.
5. The time, date, and location of the search.
6. The medical personnel present.
7. The names, genders, and roles of any correctional officers present.
8. Any contraband discovered by the search.

(f) Completed documentation should be placed in the incarcerated person's file. A copy of any search warrant and the results of the physical body cavity search shall be included with the related reports and made available, upon request, to the incarcerated person or other authorized representative (except for those portions of the warrant ordered sealed by a court).

(g) All contraband should be processed in accordance with the department's current evidence procedures.

(h) If appropriate, a crime report and/or disciplinary report shall be completed.

513.4.5 BODY SCANNER SEARCH

When a scanner is reasonably available, a body scanner should be performed on all incarcerated persons/arrestees upon entering the secure booking area of the facility.

If a body scanner is used, members (Penal Code § 4030):

(a) Within sight of the visual display of a body scanner depicting the body during a scan shall be of the same gender as the person being scanned, except for physicians or licensed medical personnel.

(b) Should ask incarcerated persons if they are pregnant prior to a body scan and should not knowingly use a body scanner on a person who is pregnant.

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The body scanner should generally be used whenever reasonably practicable in place of a modified strip search, strip search, or body cavity search of an incarcerated person in housing unless one of those searches is reasonably necessary after the scan.

513.4.6 DOCUMENTING MODIFIED STRIP SEARCHES AND STRIP SEARCHES
The member conducting a modified strip search or strip search shall:

(a) Document the name and gender of the person searched.

(b) Document the facts that led to the decision to perform the search of the incarcerated person.

(c) Document the reasons less intrusive methods of searching were not used or were insufficient.

(d) Document the supervisor's approval.

(e) Document the time, date, and location of the search.

(f) Document the names of staff present, their gender, and their roles.

(g) Document any complaints made by the incarcerated person or problems encountered during the search.

(h) Itemize all contraband discovered by the search and process it in accordance with the department's current evidence procedures.

(i) If appropriate, complete a crime report and/or disciplinary report.

(j) Ensure the completed documentation is placed in the incarcerated person's file. A copy of the written authorization shall be retained and made available to the incarcerated person or other authorized representative upon request.

513.5 PROHIBITED SEARCHES OF TRANSGENDER AND INTERSEX INCARCERATED PERSONS

Members shall not search or physically examine a transgender or intersex incarcerated person for the sole purpose of determining genital status (see the Prison Rape Elimination Act Policy for transgender and intersex definitions). If genital status is unknown, it may be determined during conversations with the person, by reviewing medical records, or if necessary, by obtaining that information as part of a broader medical examination conducted in private by a qualified health care professional (28 CFR 115.15).

513.6 HOUSING UNIT SEARCHES

Housing unit searches shall occur as directed by a supervisor. These searches should include all of the living spaces occupied by incarcerated persons. Housing unit searches should be scheduled in a manner that does not create a pattern where the persons can predict such searches. During a housing unit search:

(a) All incarcerated persons shall vacate their living areas and be patted down by members.

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(b) Incarcerated persons should be escorted to a separate holding area, such as the recreation yard.

(c) Members shall search the living areas of the incarcerated persons, including bedding, personal storage areas, bunks, and other areas with incarcerated person access.

(d) Any contraband located shall be processed in accordance with the current evidence procedures.

(e) Members shall attempt to identify the incarcerated person who possessed the contraband and file appropriate person discipline and/or crime reports.

(f) Any excess property shall be seized, inventoried, and retained pending disposition according to jail procedures.

At the conclusion of the housing unit search, closely supervised incarcerated workers should clean the unit. All authorized incarcerated person personal property shall be respected and living areas should be returned to an orderly condition.

513.7 PHYSICAL PLANT SEARCHES

The following areas of this jail shall be periodically searched for contraband:

(a) Exercise yards shall be searched before and after each incarcerated person group occupies the yard.

(b) Holding cells shall be searched before and after each occupation.

(c) Program areas, such as classrooms and multipurpose rooms, shall be searched after each use by an incarcerated person or incarcerated person group.

(d) Laundry areas shall be searched before and after incarcerated person use.

(e) Kitchen areas shall be frequently searched for contraband and to account for tools, knives, and food items.

(f) Incarcerated person visiting and public areas shall be frequently inspected.

(g) The jail perimeter shall be searched at least once each shift.

513.8 CRIMINAL EVIDENCE SEARCHES

The Jail Administrator or the authorized designee shall be notified, as soon as practicable, any time it is suspected that a crime has been committed in the jail or other area controlled by jail members, and there is a need to search for evidence related to the crime. A search for evidence may be conducted by members whenever there is a need for such action.

Any evidence collected in connection with an alleged crime should be processed in accordance with the department's current evidence procedures.

513.9 TRAINING

The Training Manager shall provide training for members on this policy, including how to conduct pat-down searches, modified strip searches, and strip searches in a professional and respectful manner and in the least intrusive manner possible, consistent with jail security needs. This training

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shall include cross-gender pat downs and searches, as well as searches of transgender and intersex incarcerated persons (28 CFR 115.15).

513.10 CANINE-ASSISTED SEARCHES

It is the policy of this jail to use canines to assist members in searching for contraband. Such searches shall occur only with a supervisor's approval. Only canines trained to detect contraband will be allowed within the secure perimeter of the jail. Canines trained solely in crowd control or to assist in physically subduing individuals will not be used in the jail.

Canines will generally be used to assist members in physical plant, housing unit, and perimeter searches. Contact between incarcerated persons and canines should be kept to a minimum (see the Canines Policy).

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Canines

514.1 PURPOSE AND SCOPE

The canine program aids staff in locating contraband and maintaining the security of this facility. This policy outlines requirements of the program, its staff, and the expectations of the Department.

514.2 POLICY

The Imperial County Sheriff's Office is committed to ensuring its facilities are free from contraband and drugs and to maintaining facility security. This is done by employing trained canine teams to assist in the detection of drugs and other contraband, in accordance with all applicable laws, regulations, and department policies and procedures.

514.3 GUIDELINES FOR THE USE OF CANINES

Canines may be used to assist staff in conducting searches for contraband, perimeter patrol, building searches, and area searches. At no time may a canine be used to demean, punish, or psychologically torment an incarcerated person. Contact between canines and incarcerated persons should be minimal. Canines should not be used to search individuals. Canines may be used for:

- Searching incarcerated person housing units, including cells, during a housing unit search, as described in the Searches Policy.
- Physical plant searches, as described in the Searches Policy.
- Searching unoccupied intake/booking areas.
- Searching unoccupied transportation vehicles before and after incarcerated person use.
- Searching for or tracking escaped offenders.
- Any other search-related use authorized by a supervisor.

A canine team shall only be used to perform tasks for which it has been trained or certified.

514.3.1 WARNINGS AND ANNOUNCEMENTS

When a canine is used to search a building or area for an individual, unless it would otherwise increase the risk of injury or escape, two clearly audible warnings to announce that a canine will be released if the person does not come forth shall be made and a reasonable response period will be provided prior to releasing a canine. The canine handler, when practicable, shall first advise the supervisor of their decision if a verbal warning is not given prior to releasing the canine. In the event of an apprehension, the handler shall document in any related report whether a verbal warning was given and, if none was given, the reasons why.

514.3.2 REPORTING CANINE USE, BITES, AND INJURIES

Whenever the canine is deployed, a canine use report shall be completed by the handler and turned in to the Jail Administrator before going off-duty.

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Whenever the use of the canine results in a bite or any injury a canine use report shall be completed and included with any related incident report. The injured party should receive required medical attention as soon as possible.

Photographs should be taken of the bite or injury as soon as practicable after tending to the immediate needs of the injured party. Photographs shall be retained with the canine use report until the potential need for use in any related civil proceeding has expired.

If a subject alleges an injury that is not visible, a supervisor shall be notified, and the location of the alleged injury should be photographed as described above.

514.4 SELECTING AND TRAINING CANINES

A selection committee consisting of the canine handler, a supervisor, and an outside subject matter expert (in canine programs) shall select any canine to be used in the canine program. The committee shall consider the prospective canine's ability to detect contraband and its ability to work effectively in a custody environment.

514.4.1 TRAINING

Before assignment in this facility, each canine team shall be trained and certified to meet the certification standards established by an approved and recognized canine association.

The Training Manager or the authorized designee shall be responsible for scheduling periodic training as recommended by the certification standards adopted by the recognized canine association for all custody personnel. This shall be done to familiarize custody personnel with how to conduct themselves in the presence of department canines.

514.4.2 CONTINUED TRAINING

Each canine team shall be recertified to current standards or other recognized and approved certification standards on an annual basis. Additional training considerations are as follows:

(a) Canine teams shall receive training as defined in the current contract with the department's canine training provider.

(b) Canine handlers are encouraged to engage in additional training with the approval of the canine program supervisor.

(c) To ensure that all training is consistent, no handler, trainer, or outside vendor is authorized to train to a standard that is contrary to the policies of the Imperial County Sheriff's Office.

(d) All canine training shall be conducted while on-duty unless otherwise approved by the canine program supervisor.

514.4.3 FAILURE TO SUCCESSFULLY COMPLETE TRAINING

Any canine team failing certification shall not be deployed in this facility until certification is achieved. Any canine team failing annual recertification shall be immediately removed from service. When practicable, pending successful recertification, the canine handler shall be temporarily reassigned to other duties.

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514.4.4 TRAINING RECORDS

A training record for each canine will be created and maintained in the canine handler’s training file. The record shall be reviewed and initialed monthly by the supervisor in charge of the canine program. A copy of all training shall be forwarded to the Training Manager and retained pursuant to the Imperial County Sheriff's Office’s established records retention schedules.

514.5 SELECTION AND TRAINING FOR CANINE HANDLERS

The position of canine handler is a special assignment that requires a specific set of skills, experience, training, and temperament, in addition to those of a line staff member. A canine handler shall have:

(a) Possess three years of experience as a correctional officer in the Imperial County Sheriff's Office.

(b) Have achieved performance evaluations of satisfactory or better.

(c) Have demonstrated ability to communicate well with incarcerated persons.

(d) Demonstrated ability to perform ancillary tasks with a minimum of supervision.

(e) Reside in an adequately fenced, single-family residence (e.g., minimum 5-foot-high fence with locking gates).

(f) Have a garage that can be secured and will accommodate a canine unit.

(g) Live within 30 minutes travel time from the Imperial County limits.

(h) Agree to be assigned to the position for a minimum of three years.

The canine handler shall be chosen from applicants to the position via an oral board. If possible, the oral board shall comprise one person who is a member of an outside organization that has a canine program and two members who shall be chosen by the Jail Administrator.

The canine handler shall receive all necessary training with their canine before being utilized in this facility. All training records for canine handlers will be maintained by the Training Manager.

514.6 MEDICAL CARE OF THE CANINE

All medical attention shall be rendered by the designated canine veterinarian, except during an emergency as provided in this policy.

514.6.1 NON-EMERGENCY MEDICAL CARE

Non-emergency medical care will be coordinated through the canine program supervisor .

Any indication that a canine is not in good physical condition shall be reported to the canine program supervisor as soon as practicable.

All records of medical treatment shall be maintained in the canine handler’s personnel file.

514.6.2 EMERGENCY MEDICAL CARE

The handler shall notify the canine program supervisor as soon as reasonably practicable when emergency medical care for the canine is required. Depending on the severity of the injury or

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illness, the canine shall either be treated by the designated veterinarian or transported to a designated emergency medical facility for treatment. If the handler and dog are out of the area, the handler may use the nearest available veterinarian.

514.6.3 REPORTING CANINE INJURIES

In the event that a canine is injured, the injury will be immediately reported to the canine program supervisor. The injury will be documented on the appropriate report form.

514.7 REQUESTS FOR ASSISTANCE FROM OTHER AGENCIES

The canine program supervisor or the on-duty supervisor must approve all requests for canine assistance from outside agencies, subject to the following provisions:

(a) Canine teams shall not be used to perform any assignment that is not consistent with this policy.

(b) The handler has the ultimate authority to decide whether the canine will be used for any specific assignment.

(c) Canine teams should not be called into service when off-duty or used outside the jurisdiction of the Department, unless authorized by the Jail Administrator or authorized designee.

(d) It shall be the responsibility of the canine handler to coordinate with outside agency personnel in order to minimize the risk of unintended injury.

514.8 REQUESTS FOR PUBLIC DEMONSTRATIONS

All public requests for a canine team appearance shall be approved by the canine program supervisor or the authorized designee prior to making any commitment.

Handlers shall not demonstrate any canine activities to the public unless authorized to do so by the canine program supervisor or the authorized designee.

514.9 CANINE HANDLER RESPONSIBILITIES

514.9.1 AVAILABILITY

The handler shall be available for call-out under conditions specified by the canine program supervisor.

514.9.2 CARE FOR THE CANINE AND EQUIPMENT

The canine handler shall be responsible for the health and welfare of the canine and shall ensure that the canine receives proper nutrition, grooming, training, medical care, attention, and living conditions. In addition, the handler will be responsible for:

(a) Ensuring the canine is not exposed to any foreseeable and unreasonable risk of harm, unless required by a particular application.

(b) Maintaining all department equipment under their control in a clean and serviceable condition.

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(c) Permitting the canine program supervisor to conduct spontaneous on-site inspections of any area of the residence that is used for the canine.

(d) Reporting any changes in the living status of the handler that may affect the lodging or environment of the canine to the canine program supervisor as soon as possible.

(e) Keeping the canine in a kennel provided by the Department when off-duty and at the home of the handler. When a canine is kenneled at the handler's home, the gate shall be secured with a lock. When off-duty, the canine may be let out of the kennel while under the direct control of the handler.

(f) Permitting the canine to socialize in the home with the handler's family under the direct supervision of the handler.

(g) Ensuring that under no circumstances will the canine be lodged at another location unless approved by the canine program supervisor.

(h) Involving the canine in any activity or conduct when off-duty only with approval in advance by the canine program supervisor.

(i) Notifying the canine program supervisor whenever the canine handler anticipates taking a vacation or an extended number of days off and it may be necessary to temporarily relocate the canine. In those situations, the handler shall give reasonable notice to the supervisor so that appropriate arrangements can be made.

(j) Maintaining a daily record that contains the training, care of the dog, and significant events, such as public appearances, and when the canine is utilized for searches.

514.9.3 CANINES IN PUBLIC AREAS

All canines shall be kept on a leash when in areas that allow access to the public. Exceptions would include specific operations for which the canines are trained.

If a canine unit is left unattended, all windows and doors shall be secured in such a manner as to prevent unauthorized access to the dog. The handler shall also ensure that an unattended unit remains habitable for the canine.

514.9.4 HANDLER COMPENSATION

The canine handler shall be compensated for time spent in the care, feeding, grooming, and other needs of the canine in accordance with the Fair Labor Standards Act, and according to the terms of the collective bargaining agreement or memorandum of understanding (29 USC § 207).

514.10 CONTROLLED SUBSTANCE TRAINING AIDS

Controlled substance training aids are required to effectively train and maintain drug-detecting dogs. Further, controlled substances can be an effective training aid during training sessions for facility personnel and the public. Correctional officers acting in the performance of their official duties may possess or transfer controlled substances for the purpose of narcotics-detection canine training in compliance with state and federal laws and in compliance with applicable state requirements (21 USC § 823(g); Health and Safety Code § 11367.5).

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Only approved training aids provided by the canine program supervisor may be used to train the dog. The canine handler shall maintain accurate records of controlled substances provided for training purposes and shall promptly report any loss or destruction of controlled substance training aids to the canine program supervisor.

When not in use as training aids, the controlled substances shall be secured in storage that is only accessible by the canine handler and the program supervisor.

514.11 CANINE PROGRAM SUPERVISOR RESPONSIBILITIES

The canine program supervisor shall be selected according to policy. The canine program supervisor's responsibilities include but are not limited to:

(a) Reviewing all canine use reports to ensure compliance with policy and to identify training issues and other needs of the program.

(b) Maintaining liaison with the vendor kennel.

(c) Maintaining liaison with administrative staff and functional supervisors.

(d) Maintaining liaison with other agency canine coordinators.

(e) Maintaining accurate records documenting canine activities.

(f) Maintaining secure storage of all controlled substance training aids.

(g) Maintaining an effective audit trail of all controlled substance training aids.

(h) Recommending and overseeing the procurement of equipment and services for the unit.

(i) Scheduling all canine-related activities.

(j) Ensuring the canine teams are scheduled for continuous training to maximize the capabilities of the teams.

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Reporting In-Custody Deaths

515.1 PURPOSE AND SCOPE

This policy provides direction for notifications, reporting, and review of in-custody deaths (15 CCR 1046).

515.1.1 DEFINITIONS

Definitions related to this policy include:

In-custody death - The death of any person, for whatever reason (natural, suicide, homicide, accident), who is in the process of being booked or is incarcerated or under supervision at any facility of this department (Penal Code § 832.10).

515.2 POLICY

It is the policy of this department to follow state and local guidelines regarding notifications and reporting in-custody deaths.

515.3 MANDATORY REPORTING

All in-custody deaths shall be reported within 10 days of the death to the state Attorney General's office and the Board of State and Community Corrections (BSCC), in accordance with reporting guidelines and statutory requirements. Any change or new information that becomes available after the initial reporting to the Attorney General shall be updated to the report and provided to the Attorney General within 10 days of the date of change or the date the new information becomes available (Government Code § 12525).

If the decedent is a boarder for another agency, the Jail Administrator shall notify that agency so that agency will assume responsibility for the notification of the decedent's family.

Pursuant to Article 37 of the Vienna Convention on Consular Relations 1963, in the case of the death of a foreign national, telephonic notification to the appropriate consulate post should be made without unreasonable delay and confirmatory written notification shall be made within 72 hours of the death to the appropriate consulate post. The notification shall include the incarcerated person's name, identification number, date and time of death, and the attending physician's name.

In the event that a juvenile dies while in custody, the Jail Administrator or the authorized designee shall notify the court of jurisdiction and the juvenile offender's parent or guardian (15 CCR 1047).

A copy of the initial review report for every in-custody death provided to the state Attorney General's office shall be submitted to the Board of State and Community Corrections (BSCC) within 60 days of the death, and contain the information required by 15 CCR 1046 and comport with the disclosure requirements of Penal Code § 832.10 (public disclosure of records) (15 CCR 1046).

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515.4 PROCEDURE

Upon determining that a death of any person has occurred while in the custody of this department, the Watch Commander is responsible for ensuring that the Sheriff and all appropriate investigative authorities, including the Coroner, are notified without delay and all written reports are completed.

The Watch Commander shall also promptly notify the Jail Administrator and make any other notifications required by policy or direction. The Jail Administrator shall observe all pertinent laws and allow appropriate investigating agencies full access to all facts surrounding the death.

The Department shall establish policies and procedures for the investigation of any in-custody death.

The decedent’s personal belongings shall be disposed of in a responsible and legal manner. All property and records shall be retained according to established records retention schedules.

The individual designated by the decedent shall be notified of all pertinent information as required by law.

During an investigation, all inquiries regarding the death shall be referred to the Public Information Officer. Correctional officers shall not make a public comment.

515.4.1 REQUIRED NOTIFICATIONS

The Jail Administrator or the authorized designee shall notify all persons covered by the incarcerated person's current medical release of information form and next of kin form within 24 hours of their death (Penal Code § 4032.5).

515.5 IN-CUSTODY DEATH REVIEW

The Sheriff is responsible for establishing a team of qualified staff to conduct an administrative review of every in-custody death. At a minimum, the review team should include the following (15 CCR 1046; 15 CCR 1030):

(a) Sheriff and/or the Jail Administrator

(b) County Counsel

(c) District Attorney

(d) Investigative staff

(e) Responsible Physician, qualified health care professionals, supervisors, or other staff who are relevant to the incident

The in-custody death review should be initiated as soon as practicable, and a written report shall be completed within 30 days of the death. The team should review the appropriateness of clinical care, determine whether changes to policies, procedures, or practices are warranted, and identify issues that require further study (15 CCR 1046).

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515.5.1 BSCC IN-CUSTODY DEATH REVIEW RECOMMENDATIONS

The Sheriff or the authorized designee shall review the BSCC recommendations within 90 days of receipt, following the BSCC review of an in-custody death. In a written response to the BSCC, the Sheriff or the authorized designee shall (Penal Code § 6034):

(a) Identify the recommendations that the Department will implement and the anticipated cost and timeline of implementation.

(b) Identify the recommendations that the Department cannot or will not implement and provide an explanation.

The Department shall make the recommendations and responses available to the public with appropriate redactions as permitted by law (Penal Code § 6034).

515.5.2 BSCC ACCESS TO RECORDS AND PROPERTY

The Department shall cooperate with the director of the BSCC during an in-custody review and allow access, examination, and reproduction of records as specified in Penal Code § 832.10(c)(1) (public disclosure of records). Additionally, the BSCC director shall have access to the records and property of the Department to the same extent the Department has access. Records that are part of an active criminal or administrative investigation may be withheld as set forth in Penal Code § 832.10(c)(4) (Withholding of records is described in the Delay of Release subsection of this policy.) (Penal Code § 6034).

Access, examination, and reproduction shall not constitute a waiver of any confidentiality or privilege regarding any records disclosed to the BSCC director (Penal Code § 6034).

For purposes of this subsection, the term "director" includes employees and agents of the In-Custody Death Review Division of the BSCC (Penal Code § 6034).

515.6 RECORD RELEASE REQUIREMENTS

Records subject to public disclosure that are related to an in-custody death investigation shall be made available for public inspection at the earliest time possible or no later than 45 days from the date of a request, unless the record is subject to delayed release, redaction, or other release restrictions as provided by law (Penal Code § 832.10).

The Records Supervisor should work with the Sheriff or the authorized designee in determining what records exist and whether the records are subject to delay from disclosure, redaction, or other release restrictions.

515.6.1 DELAY OF RELEASE

Disclosure of in-custody death records during active criminal or administrative investigations may be delayed as follows (Penal Code § 832.10):

(a) Disclosure may be delayed up to 60 days from the date the death occurred or until the Department is informed of the district attorney's charging decision, whichever is first.

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(b) The Department may continue to delay the disclosure of records after 60 days from the in-custody death if the disclosure could reasonably be expected to interfere with a criminal enforcement proceeding against any person.

(c) If criminal charges are filed related to the death, disclosure may be delayed until the court case reaches final disposition.

(d) During an administrative investigation, disclosure may be delayed until the Department determines whether a policy or law was violated related to the death.

The Department shall provide the records when the investigation or proceedings are no longer active or no later than 18 months after the death, whichever is first.

515.6.2 NOTICE OF DELAY OF RELEASE

The Records Supervisor shall provide written notice to the requester as follows when delaying the disclosure of records (Penal Code § 832.10):

(a) During the initial 60 days, the Records Supervisor shall provide the requester with the specific basis for the determination that the interest in delaying disclosure clearly outweighs the public interest in disclosure and include the estimated date for the disclosure.

(b) When delay is continued after 60 days, the Records Supervisor shall provide the requester, at 180-day intervals as necessary, with the specific basis for the determination that the disclosure could reasonably be expected to interfere with a criminal enforcement proceeding and include the estimated date for the disclosure.

515.6.3 REDACTION

The Department is authorized to redact records for the following reasons (Penal Code § 832.10):

(a) To remove personal data or information, such as a home address, telephone number, or identities of family members, other than people's names and work-related information.

(b) To preserve the anonymity of whistleblowers, complainants, victims, and witnesses.

(c) To protect confidential medical, financial, or other information of which disclosure is specifically prohibited by federal law or would cause an unwarranted invasion of personal privacy that clearly outweighs the strong public interest in records about possible misconduct.

(d) Where there is a specific, articulable, and particularized reason to believe that disclosure of the record would pose a significant danger to the physical safety of any person.

Additionally, the Department may redact a record, including personal identifying information, where, on the facts of the particular case, the public's interest in the nondisclosure of information is clearly outweighed by the disclosure of information (Penal Code § 832.10).

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515.7 IN-CUSTODY DEATH PUBLICATION

The Sheriff or the authorized designee should ensure that all specified information relating to the in-custody death is posted on the department's website as prescribed and within the time frames provided in Penal Code § 10008.

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Staff and Incarcerated Person Contact

516.1 PURPOSE AND SCOPE

Interaction with incarcerated persons allows for continual assessment of the safety and security of the facility and the health and welfare of the incarcerated persons. However, inappropriate interaction can undermine security and order in the facility and the integrity of the supervision process.

This policy provides guidelines for appropriate and professional interaction between members and incarcerated persons, and is intended to promote high ethical standards of honesty, integrity, and impartiality as well as increase facility safety, discipline, and morale.

Violation of this policy may result in disciplinary action up to and including dismissal. Members who seek information or clarification about the interpretation of this policy are encouraged to promptly contact their supervisor.

516.2 POLICY

The Jail Administrator shall ensure that incarcerated persons have adequate ways to communicate with staff and that the staff communicates and interacts with incarcerated persons in a timely and professional manner.

516.3 GENERAL CONTACT GUIDELINES

Members are encouraged to interact with the incarcerated persons under their supervision and are expected to take prompt and appropriate action to address health and safety issues that are discovered or brought to their attention.

All members should present a professional and command presence in their contact with incarcerated persons. Members shall address incarcerated persons in a civil manner. The use of profanity, and derogatory or discriminatory comments is strictly prohibited.

Written communication (e.g., request forms, incarcerated person communication, grievances, rules infraction forms, disciplinary reports) shall be answered in a timely manner. Such communication shall be filed with the person's records.

Members shall not dispense legal advice or opinions, or recommend attorneys or other professional services to incarcerated persons.

While profanity and harsh language are prohibited, the Department recognizes the necessity for staff to give incarcerated persons direction in a firm, determined, and authoritative manner in order to maintain proper supervision and control. Authoritative directions to persons are particularly instructed when activities or events pose a threat to the safety or security of this facility.

516.4 ANTI-FRATERNIZATION

Personal or other interaction not pursuant to official duties between facility staff with current incarcerated persons, persons who have been discharged within the previous year, their family

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members or known associates have the potential to create conflicts of interest and security risks in the work environment.

Members shall not knowingly maintain a personal or unofficial business relationship with any persons described in this section unless written permission is received from the Jail Administrator.

Prohibited interactions include but are not limited to:

(a) Communications of a sexual or romantic nature.

(b) Salacious exchanges.

(c) Sexual abuse, sexual assault, sexual contact, or sexual harassment.

(d) Exchanging letters, phone calls, or other similar communications, such as texting.

(e) Exchanging money or other items.

(f) Extending privileges, giving or accepting gifts, gratuities, or favors.

(g) Bartering.

(h) Any financial transactions.

(i) Being present at the home of an incarcerated person for reasons other than an official visit without reporting the visit.

(j) Providing an incarcerated person with the staff member's personal contact information, including social media accounts.

516.4.1 EXCEPTIONS

The Jail Administrator may grant a written exception to an otherwise prohibited relationship on a case-by-case basis based upon the totality of the circumstance. In determining whether to grant an exception, the Jail Administrator should give consideration to factors including, but not limited to:

- Whether a relationship existed prior to the incarceration of the person.
- Whether the relationship would undermine security and order in the facility and the integrity of the supervision process.
- Whether the relationship would be detrimental to the image and efficient operation of the facility.
- Whether the relationship would interfere with the proper discharge of, or impair impartiality and independence of, judgment in the performance of duty.

516.5 REPORTING

Members shall promptly report all attempts by incarcerated persons to initiate sexual acts or any salacious conversations, and forward any correspondence from an incarcerated person or former incarcerated person to the Jail Administrator or the authorized designee.

Members shall report all attempts by incarcerated persons to intimidate or instill feelings of fear to their supervisor.

Members shall promptly notify their immediate supervisor in writing if:

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- A family member or close associate has been incarcerated or committed to the custody of the facility.
- The member is involved in a personal or family relationship with a current incarcerated person or with a person who has been discharged within the previous year.

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Transportation of Incarcerated Persons Outside the Secure Facility

517.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for the transportation of incarcerated persons outside this facility and to ensure that the staff assigned to transportation duties is qualified and adequately trained.

517.2 POLICY

It is the policy of the Imperial County Sheriff's Office to provide safe, secure, and humane transportation for all incarcerated persons and other persons as required by law.

This department shall transfer all incarcerated persons from the jail to the place of imprisonment pursuant to the sentence of the court as soon as practicable after the sentence, in accordance with all laws relating to the transfer of incarcerated persons and costs related to transfers to facilities and jurisdictions.

517.3 PROCEDURES

Only staff members who have completed department-approved training on incarcerated person transportation should be assigned incarcerated person transportation duty. All staff members who operate transportation vehicles shall hold a valid license for the type of vehicle being operated.

Any member who transports an incarcerated person outside the secure confines of this facility is responsible for:

(a) Obtaining all necessary paperwork for the incarcerated person being transported (e.g., medical/dental records, commitment documents).

(b) Submitting a completed transportation plan to the transportation supervisor. Items that should be addressed in the plan include:

1. Type of restraints to be used on the incarcerated persons being transported.
2. The routes, including alternate routes, to be taken during the transportation assignment. Routes should be selected with security for the community in mind.
3. Emergency response procedures in the event of a collision, the breakdown of a transportation vehicle, or some other unforeseen event.
4. Site verification, unloading and reloading instructions, and parking rules at the destination.

(c) Ensuring that all incarcerated persons are thoroughly searched and appropriate restraints are properly applied.

1. Incarcerated persons who are known to be pregnant will not be handcuffed behind their backs or placed in waist restraints while being transported (see the Use of Restraints Policy).

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2. Incarcerated persons who are transported to a hospital for the purpose of childbirth shall be transported in the least restrictive way possible and in accordance with Penal Code § 3407. The incarcerated person shall not be shackled to anyone else during transport (see the Use of Restraints Policy) (Penal Code § 4023.8(l)).

(d) Ensuring that all vehicle security devices (e.g., window bars, inside cages, door locks) are in good repair and are operational.

(e) Thoroughly searching the transporting vehicle for contraband before any incarcerated person is placed inside, and again after removing the person from the transporting vehicle.

517.3.1 TRANSPORTATION LOGS

Incarcerated person transportation logs shall be developed by the Jail Administrator or the authorized designee and used to log all incarcerated person transportation. The logs shall include:

- Name and identification number of the incarcerated person.
- Date and start/stop time of the transport.
- Location where the incarcerated person was transported.
- Name and identification number of the transporting correctional officer.
- Circumstances of any unusual events associated with the transportation.

The logs shall be retained by the facility in accordance with established records retention schedules.

517.3.2 HIGH RISK TRANSPORTATION

If an incarcerated person is identified as a high risk for escape or there is a credible threat to the safety of the incarcerated person, the Transportation Supervisor shall consult the Jail Administrator and the Correctional Special Operations Response Team (CSORT) Commander to arrange for a high risk transportation team to be assigned to transport the incarcerated person.

517.4 TRAINING

The Training Manager shall ensure that all employees charged with incarcerated person transportation duties receive training appropriate for the assignment.

Documentation of all training presented shall be retained in the employee's training file in accordance with established records retention schedules.

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Safety and Sobering Cells

518.1 PURPOSE AND SCOPE

This policy establishes the requirement for placing incarcerated persons into and the continued placement of incarcerated persons in safety cells or sobering cells.

518.1.1 DEFINITIONS

Definitions related to this policy include:

Safety cell - An enhanced protective housing designed to minimize the risk of injury or destruction of property used for incarcerated persons who display behavior that reveals intent to cause physical harm to themselves or others or to destroy property, or who are in need of a separate cell for any reason, until suitable housing is available.

Sobering cell - A holding cell designed to minimize the risk of injury by falling or dangerous behavior. It is used as an initial sobering place for arrestees or incarcerated persons who are a threat to their own safety or the safety of others as a result of being intoxicated from any substance, and who require a protected environment to prevent injury or victimization by other incarcerated persons.

518.2 POLICY

This facility will employ the use of safety and sobering cells to protect incarcerated persons from injury or to prevent the destruction of property by an incarcerated person in accordance with applicable law.

A sobering or safety cell shall not be used as punishment or as a substitute for treatment. The Jail Administrator or the authorized designee shall review this policy annually with the Responsible Physician.

518.3 SAFETY CELL PROCEDURES

The following guidelines apply when placing any incarcerated person in a safety cell (15 CCR 1055):

(a) Placement of an incarcerated person into a safety cell requires approval of the Watch Commander or the Responsible Physician.

(b) A safety cell log shall be initiated every time an incarcerated person is placed into the safety cell and should be maintained for the entire time the incarcerated person is housed in the cell. Cell logs will be retained in accordance with established department retention schedules.

(c) A safety check consisting of direct visual observation that is sufficient to assess the incarcerated person's well-being and behavior shall occur twice every 30 minutes with no more than a 15-minute lapse between safety checks. Each safety check of the incarcerated person shall be documented. Supervisors shall inspect the logs for completeness every two hours and document this action on the safety cell log.

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(d) Incarcerated persons should be permitted to remain normally clothed or should be provided a safety suit, except in cases where the incarcerated person has demonstrated that clothing articles may pose a risk to the incarcerated person's safety or the facility. In these cases, the reasons for not providing clothing shall be documented on the safety cell log.

(e) Incarcerated persons in safety cells shall be given the opportunity to have fluids (water, juices) at least hourly. Correctional officers shall provide the fluids in paper cups. The incarcerated persons shall be given sufficient time to drink the fluids prior to the cup being removed. Each time an incarcerated person is provided the opportunity to drink fluids will be documented on the safety cell log.

(f) Incarcerated persons will be provided meals during each meal period. Meals will be served on paper plates or in other safe containers, and the incarcerated persons will be monitored while eating the meals. Incarcerated persons shall be given ample time to complete their meals prior to the plate or container being removed. All meals provided to incarcerated persons in safety cells will be documented on the safety cell log.

(g) The Watch Commander shall review the appropriateness for continued retention in the safety cell at least every four hours. The reason for continued retention or removal from the safety cell shall be documented on the safety cell log.

(h) A medical assessment of the incarcerated person in the safety cell shall occur as soon as possible, but not more than 12 hours from the time of placement. The person shall be medically cleared for continued assessment, referral to advanced treatment, or removed from the safety cell a minimum of 24 hours thereafter. Medical assessments shall be documented.

(i) A mental health assessment shall be conducted as soon as possible, but not more than 12 hours from an incarcerated person's placement. The mental health professional's recommendations shall be documented.

518.4 SOBERING CELL PROCEDURES

The following guidelines apply when temporarily placing any incarcerated person in a sobering cell (15 CCR 1056):

(a) A sobering cell log shall be initiated every time an incarcerated person is placed into a sobering cell. The log shall be maintained for the entire time the incarcerated person is housed in the cell. Cell logs will be retained in accordance with established department retention schedules.

(b) A safety check consisting of direct visual observation that is sufficient to assess the incarcerated person's well-being and behavior shall occur at least once every 30 minutes on an irregular schedule. Each visual observation of the incarcerated person by staff shall be documented. Supervisors shall check the logs for completeness every two hours and document this action on the sobering cell log.

(c) Qualified health care professionals shall assess the medical condition of the incarcerated person in the sobering cell at least every six hours. Only incarcerated persons who continue to need the protective housing of a sobering cell will continue to be detained in such housing.

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(d) Incarcerated persons will be removed from the sobering cell when they no longer pose a threat to their own safety and the safety of others and are able to continue the booking process.

(e) Incarcerated persons will be detained in separate sobering cells based on the individuals' actual or perceived gender identity or gender expression.

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Biological Samples

519.1 PURPOSE AND SCOPE

This policy provides guidelines for the collection of biological samples from those incarcerated persons required to provide samples upon conviction and/or arrest for certain offenses. This policy does not apply to biological samples collected at a crime scene or taken from a person in conjunction with a criminal investigation. Nor does it apply to biological samples collected from those required to register, for example, as sex offenders.

519.2 POLICY

The Imperial County Sheriff's Office will assist in the expeditious collection of required biological samples from arrestees and offenders in accordance with the laws of this state and with as little reliance on force as practicable.

519.3 PERSONS SUBJECT TO BIOLOGICAL SAMPLE COLLECTION

Incarcerated persons must submit a biological sample (Penal Code § 296: Penal Code § 296.1):

(a) Upon conviction or other adjudication of any felony offense.

(b) Upon conviction or other adjudication of any offense if the person has a prior felony on record.

(c) When arrested or charged with any felony.

519.4 PROCEDURE

When an incarcerated person is required to provide a biological sample, a trained employee shall attempt to obtain the sample in accordance with this policy.

519.4.1 COLLECTION

The following steps should be taken to collect a sample:

(a) Verify that the incarcerated person is required to provide a sample pursuant to Penal Code § 296 and Penal Code § 296.1.

(b) Verify that a biological sample has not been previously collected from the offender by querying the individual's criminal history record for a DNA collection flag or, during regular business hours, calling the California Department of Justice (DOJ) designated DNA laboratory. There is no need to obtain a biological sample if one has been previously obtained.

(c) Use the designated collection kit provided by the California DOJ to perform the collection and take steps to avoid cross contamination.

519.5 CALCULATED USE OF FORCE TO OBTAIN SAMPLES

If an incarcerated person refuses to cooperate with the sample collection process, correctional officers should attempt to identify the reason for refusal and seek voluntary compliance without resorting to using force. Force will not be used in the collection of samples except as authorized

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by court order or approval of legal counsel and only with the approval of the Watch Commander. Methods to consider when seeking voluntary compliance include contacting:

(a) The incarcerated person's parole or probation officer when applicable.

(b) The prosecuting attorney to seek additional charges against the incarcerated person for failure to comply or to otherwise bring the refusal before a judge.

(c) The judge at the incarcerated person's next court appearance.

(d) The incarcerated person's attorney.

(e) A chaplain.

(f) A supervisor who may be able to authorize disciplinary actions to compel compliance, if any such actions are available.

The Watch Commander shall review and approve any calculated use of force. The supervisor shall be present to supervise and document the calculated use of force.

519.5.1 VIDEO RECORDING

A video recording should be made any time force is used to obtain a biological sample. The recording should document all staff participating in the process, in addition to the methods and all force used during the collection. The recording should be part of the investigation file, if any, or otherwise retained in accordance with the department’s established records retention schedule.

If the use of force includes a cell extraction, the extraction shall also be video recorded, including audio. The video recording shall be retained by the facility in accordance with established records retention schedules. Notwithstanding the use of the video as evidence in a criminal proceeding, the tape shall be retained by the jail administration (15 CCR 1059).

519.6 LEGAL MANDATES AND RELEVANT LAWS

California law provides for the following:

519.6.1 DOCUMENTATION RELATED TO FORCE

The Watch Commander or the authorized designee on-duty shall prepare prior written authorization for the use of any force (15 CCR 1059).

The written authorization shall include information that the subject was asked to provide the requisite sample and refused, as well as any related court order authorizing the force.

519.6.2 BLOOD SAMPLES

A blood sample should only be obtained under this policy when:

(a) The California DOJ requests a blood sample and the subject consents, or

(b) A court orders a blood sample following a refusal.

The withdrawal of blood may only be performed in a medically approved manner by health care providers trained and qualified to draw blood. A California DOJ collection kit shall be used for this purpose (Penal Code § 298(a); Penal Code § 298(b)(2)).

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519.6.3 STATE MANDATES

Correctional officers shall document their efforts to secure voluntary compliance and include an advisement of the legal obligation to provide the requisite specimen, sample, or impression, and the consequences of refusal (15 CCR 1059).

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End of Term Release

520.1 PURPOSE AND SCOPE

The purpose of this policy is to establish and maintain procedures governing the end of term release of incarcerated persons to ensure that incarcerated persons are not released in error (15 CCR 1029).

520.2 POLICY

It will be the policy of the Imperial County Sheriff's Office to provide for the timely, efficient, and legal release of incarcerated persons.

520.3 RELEASE PROCEDURE

Incarcerated persons who have reached the end of their sentenced term or who are ordered released by the court will be scheduled for release at staggered times on their release date to avoid congestion in the release area. Incarcerated persons scheduled for release shall be escorted by the staff to the transfer/release area to begin the release procedure prior to their scheduled release time.

The Watch Commander or release officer shall sign and date the release paperwork on the same day the incarcerated person is to be released.

Incarcerated persons shall not be released or moved during incarcerated person count, change of shift, or at any time that would pose a potential safety threat or disrupt the orderly operation of the facility.

All incarcerated persons must be positively identified by the Watch Commander prior to being released from the facility. Incarcerated person identities should be verified using houring cards bearing the incarcerated person's name, photograph, and facility identification number.

Before any incarcerated person may be released, the following conditions must be met:

(a) The identity of the incarcerated person has been verified.

(b) All required paperwork for release is present. The staff shall review the active incarcerated person file to verify the validity of the documents authorizing the release. The file should also be reviewed for other release-related or pending matters, including:

    1. Verifying calculations and release-date adjustments for good time.

    2. Any pending arrangements for follow-up, such as medications needed, appointments, or referral to community or social resources.

    3. Unresolved grievances, damage claims, or lost property.

(c) Releasing staff must complete National Crime Information Center (NCIC) and local warrant checks to ensure that there are no outstanding warrants or detention orders. If any agency has outstanding charges against the incarcerated person, the staff shall notify the agency that the incarcerated person is available for release.

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(d) If an incarcerated person has known mental health concerns, the incarcerated person shall be evaluated by a qualified health care professional and medically authorized for release. To the extent reasonably practicable, individuals who have been determined to be severely mentally ill should be released during business hours to facilitate their ability to receive services immediately after release.

(e) All personal property shall be returned to the incarcerated person during the release process. The incarcerated person must acknowledge receiving their property by signed receipt. Any discrepancies shall be promptly reported to the Watch Commander. The Watch Commander will direct staff to attempt to locate the missing property. If the property is unable to be located, the Watch Commander will ensure that a county claim form is given to the incarcerated person and the process on how to submit the claim is explained.

(f) All facility property must be returned by the incarcerated person. Any missing or damaged facility property should be documented and promptly reported to the Watch Commander. The incarcerated person shall remain in custody until the Watch Commander determines whether additional criminal charges should be filed against the incarcerated person for the damage.

(g) A forwarding address for the incarcerated person should be on file and verified with the incarcerated person for the return of mail.

(h) Incarcerated persons on probation or parole should be directed by the staff to report to the probation or parole office immediately upon release. The parole authorities having jurisdiction shall be notified of the incarcerated person's release, if required.

(i) Incarcerated persons shall have access to at least three free telephone calls to plan for a safe and successful release (Penal Code § 4024.5).

(j) Release standards, release processes, and release schedules shall be made available to an incarcerated person following the determination to release the incarcerated person (Penal Code § 4024.5).

The records management system shall be updated accordingly after the incarcerated person's release. The Watch Commander shall ensure all release documents are complete and properly signed by the incarcerated person and the staff where required.

520.3.1 DISCHARGE OF INCARCERATED PERSONS WITH MENTAL ILLNESS OR SUBSTANCE ADDICTION

Incarcerated persons who are eligible for release and suffer from mental illness or substance addiction may be offered to stay in the facility for up to 16 additional hours or until normal business hours, whichever is shorter, in order for the incarcerated person to be discharged to a treatment center or be discharged during daylight hours. The incarcerated person may revoke their consent and be released as soon as possible and practicable (Penal Code § 4024).

520.3.2 DISCHARGE OF INCARCERATED PERSONS CONVICTED OF FELONIES

Incarcerated persons who have been convicted of a felony and meet the conditions in Penal Code § 4852.01 shall be advised of the right to petition for certificate of rehabilitation and pardon prior to release. The Records Division shall inform the incarcerated person in writing of the incarcerated

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person's right to petition, and of the procedures for filing a petition and obtaining the certificate (Penal Code § 4852.21).

520.3.3 TRANSFERS TO IMMIGRATION AUTHORITIES

Members shall not transfer an individual to immigration authorities unless one of the following circumstances exist (Government Code § 7282.5; Government Code § 7284.6):

(a) Transfer is authorized by a judicial warrant or judicial probable cause determination.

(b) The individual has been convicted of an offense as identified in Government Code § 7282.5(a).

(c) The individual is a current registrant on the California Sex and Arson Registry.

(d) The individual is identified by the U.S. Department of Homeland Security's Immigration and Customs Enforcement as the subject of an outstanding federal felony arrest warrant.

520.3.4 DISCHARGE OF SEX OFFENDER REGISTRANTS

The Records Division shall inform the California Department of Justice when incarcerated persons required to register changes in address under Penal Code § 290.013 have been released from the jail within 15 days of release (Penal Code § 290.013).

520.3.5 ARRESTEE RELEASED FROM CUSTODY

Upon request, a detained arrestee released from custody shall be provided with the appropriate Judicial Council forms to petition the court to have the arrest and related records sealed (Penal Code § 851.91).

The jail shall display the required signage that complies with Penal Code § 851.91 advising an arrestee of the right to obtain the Judicial Council forms.

520.4 TRANSPORTATION OF RELEASED INCARCERATED PERSONS

The Video Visitation Clerk shall provide any released incarcerated person with two (2) tickets for the Imperial County Transit system and provide them with information on the schedule and directions to the bus stop on North Hospital Loop. Funding for Imperial County Transit tickets will come from the incarcerated person welfare fund (Penal Code § 4025(i)).

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Over-Detention and Inadvertent Releases

521.1 PURPOSE AND SCOPE

This policy is intended to provide guidance to staff and management to prevent and address over-detention or inadvertent release.

521.1.1 DEFINITIONS

Definitions related to this policy include:

Inadvertent release - Any instance of an incarcerated person being mistakenly released.

Over-detention - Any instance of an incarcerated person being mistakenly detained beyond their scheduled release date.

521.2 POLICY

It is the policy of this department to reasonably ensure that over-detention and inadvertent releases do not occur.

521.3 OVER-DETENTION

Any custody staff member who discovers or receives information of an over-detention, or a complaint from an incarcerated person regarding over-detention (which could be discovered through a grievance), should immediately notify the Watch Commander (see the Grievances Policy).

The Watch Commander should direct an available staff member to immediately conduct an investigation to determine the correct release date of the incarcerated person and to report the findings to the Watch Commander.

Incarcerated persons who are found to be over-detained shall be processed for immediate release in accordance with the End of Term Release Policy. The Watch Commander shall ensure that the Jail Administrator is notified, an entry is made to the daily activity log, and that a report is completed.

521.3.1 OVER-DETENTION GRIEVANCES

Any custody staff member who receives information or a complaint from an incarcerated person regarding over-detention should assist the person with completing a grievance form and forward the form directly to the Watch Commander as soon as practicable.

The Watch Commander receiving a grievance regarding an over-detention should direct a staff member to immediately conduct an investigation to determine the correct release date of the incarcerated person and to report the findings to the Watch Commander.

If the Watch Commander decides not to release the incarcerated person, the Watch Commander should ensure the person receives a grievance hearing within 24 hours of the grievance submission. The hearing documentation should reflect efforts made to investigate the allegation (see the Grievances Policy).

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521.4 INADVERTENT RELEASE

Whenever an inadvertent release is discovered, the custody staff member making the discovery shall immediately notify the Watch Commander. The notification shall be documented in the daily activity log.

521.4.1 INADVERTENT RELEASE INVESTIGATION

The Watch Commander should direct a staff member to immediately conduct an investigation to determine the cause of the inadvertent release.

The Watch Commander will coordinate a response based upon the seriousness of the threat the incarcerated person may pose to the community. The threat assessment should be based upon the person's criminal history and the reason the person is currently in custody, among other factors.

In the case of an inadvertent release, the Watch Commander should immediately notify the Jail Administrator and ensure a report is completed. The Jail Administrator should notify the Sheriff.

An appropriate evaluation of the circumstances shall be made to determine whether the inadvertent release should be classified as an escape.

521.4.2 RETURNING THE INCARCERATED PERSON TO CUSTODY

When the incarcerated person is located and returned to the facility, the appropriate notifications should be made as soon as possible.

521.5 CORRECTIONAL CASE RECORDS COORDINATOR

The Sheriff or the authorized designee shall designate a Correctional Case Records Coordinator to establish procedures to conduct a biweekly review of the incarcerated person records and take immediate action if an incarcerated person lacks an upcoming court appearance or scheduled end-of-term release date. Procedures should involve timely communication with the relevant court or prosecutor's office to establish or verify accurate dates when necessary. Results of this process should be reported to the Sheriff and documented in the incarcerated person's file.

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Incident Reporting

522.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance to members of this Office in determining when, how, and to whom notifications of incidents should be made.

522.2 POLICY

It is the policy of this Office to ensure that all jail related occurrences that jeopardize or have the potential to jeopardize staff, incarcerated persons, visitors, facility security, or the community at large are reported in a timely manner. Furthermore, it is the policy of this Office to ensure that command personnel are always available to supervisors for consultation.

522.3 CRITERIA FOR NOTIFICATION

The following is a list of incident types that should be reported to the appropriate Facility Commander during normal business hours. After hours the incidents should be reported to the on-call manager. The following list of incident types is provided as a guide for notification and is not intended to be all inclusive:

(a) Service-related death of an incarcerated person, employee, volunteer, visitor, or member of the public.

(b) Extensive property damage resulting from fire, man-made or natural disaster, and/or incarcerated persons actions.

(c) Actual, suspected, or attempted hostage action.

(d) Sexual assaults of any type.

(e) Assault on a staff member, volunteer, or contractor.

(f) Assault on an incarcerated person where weapon(s) were involved.

(g) Riot or use of riot control equipment.

(h) Escape or attempted escape.

(i) Bomb threat.

(j) Actual or suspected sabotage resulting in major property damage or prolonged disruption of operations, such as suspected arson, cut power or telephone lines, or disruption of the HVAC systems.

(k) Any occurrence that may result in an unusual level of public or media attention.

(l) Power outage over one hour or anytime during non-daylight hours.

(m) Use of a firearm by any person or staff on Sheriff's Office property.

(n) Any alleged criminal act committed by a person visiting or working in the jail, including any act committed by staff that may result in criminal charges.

(o) Attempted or actual suicide.

(p) Hospitalization of an incarcerated person, staff member, volunteer, or visitor.

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(q) Any significant injury, medical condition, or treatment given to staff members, incarcerated persons, volunteers, or visitors.

The Jail Administrator shall determine if any incident would require a critical incident review.

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Bail Bond Surrender

523.1 PURPOSE AND SCOPE

To establish guidelines in accordance with legal mandates regarding the surrender of bail bonds.

523.2 POLICY

Bail bond surrenders will be accepted at all times for both misdemeanor and felony cases within the County of Imperial. (Penal Code § 1300 – 1306) No bail bond surrenders will be accepted on out-of-county cases.

523.3 PROCEDURE

Bail bond surrenders shall only be received upon the presentation of one of the following documents:

(a) A certified copy of the certificate of deposit

(b) A certified copy of the bail bond

(c) An affidavit given by the bail licensee or surety company listing all the specific information that would be included on a certified copy of a bail bond. (Name of the defendant, date of birth, charges, court of jurisdiction, bail amount, date bail was posted, booking number (if applicable), warrant or case number (if applicable), bond number, surety company, agency, and the name of the person authorized to apprehend and surrender the defendant.)

(d) If either (a) or (b) is presented, it must be accompanied by a signed letter addressed to the Imperial County Sheriff's Office whereby the bondsman, or depositor, certifying that the bail bond is in full force and has not been exonerated.

Bail bond surrenders will be processed in accordance with the Incarcerated Person Reception policy. Bail bond surrenders will not be accepted if the individual is in custody on the case. If a warrant has been issued for the individual being presented they shall be booked per the warrant.

523.3.1 COURT APPEARANCE

Within 48 hours of surrender, the defendant will be brought before the court in which the defendant is next to appear on the case for which they have been surrendered. (Penal Code § 1300).

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Processing of Bail Bonds

524.1 PURPOSE AND SCOPE

To ensure the validity of bail bonds received, and to standardize the processing of said bonds.

524.2 POLICY

Bail bonds will only be accepted from bail agents licensed through the California Department of Insurance (10 CCR 2068).

524.3 PROCEDURE

Any authorized bail bond agent must have in their possession a Department of Insurance identification card confirming their status as a licensed bail agent and a valid state driver's license or identification card.

A bail bond is a legal document. Any and all changes on a bond are to be made and initialed by the bail bond agent. Changes made on a bond other than the agent could nullify the bond as a legal document. If the bond has more than one correction or is unreadable, it shall not be accepted and the bail bond agent shall issue a new bond.

Prior to the acceptance of any bond, the receiving clerk shall verify that the incarcerated person is cleared of any outstanding warrants or holds.

Each bond shall be checked for completeness and accuracy prior to acceptance. This check should at a minimum include the following:

(a) The names of the bonding agency and insurance company on each bond.

(b) The license number of the bail agency issuing the bond.

(c) The court appearance information (date, time, and department)

(d) The defendant's name as it appears in the records management system or on the court commitment.

(e) The exact bail amount is written out and indicated numerically.

(f) The correct charges.

(g) The signed Power of Attorney without any corrections or errors.

(h) The premium charge is indicated.

(i) The bail agent's signature.

(j) The Notary Public's seal, signature, and the date their commission expires.

(k) The in-force date of the bond and bail bond value conforms to the amount of bail.

Once a bail bond has been accepted, the clerk shall deliver the bail bond to the RADF Watch Commander for the processing of the release.

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Hospital Security

525.1 PURPOSE AND SCOPE

To establish guidelines for the security of hospitalized incarcerated persons.

525.2 POLICY

It is the policy of this Office to coordinate the hospitalization of any incarcerated person and to provide the necessary security.

525.3 PROCEDURE

Whenever an incarcerated person is to be transported to the hospital, it shall be the responsibility of the Watch Commander of the facility from which an incarcerated person is housed to arrange for appropriate security.

Whenever possible, two correctional officers should escort all incarcerated persons to the hospital. One should remain with the incarcerated person in the ambulance and the other should follow in a transportation unit.

For most hospital transports the transporting correctional officers shall remain with the incarcerated person during their treatment and shall transport the incarcerated person back to the jail after they have been discharged.

On rare occasions, the incarcerated person may be admitted to the hospital. When the decision is made by medical staff to admit an incarcerated person to the hospital, the transporting officers shall advise the Watch Commander of the facility in which the incarcerated person was housed. It shall be the responsibility of the Watch Commander to arrange for private security to assume the security responsibility of the incarcerated person.

525.3.1 EXCEPTIONS TO SECURITY

If the incarcerated person is charged with or convicted of a misdemeanor the Watch Commander may direct that a security officer is not necessary. (Penal Code § 4011.7). If the incarcerated person is charged with or convicted of a felony and it reasonably appears that the incarcerated person is physically unable to effectuate an escape or does not constitute a danger to life or property the Watch Commander may, with the approval of the Facility Commander or On-Call Manager, direct that a security officer is not necessary (Penal Code § 4011.9). The Watch Commander shall document the reasons for the decision and any approvals in the incarcerated person's file and the Daily Activity Log.

525.3.2 ADVISEMENTS

In such cases where security is not provided the transporting officer shall advise the incarcerated person that they are still considered to be a prisoner of the Imperial County Jail and that any incarcerated person who knowingly escapes or attempts to escape from the hospital will be charged with a misdemeanor, or a felony if force or violence was used in the escape or attempt. The advisement of consequences of escape shall be documented in the incarcerated person's file.

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525.3.3 CHANGES IN CUSTODY STATUS

When the custody status of a hospitalized incarcerated person is changed the staff shall notify the Watch Commander as soon as reasonably possible. The Watch Commander shall re-evaluate the need for security. If an increase or decrease in security is appropriate the Watch Commander shall document such decision in the incarcerated person's file. If the incarcerated person is to be released from custody, the Watch Commander shall direct a correctional officer to go to the hospital with the personal clothing and property of the incarcerated person to process the release in accordance with established release procedures.

525.3.4 DISCHARGE FROM THE HOSPITAL

Whenever the Watch Commander is advised that a hospitalized incarcerated person is pending discharge, they shall coordinate transportation back to the facility. The assigned transporting officer shall gather all hospital records and transport the incarcerated person back to the facility. Once at the facility, the transporting officer shall ensure that the incarcerated person is evaluated by medical staff and all hospital records are provided to the medical staff to ensure continuity of care for the individual.

525.3.5 CONTRACT SECURITY OFFICERS

Qualified contract security officers will be used to guard incarcerated persons during their hospitalization in hospitals and other facilities in Imperial County, San Diego County, and Riverside County unless the Watch Commander directs that a security officer is not needed. Hospitalized incarcerated persons are in the custody of this Office and the area around the hospital bed is and will be considered an extension of the county jail. All laws and regulations governing the county jail are to be followed by the contract security officers. All security officers assuming the responsibility of the incarcerated person shall meet all requirements described in the contract between their employer and the County of Imperial.

Prior to the contract security officer assuming the responsibility of the incarcerated person they shall be briefed on the following:

(a) The incarcerated person is to have no visitors, telephone calls, or mail unless specifically authorized by the Jail Administrator.

(b) The incarcerated person is to be kept in a separate room unless the room is occupied by another incarcerated person and their classifications permit the sharing of the room.

(c) The incarcerated person shall at minimum have one leg shackled to the bed unless they are being moved within the hospital or they are removed from the bed to use the restroom.

(d) The incarcerated person will be in direct visual sight of the security officer(s) at all times.

(e) The contract security officers shall call the Watch Commander whenever there is a question, any incident to report, or the incarcerated person is being discharged from the hospital.

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Hospital Security

The transporting officer who was relieved by the contract security officer shall document the name and identification number of the contract security officer who assumed responsibility of the incarcerated person and that they briefed the contract security officer on the above-listed items. Such documentation should be made on the incarcerated person's file and the Daily Activity Log.

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Ex Parte Court Orders

526.1 PURPOSE AND SCOPE

To establish a consistent method of handling ex parte court orders, which direct that an incarcerated person receive special or additional privileges.

526.2 POLICY

Ex parte court orders are considered to be a threat to the orderly running of the facilities. Ex parte court orders, which involve the granting of an incarcerated person special or additional privileges will not be followed without express authorization of the Jail Administrator.

All ex parte court orders granting special or additional privileges shall be forwarded to the Jail Administrator as soon as reasonably possible.

526.3 PROCEDURE

The Jail Administrator shall submit all ex parte court orders to County Counsel to request formal motions to vacate such orders whenever they are issued.

If such orders are to remain in effect after a formal hearing, the Jail Administrator shall issue a directive to all staff to detail how the Office will comply with the orders. All modifications to privileges as a result of such orders shall be documented in the incarcerated person's file.

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Property Release

527.1 PURPOSE AND SCOPE

To establish guidelines for the release of incarcerated person's property.

527.2 POLICY

It is the policy of this Office to allow incarcerated persons to release their personal property to an individual of their choosing.

527.3 PROCEDURE

Incarcerated persons may release their personal property to an individual of their choosing at any time during their incarceration at the Imperial County Jail. Money from an incarcerated person shall only be released within the first 24 hours after booking unless specifically authorized by the Jail Administrator or their designee.

Incarcerated persons wishing to release their property shall submit a request under the appropriate category. Once the request is received the staff member will respond to the request advising the incarcerated person that the request has been received and that their property will be available for pick up during normal business hours. If the request is not completely filled out or contains incomplete information, the staff member shall respond to the request and advise the incarcerated person of the error and how to correct the error on the resubmission of the request.

It shall be the responsibility of the incarcerated person to advise the individual that they have indicated as the pickup person for their property that it is available for pick up.

527.3.1 PROPERTY DISPOSITION FOR INDIVIDUALS SENTENCED TO STATE PRISON

Once an incarcerated person has been sentenced to state prison they may elect to release their clothing. The process for releasing clothing will be the same as the process for personal property. No clothing will be released until an individual has been sentenced to state prison.

If an incarcerated person is being transported to state prison and their personal property or clothing has not been released, staff will provide the incarcerated person with a clothing disposition form. The incarcerated person can choose to have someone come to the facility to pick up their clothing within 45 days or they can donate their clothing. Donated clothing is provided to individuals getting released that do not have appropriate clothing.

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Contraband Surveillance Watch

528.1 PURPOSE AND SCOPE

The purpose of this policy is to provide clear direction on the use of a Contraband Surveillance Watch (CSW) when there is reasonable suspicion that an incarcerated person has secreted contraband inside body cavities or otherwise intend to conceal contraband by disposing of it through normal bodily functions.

528.2 DEFINITIONS

Definitions related to this policy include:

Contraband Surveillance Watch: Placement of an incarcerated person in a secure cell without access to toilet facilities for the purpose of preventing destruction or concealment of suspected contraband.

Dry Cell: a secure cell without access to toilet facilities.

528.3 POLICY

This facility will employ the use of Contraband Surveillance Watch only when reasonable suspicion of concealment of contraband within the incarcerated person exists.

528.4 CONTRABAND SURVEILLANCE WATCH (CSW) PROCEDURES

(a) A member of this department who observes or receives reliable information suggesting an incarcerated person has secreted contraband (e.g., admission, witnessed insertion, intelligence, or alerts from an arresting/transporting officer) must provide the Watch Commander a statement articulating specific facts giving rise to reasonable suspicion.

(b) The Watch Commander shall review the facts, and if reasonable suspicion exists, authorize the placement of the incarcerated person into a dry cell.

(c) The Watch Commander shall ensure that a qualified medical clinician conducts an in-person assessment of the incarcerated person to determine whether the incarcerated person is medically fit for dry cell placement.

(d) The Watch Commander shall ensure the dry cell is searched before placement.

(e) The Watch Commander will make a log entry into the jail management system with the reason for placement, the staff involved in the placement, and the attempts at less intrusive means of contraband retrieval (e.g., voluntary surrender or supervised use of toilet in the presence of staff).

(f) A strip search of the incarcerated person shall be conducted as part of the placement. At the conclusion of the strip search, the incarcerated person will be allowed to wear undergarments (e.g., boxers or bra and panties). All other clothing shall be removed and stored until the incarcerated person is removed from the dry cell. The incarcerated person shall be provided with a mattress, two sheets, and a blanket as appropriate. If the clothing or bedding is withheld from the incarcerated person, such reasoning shall be documented by the Watch Commander.

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(g) An observation log shall be initiated every time an incarcerated person is placed on Contraband Surveillance Watch and should be maintained for the entire time the incarcerated person is on watch.

(h) A safety check consisting of direct visual observation that is sufficient to assess the incarcerated person's well-being and behavior shall occur twice every 30 minutes with no more than a 15-minute lapse between safety checks. Each safety check of the incarcerated person shall be documented on the observation log. Supervisors shall inspect the logs for completeness every two hours and document this action on the log.

(i) A qualified medical clinician shall evaluate the incarcerated person at least every 24 hours and sooner if the incarcerated person requests or exhibits distress.

(j) When the incarcerated person indicates the need to defecate, the responsible officer shall summon the presence of a supervisor.

1. If the responsible officer is not of the same gender as the incarcerated person, the supervisor will assign an officer of the same gender to monitor the collection.
2. If the supervisor is not of the same gender as the incarcerated person, the supervisor shall request a same-gender supervisor or designate an assisting officer of the same gender to perform the monitoring.
3. If only one officer of the same gender is available, that officer shall conduct the monitoring. The supervisor shall direct additional officers to remain nearby for safety and support, but those officers shall not observe the collection unless required by incarcerated person non-compliance or exigent circumstances. The supervisor shall advise the incarcerated person of the officer who will be monitoring the collection of the sample, and if they become non-compliant, the use of opposite gender staff will be necessary.
4. Any use of opposite gender staff shall be documented by the supervisor with the details of the incident prompting the need for additional officers.
5. If no officers of the same gender are available to monitor the collection, the supervisor shall direct staff to provide the sanitary receptacle for the incarcerated person to relieve themselves. The sample collected in this manner will not count towards the three samples required to be removed from the dry cell.

(k) The monitoring officer shall provide the incarcerated person with a sanitary receptacle for collection that provides for sufficient observation and a portable commode.

(l) Observations of the collection shall be limited to authorized involved staff. No recording or observation by non-authorized personnel (including other incarcerated persons) is permitted.The sample collection shall be completed in an area without a camera to ensure compliance with this section.

(m) Restraints shall only be used if less restrictive methods would not be appropriate. Such reasoning for restraints shall be documented.

(n) Any force used during the collection shall be documented in accordance with the Use of Force policy.

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(o) If contraband is observed or produced, staff shall use appropriate safety precautions to secure the items and process the evidence consistent with the Disposition of Evidence and Evidence Room policies. Ensuring items are marked as biohazard.

(p) The default maximum time limit is 72 hours. Extending the time requires the approval of the Jail Administrator. Reasoning for the extension shall be documented.

(q) Removal from the dry cell and discontinuance of Contraband Surveillance Watch shall only be after one of the following happens:

1. The time limit of 72 hours has been reached.
2. The incarcerated person has given three stool samples.
3. Qualified medical personnel determine that continued retention in the dry cell will harm the incarcerated person.

528.5 SPECIAL POPULATIONS

Incarcerated persons who are pregnant, disabled, or suffer serious medical conditions shall not be placed on Contraband Surveillance Watch absent extraordinary circumstances and only with the approval of the Jail Administrator.

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Chapter 6 - Due Process of Incarcerated Persons

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Discipline

600.1 PURPOSE AND SCOPE

This policy addresses the fair and equitable application of incarcerated person rules and disciplinary actions for those who fail to comply (15 CCR 1081).

600.2 POLICY

It is the policy of this department to maintain written general categories of prohibited incarcerated person behavior that are clear, consistent, and uniformly applied. Written rules and guidelines will be made available to all incarcerated persons. They will include a process for resolving minor infractions and a hearing process for a more serious breach of incarcerated person rules. Criminal acts shall be documented with an appropriate criminal report or referred to the investigations unit.

600.3 DUE PROCESS

Incarcerated persons who are subject to discipline as a result of rule violations shall be afforded the procedural due process by the Sheriff that is established in the policies, procedures, and practices relating to incarcerated person discipline. All incarcerated persons will be made aware of the rules of conduct related to maintaining facility safety, security, and order, as well as clearly defined actions for rule violations. Staff will not engage in arbitrary actions against incarcerated persons. All disciplinary actions will follow clearly established procedures. All disciplinary actions will be fairly and consistently applied (15 CCR 1081 et seq.).

The process for an incarcerated person accused of a major rule violation includes:

(a) A fair hearing in which the Jail Administrator or the authorized designee presents factual evidence supporting the rule violation and the disciplinary action.

(b) Advance notice to the incarcerated person of the disciplinary hearing, to allow the incarcerated person time to prepare a defense.

(c) An impartial hearing officer.

(d) The limited right to call witnesses and/or present evidence on the person's behalf.

(e) The appointment of an assistant or representative in cases where the incarcerated person may be incapable of self-representation.

(f) A formal written decision that shows the evidence used by the hearing officer, the reasons for any actions, and an explanation of the appeal process.

(g) Reasonable actions for violating rules that relate to the severity of the violation.

(h) The opportunity to appeal the finding.

600.3.1 RULES AND ACTIONS

The Jail Administrator is responsible for ensuring that rules and actions are developed, distributed, reviewed annually, and revised as needed.

Incarcerated persons cannot be held accountable for rules of which they are unaware. However, it is impossible to define every possible prohibited act or rule violation that might be encountered in

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a detention facility. Therefore, a current list of recognized infractions that are generally prohibited should be available in each housing unit. All incarcerated persons, regardless of their housing unit, shall have access to these rules. For those individuals with limited literacy, unable to read English, and for persons with disabilities, provisions shall be made for staff to instruct them verbally or provide them with material in an understandable form (15 CCR 1080) (see the Handbook and Orientation Policy).

Disciplinary procedures governing incarcerated person rule violations should address rules, minor and major violations, criminal offenses, disciplinary reports, prehearing detention, and prehearing actions or investigations.

600.3.2 POSTING

The Jail Administrator or the authorized designee is responsible for conspicuously posting notices about rules, disciplinary procedures, and actions in a conspicuous location, as set forth in 15 CCR 1080.

600.3.3 RULE VIOLATION REPORTS

California Penal Code § 4019.5 requires that all disciplinary actions administered be documented. This requirement may be satisfied by retaining copies of rule violation reports, including the disposition of each violation (15 CCR 1084). Rule violation reports are required for major rule violations or any other violation that will require investigation or a formal resolution. The staff member who observed or detected the rule violation or who was charged with investigating a rule violation is responsible for completing the rule violation report. The rule violation report shall include, at a minimum:

- The date, time, and location of the incident.
- Specific rules violated.
- A written description of the incident.
- The identity of known participants in the incident.
- Identity of any witnesses to the incident.
- Description and disposition of any physical evidence.
- Action taken by staff, including any use of force.
- Name and signature of the reporting correctional officer.
- Date and time of the report.

The supervisor investigating the violation shall ensure that certain items are documented in the investigation or rule violation report, including:

- Date and time the explanation and the written copy of the complaint and appeal process was provided to the incarcerated person.
- The incarcerated person's response to the charges.

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- Reasons for any actions.
- The identity of any staff or witnesses involved, as revealed by the incarcerated person.
- The findings of the hearing officer.
- The incarcerated person's appeal, if any.
- The appeal findings, if applicable.

600.4 RULE VIOLATION PROCEDURES

Minor acts of non-conformance to the rules may be handled informally by any correctional officer (15 CCR 1081).

A violation of rules observed by general service employees, volunteers, or contractors will be reported to a correctional officer for further action. Correctional officers are authorized to recommend informal actions on minor violations.

Any staff member imposing informal discipline shall complete the reporting portion of the disciplinary report and provide the form to the supervisor for review prior to the imposition of the action.

Disciplinary actions that may be imposed for minor rule violations include (15 CCR 1081):

- Counseling the incarcerated person regarding expected conduct.
- Assignment to extra work detail.
- Removal from work detail (without losing work time credits).
- Loss of television, telephone, and/or commissary privileges for a period not to exceed 24 hours.
- Lockdown in the incarcerated person's assigned cell or confinement in the incarcerated person's bunk area for a period not to exceed 24 hours.

An incarcerated person may request that a supervisor review the imposed action. However, this request must be made within one hour of receiving notice of the action. The supervisor should respond to the request within a reasonable time (generally within two hours) and shall have final authority as to the imposition of informal discipline.

600.4.1 MULTIPLE MINOR RULE VIOLATIONS

Staff may initiate a major rule violation report if an incarcerated person is charged with three or more minor rule violations in a consecutive 30-day period. Copies of all minor rule violations will be attached to the major rule violation report. A staff member shall conduct a hearing according to the procedures of a major rule violation.

600.4.2 MAJOR RULE VIOLATIONS

Major rule violations are considered a threat to the safety, security, or efficiency of the facility, its staff members, incarcerated persons, or visitors. Staff members witnessing or becoming aware of a major rule violation shall take immediate steps to stabilize and manage the situation,

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including immediate notification to the Watch Commander. The Watch Commander shall assess the situation and initiate any emergency action, if necessary, and notify the Jail Administrator or authorized designee.

The staff member who learned of the rule violation shall write and submit a disciplinary report, along with all relevant evidence, to the Watch Commander prior to the end of the shift unless otherwise approved by the Facility Commander or on-call manager (15 CCR 1081).

600.4.3 PREHEARING DETENTION

Incarcerated persons who are accused of a major rule violation may be moved to administrative restrictive housing for prehearing detention, with the Watch Commander's approval, if there is a threat to safety or security. Incarcerated persons placed in prehearing detention are subject to the property and privilege restrictions commensurate with separated confinement (15 CCR 1081).

The Jail Administrator or the authorized designee shall, within 72 hours including weekends and holidays, review the status of any incarcerated person in prehearing detention to determine whether continued prehearing restrictive housing is appropriate.

600.5 INVESTIGATIONS

Investigations involving major rule violations should be initiated within 24 hours of the initial report and completed in sufficient time for the incarcerated person to have a disciplinary hearing, which is required within 72 hours of the time the incarcerated person was informed, in writing, of the charges. If additional time is needed, the investigating supervisor will request more time in writing from the Watch Commander. The incarcerated person will be notified in writing of the delay.

If upon completion of the investigation, the investigating supervisor finds insufficient evidence to support a major rule violation, the supervisor may discuss alternative actions with the Watch Commander, including handling the incident as a minor violation or recommending that charges be removed. Such alternatives shall be documented in the incarcerated person's file.

If the investigating supervisor determines that sufficient evidence exists to support a major rule violation, the supervisor will act as the hearing coordinator and will be responsible for:

- Reviewing all reports for accuracy and completeness.
- Overseeing or conducting any required additional investigation.
- Making a determination as to the final charges.
- Making preliminary decisions about the appointment of a staff member to act as an assistant to the incarcerated person.
- Identifying any witnesses that may be called to the hearing.

600.6 NOTIFICATIONS

An incarcerated person charged with a major rule violation shall be given a written description of the incident and the rules violated at least 24 hours prior to a disciplinary hearing.

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Unless waived in writing by the incarcerated person, hearings may not be held in less than 24 hours from the time of notification (15 CCR 1081).

600.7 HEARING OFFICER

The Jail Administrator shall appoint at least one hearing officer to preside and conduct disciplinary hearings of major rule violations. The hearing officer should be a qualified supervisor or suitably trained designee who will have the responsibility and authority to rule on charges of incarcerated person rule violations. The hearing officer shall also have the power to impose actions. The hearing officer shall not investigate nor preside over any incarcerated person disciplinary hearing on cases where the hearing officer was a witness or was directly involved in the incident that generated the complaint (15 CCR 1081).

600.8 HEARING PROCEDURE

Incarcerated persons charged with major rule violations are entitled to be present at a hearing unless waived in writing or excluded because their behavior poses a threat to facility safety, security, and order (15 CCR 1081). Staff shall inform the hearing officer when any incarcerated person is excluded or removed from a scheduled hearing and shall document the reasons for the exclusion or removal. A copy of the report shall be forwarded to the Jail Administrator.

Hearings may be postponed or continued for a reasonable period of time for good cause. Reasons for postponement or continuance shall be documented and forwarded to the Jail Administrator (15 CCR 1081).

The hearing officer shall disclose to the accused incarcerated person all witnesses who will be participating in the hearing. Incarcerated persons have no right to cross-examine witnesses. However, the accused incarcerated person may be permitted to suggest questions that the hearing officer, in the hearing officer's discretion, may ask.

600.8.1 EVIDENCE

Accused incarcerated persons have the right to make a statement, present evidence, and call witnesses at the hearing (15 CCR 1081). Requests for witnesses shall be submitted in writing by the incarcerated person no later than 12 hours before the scheduled start of the hearing. The written request must include a brief summary of what the witness is expected to say.

The hearing officer may deny the request when it is determined that allowing the witness to testify would be unduly hazardous to institutional safety or correctional goals, when the witness's information would not be relevant or would be unnecessarily duplicative, or is otherwise unnecessary. The reason for denying a witness to testify shall be documented in the hearing report. The reason for denial of any documents requested by the incarcerated person shall also be documented in the hearing record.

A witness's signed written statement may be submitted by the incarcerated person as an alternative to a live appearance. The hearing officer shall review and determine whether the statement is relevant to the charges and shall document the reason for exclusion when any written statement is not given consideration.

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Absent a safety or security concern, all staff reports and evidence, including exculpatory evidence, obtained during the disciplinary investigation shall be made available to the accused incarcerated person prior to the hearing.

600.8.1 CONFIDENTIAL INFORMANTS

If information from any confidential informant is to be presented at the hearing, information establishing the reliability and credibility of the informant shall be provided to the hearing officer prior to the hearing. The hearing officer shall review such information to determine whether the informant is reliable and credible.

600.8.2 STAFF ASSISTANCE

A staff member shall be assigned to assist an incarcerated person who is incapable of self-representation at a disciplinary hearing due to limited literacy, developmental disabilities, language barriers, or mental status (15 CCR 1081). The scope of the duties of the assistant shall be commensurate with the reasons for the appointment. The assistant should be allowed sufficient time to confer with the incarcerated person to fulfill the individual's obligations. In these cases, the incarcerated person does not have a right to appoint a person to assist in the individual's disciplinary hearing. The final decision regarding the appointment rests with the hearing officer.

Incarcerated person discipline is an administrative and not a judicial process. Incarcerated persons do not have a right to an attorney in any disciplinary hearing. Additionally, disciplinary matters may be referred for criminal prosecution and jail disciplinary action concurrently as there is no double jeopardy defense for an administrative process.

600.8.3 DISCIPLINARY DECISIONS

Disciplinary decisions shall be based on the preponderance of evidence presented during the disciplinary hearing.

The disciplinary process shall consider whether an incarcerated person's mental disabilities or mental illness contributed to the incarcerated person's behavior when determining what type of discipline, if any, should be imposed (28 CFR 115.78(c)).

600.8.4 REPORT OF FINDINGS

The hearing officer shall write a report regarding the decision and detailing the evidence and the reasons for the disciplinary action. A copy of the report shall be provided to the incarcerated person. The original shall be filed with the record of the proceedings. All documentation related to the disciplinary process shall be retained and a copy should be placed in the incarcerated person's file (15 CCR 1081).

If it is determined that the incarcerated person's charge is not sustained at the end of the disciplinary hearing, the documentation shall be removed from the incarcerated person's file but otherwise maintained in accordance with records retention requirements.

All disciplinary hearing reports and dispositions shall be reviewed by the Jail Administrator or the authorized designee soon after the final disposition (15 CCR 1081).

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600.9 DISCIPLINARY APPEALS

Incarcerated persons wishing to appeal the decision of the hearing officer must do so in writing within five days of the decision. All appeals will be forwarded to the Jail Administrator or the authorized designee for review (15 CCR 1081).

Only appeals based on the following will be considered:

(a) The disciplinary process or procedures were not followed.

(b) There was insufficient evidence to support the hearing officer's decision.

(c) The discipline imposed was not proportionate to the violation committed.

A final disposition shall be rendered as soon as possible if the incarcerated person's appeal is granted or discipline is reduced but no later than 10 days after the appeal. The decision of the review authority shall be final and the result of the appeal shall be provided to the incarcerated person in writing.

600.10 LIMITATIONS ON DISCIPLINARY ACTIONS

The U.S. and state constitutions expressly prohibit all cruel or unusual punishment, disciplinary actions shall not include corporal punishment, group punishment when feasible, or physical or psychological degradation (15 CCR 1083). Additionally, there shall be the following limitations:

- Disciplinary separation shall be considered an option of last resort and as a response to the most serious and threatening behavior, for the shortest time possible, and with the least restrictive conditions possible (15 CCR 1083).
- In no case shall any incarcerated person or group of incarcerated persons be delegated the authority to punish any other incarcerated person or group of incarcerated persons (Penal Code § 4019.5; 15 CCR 1083).
- In no case shall a safety cell, as specified in the Safety and Sobering Cells Policy, be used for disciplinary purposes (15 CCR 1083).
- In no case shall any restraint device be used for disciplinary purposes (15 CCR 1083).
- Food shall not be withheld as a disciplinary measure (15 CCR 1083).
- Correspondence privileges shall not be withheld except in cases where the incarcerated person has violated correspondence regulations, in which case correspondence other than legal mail may be suspended for no longer than 72 hours without the review and approval of the Jail Administrator (15 CCR 1083).
- In no case shall access to the courts and/or legal counsel be suspended as a disciplinary measure (15 CCR 1083).
- No incarcerated person may be deprived of the implements necessary to maintain an acceptable level of personal hygiene (15 CCR 1083; 15 CCR 1265).
- Discipline may be imposed for sexual activity between incarcerated persons. However, such activity shall not be considered sexual abuse for purposes of discipline unless the activity was coerced (28 CFR 115.78(g)).

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- No discipline may be imposed for sexual contact with staff unless there is a finding that the staff member did not consent to such contact (28 CFR 115.78(e)).
- No incarcerated person may be disciplined for falsely reporting sexual abuse or lying, even if an investigation does not establish evidence sufficient to substantiate the allegation, if the report was made in good faith based upon a reasonable belief that the alleged conduct occurred (28 CFR 115.78(f)).

600.11 GUIDELINES FOR DISCIPLINARY ACTIONS

Discipline shall be commensurate with the nature and circumstances of the offense committed, the incarcerated person's disciplinary history, and the actions imposed for comparable offenses by other incarcerated persons with similar histories (28 CFR 115.78(b); 15 CCR 1082).

In all cases, actions should be imposed for the purpose of controlling or changing an incarcerated person's behavior, promotion of desired behavior through a progressive disciplinary process, and not for the purpose of punishment (15 CCR 1082).

Acceptable forms of discipline shall consist of but not be limited to the following (15 CCR 1082):

- Loss of privileges
- Extra work detail
- Short-term lockdown for less than 24 hours
- Removal from work details
- Forfeiture of work time credits earned under Penal Code § 4019
- Forfeiture of good time credits earned under Penal Code § 4019
- Disciplinary detention

The Sheriff or the Jail Administrator shall be responsible for developing and implementing a range of disciplinary actions for violations.

Incarceratedpersons shall be subject to disciplinary actions pursuant to a formal disciplinary process following an administrative finding that the incarcerated person engaged in incarcerated person-on-incarcerated person sexual abuse or following a criminal finding of guilt for incarcerated person-on-incarcerated person sexual abuse (28 CFR 115.78(a)).

To the extent that there is available therapy, counseling, or other interventions designed to address and correct underlying reasons or motivations for sexual abuse, the facility shall consider whether to require an incarcerated person being disciplined for sexual abuse to participate in such interventions as a condition of access to programming or other benefits (28 CFR 115.78(d)).

600.12 TRAINING

The Jail Administrator or the authorized designee is responsible for ensuring that a wide range of training and disciplinary tools are available to aid staff in documenting rule violations in a consistent and thorough manner.

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Discipline

The Training Manager is responsible for developing and delivering, or procuring, training for staff members who participate in the disciplinary hearing process. Training topics should include the legal significance of due process protections and the hearing officer's role in assuring that those protections are provided.

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Disciplinary Separation

601.1 PURPOSE AND SCOPE

This policy specifically addresses disciplinary separation and guiding principles relating to the conditions attached to that separation. It will provide guidance to the staff on acceptable practices with regard to management of incarcerated persons in disciplinary separation or classified as requiring special management needs.

601.1.1 DEFINITIONS

Definitions related to this policy include:

Disciplinary separation - A status assigned to an incarcerated person after a disciplinary hearing in which the person was found to be in violation of a jail rule or state or federal law. This status results in separating the person from the rest of the incarcerated person population to serve the consequence imposed.

601.2 POLICY

The Imperial County Sheriff's Office will maintain a disciplinary separation unit to house incarcerated persons who, after an impartial due process hearing, are receiving disciplinary actions for violating one or more jail rules. Restrictions on privileges will be subject to the disciplinary process and in accordance with this policy.

601.3 DISCIPLINARY SEPARATION

Incarcerated persons may be placed into disciplinary separation only after an impartial hearing to determine the facts of the rule violation, in accordance with the department Discipline Policy. The hearing officer shall impose discipline in accordance with the discipline schedule established by the Jail Administrator. Maximum disciplinary actions for any one incident, regardless of the number of rules violated, shall not exceed 60 days.

Disciplinary separation in excess of 30 days shall be reviewed by the Jail Administrator before the discipline is imposed. The review shall include a consultation with health care staff. Such reviews shall continue at least every 15 days thereafter until the disciplinary status has ended. These reviews shall be documented (15 CCR 1082(g); 15 CCR 1083(a)).

601.4 ACCESS TO SERVICES

The ability to discipline incarcerated persons for conduct violations is not absolute. Absent legitimate government reasons, incarcerated persons continue to have a right to receive certain services. However, incarcerated persons in disciplinary separation, in accordance with the Discipline Policy, or special management incarcerated persons who are disciplined for one or more rule violations, may be subject to loss of privileges or credit for good time and work time.

Services to provide for basic human needs must continue to be made available. There are minimum service requirements that must be maintained to ensure the facility continues to operate in a constitutional manner. All custody staff will adhere to the following policy sections to guide

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them in the supervision of incarcerated persons held in disciplinary separation or classified as requiring special management needs.

601.4.1 MEDICATION, CLOTHING, AND PERSONAL ITEMS

Incarcerated persons placed in disciplinary separation are considered special management incarcerated persons and shall not be denied prescribed medication.

Special management incarcerated persons will be provided with clothing that identifies their status, but in no case will this clothing be used to intentionally disgrace the incarcerated person.

Absent unusual circumstances, special management incarcerated persons will continue to have the same access to personal items in their cell as general population incarcerated persons have, including the following:

- Clean laundry
- Barbering and hair care services
- Clothing exchanges
- Bedding and linen exchanges

Incarcerated persons in disciplinary separation shall not be deprived of bedding or clothing except in cases where the incarcerated person destroys such articles or uses them to attempt suicide (15 CCR 1083(a)(2)). The decision to continue to deprive the incarcerated person of these articles must be made by the Jail Administrator or the authorized designee and reviewed every 24 hours.

601.4.2 SHOWERING AND PERSONAL HYGIENE

Incarcerated persons in disciplinary separation should be allowed to shower with the same frequency as the general population, if reasonably practicable, but at a minimum shall be afforded the opportunity to shower at least every other day and shave daily (15 CCR 1083(d)). The opportunities for each incarcerated person to shave and shower will be documented on the records management system.

Exceptions to this policy can only be made when the restriction is determined to be reasonably necessary for legitimate government purposes. Any exceptions to this basic requirement must be reviewed and approved by the Watch Commander. The circumstances necessitating a restriction must be clearly documented.

601.4.3 DENIAL OF AUTHORIZED ITEMS OR ACTIVITIES

Personal items may be withheld when it reasonably appears that the items will be destroyed by the incarcerated person or it is reasonably believed that the personal item will be used for a self-inflicted injury or to harm others.

Whenever an incarcerated person in disciplinary separation is denied personal care items or activities that are usually authorized to the general population incarcerated persons, except for restrictions imposed as a result of a disciplinary hearing, the correctional officer taking such action shall prepare a report describing the circumstances that necessitated the need to restrict personal

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items or activities. The report shall be submitted to a supervisor for review, who will then forward it to the Jail Administrator. A copy of the report shall be placed in the incarcerated person's file.

601.4.4 MAIL AND CORRESPONDENCE

Incarcerated persons in disciplinary separation shall have the same privileges to write and receive correspondence as incarcerated persons in general population, except in cases where incarcerated persons violated correspondence regulations. In such cases, mail privilege may be suspended. The Jail Administrator or the authorized designee shall approve all mail privilege suspensions that exceed 72 hours. Legal mail shall not be suspended from delivery to the incarcerated person (15 CCR 1083(f)).

601.4.5 VISITATION

Incarcerated persons in disciplinary separation shall have the same opportunities for visitation as general population incarcerated persons, except when the visitation privileges are suspended pursuant to an action imposed by the disciplinary hearing officer. Disciplinary actions that limit or curtail visitation must be clearly documented and approved by a supervisor if not a condition of the original approved discipline.

601.4.6 READING AND LEGAL MATERIALS

Incarcerated persons in disciplinary separation shall have the same access to reading materials and legal materials as the general population incarcerated persons, unless the restriction is directed by a court of law or there is a reasonable basis to believe the materials will be used for illegal purposes or pose a direct threat to the security and safety of the facility. In such cases the basis for the action shall be documented in the incarcerated person's file and jail log. Access to courts and legal counsel shall not be suspended as a disciplinary measure (15 CCR 1083(g)).

601.4.7 EXERCISE

Incarcerated persons in disciplinary separation shall be given a minimum of three hours of exercise per week outside of their cell. Exceptions to this may occur if there are legitimate security or safety considerations. The circumstances relating to the limitation of exercise shall be documented in an incident report. The report shall be reviewed and the restriction shall be approved by a supervisor.

601.4.8 LIMITED TELEPHONE PRIVILEGES

Incarcerated persons in disciplinary separation may have their telephone privilege restricted or denied. Exceptions include the following:

(a) Making legal calls

(b) Responding to verified family emergencies, when approved by the Watch Commander or Jail Administrator

All telephone access based on the above exceptions shall be documented on the jail log.

601.4.9 BEDDING AND CLOTHING

Incarcerated persons in disciplinary separation shall not be deprived of bedding or clothing except in cases where theperson destroys such articles or uses them for self-harm or to harm others

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or for something other than the intended purpose. Clothing and bedding shall be returned to the incarcerated person as soon as it is reasonable to believe the behavior that caused the action will not continue. The decision to continue to deprive the incarcerated person of these articles must be made by the Jail Administrator or the authorized designee and reviewed at least every eight hours. This review shall be documented and placed into the incarcerated person's file.

601.5 DIET

Under no circumstances will an incarcerated person be denied food as a means of punishment (15 CCR 1083(e)).

601.6 MENTAL HEALTH

Due to the possibility of self-inflicted injury and depression during periods of separation, health evaluations should include notations of any bruises and other trauma markings, and the qualified health care professional's comments regarding the incarcerated person's attitude and outlook.

(a) A qualified health care professional should visit each incarcerated person a minimum of once a week and more often if needed. A medical assessment should be documented in the incarcerated person's medical file.

(b) Mental health staff or a qualified mental health professional should also conduct weekly rounds.

If after placement in separation, mental health or medical staff determine an incarcerated person to have a serious mental illness or an intellectual disability, the person shall be removed from disciplinary separation immediately upon this determination (15 CCR 1083(a)).

Where reasonably practicable, a qualified health care professional should provide screening for suicide risk following admission to the separation unit.

601.6 SAFETY CHECKS

A staff member shall conduct a face-to-face safety check of all disciplinary separation incarcerated persons at least every 30 minutes on an irregular schedule.

Incarcerated persons who are at risk of suicide shall be under continuous observation until seen by a qualified health care professional. Subsequent supervision routines should be in accordance with orders provided by the qualified health care professional.

Disciplinary separation incarcerated persons shall receive increased monitoring to include at a minimum:

(a) A visit by the Watch Commander once a day.

(b) Visits by a qualified health care professional a minimum of once a week and more often, if needed.

All management, program staff, and qualified health care professional visits shall be documented on the appropriate records and logs and retained in accordance with established records retention schedules.

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601.7 LOG PROCEDURES

All management, program staff, and qualified health care professional visits shall be documented on the appropriate records and logs and retained in accordance with established records retention schedules.

Once an entry is made it should not be modified. If corrections or changes are needed they should be done by way of a supplemental entry.

Electronically captured logs will be maintained in a way that prevents entries from being deleted or modified once they are entered. Corrections or changes must be done by way of supplemental entries. At a minimum the log will contain the following:

(a) Incarcerated person's name

(b) Incarcerated person's booking number

(c) Housing location

(d) Classification status

(e) Date and time placed in separation

(f) Date and time of entry and exit from the cell

(g) Violation and length of discipline

(h) Scheduled date of removal from separation

(i) Medical, psychological, or behavioral considerations

(j) Counseling for behavior

(k) Date and time of removal from separation

Log entries should be legible, be entered promptly, and provide sufficient detail to adequately reflect the events of the day for future reference.

The date and time of the observation or incident and the name and identification number of the staff member making the log entry shall be included on each entry.

Supervisors should review the logs frequently during the shift and enter comments as appropriate. At a minimum, supervisors should enter the date and time of each review.

All safety checks will be documented in detail and should include the exact time of the safety check and the identification information of the employee conducting the check. All documentation will be gathered and provided to the Watch Commander or the Jail Administrator each day.

601.7.1 LOG INSPECTION AND ARCHIVE OF LOGS

The Watch Commander shall review and evaluate the logs and pass any significant incidents via the chain of command to the Jail Administrator for review.

The logs will be retained by the Department in accordance with established records retention schedules but in no case less than one year.

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Access to Courts and Counsel

603.1 PURPOSE AND SCOPE

The purpose of this policy is to protect the constitutional rights of incarcerated persons to access the courts and legal counsel, while holding incarcerated persons accountable to the rules and regulations that govern conduct in this facility.

603.2 POLICY

It is the policy of this department that all incarcerated persons will have access to the courts and the ability to consult with legal counsel (15 CCR 1068).

603.3 INCARCERATED PERSON ACCESS

Staff should not unreasonably interfere with incarcerated persons' attempts to seek counsel and where appropriate should assist persons with making confidential contact with attorneys and authorized representatives.

Access to courts and legal counsel may occur through court-appointed counsel, attorney, or legal assistant visits, telephone conversations, or written communication. To facilitate access, this facility will minimally provide:

- Confidential attorney visiting areas that include the means by which the attorney and the incarcerated person can share legal documents.
- Telephones that enable confidential attorney-client calls.
- Reasonable access to legal materials.
- A means of providing assistance through the court process by individuals trained in the law. This assistance will be available to illiterate incarcerated persons and those who cannot speak or read English or who have disabilities that would impair their ability to access.
- Writing materials, envelopes, and postage for indigent incarcerated persons for legal communications and correspondence.

The Jail Administrator shall be responsible for ensuring that information regarding access to courts and legal counsel and requesting legal materials or legal assistance is included in the incarcerated persons handbook, which is available electronically on the provided tablets.

603.4 CONFIDENTIALITY

All communication between incarcerated persons and their attorneys is confidential, including telephone conversations, written communication, and video conferencing. The content of written attorney-client communication will not be reviewed or censored, but the documents may be inspected for contraband.

Outgoing and incoming legal correspondence shall be routed through staff, who have received special training in inspecting confidential documents and who are accountable for maintaining confidentiality. Incoming legal correspondence shall be opened in the presence of the recipient

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incarcerated person. All inspections shall be completed in the presence of the incarcerated person. Legal correspondence should not be digitally scanned, stored, or delivered electronically.

Incarcerated persons may seek the assistance of other incarcerated persons in writing writs and other legal correspondence to the courts, when needed subject to the security and safety needs of the incarcerated persons, staff, and the facility.

603.5 REQUEST FOR ASSISTANCE

Written materials addressing how an incarcerated person can access local attorneys and key legal documents shall be available in each housing unit. Staff shall provide these materials to any incarcerated person upon request. However, staff shall not provide legal advice or assist any person in the completion of any legal document.

Habeas corpus forms shall be made available to any incarcerated person by the staff upon request.

Legal forms filled out by the incarcerated person shall be forwarded to court administration directly or via an appointed legal assistant.

603.6 VISITATION RELATED TO LEGAL DEFENSE

Visits with incarcerated persons that are related to legal defense, including attorneys, paralegals, and investigators, will be permitted only in the areas designated for legal visitation or by way of video visitation to ensure confidentiality (15 CCR 1068(b)). Contact visits may be approved by the Jail Administrator for special circumstances.

(a) Visits shall be of a reasonable length of time to discourage any allegation that the defense of the incarcerated person was hindered due to the length of time allowed for the legally authorized visit. These visits shall be of such a length of time that they do not interfere with the security, order, and discipline of this facility. The permissible time for visitation should be flexible but shall not substantially interfere with other facility schedules, such as medical examinations, meal service, or other required activities.

(b) Only materials brought to this facility by an approved legal assistant shall be allowed.

(c) All materials shall be subject to security inspections by the staff and shall be routed through the Watch Commander for logging and distribution.

603.7 IN PROPRIA PERSONA (PRO PER) INCARCERATED PERSONS

Incarcerated persons may be granted pro per status by court order only. Any time a court order is received designating an incarcerated person as having been granted pro per status, all relevant records systems at the facility shall be updated to reflect this information. A copy of the court order shall be maintained in the person's file in accordance with established records retention schedules.

The court may, but is not required to, appoint to an incarcerated person who is designated pro per a back-up attorney, paralegal, or other person to assist the person with legal research. All information related to appointed assistants should be recorded in the relevant facility records.

Any provision of legal materials shall be in accordance with court directives and in consultation with the County Counsel.

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603.7.1 PRO PER STATUS MISUSE

Any incarcerated person who is granted pro per status and is found to be misusing or abusing that status to the extent that it poses a demonstrable threat to the safety and security of the facility shall be immediately reported to the Jail Administrator. The Jail Administrator may recommend the suspension or a limitation of the person's pro per privileges if they adversely affect the safety and security of the jail.

Upon the concurrence with the findings and recommendation of the Jail Administrator, the Sheriff or the authorized designee shall consult with the Department's legal counsel prior to notifying the court of any intent to limit the described pro per privileges.

The incarcerated person may petition the court if they are dissatisfied with the action taken.

603.7.2 PRO PER STATUS - MATERIALS AND SUPPLIES

The facility may provide the following materials and supplies to a pro per incarcerated persons. These items may be retained by the person but must be kept in the container supplied for such purpose. The items may include:

- Up to one-half of a ream of 8½-inch x 11-inch plain bond typing paper
- Up to three ruled legal notepads
- Standard legal-size envelopes
- One dozen (maximum) black lead golf pencils
- Two erasers
- One legal size accordion file
- 9-inch x 12-inch manila envelopes and 10-inch x 14-inch manila envelopes
- Up to a maximum of four law books at one time (paperback or hardback)

Unless otherwise ordered by the court, the Department shall have no obligation to supply materials beyond those listed above. Replacement of any of the listed items shall be accomplished through a written request to the Watch Commander or the authorized designee. Supplies provided by a court legal liaison will be received and distributed by the Watch Commander or the authorized designee. All supplies distributed to the incarcerated person will be recorded in the person's pro per activities record. Supplies not listed in this policy are subject to approval by the Jail Administrator or the authorized designee.

Access to ballpoint pens, for signature purposes only, will be provided through a supervisor. The use of the pen will be supervised by the staff and taken from the incarcerated person immediately after its use.

Copies of an incarcerated person's final legal (criminal case) work product, upon the person's request, may be provided subject to arrangements with the court.

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Incarcerated persons may purchase their own legal books and materials. However, such materials will be subject to safety inspection and rules pertaining to items permitted to be in the person's possession. Personal books must be marked with the person's name and booking number.

Any books or materials found in the incarcerated person's possession beyond what is authorized will be returned or placed in the person's property.

603.7.3 PRO PER INCARCERATED PERSONS INTERVIEWING WITNESSES

A pro per incarcerated person may be permitted to interview prospective witnesses in the regular visitation area. Requests for visits outside of normal visiting hours will be directed to a supervisor for approval and should be accommodated when practicable.

Interviews conducted by pro per incarcerated persons are subject to the following rules and restrictions:

(a) No interview will be permitted without notification from a judge confirming or validating the prospective witness. The pro per incarcerated person is responsible for providing the judge with the list of prospective witnesses for validation.

(b) No visit shall be permitted by a prospective witness who is in the custody of this department or otherwise detained by a government agency, except upon a specific court order.

603.7.4 PRO PER INCARCERATED PERSONS TELEPHONE USAGE

Pro per incarcerated person may use the telephones in their housing areas to place calls concerning their cases. Court-authorized pro per telephone calls shall not be monitored and shall be provided without charge to the person in accordance with the orders of the court (see the Telephone Access Policy).

603.8 COURT HEARING APPEARANCES RE: CHILD DEPENDENCY

The Jail Administrator should ensure that an incarcerated person who is the parent of a child involved in a dependency hearing, as described in Penal Code § 2625, and who has waived the right to be physically present and has not been ordered to appear at the court, is provided the opportunity to participate via videoconference, or by teleconference if videoconferencing is unavailable (Penal Code § 2625).

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Foreign Nationals and Diplomats

604.1 PURPOSE AND SCOPE

This policy addresses the privileges and immunities afforded to members of foreign diplomatic missions and consular posts.

This policy also addresses the legal requirements related to consular notifications that should occur when a foreign national is in custody.

Incarcerated person access to a consular officer is addressed in the Telephone Access and Visitation policies.

604.2 POLICY

The Imperial County Sheriff's Office Jail will treat foreign diplomatic and consular personnel with due regard for the privileges and immunities to which they are entitled under international law. The Department will investigate all claims of immunity and accept custody of the person when appropriate.

The Imperial County Sheriff's Office Jail will also honor the laws related to foreign nationals in custody by making proper consular notifications and by assisting those who wish to contact their consular representative.

604.3 DIPLOMATIC AND CONSULAR IMMUNITY

604.3.1 AVAILABILITY OF RESOURCES

The Watch Commander will ensure that current contact information for the U.S. Department of State and the U.S. Mission to the United Nations is readily available for department members who need to verify a claim of diplomatic or consular immunity. Relevant material for law enforcement published by the U.S. Department of State Bureau of Diplomatic Security should be readily available as well.

604.3.2 ADDRESSING CLAIMS OF DIPLOMATIC OR CONSULAR IMMUNITY

When an arrestee who claims diplomatic or consular immunity is brought to the Imperial County Sheriff's Office Jail the receiving correctional officer shall first inform the Watch Commander and then generally proceed as follows:

(a) Do not accept custody of the person from the transporting officer. The person should not be brought inside the Imperial County Sheriff's Office Jail unless doing so would facilitate the investigation of their claim of immunity.

(b) Do not handcuff the person or, if handcuffs have been applied, remove them unless there is an articulable threat that would justify their use.

(c) If the person has already been accepted into custody, inform the person that they will be detained until their identity and immunity can be confirmed. Attempt to obtain a U.S. Department of State-issued identification card or other identification or documents that may relate to the claimed immunity.

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(d) In all cases, verify the status and level of immunity by contacting the U.S. Department of State or the U.S. Mission to the United Nations, as appropriate.

It will be the responsibility of the Watch Commander to communicate the claim of immunity to the on-duty supervisor of the arresting agency (if not the Imperial County Sheriff's Office). The Watch Commander may assist another agency in determining the person's immunity status.

The Watch Commander is responsible for ensuring appropriate action is taken based upon information received regarding the person's immunity status.

604.3.3 REPORTING

If the person's immunity status has been verified, the Watch Commander should ensure a report is prepared describing the details and circumstances of any detention or custody. A copy of the report should be faxed or mailed as soon as possible to the U.S. Department of State in Washington, D.C., or to the U.S. Mission to the United Nations in New York in cases involving a member of the United Nations community.

604.4 CONSULAR NOTIFICATIONS

604.4.1 CONSULAR NOTIFICATION LIST AND CONTACTS

The Jail Administrator will ensure that the U.S. Department of State's list of countries and jurisdictions that require mandatory notification is readily available to department members. There should also be a published list of foreign embassy and consulate telephone and fax numbers, as well as standardized notification forms that can be faxed and then retained for the record. Prominently displayed placards informing incarcerated persons of rights related to consular notification should also be posted.

604.4.2 CONSULAR NOTIFICATION ON BOOKING

Department members assigned to book incarcerated persons shall:

(a) Inform the foreign national, without delay, that the foreign national may have their consular officers notified of the arrest or detention and may communicate with them. Members shall ensure this notification is acknowledged and documented.

(b) Determine whether the foreign national's country is on the U.S. Department of State's mandatory notification list.

(c) If the foreign national's country is not on the list for mandatory notification but the foreign national requests that their consular officers be notified, then:

1. Notify the nearest embassy or consulate of the foreign national's country of the person's arrest or detention by faxing the appropriate notification form. If no fax confirmation is received, a telephonic notification should be made and documented.

2. Forward any communication from the foreign national to their consular officers without delay.

(d) If the foreign national's country is on the list for mandatory notification, then:

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1. Notify the nearest embassy or consulate of the foreign national's country, without delay, of the person's arrest or detention by faxing the appropriate notification form. If no fax confirmation is received, a telephonic notification should be made and documented.
2. Tell the foreign national that this notification has been made and inform the foreign national without delay that they may communicate with their consular officers.
3. Forward any communication from the foreign national to the consular officers without delay.
4. Document all notifications to the embassy or consulate and retain the faxed notification and any fax confirmation for the incarcerated person's file.

Members should never discuss anything with consulate personnel beyond the required notifications, such as whether the incarcerated person is requesting asylum. Requests for asylum should be forwarded to the Watch Commander.

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Incarcerated Person Rights - Protection from Abuse

605.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines to ensure that incarcerated persons are afforded a safe, healthful environment free from abuse,corporal punishment or harassment, and that incarcerated person property is protected.

605.2 POLICY

It is the policy of this department to make every reasonable effort to protectincarcerated persons from personal abuse, corporal punishment, personal injury, disease, property damage and harassment by otherincarcerated persons or staff. Staff shall take reasonable actions to safeguard vulnerableincarcerated persons from others and shall use the classification policies and procedures to make housing decisions that will provide forincarcerated person safety. Abuse ofincarcerated persons by staff or otherincarcerated persons will not be tolerated.

The Jail Administrator or the authorized designee shall be responsible for including prohibitions againstincarcerated person abuse and harassment, rules regarding respect for the property of others, and the prevention of disease in theincarcerated person handbook. Allincarcerated persons shall receive a copy of theincarcerated person handbook during the booking process, which shall be printed in a language understood by theincarcerated person. Theincarcerated person also shall receive verbal instruction onincarcerated person rights during orientation.

605.3 RESPONSIBILITY

It shall be the responsibility of all facility staff to adhere to policies, procedures and practices, and to make every reasonable effort to preventincarcerated person injury, harassment and abuse, to prevent theft or damage toincarcerated person property and to eliminate conditions that promote disease. These procedures include, but are not limited to:

- Following the classification guidelines for incarcerated person housing.
- Closely supervising incarcerated person activities and interceding as needed to prevent violence, harassment, or abuse of incarcerated persons.
- Using force only when necessary and to the degree that is reasonable.
- Reporting all incarcerated person injuries, investigating the cause of reported injuries, and documenting these efforts in an incident report.
- Enforcing all rules and regulations in a fair and consistent manner.
- Preventing any practice of incarcerated persons conducting kangaroo courts or dispensing discipline toward any other incarcerated person.
- Conducting required safety checks of all incarcerated person housing areas.
- Checking all safety equipment for serviceability and making a report of any defective equipment to the appropriate supervisor or the Jail Administrator.

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- Referring sick or injured incarcerated persons to a qualified health care professional without unnecessary delay.
- Maintaining high standards of cleanliness throughout the jail.
- Documenting all abuse protection efforts in facility logs and incident reports as applicable.

605.4 TRAINING

The Training Manager shall be responsible for developing and delivering a training curriculum to all staff on the topic of protecting incarcerated persons from abuse to all staff. A roster of attendees shall be maintained from each class. Training completion documents shall be filed in each employee's training file.

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Prison Rape Elimination Act

606.1 PURPOSE AND SCOPE

This policy provides guidance for compliance with the Prison Rape Elimination Act of 2003 (PREA) and the implementing regulation that establishes standards (PREA Rule) to prevent, detect, and respond to sexual abuse and sexual harassment (28 CFR 115.11; 15 CCR 1029).

606.1.1 DEFINITIONS

Definitions related to this policy include:

Intersex - A person whose sexual or reproductive anatomy or chromosomal pattern does not seem to fit typical definitions of male or female. Intersex medical conditions are sometimes referred to as disorders of sex development (28 CFR 115.5).

Sexual abuse - Any of the following acts, if the incarcerated person does not consent, is coerced into such act by overt or implied threats of violence, or is unable to consent or refuse (28 CFR 115.6; 15 CCR 1006):

(a) Contact between the penis and the vulva or the penis and the anus, including penetration, however slight

(b) Contact between the mouth and the penis, vulva, or anus

(c) Penetration of the anal or genital opening of another person, however slight, by a hand, finger, object, or other instrument

(d) Any other intentional touching, either directly or through the clothing, of the genitalia, anus, groin, breast, inner thigh, or the buttocks of another person, excluding contact incidental to a physical altercation

Sexual abuse also includes abuse by a staff member, contractor, or volunteer as follows, with or without consent of the incarcerated person, detainee, or resident:

- Contact between the penis and the vulva or the penis and the anus, including penetration, however slight
- Contact between the mouth and the penis, vulva, or anus
- Contact between the mouth and any body part where the staff member, contractor, or volunteer has the intent to abuse, arouse, or gratify sexual desire
- Penetration of the anal or genital opening, however slight, by a hand, finger, object, or other instrument, that is unrelated to official duties, or where the staff member, contractor, or volunteer has the intent to abuse, arouse, or gratify sexual desire
- Any other intentional contact, either directly or through the clothing, of or with the genitalia, anus, groin, breast, inner thigh, or the buttocks, that is unrelated to official duties, or where the staff member, contractor, or volunteer has the intent to abuse, arouse, or gratify sexual desire
- Any attempt, threat, or request by a staff member, contractor, or volunteer to engage in the activities described above

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- Any display by a staff member, contractor, or volunteer of their uncovered genitalia, buttocks, or breast in the presence of an incarcerated person, detainee, or resident
- Voyeurism by a staff member, contractor, or volunteer

Sexual harassment - Repeated and unwelcome sexual advances; requests for sexual favors; verbal comments, gestures, or actions of a derogatory or offensive sexual nature by one incarcerated person, detainee, or resident that are directed toward another; repeated verbal comments or gestures of a sexual nature to an incarcerated person, detainee, or resident by a staff member, contractor, or volunteer, including demeaning references to gender, sexually suggestive or derogatory comments about body or clothing, or obscene language or gestures (28 CFR 115.6; 15 CCR 1006).

Transgender - A person whose gender identity (i.e., internal sense of feeling male or female) is different from the person's assigned sex at birth (28 CFR 115.5).

606.2 POLICY

This department has zero tolerance with regard to sexual abuse and sexual harassment in this facility. This department will take appropriate affirmative measures to protect all incarcerated persons from sexual abuse and harassment, and promptly and thoroughly investigate all allegations of sexual abuse and sexual harassment.

606.3 PRESERVATION OF ABILITY TO PROTECT INCARCERATED PERSONS

The Department shall not enter into or renew any collective bargaining agreement or other agreement that limits the department's ability to remove alleged staff sexual abusers from contact with any incarcerated persons pending the outcome of an investigation or of a determination of whether and to what extent discipline is warranted (28 CFR 115.66).

606.4 PREA COORDINATOR

The Jail Administrator shall appoint an upper-level manager with sufficient time and authority to develop, implement, and oversee department efforts to comply with the PREA standards. The PREA coordinator shall review facility policies and practices, and make appropriate compliance recommendations to the Jail Administrator (28 CFR 115.11).

The PREA coordinator's responsibilities shall include:

(a) Developing a written plan to coordinate response among staff first responders, medical and mental health practitioners, investigators, and facility management to an incident of sexual abuse. The plan must also outline the department's approach to identifying imminent sexual abuse toward incarcerated persons and preventing and detecting such incidents (28 CFR 115.11; 28 CFR 115.65; 28 CFR 115.62).

(b) Ensuring that within 30 days of intake, incarcerated persons are provided with comprehensive education, either in person or through video, regarding their rights to be free from sexual abuse and sexual harassment and to be free from retaliation for reporting such incidents, and regarding the department's policies and procedures for responding to such incidents (28 CFR 115.33).

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(c) Developing a staffing plan to provide adequate levels of staffing and video monitoring, where applicable, to protect detainees from sexual abuse. This includes documenting deviations and the reasons for deviations from the staffing plan, as well as reviewing the staffing plan a minimum of once per year. In calculating adequate staffing levels and determining the need for video monitoring, facilities shall take into consideration (28 CFR 115.13):

1. Generally accepted detention and correctional practices.
2. Any judicial findings of inadequacy.
3. Any findings of inadequacy from federal investigative agencies.
4. Any findings of inadequacy from internal or external oversight bodies.
5. All components of the facility's physical plant, including blind spots or areas where staff or incarcerated persons may be isolated.
6. The composition of the incarcerated person population.
7. The number and placement of supervisory staff.
8. Institution programs occurring on a particular shift.
9. Any applicable state or local laws, regulations, or standards.
10. The prevalence of substantiated and unsubstantiated incidents of sexual abuse.
11. Any other relevant factors.

(d) Ensuring that, when designing, acquiring, expanding, or modifying facilities, or when installing or updating a video-monitoring system, electronic surveillance system, or other monitoring technology, consideration is given to the department's ability to protect incarcerated persons from sexual abuse (28 CFR 115.18).

(e) Ensuring that any contract for the confinement of department detainees or incarcerated persons includes the requirement to adopt and comply with the PREA standards including obtaining incident-based and aggregated data, as required in 28 CFR 115.187. Any new contract or contract renewal shall provide for department contract monitoring to ensure that the contractor is complying with the PREA standards (28 CFR 115.12).

(f) Making reasonable efforts to enter into agreements with community service providers to provide incarcerated persons with confidential, emotional support services related to sexual abuse. The facility shall provide persons with access to outside victim advocates for emotional support services related to sexual abuse by giving incarcerated persons mailing addresses and telephone numbers, including toll-free hotline numbers where available, of local, state, or national victim advocacy or rape crisis organizations. The facility shall enable reasonable communication between incarcerated persons and these organizations and agencies in as confidential a manner as possible. The facility shall inform persons, prior to giving them access, of the extent to which such communications will be monitored and the extent to which reports of abuse will be forwarded to authorities in accordance with mandatory reporting laws (28 CFR 115.53).

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(g) Ensuring the protocol describing the responsibilities of the Department and of another investigating agency, if another law enforcement agency will be responsible for conducting any sexual abuse or sexual harassment investigations, is published on the facility website or by other means, if no website exists (28 CFR 115.22).

(h) Implementing a process by which incarcerated persons may report sexual abuse and sexual harassment to a public/private entity or an office that is not part of the Department, and that the outside entity or office is able to receive and immediately forward incarcerated person reports of sexual abuse and sexual harassment to the Jail Administrator, allowing the person anonymity (28 CFR 115.51; 15 CCR 1029).

(i) Establishing a process to ensure accurate, uniform data is collected for every allegation of sexual abuse at facilities under the direct control of this department, using a standardized instrument and set of definitions. Upon request, the Department shall provide all such data from the previous calendar year to the U.S. Department of Justice (DOJ) no later than June 30 (28 CFR 115.87; 34 USC § 30303; 15 CCR 1041).

1. The data collected shall include, at a minimum, the data necessary to answer all questions from the most recent version of the Survey of Sexual Violence conducted by the U.S. DOJ.
2. The data shall be aggregated at least annually.

(j) Establishing a process to monitor the conduct and treatment of detainees or staff who have reported sexual abuse, and the conduct and treatment of detainees who were reported to have suffered sexual abuse.

(k) Ensuring that the following are published on the department's website or by other means, if no website exists:

1. Department policy governing investigations of allegations of sexual abuse and sexual harassment or the referral of such investigations of sexual abuse or sexual harassment (unless the allegation does not involve potentially criminal behavior) (28 CFR 115.22)
2. Information on how to report sexual abuse and sexual harassment on behalf of an incarcerated person (28 CFR 115.54)

(l) Ensuring audits are conducted pursuant to 28 CFR 115.401 through 28 CFR 115.405 (28 CFR 115.93).

(m) Implementing a protocol requiring mid-level or higher-level supervisors to conduct and document unannounced inspections to identify and deter sexual abuse and sexual harassment. The protocol shall prohibit announcing when such inspections are to occur, unless it is necessary for operational considerations (28 CFR 115.13).

(n) Ensuring agreements with outside investigating agencies include PREA requirements, including a requirement to keep the Imperial County Sheriff's Office informed of the progress of the investigation (28 CFR 115.71).

(o) Ensuring that information for uninvolved incarcerated persons, family, community members, and other interested third parties to report sexual abuse or sexual harassment is publicly posted at the facility (15 CCR 1029).

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(p) Ensuring the Department conducts follow-up criminal background records checks at least once every five years on members or contractors who may have contact with incarcerated persons or has in place a system for otherwise capturing such information (28 CFR 115.17).

606.5 REPORTING SEXUAL ABUSE, HARASSMENT, AND RETALIATION

Any employee, agency representative, volunteer, or contractor who becomes aware of an incident of sexual abuse, sexual harassment, or retaliation against incarcerated persons or staff shall immediately notify a supervisor, who will forward the matter to a sexual abuse investigator (28 CFR 115.61). Staff may also privately report sexual abuse and sexual harassment of incarcerated persons (e.g., report to the Jail Administrator) (28 CFR 115.51; 15 CCR 1029).

The facility shall provide information to all visitors or third parties on how they may report any incident, or suspected incident of sexual abuse, or sexual harassment to a staff member (28 CFR 115.54; 15 CCR 1029).

Incarcerated persons may report sexual abuse or sexual harassment incidents anonymously or to any staff member they choose. Staff shall accommodate all incarcerated person requests to report allegations of sexual abuse or harassment. Staff shall accept reports made verbally, in writing, anonymously, or from third parties and shall promptly document all verbal reports (28 CFR 115.51; 15 CCR 1029).

Threats or allegations of sexual abuse and sexual harassment, or retaliation, regardless of the source, shall be documented and referred for investigation. Sexual abuse and sexual harassment reports shall only be made available to those who have a legitimate need to know, and in accordance with this policy and applicable law (28 CFR 115.61).

606.5.1 REPORTING TO OTHER FACILITIES

If there is an allegation that an incarcerated person was sexually abused while the person was confined at another facility, the Jail Administrator shall notify the head of that facility as soon as possible but not later than 72 hours after receiving the allegation. The Jail Administrator shall ensure that the notification has been documented (28 CFR 115.63).

606.6 RETALIATION

All incarcerated persons and staff who report sexual abuse or sexual harassment, or who cooperate with sexual abuse or sexual harassment investigations, shall be protected from retaliation.

Protective measures, including housing changes, transfers, removal of alleged abusers from contact with victims, administrative reassignment, or reassignment of the victim or alleged perpetrator to another housing area, and support services for incarcerated persons or staff who fear retaliation, shall be utilized (28 CFR 115.67; 15 CCR 1029).

The Jail Administrator or the authorized designee shall assign a supervisor to monitor, for at least 90 days, the conduct and treatment of incarcerated persons or staff who report sexual abuse or sexual harassment, as well as persons who were reported to have suffered sexual abuse,

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to determine if there is any possible retaliation. The supervisor shall act promptly to remedy any such retaliation. The assigned supervisor should consider incarcerated person disciplinary reports, housing or program changes, negative staff performance reviews, or reassignment of staff members. Monitoring may continue beyond 90 days if needed. Incarcerated person monitoring shall also include periodic status checks. The Jail Administrator should take reasonable steps to limit the number of people with access to the names of individuals being monitored and should make reasonable efforts to ensure that staff members who pose a threat of retaliation are not entrusted with monitoring responsibilities.

If any other individual who cooperates with an investigation expresses a fear of retaliation, the facility shall take reasonable measures to protect that individual against retaliation (28 CFR 115.67).

606.7 FIRST RESPONDERS

If an allegation of incarcerated person sexual abuse is made, the first correctional officer to respond shall (28 CFR 115.64):

(a) Separate the parties.

(b) Request medical assistance as appropriate. If no qualified health care or mental health professionals are on-duty when a report of recent abuse is made, staff first responders shall take preliminary steps to protect the victim and shall immediately notify the appropriate qualified health care and mental health professionals (28 CFR 115.82).

(c) Establish a crime scene to preserve and protect any evidence. Identify and secure witnesses until steps can be taken to collect any evidence.

(d) If the time period allows for collection of physical evidence, request that the alleged victim, and ensure that the alleged abuser, do not take any actions that could destroy physical evidence (e.g., washing, brushing teeth, changing clothes, urinating, defecating, smoking, drinking, eating).

(e) Consider whether a change in classification or housing assignment for the victim is needed or whether witnesses to the incident need protection, both of which may include reassignment of housing.

(f) Determine whether the alleged perpetrator should be administratively separated or administratively transferred during the investigation.

If the first responder is not a correctional officer, the responder shall request the alleged victim to refrain from any actions that could destroy physical evidence and then immediately notify a correctional officer.

Should an investigation involve incarcerated persons who have disabilities or who have limited English proficiency, the first responder shall not rely on incarcerated person interpreters, incarcerated person readers, or other types of incarcerated person assistants, except in limited circumstances where an extended delay in obtaining an interpreter could compromise incarcerated person safety, the performance of first responder duties, or the investigation of sexual abuse or sexual harassment allegations (28 CFR 115.16).

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606.8 SEXUAL ABUSE VICTIMS

Incarcerated persons who are victims of sexual abuse shall be transported to the nearest appropriate location for treatment of injuries and collection of evidence, and for crisis intervention services (28 CFR 115.82). Depending on the severity of the injuries, transportation may occur by a staff member or by ambulance, in either case with appropriate security to protect the staff, the incarcerated person, and the public, and to prevent escape.

A victim advocate from a rape crisis center should be made available to the victim. If a rape crisis center is not available, the Department shall make available a qualified member of a community-based organization, or a qualified health care or mental health professional from the Department, to provide victim advocate services. Efforts to secure services from a rape crisis center shall be documented. A rape crisis center refers to an entity that provides intervention and related assistance, such as the services specified in (34 USC § 12511), to sexual assault victims of all ages. A rape crisis center that is part of a government unit may be used if it is not part of the criminal justice system (such as a law enforcement agency) and it offers a level of confidentiality comparable to the level at a nongovernmental entity that provides similar victim services (28 CFR 115.21).

606.9 EXAMINATION, TESTING, AND TREATMENT

Examination, testing, and treatment shall include the following (15 CCR 1206):

(a) Forensic medical examinations shall be performed as evidentiarily or medically appropriate, without financial cost to the victim. Where possible, these examinations shall be performed by Sexual Assault Forensic Examiners (SAFEs) or Sexual Assault Nurse Examiners (SANE)s. If neither SAFEs nor SANEs are available, other qualified medical practitioners can perform the examination. The Department shall document its efforts to provide SAFEs or SANEs (28 CFR 115.21).

(b) If requested by the victim, a victim advocate, a qualified department staff member, or a qualified community organization staff member shall accompany the victim through the forensic medical examination process and investigatory interviews. That person will provide emotional support, crisis intervention, information, and referrals (28 CFR 115.21).

(c) Provisions shall be made for testing the victim for sexually transmitted diseases (28 CFR 115.82).

(d) Counseling for the treatment of sexually transmitted diseases, if appropriate, shall be provided.

(e) Victims shall be offered information about, and given access to, emergency contraception, prophylaxis for sexually transmitted infections, and follow-up treatment for sexually transmitted diseases (28 CFR 115.82; 28 CFR 115.83). This shall be done in a timely manner.

(f) Victims of sexually abusive vaginal penetration while incarcerated shall be offered pregnancy tests. If pregnancy results from the abuse, such victims shall receive comprehensive information about, and access to, all lawful pregnancy-related medical services (28 CFR 115.83). This shall be done in a timely manner.

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(g) Victims shall be provided with follow-up services, treatment plans, and, when necessary, referrals for continued care following their transfer to, or placement in, other facilities, or their release from custody (28 CFR 115.83).

(h) Treatment services shall be provided to the victim without financial cost and regardless of whether the victim names the abuser or cooperates with any investigation arising out of the incident (28 CFR 115.82; 28 CFR 115.83).

(i) The health authority or mental health staff shall obtain informed consent from incarcerated persons before reporting information to jail staff about prior sexual victimization that occurred somewhere other than an institutional setting unless the incarcerated person is under the age of 18 (28 CFR 115.81).

(j) Medical and mental health practitioners shall ensure that information related to sexual victimization that occurred in an institutional setting is limited to medical and mental health practitioners and other staff unless it is necessary to inform jail staff about security or management decisions (28 CFR 115.81).

606.10 SEXUAL ABUSE AND SEXUAL HARASSMENT INVESTIGATIONS

An administrative investigation, criminal investigation or both shall be completed for all allegations of sexual abuse and sexual harassment (28 CFR 115.22). Administrative investigations shall include an effort to determine whether the staff's actions or inaction contributed to the abuse. All administrative and/or criminal investigations shall be documented in written reports that include a description of the physical and testimonial evidence, the reasoning behind credibility assessments, and investigative facts and findings. Only investigators who have completed department-approved training on sexual abuse and sexual harassment investigation shall be assigned to investigate these cases (28 CFR 115.71).

When practicable, an investigator of the same gender as the victim should be assigned to the case. Sexual abuse and sexual harassment investigations should be conducted promptly and continuously until completed. Investigators should evaluate reports or threats of sexual abuse and sexual harassment without regard to an incarcerated person's sexual orientation, physical gender, or gender identity. Investigators should not assume that any sexual activity among incarcerated persons is consensual.

The departure of the alleged abuser or victim from the employment or control of the jail or Department shall not provide a basis for terminating an investigation (28 CFR 115.71).

If the investigation is referred to another agency for investigation, the Department shall request that the investigating agency follow the requirements as provided in 28 CFR 115.21 (a) through (e). The referral shall be documented. The Department shall cooperate with the outside agency investigation and shall request to be informed about the progress of the investigation (28 CFR 115.71) If criminal acts are identified as a result of the investigation, the case shall be presented to the appropriate prosecutor's office for filing of new charges (28 CFR 115.71).

Evidence collection shall be based on a uniform evidence protocol that is adapted from or otherwise based on the most recent edition of the DOJ's Office on Violence Against Women publication, "A National Protocol for Sexual Assault Medical Forensic Examinations, Adults/

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Adolescents," or similarly comprehensive and authoritative protocols developed after 2011 (28 CFR 115.21).

Incarcerated persons alleging sexual abuse shall not be required to submit to a polygraph examination or other truth-telling device as a condition for proceeding with an investigation (28 CFR 115.71).

If a victim considered a vulnerable adult under state law, the assigned investigator shall report the allegation to the designated social services agency as required (28 CFR 115.61).

606.10.1 INVESTIGATIVE FINDINGS

All completed written investigations shall be forwarded to the Jail Administrator or, if the allegations may reasonably involve the Jail Administrator, to the Sheriff. The Jail Administrator or Sheriff shall review the investigation and determine whether any allegations of sexual abuse or sexual harassment have been substantiated by a preponderance of the evidence (28 CFR 115.71; 28 CFR 115.72).

The staff shall be subject to disciplinary actions, up to and including termination, for violating this policy. Termination shall be the presumptive disciplinary action for staff members who have engaged in sexual abuse. All discipline shall be commensurate with the nature and circumstances of the acts committed, the staff member's disciplinary history, and the actions imposed for comparable offenses by other staff with similar histories.

All terminations for violations of sexual abuse or sexual harassment policies, or resignations by staff who would have been terminated if not for their resignation, shall be reported to the law enforcement agency that would handle any related investigation and to any relevant licensing bodies (28 CFR 115.76).

606.10.2 REPORTING TO INCARCERATED PERSONS

The Jail Administrator or the authorized designee shall inform a victim incarcerated person in writing whether an allegation has been substantiated, unsubstantiated, or unfounded. If the Department did not conduct the investigation, the Department shall request relevant information from the investigative agency in order to inform the incarcerated person.

If a staff member is the accused (unless the Department has determined that the allegation is unfounded), the incarcerated person shall also be informed whenever:

(a) The staff member is no longer assigned to the incarcerated person's unit or employed at the facility.

(b) The Department learns that the staff member has been indicted or convicted on a charge related to sexual abuse within the facility.

If another incarcerated person is the accused, the alleged victim shall be notified whenever the Department learns that the alleged abuser has been indicted or convicted on a charge related to sexual abuse within the facility.

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All notifications or attempted notifications shall be documented. When notification is made while the incarcerated person is in custody, the incarcerated person will sign a copy of the notification letter. The letter will be added to the case file (28 CFR 115.73).

606.11 SEXUAL ABUSE AND SEXUAL HARASSMENT BETWEEN STAFF AND INCARCERATED PERSONS

Sexual abuse and sexual harassment between staff, volunteers or contract personnel and incarcerated persons is strictly prohibited. The fact that an incarcerated person may have initiated a relationship or sexual contact is not recognized as a defense to violating this policy.

Any incident involving allegations of staff-on-incarcerated person sexual abuse or sexual harassment shall be referred to the Administrative Investigations Unit for investigation.

606.11.1 SEXUAL ABUSE BY CONTRACTOR OR VOLUNTEER

Any contractor or volunteer who engages in sexual abuse within the facility shall be immediately prohibited from having any contact with incarcerated persons. The contractor or volunteer shall be promptly reported to the law enforcement agency that would investigate such allegations and brought to the attention of any relevant licensing bodies (28 CFR 115.77).

606.12 PROTECTIVE CUSTODY

Incarcerated persons at high risk for sexual victimization shall not be placed in involuntary protective custody unless an assessment of available alternatives has been made and it has been determined that there is no reasonably available alternative means of separation. Incarcerated persons may be held in involuntary protective custody for less than 24 hours while an assessment is completed.

If an involuntary protective custody assignment is made because of a high risk for victimization, the Jail Administrator shall clearly document the basis for the concern for the incarcerated person's safety and the reasons no alternative means of separation can be arranged (28 CFR 115.43).

The facility shall assign these persons to involuntary protective custody only until an alternative means of separation from likely abusers can be arranged, not ordinarily in excess of 30 days.

Incarcerated persons placed in temporary protective custody shall continue to have reasonable access to programs, privileges, education, and work opportunities. If restrictions are put in place, the Jail Administrator shall document the following:

(a) The opportunities that have been limited

(b) The duration of the limitation

(c) The reasons for such limitations

Every 30 days, the Jail Administrator shall afford each such incarcerated person a review to determine whether there is a continuing need for protective custody (28 CFR 115.43).

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606.13 SEXUAL ABUSE INCIDENT REVIEW

An incident review shall be conducted at the conclusion of every sexual abuse investigation unless the allegation has been determined to be unfounded (28 CFR 115.86). The review should occur within 30 days of the conclusion of the investigation.

The review team shall include upper-level management officials and seek input from line supervisors, investigators, and qualified health care and/or mental health professionals, as appropriate:

(a) Consider whether the investigation indicates a need to change policy or practice in order to better prevent, detect, or respond to sexual abuse.

(b) Consider whether the incident or allegation was motivated by race; ethnicity; gender identity; lesbian, gay, bisexual, transgender, or intersex identification status or perceived status; gang affiliation; or other group dynamics at the facility.

(c) Examine the area in the facility where the incident allegedly occurred to assess whether physical barriers may enable abuse.

(d) Assess the adequacy of staffing levels in the area during different shifts.

(e) Assess whether monitoring technology should be deployed or augmented to supplement supervision by staff.

(f) Prepare a written report of the team's findings, including but not limited to determinations made pursuant to paragraphs (a)-(e) of this section, and any recommendations for improvement. The report should be submitted to the Sheriff and the PREA coordinator.

The Jail Administrator or the authorized designee shall implement the recommendations for improvement or document the reasons for not doing so.

606.14 DATA REVIEWS

This department shall conduct an annual review of collected and aggregated incident-based sexual abuse data. The purpose of these reviews is to assess and improve the effectiveness of sexual abuse prevention, detection, and response policies, practices, and training by:

(a) Identifying problem areas.

(b) Identifying corrective actions taken.

(c) Recommending corrective actions.

(d) Comparing current annual data and corrective actions with those from prior years.

(e) Assessing the department's progress in addressing sexual abuse.

The reports shall be approved by the Jail Administrator and made available through the department website. Material may be redacted from the reports when publication would present a clear and specific threat to the safety and security of the facility. However, the nature of the redacted material shall be indicated (28 CFR 115.88).

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All aggregated sexual abuse data from Imperial County Sheriff's Office facilities and private facilities with which it contracts shall be made available to the public at least annually through the department website. Before making aggregated sexual abuse data publicly available, all personal identifiers shall be removed (28 CFR 115.89).

606.15 RECORDS

All case records and reports associated with a claim of sexual abuse and sexual harassment, including incident reports, investigative reports, offender information, case disposition, medical and counseling evaluation findings, and recommendations for post-release treatment or counseling shall be retained in accordance with confidentiality laws.

The Department shall retain all written reports from administrative and criminal investigations pursuant to this policy for as long as the alleged abuser is held or employed by the Department, plus five years (28 CFR 115.71).

All other data collected pursuant to this policy shall be securely maintained for at least 10 years after the date of the initial collection, unless federal, state or local law requires otherwise (28 CFR 115.89).

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Grooming

607.1 PURPOSE AND SCOPE

The purpose of this policy is to ensure incarcerated person grooming standards are based upon legitimate government interests.

607.2 POLICY

It is the policy of this facility to allow incarcerated persons choice in personal grooming, except when a valid government interest justifies that grooming standards be established. The Jail Administrator or the authorized designee shall establish incarcerated person grooming standards specific to classification, work status, facility safety and security, or health and hygiene. Any established standards should not unreasonably interfere with religious observances. Grooming standards should be identified in the incarcerated person handbook.

607.3 HAIRCUTS

Incarcerated persons will be provided haircuts and hair-cutting tools subject to established facility rules. If hair length, style, or condition presents a security or sanitation concern, haircuts may be mandatory. Incarcerated persons who significantly alter their appearance may be required to submit to additional booking photos.

Incarcerated persons shall not cut names, numbers, or other designs into their hair. Incarcerated persons shall not manipulate their hair into any style, including but not limited to braids, ponytails, cornrows, or twists, that could facilitate the concealment and movement of contraband and weapons.

607.3.1 HAIR CARE SERVICES

The Jail Administrator or the authorized designee shall establish written procedures for incarcerated person hair care services (15 CCR 1267(a)). The procedures will include schedules for hair care services and allow rescheduling for conflicts, such as court appearances.

Incarcerated persons shall generally be permitted to receive hair care services once per month after being in custody for at least 30 days. Staff may suspend access to hair care services if an incarcerated person appears to be a danger to themself or others or to the safety and security of the facility.

607.4 SHAVING

Incarcerated persons may shave daily. Facial hair shall be clean and well groomed. Long beards may allow persons to conceal weapons or contraband. Incarcerated persons may be required to trim facial hair if it poses a security or safety risk. Incarcerated persons may be required to submit to new booking photographs if their appearance is significantly altered due to facial hair. Incarcerated persons with facial hair who work around food shall wear appropriate facial coverings.

An incarcerated person may be denied access to razors if they appear to be a danger to themself or others, or if such access may jeopardize the safety and security of the facility.

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Incarcerated persons may be restricted from significantly altering their appearance for reasons of identification in court (15 CCR 1267(b)).

607.5 NAILS

Nail clippers will be kept at the control station and will be issued to incarcerated persons upon request. Incarcerated workers are required to keep their nails clean and trimmed. Incarcerated persons with long nails may be required to trim their nails if there is a security concern and the person is admitted to general population.

607.6 GROOMING EQUIPMENT

Grooming equipment is to be inventoried and inspected by the staff at the beginning of each shift and prior to being issued to incarcerated persons. The staff shall ensure that all equipment is returned by the end of the shift and is not damaged or missing parts.

Grooming equipment will be disinfected before and after each use by the methods approved by the State Board of Barbering and Cosmetology to meet the requirements of (16 CCR 979; 16 CCR 980; 15 CCR 1267(c)). Cleaning methods include:

- Removing foreign matter.
- Cleaning tools with soap or detergent and water.
- Immersing non-electrical equipment in disinfectant.
- Spraying electrical equipment with disinfectant.
- Storing cleaned equipment in clear, covered containers that are labeled as such.

Disinfectant solution shall be changed at least once per week or whenever the solution is cloudy or dirty. Solution will be stored in covered containers with labeled instructions for its use and the Environmental Protection Agency registration number.

607.7 PERSONAL CARE ITEMS

Incarcerated persons are expected to maintain their hygiene using approved personal care items.

No incarcerated person will be denied the necessary personal care items. For sanitation and security reasons, personal care items shall not be shared (15 CCR 1265 et seq.).

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Nondiscrimination

608.1 PURPOSE AND SCOPE

The constitutional rights of persons regarding discrimination are protected during incarceration. These protections extend to administrative decisions (e.g., classification, access to programs, availability of services). This policy is intended to guide the staff toward nondiscriminatory administrative decisions and to detail an incarcerated person complaint and discrimination investigation process.

608.2 POLICY

All decisions concerning incarcerated persons housed at this facility shall be based on reasonable criteria that support the health, safety, security, and good order of the facility.

608.3 DISCRIMINATION PROHIBITED

Discriminating against an incarcerated person based upon actual or perceived race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, age, disability, pregnancy, genetic information, veteran status, marital status, and any other classification or status protected by law is prohibited.

Reasonable and comparable opportunities for participation in services and programs including vocational, educational, and religious programs shall be made available to incarcerated persons in a nondiscriminatory manner.

The Jail Administrator should periodically conduct interviews with incarcerated persons and staff members to identify and resolve potential problem areas related to discrimination before they occur.

608.4 INCARCERATED PERSONS REPORTING DISCRIMINATION

Incarcerated persons who wish to report an allegation of discrimination may communicate with facility management in any way, including:

(a) Confidential correspondence addressed to the Jail Administrator or the Sheriff or other government official, including the courts or legal representative.

(b) Verbally to any supervisor or other staff member of this facility.

608.4.1 HANDLING COMPLAINTS OF DISCRIMINATION

Staff shall promptly forward all written allegations of discrimination by incarcerated persons to the Watch Commander. If the allegation is presented verbally, the receiving staff member shall prepare an incident report identifying the circumstances prompting the allegation, the individuals involved, and any other pertinent information that would be useful to investigating the allegation.

Unless the complaint submitted by the incarcerated person is clearly identified as confidential and addressed to the Jail Administrator, Sheriff, or other official, the Watch Commander shall review the complaint and attempt to resolve the issue. In any case, the Watch Commander shall document

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the circumstances of the allegation and what actions, if any, were taken to investigate or resolve the complaint. All reports of alleged discrimination shall be forwarded to the Jail Administrator for review and further investigation or administrative action as needed.

Administrative evaluations and response to allegations of discrimination shall be based upon objective criteria:

(a) The incarcerated person's classification

(b) The incarcerated person's criminal history

(c) Current and past behavior and disciplinary history

(d) Housing availability

(e) The availability of programs

(f) The ability to safely provide the requested services

608.5 DISCRIMINATION COMPLAINT AUDITS

The Jail Administrator should perform an annual audit of all incarcerated person discrimination complaints to evaluate whether any policy or procedure changes or training are indicated. The Jail Administrator should record these findings in a confidential memorandum to the Sheriff. Specific details of complaints and identifying information, such as names of the involved persons, dates, or times, are not part of this process and should not be included in the memorandum. If the audit identifies any recommended changes or content that may warrant a critical revision to this Custody Manual, the Jail Administrator should promptly notify the Sheriff.

Any training issues identified as a result of this audit should be forwarded to the Training Manager, who shall be responsible for ensuring all necessary and required training is scheduled and completed.

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Grievances

609.1 PURPOSE AND SCOPE

The purpose of this policy is to establish a process by which incarcerated persons may file grievances and receive a formal review regarding the conditions of their confinement (15 CCR 1073).

609.2 POLICY

It is the policy of this department that any incarcerated person may file a grievance relating to conditions of confinement, which includes release date, housing, medical care, food services, hygiene and sanitation needs, out of cell time opportunities, classification actions, disciplinary actions, program participation, telephone and mail use procedures, visiting procedures, and allegations of sexual abuse.

Grievances will not be accepted if they are challenging the rules and policies, state or local laws, court decisions, and probation/parole actions.

Retaliation for use of the grievance system is prohibited.

609.3 ACCESS TO THE GRIEVANCE SYSTEM

All incarcerated persons shall be provided with a grievance process for resolving complaints arising from facility matters with at least one level of appeal.

Incarcerated persons will receive information concerning the grievance procedure during the orientation process. Information will also be contained in the incarcerated persons handbook. Information regarding the grievance process will be provided to incarcerated persons in the language they understand.

The information will include (15 CCR 1073):

(a) A grievance form or instructions for registering and appealing a grievance, including relevant dates.

(b) A process for submission and handling of anonymous grievances.

(c) Instructions for the resolution of the grievance at the lowest appropriate staff level.

(d) The appeal process to the next level of review.

(e) Written reasons for denial of a grievance at each level of review.

(f) A provision for a non-automated initial response within a reasonable time limit which shall not exceed a period of 15 calendar days.

(g) A provision for resolving questions of jurisdiction within the facility.

(h) Provisions for providing a copy of the grievance, appeal, response, and related documents to the incarcerated person.

(i) Consequences for abusing the grievance system.

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609.4 GRIEVANCE PROCEDURES

Staff shall attempt to informally resolve all grievances at the lowest level. All attempts to resolve a grievance shall be documented in the incarcerated person's file. If there is no resolution at this level, the incarcerated person may file an electronic grievance.

A grievance should be filed by an incarcerated person within 14 days of the complaint or issue.

Incarcerated persons cannot file a grievance on behalf of another incarcerated person but an incarcerated person may assist another incarcerated person in the preparation of a grievance. Custody staff may take reasonable steps to assist the incarcerated person in the preparation of a grievance if requested.

Staff members should log in to the incarcerated person telecommunication system to review unresolved grievances at least once per shift.

609.4.1 EXCEPTION TO INITIAL GRIEVANCE FILING

Incarcerated persons may request to submit the grievance directly to a supervisor or the Jail Administrator if they reasonably believe the issues to be grieved are sensitive or that their safety would be in jeopardy if the contents of the grievance were to become known to other incarcerated persons.

609.4.2 TIMELY RESOLUTION OF GRIEVANCES

Upon receiving a completed incarcerated person grievance form, the Watch Commander shall ensure that the grievance is investigated and resolved or denied in a timely manner, as established by the Jail Administrator. The Watch Commander shall assign the investigation of the grievance to the manager in charge of the department the incarcerated person is grieving.

Grievances related to medical care should be investigated by the Responsible Physician or the authorized designee. The findings of that investigation, along with any recommendations, shall be forwarded to the Watch Commander. Appeals shall be forward to the Jail Administrator as the final level of appeal.

Grievances related to food matters should be investigated by the food services manager. The findings of that investigation, along with any recommendations, shall be forwarded to the Watch Commander. Appeals shall be forwarded to the Jail Administrator as the final level of appeal.

Grievances related to censored or rejected mail should be investigated by a member who was not involved in the decision. The findings of that investigation, along with any recommendations, shall be forwarded to the Watch Commander. Appeals shall be forwarded to the Jail Administrator as the final level of appeal.

Other grievances relating to programs or other services provided by the Department shall be investigated by a member with the assistance of the supervising employee in charge of those services. Findings relating to the investigation, along with any recommendations, will be forwarded to the Watch Commander. Appeals shall be forwarded to the Jail Administrator as the final level of appeal.

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609.4.3 APPEALS TO GRIEVANCE FINDINGS

Incarcerated persons may appeal the finding of a grievance to the next level of review within five days of receiving the findings of the original grievance. The staff responsible for the further review will review the grievance and either confirm or deny it. If the reviewer confirms the grievance, corrective actions will be initiated. In either case, the incarcerated person shall receive a written response to the appeal. The Jail Administrator is the final level of appeal for all grievances.

Appeals related to sexual abuse allegations shall be confirmed or denied by the Jail Administrator within 10 calendar days.

609.4.4 EMERGENCY GRIEVANCES

Incarcerated persons may file an emergency grievance to address issues that could subject the incarcerated person to immediate substantial risk of personal injury or cause other serious and irreparable harm, as defined by the Jail Administrator. An emergency grievance may be submitted to any member and forwarded immediately without substantive review to the Watch Commander.

The Watch Commander should promptly initiate an investigation or direct the manager responsible for the program or service to commence an investigation. The Watch Commander should produce or receive findings and recommendations from the investigation within 48 hours of receipt of the grievance and communicate the resolution to the incarcerated person immediately. The incarcerated person may appeal the decision to the Jail Administrator within 24 hours of notification, and the Jail Administrator will communicate the final decision within 24 hours of receipt of the appeal.

609.4.5 RECORDING GRIEVANCES

All grievances are received through the incarcerated person telecommunication system. An audit trail is generated for each grievance. Periodic reviews of grievances should be made by the Jail Administrator or the authorized designee to ensure that grievances are being handled properly and in a timely manner. A copy of each grievance is saved in the incarcerated person's official record and maintained throughout the incarcerated person's period of incarceration.

609.4.6 FRIVOLOUS GRIEVANCES

Incarcerated persons shall use the grievance process only for legitimate problems or complaints. If there is concern that an incarcerated person is abusing the grievance process, the person shall be informed that continued behavior may result in disciplinary action.

609.4.7 REVIEW OF GRIEVANCES

The Jail Administrator or the authorized designee shall conduct a quarterly review of grievances, responses, and appeals (15 CCR 1073).

609.5 GRIEVANCE AUDITS

The Jail Administrator should perform an annual audit of all incarcerated person grievances and complaints filed the previous calendar year. The Jail Administrator should forward a memorandum to the Sheriff detailing the findings, including recommendations regarding any changes to policy or

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procedures or any additional training that might be warranted to reduce future complaints. Specific identifying information regarding dates, times, or individuals named in the complaints is not part of this process and should not be included in the memorandum.

The Sheriff should evaluate the recommendations and ensure appropriate action is taken.

Any training issues identified as a result of this audit should be forwarded to the Training Manager, who will be responsible for ensuring all necessary and required training is scheduled and completed.

609.6 ADDITIONAL PROVISIONS FOR GRIEVANCES RELATED TO SEXUAL ABUSE

The following apply to grievances that relate to sexual abuse allegations (28 CFR 115.52; 15 CCR 1029):

(a) Incarcerated persons may submit a grievance regarding an allegation of sexual abuse at any time.

(b) Third parties, including fellow incarcerated persons, staff members, family members, attorneys, and outside advocates, are permitted to assist incarcerated persons in filing such grievances and to file such grievances on behalf of incarcerated persons if the incarcerated person agrees to have the grievance filed on the person's behalf. Staff members who receive a grievance filed by a third party on behalf of an incarcerated person shall inquire whether the incarcerated person wishes to have the grievance processed and shall document the incarcerated person's decision.

(c) Grievances may be submitted to any staff member and need not be submitted to the member who is the subject of the complaint

(d) Staff receiving a grievance shall forward the grievance to the Watch Commander. Grievances shall not be forwarded to the Watch Commander if they are the subject of the complaint. Incarcerated persons and staff are not required to attempt to informally resolve grievances related to sexual abuse.

(e) The Watch Commander shall ensure that grievances related to sexual abuse are investigated. The investigation should be resolved within 90 days of the initial filing. The Facility Commander may grant an extension of up to 70 days if reasonable to make an appropriate decision. If an extension is granted, the incarcerated person shall be notified and provided a date by which a decision will be made.

(f) At any level of the process, including the appeal, if the incarcerated person does not receive a response within the allotted time, including any properly noticed extension, the incarcerated person may consider the absence of a response to be a denial at that level.

(g) Incarcerated persons may be disciplined for filing a false grievance related to alleged sexual abuse only when it is determined that the incarcerated person filed the grievance in bad faith.

609.6.1 EMERGENCY GRIEVANCES RELATED TO SEXUAL ABUSE

Any incarcerated person who believes the person or any other incarcerated person is in substantial risk of imminent sexual abuse may file an emergency grievance with any supervisor. The

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supervisor shall determine whether immediate action is reasonably necessary to protect the incarcerated person and shall provide an initial response within 48 hours.

The supervisor shall refer the grievance to the Facility Commander, who will investigate and issue a final decision within five calendar days.

The initial response and final decision shall be documented and shall include a determination whether the incarcerated person is in substantial risk of imminent sexual abuse and identify actions taken in response to the emergency grievance (28 CFR 115.52).

609.7 TRAINING

The Training Manager shall ensure that all members receive initial and periodic training regarding all aspects of this policy. All training delivered should include testing to document that the member understands the subject matter.

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Voting

610.1 PURPOSE AND SCOPE

This policy establishes the requirement for providing eligible incarcerated persons the opportunity to vote during elections, pursuant to election statutes (15 CCR 1071).

610.2 POLICY

The Department will assist incarcerated persons who wish to vote in an election.

610.3 PROCEDURES

Prior to each election, the Jail Administrator will designate a staff member to be a liaison between the Department and the county elections office. The designated staff member will be responsible for assisting incarcerated persons who have requested to vote.

Incarcerated persons should be advised of voting methods during the incarcerated person orientation.

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Incarcerated Persons with Disabilities

611.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for equal access to Imperial County Sheriff's Office services, programs, and activities for incarcerated persons with disabilities, in accordance with Title II of the Americans with Disabilities Act (ADA).

This policy also includes guidelines to provide effective communication with incarcerated persons with disabilities.

611.1.1 DEFINITIONS

Definitions related to this policy include (28 CFR 35.104):

ADA Coordinator - The member designated by the Jail Administrator to coordinate the jail's efforts to comply with the ADA (28 CFR 35.107).

Assistive devices, auxiliary aids, and services - Tools used by incarcerated persons with disabilities to facilitate their participation in services, programs, and activities offered by the Imperial County Sheriff's Office and to facilitate effective communication. They include but are not limited to the use of gestures or visual aids to supplement oral communication; a notepad and pen or pencil to exchange written notes; a computer or typewriter; an assistive listening system or device to amplify sound; a teletypewriter (TTY) or videophones (video relay service or VRS); taped text; qualified readers; a qualified interpreter; wheelchairs and other devices that facilitate mobility; audio books and large-print material; visible alarm signals; special diets; and lifts, trapeze bars, and shower chairs.

Disability - A physical or mental impairment that substantially limits a major life activity, including hearing, seeing, speaking, or performing manual tasks, regardless of whether the person uses assistive devices, auxiliary aids, and services. Individuals who wear ordinary eyeglasses or contact lenses are not considered to have a disability (42 USC § 12102; 28 CFR 35.108).

Modification - Any change, adjustment, alteration, adaptation, or accommodation that renders the Imperial County Sheriff's Office service, program, or activity suitable for use, enjoyment, or participation by an incarcerated person with a disability. This may include alteration of existing buildings and facilities.

A modification includes any change or exception to a policy, practice, or procedure that allows an incarcerated person with a disability to have equal access to services, programs, and activities. It also includes the provision or use of assistive devices, auxiliary aids, and services.

Qualified interpreter - A person who is able to interpret effectively, accurately, and impartially, both receptively and expressively, using any necessary specialized vocabulary. Qualified interpreters include oral interpreters, transliterators, sign language interpreters, and intermediary interpreters.

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611.2 POLICY

It is the policy of the Imperial County Sheriff's Office that incarcerated persons with disabilities have equal access to services, programs, and activities of the Imperial County Sheriff's Office.

The Imperial County Sheriff's Office will not discriminate against or deny any incarcerated person access to services, programs, or activities based upon the presence or suspected presence of disabilities.

611.3 ADA COORDINATOR RESPONSIBILITIES

The ADA Coordinator will work with the Jail Administrator and the Responsible Physician as appropriate to (28 CFR 35.130):

(a) Establish procedures to determine at admission if modifications are necessary for participation in the jail's services, programs, and activities, to document an incarcerated person's disability and preferred assistive devices, auxiliary aids, or services as applicable, and to regularly reassess in consultation with the incarcerated person whether alternative or additional modifications are necessary.

(b) Provide notice to incarcerated persons regarding the rights and protections afforded by the ADA (e.g., posters, published notices, handbooks, and orientation materials describing jail services, programs, and activities and the availability of assistive devices, auxiliary aids, and services, as well as modifications) (28 CFR 35.106).

(c) Establish classification criteria to make housing assignments for incarcerated persons with disabilities.

1. Absent unusual circumstances, incarcerated persons with disabilities should not be (28 CFR 35.152):

    (a) Housed in a medical area unless they are receiving medical care or treatment.

    (b) Classified as special management incarcerated persons unless they meet the criteria provided in the Special Management Incarcerated Persons Policy.

(d) Establish housing areas that are equipped to meet the physical needs of incarcerated persons with disabilities, including areas that allow for personal care and hygiene in a reasonably private setting, and that allow incarcerated persons with disabilities to be integrated into the larger incarcerated person population as appropriate to the incarcerated person's needs.

(e) Establish procedures for reviewing and processing requests for modifications that will help members provide incarcerated persons with disabilities access to the jail's services, programs, and activities, as appropriate.

(f) Make reasonable modifications to policies, practices, and procedures as necessary to allow incarcerated persons with disabilities to participate in the jail's services, programs, and activities.

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(g) Enlist or contract with trained service personnel who have experience working with incarcerated persons with disabilities, and assign individuals with adequate training to assist incarcerated persons with disabilities with basic life functions as needed.

(h) Establish procedures for restraining, transporting, and moving incarcerated persons with disabilities.

(i) Establish procedures that give incarcerated persons with disabilities equal opportunities to participate in or benefit from all aspects of the jail's efforts to prevent, detect, and respond to sexual abuse and sexual harassment (28 CFR 115.16).

(j) Establish procedures for responding to commonly encountered disabilities such as sight or mobility impairments and intellectual or developmental disabilities.

(k) Develop, implement, and publish procedures to provide for prompt and equitable resolution of complaints and inquiries regarding discrimination in access to services, programs, and activities (28 CFR 35.107). The complaint procedures should include an appeal process.

(l) Establish procedures for provision, maintenance, and cleaning of assistive devices and auxiliary aids used by incarcerated persons.

(m) Act as a liaison with local disability advocacy groups or other disability-focused groups regarding access to the jail's services, programs, and activities.

(n) Facilitate a process of periodic self-evaluation. The process should include:

1. Inspection of current facilities to identify access issues.
2. Review of current jail services, activities, and programs for access issues.
3. Assessment and update, if necessary, of current compliance measures.
4. Identification of recurring areas of complaint for which new methods of modification should be considered.
5. Review of the jail's emergency programs, services, and activities as they apply to incarcerated persons with disabilities.
6. Recommendation of a schedule to implement needed improvements.

(o) Develop and implement procedures to provide that new construction and any alteration to an existing building or facility are undertaken in compliance with the ADA (28 CFR 35.151).

(p) Verify that third parties providing services, programs, or activities to incarcerated persons through contract, outsourcing, licensing, or other arrangement have established reasonable policies and procedures to prevent discrimination against and denial of access to incarcerated persons with disabilities (28 CFR 35.152).

(q) Recommend amendments to this policy, as needed.

611.4 REQUESTS

The goal of any modification should be to allow an incarcerated person with a disability to participate in the service, program, or activity the same as an incarcerated person who does not have a disability. The Imperial County Sheriff's Office will not require incarcerated persons with

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disabilities to furnish their own assistive device, auxiliary aid, or service as a condition for receiving access to Imperial County Sheriff's Office services, programs, and activities (28 CFR 35.160).

Upon receiving a request for a modification, members should make reasonable efforts to accommodate the request based upon the preference of the incarcerated person with the disability by providing a reasonable modification consistent with any procedures related to the incarcerated person's disability. Members should not ask about the nature and extent of an incarcerated person's disability but should limit questions to elicit information necessary to determine the need for a modification and the appropriate type of modification.

If there are no current procedures in place, members receiving an incarcerated person request for a modification should direct the incarcerated person to provide the request in writing or assist the incarcerated person in doing so, as needed. The written request should be brought to the on-duty supervisor as soon as practicable and during the member's current shift. The supervisor should review the request within 24 hours of receipt. The reviewing supervisor should evaluate the request and, if approved, notify the Jail Administrator, ADA Coordinator, and any other members as necessary to implement the modification.

A supervisor who does not grant the modification, either in part or in full, should forward the request to the Jail Administrator and the ADA Coordinator for processing as soon as reasonably practicable.

Requests that are minor and do not reasonably appear related to a significant or ongoing need may be addressed informally, such as rearranging chairs to make room for a wheelchair. Such requests need not be made in writing.

611.4.1 DENIAL OF A REQUEST

Requests for modifications should be approved unless complying with the request would result in (28 CFR 35.150):

(a) A substantial alteration of the service, program, or activity.

(b) An undue financial or administrative burden on the Imperial County Sheriff's Office. All resources available for use in the funding and operation of the service, program, or activity at issue should be considered in this determination.

(c) A threat to or the destruction of the historic significance of a historic property.

(d) A direct threat to the health or safety of others (28 CFR 35.139).

(e) A threat to the orderly operation or function of the jail.

If any of these circumstances are present, the ADA Coordinator should work with Imperial County Sheriff's Office members and the incarcerated person requesting the modification to determine if an alternative modification is available. If no alternative modification is appropriate, the ADA Coordinator shall issue a written statement explaining why a modification of the service, program, or activity will not be made (28 CFR 35.150).

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Where physical modification of an existing building or facility, or new construction, would be unfeasible or unduly burdensome, the ADA Coordinator should work with Imperial County Sheriff's Office members and the incarcerated person requesting the modification to determine whether alternative modifications are available. Alternative methods that should be considered include (28 CFR 35.150):

(a) Reassigning services, programs, or activities to accessible buildings or facilities.

(b) Utilizing technology, equipment, and vehicles or other conveyances.

(c) Any other means or methods that would make services, programs, or activities readily accessible.

611.4.2 SURCHARGES

Surcharges shall not be imposed upon incarcerated persons with disabilities to cover the costs of providing modifications (28 CFR 35.130(f)).

611.5 ASSISTIVE DEVICES AND AUXILIARY AIDS

An incarcerated person should be permitted to retain assistive devices and auxiliary aids prescribed or recommended by a qualified health care professional. An incarcerated person may be required to provide documentation from a qualified health care professional describing the medical necessity for the device or aid. Any devices and aids brought to the jail by the incarcerated person or by others after the incarcerated person has been admitted shall be subject to a security check. The jail accepts no responsibility for loss or damage to any device or aid provided by the incarcerated person.

Any assistive device or auxiliary aid that is determined to present an imminent risk of bodily harm or an imminent risk to the security of the jail may be temporarily removed from use and stored with the incarcerated person's property. The ADA Coordinator or the Watch Commander should work with the incarcerated person to make alternate modifications pending review by a qualified health care professional. The removal of a device or aid and any alternate accommodations made shall be noted in the daily log and the incarcerated person's health care records.

Within 24 hours of any removal of an assistive device or auxiliary aid, a qualified health care professional will consult with the incarcerated person and review relevant records to determine whether the permanent removal may be injurious to the incarcerated person's health or safety. If the qualified health professional finds that the device or aid is medically necessary and the Jail Administrator determines after investigation of the specific facts presented that it should not be returned because of verified security concerns, options include, as applicable:

(a) Reclassifying the incarcerated person to an accessible housing unit or cell.

(b) With qualified health care professional approval, modifying the device or aid to meet the needs of the incarcerated person and the security needs of the jail.

(c) Supplying the incarcerated person with an alternate device or aid.

(d) Providing the incarcerated person with an opportunity to petition the court for the return of the device, in accordance with local, state, and federal law.

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611.6 COMMUNICATIONS

Members should remain alert to the possibility of communication problems when engaging with incarcerated persons with disabilities. When a member knows or suspects an incarcerated person requires assistance to effectively communicate, the member should identify the incarcerated person's choice of assistive devices, auxiliary aids, and services. The incarcerated person's choice should be honored unless another effective means of communication exists. Notice of an incarcerated person's disability and preferred method of communication should be provided to members who have contact with the incarcerated person so that effective communication may be achieved. Members should consider all information reasonably available to them when determining how to communicate with an incarcerated person with a disability, including (28 CFR § 35.160):

(a) The methods of communication usually used by the incarcerated person.

(b) The nature, length, and complexity of the communication involved.

(c) The context of the communication.

In emergency situations involving an imminent threat to the safety or welfare of any person, members may use whatever modification reasonably appears effective under the circumstances. This may include, for example, exchanging written notes or using the services of a person who knows sign language but is not a qualified interpreter, even if the incarcerated person who is deaf or hard of hearing would prefer a qualified sign language interpreter. Once the emergency has ended, the member should inquire as to the individual's preference and give primary consideration to that preference.

611.6.1 INTERVIEWS AND INTERROGATIONS

In an effort to ensure that the rights of incarcerated persons with disabilities are protected during any formal interview or interrogation that takes place in the jail, the Imperial County Sheriff's Office will provide reasonable modifications before beginning an interview or interrogation, unless exigent circumstances exist or the incarcerated person has made a clear indication that the incarcerated person understands the process and desires to proceed without receiving a modification. If *Miranda* warnings are required under the circumstances, these should be provided to the incarcerated person via the incarcerated person's preferred method of communication.

Interrogations should be recorded whenever reasonably practicable.

611.6.2 QUALIFIED INTERPRETERS

A qualified interpreter may be needed in lengthy or complex interactions (e.g., the admissions process, health care consultations, classification interviews, disciplinary hearings) for incarcerated persons who normally rely on sign language or speechreading (i.e., lip-reading) to understand what others are saying. The qualified interpreter should not be a person with an interest in the matter. A person providing interpretation services may be required to establish the accuracy and trustworthiness of the interpretation in a legal proceeding.

Qualified interpreters should be:

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(a) Available within a reasonable amount of time.

(b) Experienced in providing interpretation services in the person's primary language.

(c) Familiar with the use of text- and video-based communications products and systems.

(d) Certified in either American Sign Language (ASL) or Signing Exact English (SEE).

(e) Able to understand and adhere to the interpreter role without deviating into other roles, such as counselor or legal adviser.

(f) Knowledgeable of the ethical issues involved when providing interpreter services.

Members should use jail-approved procedures to request a qualified interpreter at the earliest reasonable opportunity or when it is reasonably apparent that an interpreter is needed. The use of a video remote interpreting service should be considered, where appropriate, if a live interpreter is not available. Incarcerated persons with disabilities shall not be required to provide their own interpreters (28 CFR 35.160).

Except in an emergency involving an imminent threat to the safety or welfare of any person and no qualified interpreter is reasonably available, members shall not use another incarcerated person or a member who has not been hired or contracted specifically to serve as a qualified interpreter as an interpreter.

611.7 DOCUMENTATION

Whenever any modification has been provided, the member involved should document:

(a) The type of modification, assistive device, auxiliary aid, or service provided.

(b) Whether the individual elected to use an assistive device, auxiliary aid, or service provided by the jail or another identified source, if applicable.

(c) Whether the individual's express preference for the modification was not honored and the reason an alternative method was used.

The documentation and any written communications exchanged should be maintained consistent with the Records and Data Practices Policy.

611.8 COMPLAINTS

A member who receives a complaint or becomes aware of potential disability discrimination, an ADA violation, or an incarcerated person's inability to access a jail service, program, or activity should document the complaint and promptly refer the matter to the ADA Coordinator (28 CFR 35.107). The Imperial County Sheriff's Office shall assist incarcerated persons with disabilities who require assistance to file a complaint regarding members of the Imperial County Sheriff's Office (see the Grievances Policy).

611.9 TRAINING

Members should receive periodic training on ADA compliance, to include:

(a) Awareness and understanding of this policy, related procedures and forms, and available resources.

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(b) Procedures for handling requests for modifications.

(c) Accessing assistive devices, auxiliary aids, and services needed to accommodate requests for modifications.

(d) General requirements of the ADA, including modifying policies and practices, communicating with and assisting incarcerated persons, accepting calls placed through alternative systems, and identifying alternate ways to provide access to services, programs, and activities as appropriate.

Management staff, even if they do not interact regularly with incarcerated persons with disabilities, should receive training as appropriate to understand and reinforce this policy.

Training records should be maintained in accordance with the established records retention schedule.

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Chapter 7 - Medical-Mental Health

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Health Care Administrative Meetings and Reports

700.1 PURPOSE AND SCOPE

The Department recognizes that the delivery of effective health care requires open and frequent communication between the Responsible Physician and the Jail Administrator. This policy provides guidelines for the continuous monitoring, planning, and problem resolution in providing health care that addresses the medical needs of the incarcerated person population and prevents potential outbreaks of communicable and contagious illness.

700.1.1 DEFINITIONS

Definitions related to this entire chapter include:

Access to care- An incarcerated person should be seen in a timely manner by a qualified health care professional. The incarcerated person should be given a professional clinical diagnosis and receive treatment that is ordered.

Clinical practice guidelines- A systematically developed science-based statement designed to assist practitioners and incarcerated persons with decisions about appropriate health care for specific clinical circumstances. Clinical practice guidelines are used to assist clinical decision-making, assess and assure the quality of care, educate individuals and groups about clinical disease, guide the allocation of health care resources, and reduce the risk of legal liability for negligent care.

Clinical setting - An examination or treatment room, either on- or off-site, which is appropriately supplied and equipped to address a patient's health care needs.

Daily - Seven days a week, including holidays.

Direct order - A written order issued by a qualified health care professional specifically for the treatment of an incarcerated person's particular condition.

Health appraisal - A comprehensive health evaluation completed within 14 days of an incarcerated person's arrival at the facility.

Health authority- The Responsible Physician, health services administrator or health agency responsible for providing all health care services or coordinating the delivery of all health care services.

Health care - The sum of all actions, preventive and therapeutic, taken for the physical and mental well-being of the incarcerated person population. The term health care includes medical, both physical and psychological, dental, nutrition, and other ancillary services, as well as maintaining safe and sanitary environmental conditions.

HIPAA - Health Insurance Portability and Accountability Act

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Mental health staff- Qualified health care professionals who have received instruction and supervision in identifying and interacting with individuals in need of mental health services.

Physical examination - An objective, hands-on evaluation of an individual. It involves the inspection, palpation, auscultation, and percussion of a body to determine the presence or absence of physical signs of disease.

Qualified health care professional - Physicians, physician's assistants, nurses, nurse practitioners, dentists, mental health professionals or other persons who, by virtue of their education, credentials, and experience are permitted by law to evaluate and care for patients within the parameters of their license or certification.

Responsible Physician- An individual licensed to practice medicine and provide health services to the incarcerated person population of the facility, or the physician at an institution with final responsibility for decisions related to medical judgment.

Sick call- The evaluation and treatment of an ambulatory patient, either on- or off-site, by a qualified health care professional.

Special needs - Health conditions that require regular care.

Standing order- Written orders issued by a physician that specify the same course of treatment for each patient suspected of having a given condition and the specific use and amount of prescription drugs (e.g., immunizations, insulin, seizure medications).

Suicidal ideation - Having thoughts of suicide or of taking action to end one's own life. Suicidal ideation includes all thoughts of suicide when the thoughts include a plan to commit suicide and when they do not.

Treatment plan - A series of written statements specifying a patient's particular course of therapy and the roles of qualified health care professionals in delivering the care.

Triage - The sorting and classifying of health care requests to determine priority of need and the proper place for health care to be rendered.

700.2 POLICY

The Sheriff shall select the Responsible Physician in accordance with the Health Authority Policy. It is the policy of this facility that the Responsible Physician should meet with the Jail Administrator at least quarterly. The Responsible Physician should be required to submit a report addressing the effectiveness of the health care system, a description of any environmental or access issues that require improvement, and detail any progress that has been made in previously reported areas. The quarterly meeting should be documented through formal minutes, which should include the names of attendees and a list of the topics discussed. The minutes should be retained in accordance with established records retention schedules.

The data for the quarterly report should be gathered by the Responsible Physician via monthly meetings with Facility Commanders and qualified health care professionals. The monthly meetings should cover the following topics:

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- Health care services
- Quality improvement findings
- Infection control efforts
- incarcerated person grievances
- Environmental inspections report

700.2.1 STATISTICAL REPORTS

In addition to the quarterly report described above, a statistical report will be provided annually to the Jail Administrator. The statistical report will be prepared by the Responsible Physician and shall include but not be limited to the following (15 CCR 1202):

(a) The number of incarcerated persons receiving health services by category of care

(b) The number of referrals to specialists

(c) Prescriptions written and medications dispensed

(d) Laboratory and X-ray tests completed

(e) Infirmary admissions, if applicable

(f) On-site and off-site hospital admissions

(g) Serious injuries or illnesses

(h) Deaths

(i) Off-site transports

(j) Infectious disease monitoring

(k) Emergency services provided to incarcerated persons

(l) Dental visits provided

(m) Number of health care grievances by category (e.g., medication error, missed appointment, health staff complaint) and whether the grievance was founded or unfounded

It is the responsibility of the Jail Administrator to ensure that copies of the statistical reports and documentation of any remedies implemented are retained in accordance with established records retention schedules.

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Access to Health Care

701.1 PURPOSE AND SCOPE

The provision of adequate health services in a custody setting is a constitutional right afforded to all incarcerated persons. The purpose of this policy is to provide custody personnel and qualified health care professionals with a process to inform newly booked incarcerated persons of the procedure to access health care services and how to use the grievance system, if necessary.

701.2 POLICY

It is the policy of this department that all incarcerated persons, regardless of custody status or housing location, will have timely access to a qualified health care professional and receive a timely professional clinical judgment and appropriate treatment.

The Imperial County Sheriff's Office facility will provide medical, dental, and mental health services as necessary to maintain the health and well-being of incarcerated persons to a reasonable and socially acceptable standard (15 CCR 1200 et seq.; 15 CCR 1208).

701.3 ACCESS TO CARE

Incarcerated person medical requests will be evaluated by qualified health care professionals or health-trained custody staff. Health care services will be made available to incarcerated persons from the time of admission until they are released. Timely access to services will be provided within seven days of request. Information regarding how to contact the medical staff will be posted in all incarcerated person housing areas (15 CCR 1200 et seq.; 15 CCR 1208). Medications and community health resources and referrals may be provided upon request when the incarcerated person is released.

Unreasonable barriers shall not be placed on an incarcerated person's ability to access health services. Health care that is necessary during the period of confinement shall be provided regardless of an incarcerated person's ability to pay, the size of the facility, or the duration of the person's incarceration. Such unreasonable barriers include:

- Punishing incarcerated persons for seeking care for their health needs.
- Deterring incarcerated persons from seeking care for their health needs by scheduling sick call at unreasonable times.

All routine requests for medical attention shall be promptly routed to a qualified health care professional.

Any incident of an incarcerated person refusing medical treatment or causing a disruption in the delivery of health care services shall be documented in an incident report. The original incident report shall be forwarded to the Responsible Physician and a copy sent to the Jail Administrator.

701.4 HEALTH CARE GRIEVANCES

Custody personnel should authorize and encourage resolution of incarcerated person complaints and requests on an informal basis whenever possible. To the extent practicable, custody personnel

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should provide incarcerated persons with opportunities to make suggestions to improve programs and conditions.

Incarcerated persons will be informed of the grievance process during incarcerated person orientation. The grievance process is also explained in the incarcerated person handbook, which all incarcerated persons receive and which they should have additional access to in their housing units. Grievances will be handled in accordance with the Grievances Policy (15 CCR 1073(a)).

Custody personnel should minimize technical requirements for grievances and allow incarcerated persons to initiate the grievance process by briefly describing the nature of the complaint and the remedy sought. For simple questions and answers regarding clinical issues, incarcerated persons may meet with a qualified health care professional or may submit a written correspondence.

Incarcerated person grievances regarding health care issues will be investigated by an uninvolved member of the medical staff. If no such person is available or does not exist, an outside peer should be sought to investigate the grievance. The incarcerated person should be provided with a written response in accordance with the schedule set forth in the Grievances Policy. Responses to incarcerated person grievances should be based on the community standard of health care.

Copies of grievances and the facility's response shall be sent to the Jail Administrator, who, in consultation with the Responsible Physician, shall serve as the final authority in response to all incarcerated person grievances.

If an incarcerated person is not satisfied with the response, the incarcerated person may appeal the grievance as outlined in the Grievances Policy.

701.5 POSTING AVAILABLE RESOURCES

A listing of telephone numbers for medical, dental, mental health and ambulance services shall be posted at the facility’s medical area and in the primary staff control station, along with a schedule of availability.

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Non-Emergency Health Care

702.1 PURPOSE AND SCOPE

The purpose of this policy is to establish a daily triage system of incarcerated person requests for health care services. This is to ensure that the health needs of the population are addressed properly and in a timely manner.

702.2 POLICY

It is the policy of this department to provide daily access to qualified health care professionals in order for incarcerated persons to request medical services (15 CCR 1200). All health care requests will be documented, triaged, and referred appropriately by medical staff. Qualified health care professionals will conduct sick call and clinics for health care services on a scheduled basis to ensure a timely response to requests for medical services (15 CCR 1211).

The Responsible Physician, in coordination with the Jail Administrator or the authorized designee, is responsible for developing a process that includes:

(a) A process for incarcerated persons to request health services on a daily basis.

(b) A priority system for health care services to acquire and address requests for routine health care, and for urgent or emergent injuries, illnesses, and conditions.

(c) Making health care request forms available in each housing unit and to all incarcerated persons upon request.

(d) A system in which health care requests are documented, triaged, and referred appropriately.

(e) Restrictions that prohibit non-health services personnel from diagnosing or treating an illness.

702.3 HEALTH CARE REQUESTS

During the collection of health care requests from incarcerated persons, care should be taken to protect the confidentiality of the person and the nature of the health issue. The collector shall date and initial the request when the collection takes place. The requests shall be triaged to determine the priority of need and the proper place for health care to be delivered.

Incarcerated persons will be instructed on how to obtain medical services during the orientation process and in the incarcerated person handbook. Incarcerated persons shall submit a medical request electronically on the provided tablets.

Medical request forms should be available in languages representative of the population. Incarcerated persons who communicate in a language not available on the electronic form shall have access to interpreter services.

Incarcerated persons with disabilities should be provided with appropriate assistance or accommodation to ensure they are able to request health care services.

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Housing unit correctional officers shall accept handwritten requests for medical services if the incarcerated person indicates that they are unable to use the provided tablet. The correctional officer shall ensure the reason for seeking medical attention is on the request. If no reason is given the correctional officer shall encourage the incarcerated person to indicate whether the matter is urgent or confidential. The correctional officer shall forward all handwritten requests to the medical staff.

702.4 TRIAGE OF HEALTH CARE REQUESTS

Qualified health care professionals shall perform a daily triage. Sick call shall be available to incarcerated persons at least five days a week and shall be performed by a qualified health care professional.

Other qualified health care professionals should schedule incarcerated persons in need of specialized treatment for the next available providers' clinic. The wait for the next available providers' clinic should not exceed two days. The qualified health care professional shall document the referral in the providers' scheduling book and on the incarcerated person's medical record.

The frequency and duration of sick call should be sufficient to meet the needs of the incarcerated person population but should be conducted at least weekly by a qualified health care professional. If an incarcerated person's custody status precludes attendance at sick call, arrangements shall be made to provide sick call services in the place of the person's detention (15 CCR 1211).

702.5 GUIDELINES FOR ELECTIVE PROCEDURES OR SURGERY

The Responsible Physician and the Jail Administrator shall work cooperatively to develop guidelines that govern elective procedures or surgery for incarcerated persons. The guidelines must include decision-making processes for elective procedures or surgery that is needed to correct a substantial functional deficit or an existing pathological process that threatens the well-being of the incarcerated person over a period of time. Any discussion of this nature with the incarcerated person should be conducted in a language easily understood by the person and should be carefully documented in the person's medical record. This record should be maintained in accordance with established records retention schedules.

702.6 REQUESTS FOR OUTSIDE MEDICAL CARE

Incarcerated persons who request access to health care services outside the facility may do so with advance authorization from the Jail Administrator or the authorized designee. The person shall be required to provide proof of sufficient private funds available to pay for all costs associated with transportation to the off-site facility and all costs associated with the medical services, diagnostics, treatment plans, medications, or any other costs associated with off-site medical care.

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Referrals and Coordination of Specialty Care

703.1 PURPOSE AND SCOPE

The purpose of this policy is to establish a process for referring incarcerated persons who need health care or specialty care that is beyond the resources available in the facility. The policy includes guidelines regarding transportation under appropriate security provisions and the formulation of advance written agreements for around the clock or on-call availability of alternate services. Specialty care includes specialist-provided health care, such as nephrology, surgery, dermatology, and orthopedics.

703.2 POLICY

It is the policy of this department that incarcerated persons have access to necessary hospitalization and specialty services for serious medical needs. This facility will provide, either directly or through contracted sources, specialty care and emergency medical services to incarcerated persons when the need is determined by the Responsible Physician (15 CCR 1206(b); 15 CCR 1206(c)).

703.3 JAIL ADMINISTRATOR RESPONSIBILITY

The Jail Administrator or the authorized designee, in coordination with the Responsible Physician, is responsible for establishing written agreements with outside specialty health care services for emergency and urgent care that is not available within the facility. In addition, a plan shall be developed for the secure transportation of incarcerated persons to a facility where such care is available.

703.4 REFERRAL TO OFF-SITE MEDICAL CARE

A qualified health care professional shall evaluate the incarcerated person, and if indicated, shall recommend specialty appointments in writing on the order sheet in the incarcerated person's medical record. A referral form should be completed and any supporting documentation attached. The written referral shall be reviewed and authorized, if appropriate, by the Responsible Physician.

A court order is generally required when an incarcerated person requires medical or surgical treatment necessitating hospitalization. A court order is not required for an incarcerated person in need of immediate medical or hospital care, but an application for a court order should be made as soon as practicable when the person's condition requires them to be gone from the facility more than 48 hours (Penal Code § 4011.5).

703.5 OFF-SITE COORDINATION

The qualified health care professional is responsible for recommending off-site medical and psychiatric care for incarcerated persons, coordinating outside appointments and notifying supervisory custody staff of off-site transportation needs. The Jail Administrator should establish a written transportation procedure that ensures incarcerated persons are transported securely and in a timely manner for medical, mental health, dental clinic or other specialty appointments. The

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procedure shall include the secure transfer of medical information to the receiving health care service.

Any conflicts that arise regarding off-site consultation trips will be communicated by the correctional officer responsible for transportation to the Responsible Physician and the Jail Administrator or the authorized designee so that modifications may be made.

The transportation supervisor supervisor shall keep a log of missed appointments to determine if transportation issues are impeding the ability of incarcerated persons to access appropriate medical care. Any issues identified shall be discussed and resolved between the Responsible Physician and the Jail Administrator (15 CCR 1206(c); 15 CCR 1206(n)).

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Emergency Health Care Services

704.1 PURPOSE AND SCOPE

The purpose of this policy is to establish plans and procedures for responding to medical emergencies in the facility when the level of medical or mental health services exceeds the licensure or certification of staff who are on-duty, and to define staff training requirements.

704.2 POLICY

It is the policy of this department that emergency medical, mental health, and dental services are available 24 hours a day. These services may include off-site health care services.

704.3 PROCEDURES

The Jail Administrator or the authorized designee shall work cooperatively with the Responsible Physician to develop plans and procedures for responding to emergency medical incidents that occur when the level of medical or mental health services needed exceeds the licensure or certification of staff who are on-duty. The plans should include: on-site emergency first aid, basic life support and crisis intervention; emergency evacuation of an incarcerated person from the facility, including security procedures to ensure an immediate transfer when appropriate; on-call physicians, dentists and mental health professionals; predetermined back-up health care services when the emergency health facility is not located in a nearby community; and the identification of primary, secondary and tertiary acute care facilities.

The plan may additionally include, but is not limited to, these components:

(a) Health-trained staff shall respond to all emergencies immediately upon notification.

(b) Contact information for emergency on-call health care services, both on- and off-site, is available and accessible for facility supervisors.

(c) Qualified health care professionals shall respond by reporting to the area of the emergency with the necessary emergency equipment and supplies.

(d) Emergency equipment and supplies are regularly maintained and accessible to the qualified health care professionals.

(e) Most incarcerated persons will be stabilized on-site and then transferred to an appropriate health care unit, if necessary.

(f) Notification of on-call physicians and mental health staff will be done as soon as the situation reasonably allows.

(g) The qualified health care professionals will determine if the incarcerated person needs to be transported to a local emergency room for treatment.

(h) When necessary, facility staff shall request emergency medical services and notify a supervisor as soon as reasonably practicable.

(i) The Jail Administrator and the Responsible Physician will coordinate on the notification of the incarcerated person's next of kin in cases of serious illness and injury. Death notifications will be made in accordance with the Reporting In-Custody Deaths Policy.

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(j) Procedures to implement a program wherein staff may possess and administer epinephrine medication according to Health and Safety Code § 1797.197a and 22 CCR 100027.03, including the retention of related records pursuant to Business and Professions Code § 4119.4.

(k) Procedures to implement a program wherein members may possess and administer opioid overdose medication

(l) Identifying when court orders to transport prisoners outside the facility for hospitalization may be required and the processes for obtaining those court orders (Penal Code § 4011.5).

(m) Identifying who is responsible to seek a court order when an incarcerated person is expected to be gone from the facility more than 48 hours for medical or surgical treatment necessitating hospitalization (Penal Code § 4011.5).

The goal of any emergency medical response plan is to provide emergency medical care to those in need as expeditiously as possible. While facility size and patient proximity to the health care service will vary, staff training will emphasize responding to medical emergencies as soon as reasonably possible.

704.4 EMERGENCY PROCEDURES

The health services administrator or the authorized designee is responsible for ensuring the following information, equipment and personnel are available in the event an incarcerated person requires emergency treatment (15 CCR 1206(c)):

(a) A current list of names, addresses and telephone numbers of all persons and agencies to be notified in an emergency. The list should be available to all health care and custody staff at all times, and should be updated quarterly.

(b) Emergency drugs, equipment and supplies should be readily available at all times and replenished after each use. An inventory control system should be in use to ensure the necessary supplies are present when needed and have not expired.

(c) A physician, dentist and mental health professional should be available on-call 24 hours a day, seven days a week (this can include off-site health care services) and there should be a back-up health care services plan.

(d) Ambulances should be accessed through the facility staff or by calling the appropriate emergency number. There should be a clear security plan in place for the transportation of incarcerated persons.

(e) The Watch Commander will be contacted and informed of any emergency as soon as practicable.

(f) All decisions regarding medical treatment and the need for emergency transportation are to be made by the qualified health care professionals.

(g) Whenever reasonably possible, the on-call health care service should be notified prior to transporting the incarcerated person to the hospital or other emergency care. However, in the event of a life- or limb-threatening emergency, the incarcerated person shall be sent to the hospital in the most expedient way possible, which may require

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notifying the specific health care service after the incarcerated person has been transported.

704.4.1 CPR REQUIREMENTS

The Jail Administrator and the Responsible Physician shall develop CPR procedures for correctional officers consistent with the provisions in 15 CCR 1028, including:

(a) Acceptable CPR methods and application.

(b) Requiring all correctional officers to be CPR-certified and to begin CPR on a nonresponsive person without obtaining approval from a supervisors or medical staff when it is safe and appropriate to do so.

(c) Requiring correctional officers to immediately call for medical aid and administer CPR to nonresponsive individuals unless CPR is contraindicated by known medical conditions.

(d) Instructing correctional officers to use personal protective equipment (PPE) when possible to minimize exposure to bodily fluids and pathogens.

(e) Instructing correctional officers in situations where imminent physical danger prevents the safe administration of CPR, correctional officers shall initiate or resume CPR as soon as the threat is resolved or the nonresponsive individual is safely removed from danger, provided medical assistance has not yet arrived.

(f) Continuing CPR, absent imminent physical danger, until the nonresponsive person shows signs of life, such as breathing or movement, or until health care professionals take over.

(g) Deferring CPR to health care professionals or alternative medical responders if they are present when a person is nonresponsive.

704.5 FIRST-AID KITS

The Responsible Physician or the authorized designee is responsible for determining the contents, number, location, and procedures for monthly inspections of all first-aid kits in the facility. The Responsible Physician shall also ensure that (15 CCR 1220):

(a) The contents of each first-aid kit are:

1. Approved by the Responsible Physician.
2. Appropriate for its location.
3. Arranged for quick use.
4. Documented on the outside cover.
5. Inventoried every month.
6. Secured with a plastic tamper-proof seal.
    (a) Once the seal has been broken, the kit should be taken to the medical unit so the contents can be inventoried and restocked.

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(b) Written protocols and training materials are developed for the use of medical supplies and equipment by health-trained custody staff.

(c) Inspections and testing of supplies and equipment are documented and maintained in accordance with established records retention schedules.

704.6 TRAINING

The Jail Administrator shall ensure that all qualified health care professionals are trained in the delivery of emergency medical services in the custody environment during new employee orientation.

The Jail Administrator or the authorized designee shall ensure that all facility staff members who have contact with incarcerated persons receive first-aid and basic life support training during new employee orientation, and that annual refresher training is conducted for the facility and qualified health care professionals. Training should include but not be limited to:

(a) The location of all emergency medical equipment and medications and the proper use of the equipment, such as AEDs.

(b) How to properly summon internal and external emergency services.

(c) Recognition of basic life support signs and symptoms and the actions required in emergency situations.

(d) Administration of basic first aid.

(e) Certification in CPR in accordance with the recommendations of the certifying health organization, 15 CCR 184, and 15 CCR 1028.

(f) Recognition of the signs and symptoms of mental illness, violent behavior and acute chemical intoxication and withdrawal.

(g) Procedures for incarcerated person transfers to appropriate medical facilities or health care service.

(h) Suicide recognition, prevention, and intervention techniques.

All records of the training provided, testing procedures and the results, and certificates and certifications achieved shall be maintained in each qualified health care professional or staff member training file in accordance with established records retention schedules. The Responsible Physician should be bound by similar requirements in the contractual language between the Department and the vendor.

704.7 AUTOMATED EXTERNAL DEFIBRILLATORS (AED)

The Responsible Physician or the authorized designee is responsible for ensuring that an Automated External Defibrillator (AED) is available in the facility and that all staff members are trained in its use. The AEDs shall be inspected and tested at a frequency consistent with the manufacturer’s recommendations to ensure functionality.

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Reproductive Health Care for Incarcerated Persons

705.1 PURPOSE AND SCOPE

The purpose of this policy is to establish prenatal and postpartum health care services for incarcerated persons who are pregnant. Services may include assistance recovering from the effects of potentially unhealthy lifestyles, which could include tobacco use, alcohol and drug abuse or addiction, and a lack of previous adequate medical care. Because of unhealthy lifestyle choices prior to incarceration, many incarcerated person pregnancies are classified as high-risk. This policy is intended to protect the health of the pregnant person and the fetus.

705.2 POLICY

It is the policy of this department that a qualified health care professional should provide comprehensive prenatal and postpartum care for all pregnant persons during their incarceration.

All pregnant and postpartum incarcerated persons shall receive appropriate timely, culturally responsive, and medically accurate and comprehensive care, evaluation, and treatment of existing or newly diagnosed chronic conditions, including mental health disorders and infectious diseases (Penal Code § 4023.8).

705.3 ADVISEMENT AND COUNSELING

Incarcerated persons who are pregnant shall be advised of the provisions of this policy manual, the Penal Code, and the standards established by the Board of State and Community Corrections related to pregnant incarcerated persons (Penal Code § 3407(e); 15 CCR 1058.5).

A qualified health care professional or counselor shall provide comprehensive and unbiased counseling and information to pregnant incarcerated persons regarding their options, including but not limited to prenatal health care, adoption, and abortion. Staff shall not urge, force, or otherwise influence a pregnant incarcerated person's decision (15 CCR 1206(f); Penal Code § 4023.5; Penal Code § 4023.8(b)).

Pregnant incarcerated persons shall also be referred to a social worker regarding options for feeding, placement, and care of the child after birth, including the benefits of lactation (Penal Code § 4023.8(k)).

705.4 BOOKING - PREGNANCY SCREENING

When booking an incarcerated person who is identified as possibly pregnant or capable of becoming pregnant, the following steps shall be taken:

(a) All incarcerated persons shall be asked if they are pregnant. They shall be offered a voluntary pregnancy test upon intake or by request, within 72 hours of arrival at the jail and administered by medical or nursing personnel (Penal Code § 4023.8(a)).

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1. If a test is declined, the incarcerated person shall be asked to sign an Informed Refusal of Pregnancy Test form, and the form shall be filed in the incarcerated person's medical file.

(b) Incarcerated persons confirmed to be pregnant shall, within seven days of arriving at the jail, be scheduled for a pregnancy examination with a physician, nurse practitioner, certified nurse midwife, or physician assistant and examined as provided by Penal Code § 4023.8(d).

(c) Pregnant incarcerated persons who appear to be under the influence of or withdrawing from alcohol or other substances shall be referred to a qualified health care professional.

(d) The Responsible Physician, in collaboration with facility staff, shall ensure the proper clinic visits are scheduled in accordance with appropriate medical standards as provided in Penal Code § 4023.8(e).

(e) A medical record should be opened with a notation indicating pregnancy.

(f) The incarcerated person should be interviewed by a qualified health care professional for the following information, which should be written in the medical record:

1. Last menstrual period (LMP)
2. Estimated date of conception (EDC)
3. Estimated due date (40 weeks from EDC)
4. Number of pregnancies (gravidity)
5. Number of live births (parity)
6. Therapeutic abortions (TAB)
7. Spontaneous abortions (SAB), aka miscarriages
8. Prenatal care history
9. Current medications
10. Any current adverse symptoms: vaginal bleeding or discharge, abdominal cramping or pain (if yes, notify on-site or on-call physician)
11. High-risk factors, if known: drug or alcohol use/abuse, smoking, previous pregnancy problems, other medical problems (cardiac issues, seizures, diabetes/DM, hypertension/HTN)
12. If use of an opioid or methadone is identified, notify the on-site or on-call physician for orders. The incarcerated person shall be offered medication-assisted treatment and shall be provided information on the risks of withdrawal (Penal Code § 4023.8(i)).

(g) Each pregnant incarcerated person should have:

1. A completed special diet form ordering a pregnant diet.
2. An appointment at the next available obstetric clinic if the person is 10 or more weeks gestation.

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(h) Each pregnant incarcerated person shall (Penal Code § 4023.8):

1. Have access to daily prenatal vitamins in accordance with medical standards of care.
2. Be assigned to the lower bunk and lower-tier housing for those housed in a multitier housing unit.

705.5 HOUSING EXCEPTIONS

Incarcerated persons who are known to be pregnant may be housed in any unit appropriate for their classification, with the following exceptions:

(a) All pregnant incarcerated persons identified at intake or the obstetric clinic to be high-risk or who are in their last trimester of pregnancy shall be housed in the medical unit.

(b) Housing in the medical unit shall be by order of the obstetric specialist or the Responsible Physician.

705.6 COUNSELING AND TREATMENT REGARDING PROPER CARE

The Department will provide all necessary counseling and treatment to pregnant incarcerated persons to ensure they are receiving the proper care. To accomplish this, the following shall occur:

(a) The directions of the obstetric specialist shall be followed throughout the pregnancy and postnatal period. No non-medical staff has the unilateral authority to change or overrule an order or care recommendation made by the Responsible Physician. The Jail Administrator and Responsible Physician shall develop a process by which perceived conflicts between medical orders/recommendations and safety and security interests of the jail can be discussed and resolved. Ultimately, the jail must provide adequate treatment for an incarcerated person's medical needs.

(b) The Responsible Physician shall be consulted immediately if a patient is under 10 weeks gestation and has medical concerns.

(c) Any pregnant incarcerated person with medical problems that occur between scheduled obstetric appointments shall be seen by a qualified health care professional. If the qualified health care professional assesses the problem as urgent and a physician is not available on-site, the person shall be sent to the hospital for evaluation.

(d) The incarcerated person shall be advised to notify custody staff immediately of the following:

1. Vaginal bleeding
2. Acute, persistent abdominal or pelvic pain and/or severe cramping
3. Leaking fluid
4. Decreased or no fetal movement
5. Headache or blurred vision
6. Rapid weight gain with swelling (edema)
7. Abnormal vaginal discharge
8. Symptoms of a urinary tract infection (UTI)

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9. Fever

(e) Postpartum examinations and additional appointments shall be scheduled by the obstetric clinic as needed.

(f) An incarcerated person shall have the right to summon and receive the services of any physician, nurse practitioner, certified nurse midwife, or physician assistant of the person's choice in order to determine pregnancy. The Jail Administrator may develop reasonable rules and regulations governing the conduct of such examinations. If found to be pregnant, the incarcerated person is entitled to a determination of the extent of medical and surgical services needed from the medical professional of the person's choice. Expenses incurred by the services not provided by the Jail shall be borne by the incarcerated person (Penal Code § 4023.6).

705.7 INCARCERATED PERSONS IN LABOR AND POSTPARTUM CARE

Pregnant incarcerated persons who are in labor or are presumed to be in labor shall be treated as an emergency and shall be transported in the least restrictive way possible to a hospital outside the jail (Penal Code § 4023.8(l)).

Pregnant incarcerated persons may have an approved support person present during labor, childbirth, and postpartum recovery while hospitalized (Penal Code § 4023.8(m)).

Incarcerated persons shall be given the maximum level of privacy possible during the labor and delivery process as provided in Penal Code § 4023.8(o).

Upon an incarcerated person's return to the jail, a physician, nurse practitioner, certified nurse midwife, or physician assistant shall provide a postpartum examination within one week from childbirth and as needed for up to 12 weeks postpartum, and shall determine whether the incarcerated person may be cleared for full duty or if medical restrictions are warranted. Postpartum incarcerated persons shall be given at least 12 weeks of recovery after childbirth before they are required to resume normal activity (Penal Code § 4023.8).

705.7.1 INCARCERATED PERSON ACCESS TO NEWBORN CARE

The Responsible Physician should ensure than an incarcerated person is provided access to newborn care that includes access to appropriate assessment, diagnosis, care, and treatment for infectious diseases that may be transmitted from the incarcerated person to the infant (Penal Code § 4023.8(f)).

705.7.2 NOTICE OF SERVICES AFTER INCARCERATION

The Responsible Physician should ensure that eligible incarcerated persons who give birth after incarceration are provided notice of, access to, and written application for community-based programs serving pregnant, birthing, or lactating incarcerated persons (Penal Code § 4023.8(j)).

705.8 RESTRAINTS

Incarcerated persons who are known to be pregnant or who are in labor shall not be placed in restraints except as provided in the Use of Restraints Policy and other policies related to medical treatment and transportation outside the secure facility.

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705.8.1 REQUIRED PROCEDURES

The health authority shall, in cooperation with the Jail Administrator, develop procedures in conformance with Penal Code § 3407 for the application and removal of restraints on pregnant incarcerated persons. The procedures shall be reviewed and updated at least every two years (15 CCR 1206).

705.9 ABORTIONS

An incarcerated person who chooses to have an abortion shall be given access to abortion services and be requested to sign a statement acknowledging that the person has been provided the opportunity for related counseling and chooses to have an abortion. Any financial obligations for elective abortions will be handled consistent with state law as provided in Penal Code § 4011.1 and 15 CCR 1200. The jail shall provide necessary transportation and supervision for such services. Staff members who object to facilitating an incarcerated person's elective abortion (including arrangements, transportation, and security) should not be required to perform such duties.

705.9.1 STATE REQUIREMENTS FOR ABORTION

The Jail shall not confer authority or discretion to nonmedical staff to decide if a pregnant incarcerated person is eligible for an abortion. Conditions or restrictions on abortion access shall not be imposed. Impermissible restrictions include but are not limited to imposing gestational limits inconsistent with state law, unreasonably delaying access to the procedure, or requiring court-ordered transportation (Penal Code § 4028(a)).

If the pregnant incarcerated person decides to have an abortion, the person shall be offered, but not forced to accept, all due medical care and accommodations until no longer pregnant. A pregnant incarcerated person who decides to have an abortion shall be referred to a licensed professional as specified in Business and Professions Code § 2253(b) (Penal Code § 4023.8(c)).

705.9.2 REQUIRED POSTED NOTICE

The rights provided for pregnant incarcerated persons by Penal Code § 4023.6, Penal Code § 4023.8, and Penal Code § 4028 shall be posted in at least one conspicuous place that all incarcerated persons can access.

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Health Authority

706.1 PURPOSE AND SCOPE

The purpose of this policy is to establish the responsibility of the health authority as arranging for all levels of health services, assuring the quality of all health services, identifying lines of medical authority for the incarcerated person health program, and assuring that incarcerated persons have access to all health services.

The policy also establishes properly monitored processes, policies, procedures, and mechanisms to ensure that the contracted scope of services is adequately and efficiently delivered.

The health authority is defined as the Responsible Physician, health services administrator, or health agency responsible for providing all health care services or coordinating the delivery of all health care services (see the Health Care Administrative Meetings and Reports Policy).

706.2 POLICY

The health authority is responsible and accountable for all levels of health care and has the final authority regarding clinical issues within this jail. The health authority is responsible for establishing, implementing, and annually reviewing/revising policies for all clinical aspects of the health care program and for monitoring the appropriateness, timeliness and responsiveness of care and treatment. The health authority also approves all medical decisions and protocols.

706.3 SELECTION PROCESS

The Sheriff or the authorized designee shall select a health authority using an existing department procurement or selection process. The individual or organization selected shall be designated as the health authority for incarcerated person health care on behalf of the facility.

Aside from any monetary or term considerations, the contract between the Department and the selected individual or organization shall minimally include:

(a) Language establishing the scope of services being contracted and the type of health care service needed.

(b) Job descriptions, minimum qualifications, and performance expectations for contract personnel.

(c) Language requiring the contractor to develop appropriate measures and review processes for assessing the quality, effectiveness, and timeliness of the services provided and periodically reporting those findings to the facility.

(d) Identification of a Responsible Physician, who shall serve as the medical authority on treatment matters requiring medical expertise and judgment.

(e) Language regarding the minimum frequency that the health authority shall be present at the facility.

(f) The roles and responsibilities of staff in ensuring that the contractor may adequately deliver services in a safe and secure environment.

(g) A written plan for coordinating medical care from multiple health care services.

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(h) A written plan for the collection and maintenance of incarcerated person health records that is compliant with the Health Insurance Portability and Accountability Act (HIPAA).

(i) Identification of a dispute resolution process for the contracted parties and for incarcerated persons who may be questioning treatment plans.

(j) Language and a plan addressing liability and indemnification for issues related to incarcerated person health care.

The health authority shall be authorized and responsible for making decisions about the deployment of health resources and the day-to-day operation of the health services program. If the health authority is other than a physician, any final clinical judgments shall rest with a single designated Responsible Physician.

The health authority or the authorized designee will meet at least monthly with custody representatives to discuss the health care program and any issues that require correction or adjustment.

Security regulations are applicable to facility staff and health care personnel (15 CCR 1200(a)).

706.4 PROVISION OF HEALTH CARE

The health authority is responsible for arranging the availability of health care services. The qualified health care professionals should determine what medical services are needed on a case-by-case basis. The Jail Administrator shall provide the administrative support for making the health care services available to incarcerated persons. Clinical decisions are the sole province of qualified health care professionals and should not be countermanded by non-health care professionals.

If routine health services are provided by medical personnel outside this facility, all department policies regarding treatment, transfer, transportation, or referral of emergencies shall be followed.

The health authority is responsible for ensuring that the health services manual complies with all applicable state and federal law and that a review and update is conducted annually.

An annual audit of the quality and adequacy of health care services shall be done, with corrective action taken when deficiencies are identified (15 CCR 1202).

706.5 LACTATION PROGRAM

The health authority, in cooperation with the Jail Administrator, shall develop a program with written procedures for lactating incarcerated persons to express breast milk for feeding their infants or toddlers, cessation of lactation or weaning, and for maintaining their breast milk supply pending delivery to an approved person or the incarcerated person's release (Penal Code § 4002.5).

The health authority should ensure that the policy is posted in all locations where medical care is provided and is communicated to members who interact with or oversee pregnant or lactating incarcerated persons (Penal Code § 4002.5).

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Health Appraisals

707.1 PURPOSE AND SCOPE

The purpose of this policy is to establish the process for conducting health appraisals on all incarcerated persons following their arrival at this facility and for the continuity of care for incarcerated persons who remain in custody for extended periods. Further, it is to ensure the incarcerated person's health care needs are met and that health care started at one facility continues as needed.

707.2 POLICY

It is the policy of this department that all incarcerated persons will receive a comprehensive health appraisal within 14 days of incarceration unless there is documented evidence that the incarcerated person has received a health appraisal within the previous 90 days. In addition to the initial health appraisal, the person should have an annual evaluation to reassess their health status and to provide access to preventive medicine through education and lifestyle programs.

707.3 INITIAL HEALTH APPRAISAL

(a) Qualified health care professionals shall have access to the daily incarcerated person roster. From this, they can determine who needs a health appraisal and hands-on physical evaluation. The health appraisal should include:

1. A review of earlier medical screening information.
2. Administration of a skin test for tuberculosis (TB).
3. Recording of height and weight.
4. Recording of vital signs (blood pressure, pulse, respiration rate, and temperature).
5. Ordering other tests or examinations as appropriate.
6. The collection of any additional data needed to complete medical, dental, psychiatric, and immunization histories.

(b) Incarcerated persons shall be scheduled for a hands-on physical evaluation by a qualified health care professional within 48 hours of arrival at the jail. The evaluation shall include:

1. Review of the medical screening.
2. Review of the health history questionnaire.
3. Review of all vital signs and TB skin test results.
4. A medical examination, including a review of mental and dental status.
5. Initiation of treatment or therapy, as appropriate.
6. Development and implementation of a treatment plan, including recommendations for housing, job assignment, and program participation.

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The Responsible Physician shall review and authorize all health appraisals within 72 hours.

707.3.1 PRISON RAPE ELIMINATION ACT (PREA) SCREENING FOLLOW-UP
Incarcerated persons who have an identified history of sexual victimization shall be offered a follow-up meeting with a qualified health care or mental health provider within 14 days of intake screening (28 CFR 115.81).

707.4 ANNUAL HEALTH EXAMINATIONS

The Responsible Physician will determine the criteria for periodic health examinations for incarcerated persons. Incarcerated persons should be scheduled for an annual health examination within 14 days of the person's annual incarceration anniversary (15 CCR 1208.5). The examination should include:

- A review of current vital signs and weight.
- A TB skin test and review of the results.
- An evaluation of any health-related issues arising since the last health evaluation.
- Initiation of treatment, as appropriate.
- Any updates to the incarcerated person treatment plan.
- Any other specific components determined by the Responsible Physician based on the age, gender, and health of the incarcerated person (15 CCR 1208.5).

All incarcerated persons should also be examined prior to release to protect both the incarcerated person and the public.

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Healthy Lifestyle Promotion

708.1 PURPOSE AND SCOPE

The purpose of this policy is to affirm the Department's commitment to promote healthy lifestyle choices by incarcerated persons by providing health education and self-care learning opportunities that include classes, audio and video presentations, and brochures and pamphlets.

708.2 POLICY

This department will encourage incarcerated persons to maintain a healthy lifestyle by providing health education and wellness information.

708.3 HEALTH CARE ENCOUNTERS

During health care encounters, the qualified health care professionals should instruct incarcerated persons at the time service is rendered on how to avoid preventable diseases, such as athlete's foot, flu and the common cold, tooth decay and sexually transmitted diseases. Such instruction should be documented in the health record. Documentation should include the topics discussed, the written materials provided, if any, and that the incarcerated person acknowledged an understanding of the information.

Informative brochures from various health organizations should also be available to incarcerated persons on the tablets that are provided by the incarcerated person telecommunication provider.

Following are examples of appropriate topics for incarcerated person education:

- Access to health care services
- Dangers of self-medication
- Personal hygiene and dental care
- Prevention of communicable diseases
- Education, smoking cessation
- Family planning
- Self-care for chronic conditions
- Self-examination for health concerns
- The benefits of physical fitness
- Chronic diseases and disabilities
- Counseling in preparation for release
- Domestic violence
- Medications
- Nutrition
- Sexually transmitted diseases

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- Substance abuse
- Tuberculosis

708.4 GENERAL HEALTH PROMOTION INFORMATION

Whenever possible, written materials, audio and video presentations should be made available to incarcerated persons for educational purposes. These materials are often available in bulk quantity through the public health department and other community-based organizations.

All items intended for distribution to the incarcerated person population shall be approved by the Jail Administrator to avoid any conflict with rules regarding contraband in the facility.

708.5 FAMILY PLANNING SERVICES

All incarcerated persons shall be offered family planning services at least 60 days prior to a scheduled release date (Penal Code § 4023.5).

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Transfer Screening

709.1 PURPOSE AND SCOPE

This policy recognizes that incarcerated persons are frequently transferred within the correctional authority's system and to facilities outside the system. This policy establishes a process for medical screening of transferred incarcerated persons to ensure continuation of care and avoid unnecessary diagnostics.

709.2 POLICY

It is the policy of this department that incarcerated persons who are transferred to another jail, correctional system, or health care facility will be screened prior to transfer to ensure that the receiving facility can assume and continue proper care. Medical needs of the incarcerated person will be clearly communicated to the receiving facility, including the ongoing treatment plan, scheduled surgeries, and outside appointments.

Incarcerated persons who are transferred to other facilities shall be sent with a discharge summary that includes information about the incarcerated person's medical and mental health condition, the current treatment plan, and any medications, if needed (15 CCR 1206(n)).

709.3 TRANSFERS

Any incarcerated person being transferred to another correctional or health care facility will be medically screened prior to transfer as described below.

The medical screening should include:

(a) A determination of whether the incarcerated person is being treated for a medical, mental health, or dental problem.

(b) A determination of whether the incarcerated person has any apparent, current medical, mental health, or dental needs or complaints.

(c) What medication, if any, the incarcerated person is presently prescribed.

(d) Whether the incarcerated person has any evidence of abuse or trauma.

(e) Whether the incarcerated person has any physical deformities or special daily living assistance needs.

(f) The incarcerated person's classification and clearance status (i.e., general population, separation).

(g) Whether the incarcerated person has any pending follow-up appointments or requirements.

Completed discharge summaries, including the medical screening results, shall accompany incarcerated persons being transferred to another department's jurisdiction to ensure that the receiving health care service can assume and continue necessary care. A release of information authorization is not required.

- Current health conditions

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- Current treatments and medications
- Upcoming appointments and diagnostic studies
- Allergies
- Copies of any health information that is critical to continuity of care

If the receiving facility requests a copy of the medical record, it will be supplied within five working days.

The discharge summary and any related medical records being transferred shall be placed in a file or envelope that maintains the confidentiality of the incarcerated person's medical information. The transporting personnel shall be provided separate written instructions regarding medication or health interventions, including necessary precautions that are required en route. The transporting personnel shall also document on the transfer log the date, time, and name of the person receiving the incarcerated person and the medical records.

709.3.1 EXTENDED TRANSPORTATION OF INCARCERATED PERSONS

When an incarcerated person will be in transfer status for several days and housed temporarily at various custody facilities along the way, a medical transfer packet shall be prepared by the qualified health care professional in a form that will advise the temporary housing facilities of any medical needs of the incarcerated person. When medically appropriate, a small supply of medication should be provided with the medical transfer packet so it will be available to the temporary housing facility as needed.

709.4 RECEIVING TRANSFERRED INCARCERATED PERSONS

When an incarcerated person being transferred to this facility arrives without a full and comprehensive medical transfer packet from another facility, the incarcerated person shall be medically screened and receive a comprehensive health appraisal in accordance with the Medical Screening Policy and Health Appraisals Policy. The medical department of the sending facility should be promptly contacted to determine if the transferred incarcerated person has any medical needs that require immediate attention or any scheduled surgeries or appointments with community health care services. Arrangements should then be made with the sending facility for the delivery of a more detailed review of the incarcerated person's medical needs.

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Medical Screening

710.1 PURPOSE AND SCOPE

The purpose of this policy is to establish a medical screening process for newly booked incarcerated persons so that medical, mental health, and dental issues are properly identified and addressed, and to obtain a medical clearance when necessary.

710.2 POLICY

It is the policy of this department that a medical screening be performed on all incarcerated persons upon arrival at the intake area to ensure that existing, emergent, and urgent health care, dental, or mental health needs are identified, risks are assessed, and incarcerated persons with contagious and communicable diseases are properly classified and housed for their health and the health of the general population (15 CCR 1051; 15 CCR 1206.5(a); 15 CCR 1207).

710.3 ELEMENTS OF MEDICAL SCREENING

The medical screening shall be performed by health services personnel.

All incarcerated persons shall complete a medical screening as part of the booking process. If an arrestee refuses to cooperate with the medical screening, the screener will complete as much of the health assessment as reasonably possible and the arrestee will be closely observed until the arrestee cooperates with the remainder of the screening process.

710.3.1 MEDICAL SCREENING INQUIRY

The medical screening inquiry should include a review of the incarcerated person's prior jail medical record, if any, and document the following:

- History of infectious or communicable diseases that are considered serious in nature; current treatment, symptoms, medications, chronic illness, or health issues, including communicable diseases, or special health requirements, and/or dietary needs (15 CCR 1051)
- Acute dental problems
- Past and recent serious communicable disease symptoms (e.g., chronic cough, coughing up bloody sputum, lethargy, weakness, weight loss, loss of appetite, fever, night sweats) (15 CCR 1051)
- Mental illness, including psychiatric hospitalizations within the last three months
- Gender issues
- History of or current suicidal ideation
- Acute allergies
- History of or current prescription or illegal drug use, including the time of last use
- History or current symptoms of substance abuse withdrawal

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- Current, recent, or suspected pregnancy; any history of gynecological problems and present use and method of birth control
- Appearance or history of developmental disabilities, body deformities, or other physical abnormalities
- Incarcerated persons who have given birth in the past year and are charged with murder or attempted murder of their infants shall be referred to mental health services at the time of booking (15 CCR 1207.5)
- Any other health issues as identified by the Responsible Physician

Qualified health care professionals should assist in developing specific mental health medical screening questions and should provide training in analyzing incarcerated person responses. The Responsible Physician should establish the role of the qualified health care professional in the medical screening process.

Should the medical screening identify a need for a more comprehensive medical assessment of the incarcerated person, a qualified health care professional should initiate appropriate follow-up action, which may include transporting the incarcerated person to an off-site medical facility.

710.3.2 MEDICAL SCREENING OBSERVATION

The staff member completing the medical screening observation shall document the following observations:

- Appearance (e.g., sweating, tremors, anxious, disheveled)
- Behavior (e.g., disorderly, appropriate, insensible)
- State of consciousness (AVPU):
    - Alert - spontaneously responsive
    - Verbal - requires verbal stimulation to respond
    - Pain - requires painful stimulation to respond
    - Unresponsive - does not respond
- Ease of movement (e.g., body deformities, gait)
- Breathing (e.g., persistent cough, hyperventilation)
- Skin (e.g., lesions, jaundice, rashes, infestations, bruises, scars, recent tattoos, needle marks or other indications of drug abuse)
- Any other observable health symptoms

The Jail Administrator and the Responsible Physician should develop a procedure through which it can be reliably determined what prescription medications the incarcerated person is taking and the medical urgency for continuing those medications without interruption.

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710.3.3 DOCUMENTATION

Written documentation of the medical screening should include the name of the screener, the date and time, and the following information:

- Immediate or scheduled referral to a medical, dental, or mental health professional
- Guidance regarding housing placement, including disciplinary detention if necessary (15 CCR 1051)
- Guidance regarding activity limitations and work assignment
- The incarcerated person's responses to questions asked by the interviewer
- Other individualized observations and recommendations

The initial medical screening should become part of the incarcerated person's medical record and should be retained in accordance with established records retention schedules.

710.4 MEDICAL SCREENING DISPOSITIONS

Persons who are brought to the facility and are obviously in need of immediate medical attention shall be referred to an emergency medical facility for clearance. Conditions that require a medical clearance prior to booking include but are not limited to the following:

- Unconsciousness
- Uncontrolled bleeding
- Significant injuries from a motor vehicle accident
- Significant injuries from an altercation
- Significant injuries from handcuffs or other restraint devices
- Knife wounds, gunshot wounds, or lacerations
- Exposure to pepper spray, conducted energy weapon (CEW) deployment, or blunt force trauma during arrest
- Intoxication to a degree that the individual cannot speak coherently or stand or walk unaided
- Recent drug overdose
- Suspected or known complications of pregnancy
- Active seizures
- Suspected or known complications of diabetes
- Exhibits behavior indicating a potential danger to themselves or others
- Active tuberculosis or other serious contagious diseases
- Actively suicidal
- Any other medical condition which, in the opinion of the booking personnel, should be urgently referred for evaluation by medically trained personnel

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Incarcerated persons with these medical conditions are not suitable for admission to the facility until medically cleared by a qualified health care professional. This department requires medical clearance from an outside entity when such incarcerated persons are identified.

Medical clearance documentation shall include the medical diagnosis, treatment received at the emergency medical facility, any medications prescribed, any ongoing medical requirements, and any follow-up medical care that may be indicated before the arrestee is accepted for booking.

The Jail Administrator is responsible for notifying local police agencies and medical facilities of the jail admission refusal policy and the required clearance documentation.

Based upon the information obtained during the screening process, the medical classification disposition of the incarcerated person shall be one of the following:

- General population or other appropriate cell assignment
- General population or other appropriate cell assignment and timely referral to appropriate health care services
- Immediate referral to health care services prior to housing

710.5 HEALTH APPRAISAL

Generally, a comprehensive health appraisal should occur within 14 days of booking (see the Health Appraisals Policy). However, when it is appropriate and based on an incarcerated person's health condition, an early health appraisal should be recommended. An incarcerated person may also be cleared for housing in general population with a prompt referral to the appropriate health care services when it is in accordance with the incarcerated person's overall classification. Upon the identification of an incarcerated person who may be in a behavioral crisis, a physician's opinion will be secured within 24 hours, or next sick call, whichever is earliest (15 CCR 1052).

710.5.1 MEMBERS CONDUCTING HEALTH APPRAISALS

Medical screening should be completed by licensed health personnel with documentation of staff training regarding site-specific forms with appropriate disposition based on responses to questions and observations made at the time of screening (15 CCR 1207).

710.5.2 TELEHEALTH

Telehealth may be incorporated into procedures used to identify and evaluate incarcerated persons who may be in a behavioral crisis (15 CCR 1052).

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Mental Health Services

711.1 PURPOSE AND SCOPE

The purpose of this policy is to ensure that all incarcerated persons have access to mental health services and that incarcerated persons identified as needing these services are referred appropriately.

711.1.1 DEFINITION

Definitions related to this policy include:

Mental health services - A variety of psycho-social and pharmacological therapies, either individual or group, including biological, psychological, and social therapies to alleviate symptoms, attain appropriate functioning and prevent relapse.

711.2 POLICY

It is the policy of this department that a range of mental health services shall be available for any incarcerated person who requires them (15 CCR 1206(g); 15 CCR 1207; 15 CCR 1209).

711.3 MENTAL HEALTH SERVICES

The Jail Administrator should collaborate with the local public and private organizations that offer mental health services, treatment, and care to those incarcerated persons in need of such services.

In coordination with the health authority, the Responsible Physician, and the Jail Administrator, such services shall include but are not limited to (15 CCR 1209):

- Identification and referral of incarcerated persons with mental health needs.
- Mental health treatment programs provided by qualified staff, including the use of telehealth.
- Crisis intervention.
- Basic mental health service provided to incarcerated persons as clinically indicated.
- Medication support services.
- Suicide prevention.
- Referral, transportation, and admission to licensed mental health facilities for incarcerated persons whose psychiatric needs exceed the treatment or housing capability of the facility (Penal Code § 4011.6; Penal Code § 4011.8).
- Provision of health services sufficiently coordinated such that care is appropriately integrated, medical and mental health needs are met, and the impact of any of these conditions on each other is adequately addressed.
- Obtaining and documenting informed consent.
- Release planning services.

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711.4 BASIC MENTAL HEALTH SERVICES

Incarcerated persons may be referred to a qualified health care professional through a variety of methods, which include the medical screening process, the mental health appraisal process, and self-referral or staff referral. Qualified health care professionals should respond to all referrals in a timely manner and initiate the appropriate treatment services.

(a) If the incarcerated person has received previous mental health treatment, the incarcerated person should be asked to complete a release of information form so that treatment records can be obtained.

(b) Incarcerated persons who have been determined to be in need of ongoing mental health services after their release from this facility should be provided with information about community mental health treatment resources. Arrangements for more comprehensive mental health care may be made, if appropriate.

(c) Incarcerated persons who are identified as having developmental disabilities should be evaluated for special housing needs. The qualified health care professional should work in cooperation with classification personnel to establish the best, reasonably available housing option.

(d) Incarcerated persons who are suspected or known to have a developmental disability should receive a mental health appraisal by the qualified health care professional or health-trained custody staff as soon as reasonably practicable but no later than 24 hours after booking. Contact will be made with the regional center within 24 hours, excluding holidays and weekends, when an incarcerated person is suspected or confirmed to have a developmental disability. Incarcerated persons who have a developmental disability should be referred, where appropriate and available, for placement in non-correctional facilities or in units specifically designated for housing a person with a developmental disability (15 CCR 1057).

(e) Incarcerated persons enrolled in mental health treatment, including psychiatric medication management, should be provided information regarding the risks and benefits to treatment. Informed consent documents should be signed by the incarcerated person to establish the incarcerated person's consent to treatment. The signed forms should be placed in the incarcerated person's health record and retained in accordance with established records retention schedules.

(f) A treatment plan should be established for all incarcerated persons enrolled in mental health services.

1. Psychiatric and special needs treatment plans shall be reviewed every 180 days, at a minimum. Incarcerated persons taking psychotropic medication should be seen by a psychiatrist at least every 90 days. Incarcerated persons classified as requiring mental health special needs should be seen at least monthly by a qualified health care professional.

2. Incarcerated persons enrolled in other ongoing forms of mental health treatment should have treatment plan updates completed every six months, at a minimum.

3. Incarcerated persons who present to the qualified health care professional as having notable difficulty adjusting to the correctional environment, but who are not diagnosed with a serious mental illness, should be evaluated for the

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appropriateness of mental health treatment. Consideration should be given to the qualified health care professional and the facility staff working together to address the issues that may be affecting the incarcerated person's ability to adjust to incarceration.

(g) The qualified health care professional should utilize a site-specific suicide prevention program to ensure the safety of incarcerated persons who present with a risk of self-harm.

1. Qualified health care professionals should be assigned to daily rounds in the separation unit to determine the mental health status of incarcerated persons housed there.

2. Separated incarcerated persons may be referred by the jail staff to qualified health care professionals for follow-up if concerns arise regarding their ability to function in disciplinary detention.

(h) If the qualified health care professional has concerns about the level of mental health services that are required to manage an incarcerated person housed in the facility, the health authority shall be notified and the Responsible Physician shall be the decision-maker regarding the health care needs of the incarcerated person.

1. The Responsible Physician may consult with a psychiatrist, specialist, or other health care service in determining whether the incarcerated person should be transferred to a facility that is better equipped to handle the incarcerated person's psychiatric needs.

2. The Responsible Physician should notify the Jail Administrator of the request to transfer the incarcerated person for medical treatment.

3. The case review and disposition of the patient should be documented in the incarcerated person's health record and retained in accordance with established records retention schedules.

Incarcerated persons determined to be in need of substance abuse treatment services should be informed of the facility programs available and shall be provided information about community substance abuse treatment resources.

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Mental Health Screening and Evaluation

712.1 PURPOSE AND SCOPE

The purpose of this policy is to establish the process by which all incarcerated persons receive an initial mental health screening by qualified mental health staff using an instrument developed by qualified health care professionals. The initial mental health screening takes place at the time of booking, and is for the safety of the incarcerated person and the general population. It helps the custody staff to make appropriate classification and housing decisions and to ensure that the treatment and intervention needs of the person are met.

712.2 POLICY

It is the policy of this department that all individuals booked into the facility shall receive an initial mental health screening by a qualified mental health professional, qualified mental health staff. A more comprehensive medical appraisal shall be conducted within the first 14 days of incarceration to confirm the initial findings and to ensure that, if needed, an appropriate treatment plan that meets the individual needs of the incarcerated person is in place (15 CCR 1052; 15 CCR 1209(a)(1)).

712.3 MENTAL HEALTH SCREENING

The initial screening is designed to identify whether mental health conditions exist that require immediate or ongoing intervention. The screening shall be performed prior to the incarcerated person being placed in general housing and should include:

(a) Inquiry into whether the incarcerated person is or has:
    1. Thoughts or history of suicidal behavior.
    2. Been prescribed or is taking psychotropic medication or antidepressants.
    3. Been treated for mental health issues.
    4. A history of psychiatric treatment.
    5. A history of treatment for substance abuse or been treated for substance abuse.

(b) Any observations of:
    1. Appearance and behavior.
    2. Abuse, injury, or trauma.
    3. Symptoms of aggression, depression, psychosis.

(c) A determination of whether the incarcerated person is cleared for or referred to:
    1. General housing.
    2. General housing with mental health referral.
    3. Mental health emergency treatment.

This information shall be recorded on the receiving screening form. It will become part of the incarcerated person's health record and be retained in accordance with established records retention schedules.

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712.4 MENTAL HEALTH APPRAISAL

All new incarcerated persons shall receive a mental health appraisal by a qualified mental health professional within 14 days, unless documentation exists that an appraisal has been completed within the previous 90 days. Mental health appraisals should include but not necessarily be limited to the following assessments:

- Mental health status
- Suicide potential
- Violence potential
- Previous psychiatric treatment
- Any history of treatment with psychotropic medication or antidepressants
- Substance abuse or treatment for substance abuse
- Educational history
- Sexual abuse victimization (28 CFR 115.81)
- Predatory behavior or perpetrated sexual abuse (28 CFR 115.81)

712.5 MENTAL HEALTH REFERRALS

Qualified mental health staff should administer a complete and thorough evaluation of incarcerated persons referred for treatment as soon as practicable but no later than 14 days from the referral. The evaluation should include:

- Review of the incarcerated person's screening and appraisal information.
- Observations of the incarcerated person's behavior.
- Information gathered from interviews and testing to determine the incarcerated person's mental health condition, intellect, personality, problems, and ability to deal with a custody environment.
- Collection of the Incarcerated person's mental health history.

Following the evaluation, a plan of treatment and maintenance, which may include a complete psychological evaluation, should be developed to meet the incarcerated person's needs.

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Special Needs Medical Treatment

713.1 PURPOSE AND SCOPE

This purpose of this policy is the proper treatment and management of incarcerated persons with chronic diseases and special needs. This is accomplished by utilizing nationally recognized, generally accepted clinical guidelines and establishing communication between qualified health care professionals and custodial personnel.

713.1.1 DEFINITIONS

Definitions related to this policy include:

Chronic disease - An illness or condition that affects an individual's well-being for an extended interval, usually at least six months, and generally is not curable but can be managed for optimum functioning within any limitations the condition creates in the individual.

Chronic disease program - The incarcerated person has regular clinic visits during which a qualified health care professional monitors the medical condition and adjusts treatment as necessary. The program also includes patient education for symptom management.

713.2 POLICY

It is the policy of this department that all individuals identified as having chronic diseases or special needs are enrolled in a chronic disease program to decrease the frequency and severity of the symptoms, prevent disease progression and complication, and foster improved function.

When a qualified health care professional recognizes that an incarcerated person requires accommodation due to a special need, correctional personnel should be notified in writing. Consultation between the qualified health care professional and custodial personnel should occur regarding the condition and capabilities of persons with known special needs prior to a housing, work or program assignment, transfer to another facility, or the imposition of disciplinary action.

Qualified health care professionals shall furnish special needs information regarding incarcerated persons to custodial personnel in order for them to accurately classify and house persons in the facility. It is the responsibility of the Jail Administrator or the authorized designee to ensure that persons with special needs are receiving the proper care and that their needs are effectively communicated to custodial staff for appropriate accommodation (15 CCR 1206(g)).

713.3 CLINICAL PRACTICE GUIDELINES

The Responsible Physician or the authorized designee is responsible for establishing and annually reviewing clinical protocols to ensure consistency with the National Clinical Practice Guidelines.

The clinical protocols for the management of chronic disease and special needs include but are not limited to the following:

- Asthma
- Communicable diseases

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- Incarcerated persons with developmental disabilities
- Diabetes
- Dialysis
- Frail or elderly incarcerated persons
- High blood cholesterol
- HIV
- Hypertension
- Mental illness
- Mobility impairments
- Pregnancy
- Seizure disorder
- Suicidal ideation
- Terminally ill
- Tuberculosis

713.4 DOCUMENTATION

Documentation in an incarcerated person's medical record should include information regarding the chronic disease protocols deployed, the person responsible for the various protocols, the extent to which the chronic disease protocols are being followed, and should include but not be limited to:

- The frequency of follow-up for medical evaluation.
- How the treatment plan was adjusted when clinically indicated.
- The type and frequency of diagnostic testing and prescribed therapeutic regimens.
- The prescribed instructions for diet, exercise, adaptation to the correctional environment, and medication.
- Clinical justification of any deviation from the established protocol.

A master list of all chronic disease and special needs patients should be maintained by the Responsible Physician or the authorized designee.

713.5 CHRONIC CARE PROGRAM

(a) Newly incarcerated persons shall receive a medical screening. This screening includes the documentation of any acute or chronic health problems or injuries, special needs, and any medications or treatments the incarcerated person is currently receiving.

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1. If the person has been incarcerated previously, their health records should be reviewed.
2. A special needs communication form should be completed and sent to the classification unit, the Watch Commander, and the housing officer to ensure the person is properly housed.
3. Current medications being taken by the incarcerated person should be verified and continued as deemed appropriate by the Responsible Physician.
4. A health assessment shall be completed within 14 days of incarceration and a physical examination conducted within six months of incarceration.
5. The status of a special needs incarcerated person should be evaluated, at minimum, every 90 days to determine the need for the continued designation.

(b) The Jail Administrator or the authorized designee and the Responsible Physician or the authorized designee should consult with one another prior to taking action regarding any special needs incarcerated person with regard to housing, program or work assignments, disciplinary measures, or transfers to other facilities.

1. When immediate action is required and prior consultation is not reasonably practicable, that consultation should occur as soon as practicable but no later than 72 hours post-action.

(c) Individual treatment plans are used to guide treatment for episodes of illness. The format for treatment planning may vary, but should include, at a minimum:

1. The frequency of follow-up for medical evaluation and adjustment of treatment modality.
2. The type and frequency of diagnostic testing and therapeutic regimens.
3. When appropriate, instructions about diet, exercise, adaptation to the correctional environment, and medication.

(d) Reasonable effort should be made to obtain health information and records from previous health care services, with the consent of the incarcerated person, when the person has a medical problem that was being treated prior to incarceration.

(e) Upon transfer to another correctional facility, a summary of the person's current condition, medications, and treatment plan will be forwarded to the receiving facility in a sealed envelope to maintain incarcerated person privacy.

(f) Requests for health information from community health care services must be submitted with the person's written consent. If the incarcerated person does not consent, the community health care service may be advised that the person is an incarcerated person and the health information may not be provided without the person's written consent.

(g) Critical specialty medical procedures or treatment, such as dialysis, which cannot be provided at the Imperial County Sheriff's Office do not require a court order unless the care is expected to prevent the incarcerated person from returning within 48 hours (Penal Code § 4011.5).

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(h) When incarcerated persons are sent out of this facility for emergency or specialty treatment, written information regarding the person's current medical status and treatment should accompany the incarcerated person. Upon return to the facility, treatment recommendations from outside health care services should be reviewed by the Responsible Physician or the authorized designee for any changes in the custodial environment or in-house treatment plan.

(i) Incarcerated persons identified as developmentally disabled shall be considered for discharge planning services.

1. The local center for the developmentally disabled will be contacted within 24 hours of incarceration of a person with developmental disabilities.
2. Referrals will be made to the jail's discharge planning specialist. If no such position exists, the need for transition planning should be noted on the treatment plan.

(j) With the incarcerated person's written consent, the health services staff should:

1. Share necessary information with outside health care services.
2. Arrange for follow-up appointments.
3. Arrange for transfer of health summaries and relevant parts of the health record to community providers or others assisting in planning or providing for services upon release.

(k) Contacts with community providers should be documented via an administrative note in the patient's health record.

(l) Patients with serious mental health issues, including those receiving psychotropic medication, will be informed about community options for continuing treatment and provided with follow-up appointments when possible.

(m) Medications should be provided as appropriate.

(n) The Responsible Physician is responsible for ensuring that local site-specific procedures facilitate discharge planning.

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Communicable Diseases

714.1 PURPOSE AND SCOPE

This policy is intended to provide guidelines for facility staff to assist in minimizing the risk of contracting and/or spreading communicable diseases. The policy offers direction in achieving the following goals:

(a) Managing the risks associated with bloodborne pathogens (BBP), aerosol transmissible diseases (ATD), and other potentially infectious substances.

(b) Providing appropriate treatment for ill incarcerated persons while minimizing the risk of the spread of disease.

(c) Making decisions concerning the selection, use, maintenance, limitations, storage, and disposal of personal protective equipment (PPE).

(d) Ensuring proper reporting to local, state, and federal agencies.

(e) Establishing procedures for the identification, education, immunization, prevention, surveillance, diagnosis, medical isolation (when indicated), treatment, and follow-up care for new incarcerated persons, and for incarcerated persons or employees who have contracted a communicable disease from an ill person.

(f) Providing appropriate treatment, counseling, and confidentiality should an employee become exposed to a communicable disease.

(g) Protecting the privacy rights of all personnel who may be exposed to or contract a communicable disease during the course of their duties.

714.1.1 DEFINITIONS

Definitions related to this policy include:

Aerosol transmissible disease (ATD) - A disease or pathogen for which droplet (whooping cough, influenza, streptococcus) or airborne (measles, chickenpox, tuberculosis) precautions are required.

Aerosol transmissible disease (ATD) exposure - Any event in which all of the following has occurred:

- An employee has been exposed to an individual who has or is suspected to have an ATD, or the employee is working in an area or with equipment that is reasonably expected to contain aerosol transmissible pathogens associated with an ATD.
- The exposure occurred without the benefit of applicable exposure controls required by this section.
- It reasonably appears from the circumstances of the exposure that transmission of disease is likely sufficient to require medical evaluation.

Airborne precautions - Include the use of an Airborne Infection Isolation Room (AIIR) that meets the American Institute of Architects/Facility Guidelines Institute (AIA/FGI) standards for AIIRs, for

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infectious agents such as measles, chickenpox, or tuberculosis in addition to medical personnel wearing masks or respirators.

Bloodborne pathogens (BBP) - Pathogenic microorganisms that are present in human blood and can cause disease in humans. These pathogens include but are not limited to hepatitis B virus (HBV), hepatitis C virus (HCV), and human immunodeficiency virus (HIV).

Bloodborne pathogen exposure - Includes but is not limited to the contact of blood or other potentially infectious materials with the eye, mouth, other mucous membranes, non-intact skin, needle sticks, human bites, cuts, abrasions, or any contact with blood or body fluids that is synonymous with bloodborne pathogen exposure as defined by the federal Centers for Disease Control and Prevention (CDC).

Ectoparasitic infections - Parasites that live on the skin, such as lice (pediculosis) and scabies (sarcoptic mange). Both infections are communicable and may lead to secondary infections.

HBV - Hepatitis B

HIV - Human Immunodeficiency Virus

Medical isolation - Housing in a separate room with a separate toilet, hand-washing facility, soap and single-service towels, and with appropriate accommodations for showering.

NIOSH - National Institute for Occupational Safety and Health

Nosocomial - Acquired during hospitalization. Nosocomial infections are infections that present 48 to 72 hours after admission to a hospital.

OSHA - Occupational Safety and Health Administration

Personal protective equipment (PPE) - Respiratory equipment, garments, gloves, and other barrier materials designed to reduce employee exposure to hazards.

Source control measures - The use of procedures, engineering controls, and other devices or materials to minimize the spread of airborne particles and droplets from an individual who has or exhibits signs or symptoms of having an ATD.

Standard precautions - Infection control practices used to prevent the transmission of disease that can be acquired by contact with blood, bodily fluids, non-intact skin (including rashes), and mucous membranes. Applies to all incarcerated persons receiving care, regardless of diagnosis or presumed infection status.

Universal precautions - A set of precautions designed to prevent transmission of HIV, HBV, and other bloodborne pathogens when providing first aid or health care.

714.2 POLICY

It is the policy of this department to maintain an effective program that focuses on the identification, education, immunization, prevention, surveillance, diagnosis, medical isolation (when indicated), treatment, follow-up and proper reporting to local, state and federal agencies of communicable

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diseases. The program is designed to ensure that a safe and healthy environment is created and maintained for all occupants of the facility (15 CCR 1051; 15 CCR 1206.5; 15 CCR 1206(i)).

714.2.1 EXPOSURE CONTROL OFFICER

The Jail Administrator shall designate an Exposure Control Officer (ECO) who shall be responsible for:

(a) Establishing written procedures and a training program related to BBPs.

(b) Establishing written procedures and a training program related to ATDs.

(c) Working with the Jail Administrator to develop and administer any additional related policies and practices necessary to support the effective implementation of an Exposure Control Plan (ECP), including specific symptoms that require separation of an incarcerated person until a medical evaluation is completed (15 CCR 1051).

(d) Acting as a liaison during OSHA inspections and conducting program audits to maintain a current ECP.

(e) Maintaining a current list of facility staff requiring training, developing, and implementing a training program, maintaining class rosters and quizzes, and periodically reviewing the training program.

(f) Reviewing and updating the ECP annually, on or before January 1 of each year.

Supervisors are responsible for exposure control in their respective areas. They shall work directly with the ECO and the affected employees to ensure that the proper procedures are followed.

714.2.2 PROCEDURES

The ECO shall be responsible for establishing, implementing, and maintaining effective written procedures for the following:

(a) Incorporating the recommendations contained in the CDC's "Respiratory Hygiene/ Cough Etiquette in Healthcare Settings."

(b) Screening and referring cases and suspected cases of ATD to appropriate facilities within five hours of identification.

(c) Creating a multidisciplinary team, including the Responsible Physician, and security and administrative representatives, who will meet at least quarterly to review and discuss communicable disease issues and activities. The ECO shall retain minutes of these meetings in accordance with established records retention schedules. The ECO also shall coordinate with the local public health entity on appropriate policy and procedure.

(d) Conducting an assessment on the incidence and prevalence of tuberculosis (TB) within the facility's population and the surrounding community. If the statistics indicate a risk, the ECO shall develop a written plan that addresses the management of TB, from testing to follow-up care.

(e) Communicating with employees, other employers, and the local health officer regarding the suspected or diagnosed infectious disease status of referred incarcerated persons, including notification of exposed employees.

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(f) Reducing the risk of ATDs through the ECP and reviewing the plan at least annually.

(g) Reducing the risk of exposure to BBPs (HIV, hepatitis).

(h) Providing a system of medical services for employees who may become exposed to communicable diseases during the course of their employment.

(i) Ensuring that all employees who have occupational exposure to communicable diseases participate in a training program at the time of their initial assignment, at least annually thereafter, and any time there is a change in working conditions.

(j) Making all exposure and treatment plans available for employees, employee representatives, and NIOSH review.

(k) Establishing procedures to ensure that members request exposure notification from health facilities after potential exposure to a person who may have a communicable disease who has been transported to a health facility and that the employee is notified of any exposure as required by Health and Safety Code § 1797.188.

(l) Informing members of the provisions of Health and Safety Code § 1797.188 (exposure to communicable diseases and notification).

(m) Acting as the designated officer liaison with health care facilities regarding communicable disease or condition exposure notification. The designated officer should coordinate with other department members to fulfill the role when not available. The designated officer shall ensure that the name, title, and telephone number of the designated officer is posted on the department website (Health and Safety Code § 1797.188).

714.3 COMMUNICABLE DISEASE PROGRAM COMPONENTS

714.3.1 SURVEILLANCE

Surveillance takes place throughout the period of the incarcerated person's confinement and is done in a variety of encounters and inspections. These include but are not limited to the following:

(a) **Medical screening** - Each newly booked incarcerated person shall be evaluated for health care needs and signs and symptoms of infectious disease. The receiving screening includes questions regarding known symptoms of TB, HIV, sexually transmitted diseases (STDs), and HBV. The individual completing the medical screening should observe the incarcerated person for obvious signs of infection (15 CCR 1206.5(a)).

(b) **Health assessment** - Incarcerated persons shall have a health assessment within the first 14 days of incarceration. The health assessment process includes screening for symptoms of communicable disease. Incarcerated persons will have a Purified Protein Derivative (PPD) test or a chest X-ray for TB. Testing for HIV and STDs is provided based on identified risk.

(c) **Periodic health assessments** - Annual testing for TB is performed on all incarcerated persons who are in the facility for one year or more.

(d) **Sick call and referrals** - At any time during incarceration, an incarcerated person may request to be evaluated for an infectious disease through the sick call process.

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Health and correctional staff can request that an incarcerated person be evaluated if they notice any signs of potentially infectious disease.

(e) **Contact investigation** - When an incarcerated person housed in the general population develops symptoms of an infectious disease, the Responsible Physician should work cooperatively with the Jail Administrator or the authorized designee and the public health department to provide appropriate screening and testing of potentially exposed persons.

(f) **Environmental health and safety inspections** - The health and safety of the facility environment shall be inspected by the local public health entity and reported to the Jail Administrator at least quarterly in a written report. Conditions identified as adversely affecting the health and safety of the incarcerated persons and/or employees or visitors shall be promptly addressed and corrected.

714.3.2 IDENTIFICATION

Any incarcerated person suspected of having a communicable disease will be evaluated by a qualified health care professional as soon as reasonably practicable. Incarcerated persons suspected of having communicable diseases will be appropriately isolated until disease confirmation and the period of communicability is determined. Long-term housing consideration will be based upon the classification status as well as the behavior, medical needs, and safety of incarcerated persons and staff. These incarcerated persons shall be examined by a qualified health care professional within 24 hours. The instructions of the qualified health care professional regarding care of the patient and sanitizing of eating utensils, clothing, and bedding shall be carefully followed (15 CCR 1206.5(a); 15 CCR 1206.5(b)(6)).

714.3.3 TREATMENT

Qualified health care professionals shall provide care as directed by the Responsible Physician and consistent with scientific evidence-based medicine (15 CCR 1206.5(a)).

(a) The Responsible Physician and the Jail Administrator shall collaborate on treatment planning with the public health department, as appropriate.

(b) Complete documentation of the signs, symptoms, diagnostic results, treatment, and outcome of care provided to incarcerated persons who are suspected or confirmed as having a communicable disease will be entered into the incarcerated person's health record.

714.3.4 COMMUNICATION

The Responsible Physician shall ensure the following notifications are made whenever a communicable disease is identified (15 CCR 1206.5(b)(3); 15 CCR 1206.5(b)(8)):

(a) Notification to the public health department of all reportable diseases and conditions shall be made as soon as practicable. This is done by completing appropriate forms, and if necessary, contacting the public health department directly for situations of multiple spread occurrences.

(b) The Responsible Physician and the Jail Administrator shall be kept informed of any incidence of communicable disease.

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(c) The Jail Administrator shall be apprised of any medical situation that raises the risk of disease level for incarcerated persons, correctional officers, or any other staff members.

714.3.5 CONTINUOUS QUALITY IMPROVEMENT

A continuous quality improvement (CQI) committee shall be formed consisting of the Responsible Physician, the Jail Administrator or the authorized designee, and a representative from the public health entity. The purpose of the committee is to monitor infection control issues and evaluate infection control processes to ensure effectiveness.

Monthly statistics should be collected by health care services and assembled into a report presented by the Responsible Physician or the authorized designee, detailing surveillance activities, disease identification, and cases treated. The committee should meet quarterly and should discuss topics specific to infection control and communicable disease. Minutes of the meetings should be retained in accordance with established records retention schedules.

714.3.6 EMPLOYEE TRAINING

The Responsible Physician or the authorized designee shall provide education to all correctional staff who have contact with infected incarcerated persons during the initial employee orientation and annually thereafter. The Training Manager shall schedule this training and shall retain all associated records in accordance with established records retention schedules.

714.3.7 DATA COLLECTION AND REPORTING

The health authority shall be responsible for ensuring the systematic collection and analysis of data to assist in the identification of problems, epidemics, or clusters of nosocomial infections. All reportable illnesses as defined by the public health department shall be reported as required (15 CCR 1206.5(b)).

714.3.8 STANDARD PRECAUTIONS

Standard precautions shall be used by health care practitioners to minimize the risk of exposure to blood and bodily fluids of infected patients. The health authority shall be responsible for establishing basic guidelines including but not limited to (15 CCR 1206.5(b)(4)):

- Washing hands or using hand sanitizer before and after all patient or specimen contact.
- Handling all blood and bodily fluids such as saliva, urine, semen, and vaginal secretions as if they are known to be infectious. Where it is not possible to distinguish between body fluid types, all body fluids are to be assumed infectious.
- Wearing gloves for potential contact with blood and other bodily fluids.
- Placing used syringes immediately in a nearby, impermeable container. Do not recap or manipulate any needle in any way.
- Wearing protective eyewear and a mask if splatter with blood or other body fluids is possible.
- Handling all linen soiled with blood and/or bodily secretions as infectious.

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- Processing all laboratory specimens as infectious.
- As appropriate, wearing a mask for TB and other ATDs.

714.3.9 TRANSMISSION-BASED PRECAUTIONS

Transmission-based precautions may be needed in addition to universal precautions for selected patients who are known or suspected to harbor certain infections. These precautions are divided into three categories that reflect the differences in the way infections are transmitted. Some diseases may require more than one category.

(a) Airborne precautions are designed to prevent the spread of ATDs, which are transmitted by minute particles called droplet nuclei or contaminated dust particles. These particles, because of their size, can remain suspended in the air for long periods of time, even after the infected person has left the room. Some examples of diseases requiring airborne precautions are TB, measles, and chicken pox.

1. An incarcerated person requiring airborne precautions should be assigned to a designated respiratory isolation room with special ventilation requirements. The door to this room must be closed at all possible times. If an incarcerated person must move from the isolation room to another area of the facility, the incarcerated person should wear a mask during transport. Anyone entering the isolation room to provide care to the incarcerated person must wear a respirator.

(b) Droplet precautions are designed to prevent the spread of organisms that travel on particles much larger than the droplet nuclei. These particles do not spend much time suspended in the air, and usually do not travel beyond a few feet of the incarcerated person. These particles are produced when an incarcerated person coughs, talks, or sneezes. Examples of disease requiring droplet precautions are meningococcal meningitis, influenza, mumps, and German measles (rubella).

1. All staff should wear masks within 3 feet of the incarcerated person. Incarcerated person movement should be restricted to the minimum necessary for effective facility operations. The incarcerated person should wear a mask during transport.

(c) Contact precautions are designed to prevent the spread of organisms from an infected incarcerated person through direct (touching the incarcerated person) or indirect (touching surfaces or objects the incarcerated person touched) contact. Examples of incarcerated persons who might be placed in contact precautions are those infected with the following:

1. Antibiotic-resistant bacteria
2. Hepatitis A
3. Scabies
4. Impetigo
5. Lice

The following guide shall be used to determine the appropriate precautions that are necessary to reduce the risk of infection transmission while incarcerated persons are being transported.

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Incarcerated persons shall receive training on the disease transmission process and will be provided with appropriate barrier devices.

Precautions for Incarcerated Person Contact and Transportation

	GLOVES	SURGICAL MASKS	N95 MASKS	ISOLATION GOWNS
Contact				
Incarcerated Person	No	No	No	No
Personnel	Yes	No	No	Yes
Droplet				
Incarcerated Person	No	Yes	No	No
Personnel	No	Yes	No	Yes
Airborne				
Incarcerated Person	No	Yes	No	No
Personnel	No	No	Yes	No

714.3.10 ENVIRONMENTAL HEALTH AND SAFETY

The Responsible Physician or the authorized designee shall conduct a monthly inspection of areas where health services are provided to verify the following:

- The equipment is inspected and maintained to the manufacturer’s recommendations.
- The area is clean and sanitary.
- The appropriate measures are being taken to ensure the unit is occupationally and environmentally safe.

714.3.11 REGULATED WASTE

The Department in coordination with the health authority, will provide for the management of biohazardous materials and waste and the establishment of a protocol for the decontamination of equipment used in medical and dental treatment. Medical and dental equipment decontamination shall comply with all applicable local, state and federal regulations. Precautions may include, but are not limited to:

(a) Discarding biohazardous waste in red plastic bags marked with the word BIOHAZARD and displaying the international symbol for biohazardous material. Contaminated disposable PPE shall be discarded in these receptacles.

(b) Whenever a large amount of fluid blood is present, an absorbent powder should be used to gelatinize the fluid, which should assist in clean up. Standard precautions shall be used when removing the product, that should then be placed in a red biohazard bag.

(c) Used biohazard bags shall be stored in covered, rigid waste receptacles in designated locations pending weekly removal by a biohazard waste removal contractor.

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(d) Records documenting biohazardous waste removal, spore count logs and cleaning logs shall be retained in accordance with established records retention schedules.

714.4 ECTOPARASITE CONTROL

Ectoparasite control will be initiated, where clinically indicated, immediately following the medical screening or when the incarcerated person manifests signs and symptoms of lice or scabies (15 CCR 1212).

(a) Any incarcerated person who indicates parasitical infection upon entering the facility shall be treated by a qualified health care professional.

(b) Any incarcerated person suspected of having lice/scabies may be referred to sick call by a correctional officer.

(c) An incarcerated person may access sick call if the person believes there is a problem with lice/scabies.

(d) A qualified health care professional shall evaluate any incarcerated person with a lice/scabies complaint. If there are positive findings, the incarcerated person shall be treated for the infestation accordingly.

1. The lice and scabies treatment guidelines will be followed by the qualified health care professional, if a physician's order for the medication administration is obtained.

    (a) The prescribing physician shall be notified if the incarcerated person is pregnant, as certain medications are contraindicated for pregnant persons. An alternative topical application must be prescribed in these situations.

    (b) Documentation in the medical record should include the patient's symptoms, observations regarding the condition, patient education, and prescribed treatment.

2. The incarcerated person's clothing and linen shall be removed from the person's cell placed in a plastic bag and sent to the laundry. These items are considered contaminated and must be disinfected by:

    (a) Machine washing (hot cycle), machine drying (hot cycle), dry cleaning or ironing, or

    (b) Storage in a plastic bag for non-washable items for 10-14 days (head lice), seven days (pubic lice). This method is not recommended for body lice.

    (c) Isolation is not necessary as long as clothing and bedding are properly disinfected and incarcerated persons do not share items.

        1. An incarcerated person having poor hygiene should be housed in a single cell until 24 hours after beginning treatment.

        2. Gloves are to be used for direct contact until the incarcerated person has been treated and the clothing/bedding have been removed for disinfecting.

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3. Cell mates, sexual partners, and any personnel having direct hands-on contact with an infected incarcerated person should be evaluated for prophylactic treatment because of the long incubation period of the scabies parasite.

714.5 EMPLOYEE EXPOSURE CONTROL

All facility staff who may come in contact with another person's blood or bodily fluids shall follow these procedures and guidelines. For the purposes of this policy, contact with blood or bodily fluids is synonymous with BBP exposure.

All employees shall use the appropriate barrier precautions to prevent skin and mucous membrane exposure whenever contact with blood or bodily fluid is anticipated. Disposable gloves shall be worn, if reasonably possible, before making physical contact with any incarcerated person and when handling the personal belongings of an incarcerated person.

Should gloves come in contact with blood or other bodily fluids, the gloves shall be disposed of as contaminated waste. Care should be taken to avoid touching other items (e.g., pens, books, personal items in general) while wearing disposable gloves in a potentially contaminated environment. All procedures involving blood or other potentially infectious materials shall be done in a way to minimize splashing, spraying, or otherwise generating droplets of those materials.

Eating, drinking, smoking, applying lip balm, and handling contact lenses shall be prohibited in areas where the potential for exposure exists.

714.5.1 IMMUNIZATIONS

All facility staff members who may be exposed to, or have contact with, a communicable disease shall be offered appropriate treatment immunization. The ability of staff to provide health care services is predicated on a safe and secure working environment where employees feel safe to do their work, and that assures public safety.

Staff shall also receive a TB test prior to job assignment and voluntary annual testing thereafter, at no cost to the employee.

The HBV immunization shall be available to all employees who have direct incarcerated person contact and who test negative for HBV antibodies. The immunization is voluntary and provided at no cost to the employee. Employees who decline the offer of immunization and/or test shall be required to sign a waiver. Employees receiving immunization and testing shall be required to sign a consent form. Employees may reverse their decision to decline at any time by signing a consent form.

714.5.2 PERSONAL PROTECTIVE EQUIPMENT (PPE)

The PPE is the last line of defense against communicable disease. Therefore, the following equipment is provided to all personnel to assist in the protection against such exposures:

- Disposable latex gloves
- Safety glasses or goggles

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- Rescue mask with a one-way valve
- Alcohol (or similar substance) to flush skin

The PPE should be inspected at the start of each shift and replaced immediately after each use and when it becomes damaged.

714.5.3 DECONTAMINATION OF PERSONAL PROTECTIVE EQUIPMENT

After using any reusable PPE, it shall be washed or disinfected and stored appropriately. If it is not reusable (e.g., disposable gloves), it shall be discarded in a biohazard waste container.

Any PPE that becomes punctured, torn, or loses its integrity shall be removed as soon as reasonably feasible. The employee shall wash up and replace the PPE if the job has not been terminated. If the situation resulted in a contaminated non-intact skin event, the affected area shall be decontaminated as described below.

A contaminated reusable PPE that must be transported prior to cleaning shall be placed into a biohazard waste bag. Gloves shall be worn while handling the biohazard waste bag and during placement into the biohazard waste container. The gloves shall be included with the waste.

714.5.4 DECONTAMINATION OF SKIN AND MUCOUS MEMBRANES

Personnel shall wash their hands as soon as possible following the removal of potentially contaminated gloves. Antibacterial soap and warm water or an approved disinfectant shall be used, paying particular attention to the fingernails.

If an employee's intact skin contacts someone else's blood or body fluids or other potentially infectious materials, the employee shall immediately wash the exposed part of the employee's body with soap and warm water and/or an approved disinfectant as soon as possible. If the skin becomes grossly contaminated, body washing shall be followed by an approved hospital strength disinfectant. If large areas of the employee's skin are contaminated, the employee shall shower as soon as reasonably possible, using warm water and soap and/or an approved disinfectant. Medical treatment should be obtained.

Contaminated non-intact skin (e.g., injured skin, open wound) shall be cleaned using an approved disinfectant and then dressed or bandaged as required. Medical treatment is required. All hand, skin, and mucous membrane washing that takes place shall be done in the designated cleaning or decontamination area. Cleaning shall not be done in the kitchen, bathrooms, or other locations not designated as a cleaning or decontamination area.

714.5.5 DECONTAMINATION OF CLOTHING

Contaminated clothing such as uniforms and undergarments shall be removed as soon as reasonably feasible and rinsed in cold water to prevent the setting of bloodstains. If the clothing may be washed in soap and hot water, do so as soon as reasonably possible.

If the clothing must be dry-cleaned, place it into a biohazard waste bag and give it to the ECO. The ECO will secure a dry cleaner that is capable of cleaning contaminated clothing, and shall inform

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the dry cleaner of the potential contamination. The cost of dry cleaning shall be paid according to labor contract agreements.

Contaminated leather boots shall be brushed and scrubbed with detergent and hot water. If the contaminant soaked through the boot, the boot shall be discarded and replaced. The cost of replacement shall be paid according to labor contract agreements.

714.5.6 DECONTAMINATION OF VEHICLES

Contaminated vehicles and components such as the seats, radios and doors, shall be washed with soap and warm water and disinfected with an approved germicide as soon as reasonably feasible.

714.5.7 DECONTAMINATION OF THE CLEANING AREA

The ECO shall designate a location in the facility that will serve as the area for cleaning/ decontamination. This area is to be used to keep equipment clean and sanitary and for employees to wash any potential contamination from their bodies. This area is to be thoroughly cleaned after each use and to be maintained in a clean and sanitary order at all times between each use. The application of cosmetics, smoking of cigarettes and consumption of food and drink are prohibited in this area at all times.

714.6 SHARPS AND ITEMS THAT CUT OR PUNCTURE

All personnel shall avoid using or holding sharps (needles) unless they are assisting medical personnel or collecting them for evidence. Unless required for reasons related to evidence preservation, employees are not to recap sharps. If recapping is necessary, a one-handed method shall be employed to avoid a finger prick. Disposal, when possible, shall be into a puncture-proof biohazard container.

All sharps and items that cut or puncture (e.g., broken glass, razors and knives) shall be treated cautiously to avoid cutting, stabbing or puncturing one’s self or any other person. In addition, if a sharp object contains known or suspected blood or other body fluids, that item is to be treated as a contaminated item. If the item is not evidence, touching it with the hands shall be avoided. Rather, use a device such as tongs or a broom and a dustpan to clean up debris. If the material must be touched, protective gloves shall be worn.

714.7 POST-EXPOSURE REPORTING AND FOLLOW-UP REQUIREMENTS

In actual or suspected employee exposure incidents, proper documentation and follow-up action must occur to limit potential liabilities and to ensure the best protection and care for the employees.

714.7.1 EMPLOYEE RESPONSIBILITY TO REPORT EXPOSURE

To provide appropriate and timely treatment should exposure occur, all employees shall verbally report the exposure to their immediate supervisor and complete a written exposure report as soon as possible following the exposure or suspected exposure. That report shall be submitted to the employee’s immediate supervisor. Employees should document in the exposure report whether they would like the person who was the source of the exposure to be tested for communicable diseases (15 CCR 1206.5(b)(8)).

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714.7.2 SUPERVISOR REPORTING REQUIREMENTS

The supervisor on-duty shall investigate every exposure that occurs as soon as possible following the incident, while gathering the following information:

(a) Name and employee identification number of the employee exposed

(b) Date and time of incident

(c) Location of incident

(d) What potentially infectious materials were involved

(e) Source of material or person

(f) Current location of material or person

(g) Work being done during exposure

(h) How the incident occurred or was caused

(i) PPE in use at the time of the incident

(j) Actions taken post-event (e.g., clean-up, notifications)

The supervisor shall advise the employee of the laws and regulations concerning disclosure of the identity and infectious status of a source, and of information contained in this policy regarding source testing.

If the ECO is unavailable to seek testing of the person who was the source of the exposure, it is the responsibility of the exposed employee’s supervisor to ensure testing is sought according to the guidelines in this policy.

714.7.3 MEDICAL CONSULTATION, EVALUATION, AND TREATMENT

Any employee who was exposed or who suspects the employee was exposed to HIV or to hepatitis B or C should be seen by a physician or qualified health care professional as soon as reasonably possible.

The doctor or qualified health care professional should be given the supervisor's report and the employee's medical records relevant to the visit and examination. The blood of the exposed employee shall be tested.

The qualified health care professional will provide the ECO and/or the Department's risk manager with a written opinion/evaluation of the exposed employee's medical condition. This opinion should only contain the following information:

- If a post-exposure treatment is indicated for the employee.
- If the employee received a post-exposure treatment.
- Confirmation that the employee received the evaluation results.
- Confirmation that the employee was informed of any medical condition that could result from the exposure incident and whether further treatment or evaluation will be required.

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- Whether communicable disease testing from the source is warranted, and if so, which diseases the testing should include.

All other findings or diagnosis shall remain confidential and are not to be included in the written report.

714.7.4 COUNSELING

The Department shall provide the exposed employee (and the employee's family if necessary) the opportunity for counseling and consultation.

714.7.5 CONFIDENTIALITY OF REPORTS

Most of the information involved in this process must remain confidential. The ECO shall ensure that all records and reports are kept in the strictest confidence. The ECO shall be responsible for maintaining records containing the employee’s treatment status and the results of examinations, medical testing and follow-up procedures.

The Department's risk manager shall be responsible for keeping the name and Social Security number of the employee and copies of any information provided to the consulting health care professional on file.

This information is confidential and shall not be disclosed to anyone without the employee’s written consent (except as required by law). Test results from persons who may have been the source of an exposure are to be kept confidential as well (15 CCR 1206.5(b)(5)).

714.7.6 SOURCE TESTING

Testing of a person who was the source of an exposure to a communicable disease should be sought when it is desired by the exposed employee or when it is otherwise appropriate.

There are five methods to obtain such testing. It is the responsibility of the ECO to ensure the proper testing and reporting occurs. These methods are:

(a) Obtaining voluntary consent from any person who may be the source of an exposure to test for any communicable disease.

(b) Filing a report with the county health officer when an employee is exposed to the bodily fluids of an arrestee or incarcerated person. The county health officer may pursue testing for HIV or hepatitis B or C.

(c) Seeking consent for testing or applying for a court order for HIV, hepatitis B, and hepatitis C testing.

(d) Seeking a court order when the person who may be the source of an exposure will not consent to testing and the exposure does not fall under a statutory scheme for testing. This covers testing for any communicable disease as deemed appropriate by a qualified health care professional and documented in the request for the court order.

(e) Under certain circumstances, a court may issue a search warrant for testing an adult when an employee of the Imperial County Sheriff's Office qualifies as a crime victim.

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714.7.7 EXPOSURE FROM A NON-INCARCERATED PERSON

Upon notification of an employee's exposure to a non-incarcerated person (e.g., visitor, attorney, volunteer, vendor) the ECO should attempt to determine if the person who was the source of the exposure will voluntarily consent to testing. If consent is provided, the following steps should be taken:

(a) A qualified health care professional should notify the person to be tested of the exposure and make a good faith effort to obtain voluntary informed consent from the person or the person's authorized legal representative to perform a test for HIV, hepatitis B, hepatitis C, and other communicable diseases the qualified health care professional deems appropriate.

(b) The voluntary informed consent obtained by the qualified health care professional must be in writing and include consent for three specimens of blood. The ECO should document the consent as a supplement to the Exposure Control Report.

(c) The results of the tests should be made available to the source and the exposed employee.

If consent is not obtained, the ECO should promptly consult with the County Counsel and consider requesting that a court order be sought for appropriate testing.

714.7.8 EXPOSURE FROM AN INCARCERATED PERSON

If the ECO receives notification from an employee of a potential exposure from an incarcerated person, the ECO should take the following steps:

(a) Seek consent from the person who was the source of the exposure and seek a court order, if consent is refused.

(b) Take reasonable steps to immediately contact the county health officer and provide preliminary information regarding the circumstances of the exposure and the status of the involved individuals to determine whether the county health officer will order testing.

(c) Remain in contact with the county health officer to determine whether testing of the incarcerated person will occur and whether the testing satisfies the medical needs of the employee.

(d) The results of the tests should be made available to the incarcerated person and the exposed employee.

Since there is potential for overlap between the two statutory schemes, the ECO is responsible for coordinating the testing with the county health officer to prevent unnecessary or duplicate testing.

If the exposed employee is not covered by either statutory scheme, the ECO should seek consent or a court order in the same manner as for a non-incarcerated person.

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Detoxification and Withdrawal

716.1 PURPOSE AND SCOPE

Significant percentages of incarcerated persons have a history of alcohol and/or drug abuse. Newly incarcerated individuals may enter the facility while under the influence of a substance or they may develop symptoms of alcohol or drug withdrawal. This policy is intended to ensure that the staff is able to recognize the symptoms of intoxication and withdrawal from alcohol or drugs, and that those persons who are intoxicated or experiencing withdrawal are provided appropriate medical treatment.

This policy also identifies protocols to be used by qualified health care professionals. These protocols are appropriate for incarcerated persons who are under the influence of alcohol or drugs or who are experiencing withdrawal from any type of substance abuse.

716.1.1 DEFINITIONS

Definitions related to this policy include:

Alcohol withdrawal - A medical condition characterized by physiological changes that occur when alcohol intake is discontinued in an individual who is addicted to alcohol.

Detoxification - The process by which an individual is gradually withdrawn from drugs by the administration of decreasing doses of the drug on which the person is physiologically dependent, or a drug that is cross-tolerant to the dependent drug, or a drug that medical research has demonstrated to be effective in detoxifying the individual from the dependent drug.

716.2 POLICY

Withdrawal from alcohol or drugs can be a life-threatening medical condition requiring professional medical intervention. It is the policy of this department to provide proper medical care to incarcerated persons who suffer from drug or alcohol overdose or withdrawal.

To lessen the risk of a life-threatening medical emergency and to promote the safety and security of all persons in the facility, staff shall respond promptly to medical symptoms presented by incarcerated persons.

The Responsible Physician shall develop written medical protocols on detoxification symptoms necessitating immediate transfer of the incarcerated persons to a hospital or other medical facility, and procedures to follow if care within the facility should be undertaken (15 CCR 1213).

Incarcerated persons who are booked into the facility who are participating in a narcotic treatment program shall, with the approval of the director of the program, be entitled to continue in the program until conviction (Health and Safety Code § 11222).

716.3 STAFF RESPONSIBILITY

Staff should remain alert to signs of drug and alcohol overdose and withdrawal. These symptoms include but are not limited to sweating, nausea, abdominal cramps, anxiety, agitation, tremors, hallucinations, rapid breathing, and generalized aches and pains. Any staff member who suspects

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that an incarcerated person may be suffering from overdose or experiencing withdrawal symptoms shall promptly notify the Watch Commander, who shall ensure that a qualified health care professional is promptly notified.

716.4 MEDICAL STAFF RESPONSIBILITY

The qualified health care professional will evaluate the incarcerated person using approved protocols in order to determine the most appropriate care plan, which will be based on the patient's history, current physical status, and treatment needs. Any patient who cannot be safely treated in the facility will be referred to an appropriate treatment facility off-site.

716.5 PROCEDURE

Incarcerated persons who are observed experiencing severe, life-threatening intoxication (overdose) or withdrawal symptoms will be promptly seen by a physician or referred to an off-site emergency facility for treatment. Detoxification shall be conducted under medical supervision at the facility or in a hospital or community detoxification center under appropriate security conditions.

If the qualified health care professional determines that an incarcerated person is at risk for progression to a more severe level of withdrawal, the person will be appropriately housed in an area where they can be kept under constant observation by qualified health care professionals or trained correctional staff.

716.6 WITHDRAWAL AND DETOXIFICATION PROTOCOLS

Protocols are available to the qualified health care professionals to guide the care and treatment of individuals who are intoxicated or experiencing drug and/or alcohol withdrawal. These protocols, which have been developed and approved by the Responsible Physician, fall within nationally accepted guidelines and are reviewed annually.

When dealing with persons who are in a custody situation, qualified health care professionals shall utilize detoxification protocols in accordance with local, state, and federal laws.

No direct supervision is required at the time of identifying and initiating care. Overall supervision is provided by the Responsible Physician. Qualified health care professionals shall evaluate and provide care to patients utilizing written procedures and/or physician orders.

716.7 ALCOHOL WITHDRAWAL SYMPTOMS CHART

The following chart describes typical symptoms of mild, moderate, and severe withdrawal. It is to be used as a guide for determining when to refer incarcerated persons to a qualified health care professional. Not all symptoms are always present.

	MILD	**MODERATE**	**SEVERE** (Delirium Tremens)
ANXIETY	Mild restlessness and anxiety	Obvious motor restlessness	Extreme restlessness and agitation with appearance of intense fear is common

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Detoxification and Withdrawal

APPETITE	Impaired appetite	Marked anorexia	Often rejects all food and fluid except alcohol
BLOOD PRESSURE	Normal or slightly elevated systolic	Usually elevated systolic	Elevated systolic and diastolic
CONFUSION	Oriented, no confusion	Variable confusion	Marked confusion and disorientation
CONVULSIONS	No	May occur	Severe convulsions are common
HALLUCINATIONS	No hallucinations	Often vague, transient visual and auditory hallucinations and delusions, often with insight, often occurring only at night	Visual and occasional auditory hallucinations, usually of fearful or threatening content. Misidentification of persons and frightening delusions relating to hallucinatory experiences
MOTOR CONTROL	Inner "shaky"	Visible tremulousness	Gross uncontrollable shaking
NAUSEA	Nausea	Nausea and vomiting	Dry heaves and vomiting
PULSE	Tachycardia	Pulse 100-120	Pulse 120-140
SLEEP		Marked insomnia and nightmares	Total wakefulness
SWEATING	Restless sleep or insomnia	Obvious	Extreme

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Clinical Performance Enhancement

717.1 PURPOSE AND SCOPE

This department recognizes the importance of ensuring that qualified health care professionals are competent in their clinical skills and that the clinical performance enhancement review addresses areas in need of improvement.

717.1.1 DEFINITIONS

Definitions related to this policy include:

Clinical performance enhancement review - The process of having a qualified health care professional's work reviewed by another professional (peer review) of at least equal training in the same general discipline (e.g., review of the facility's physicians by the Responsible Physician).

Independent review - The assessment of a qualified health care professional's compliance with discipline-specific and community standards. The review is an analysis of a practitioner's clinical practice. This review may be conducted by someone who may or may not be directly employed by the institution. However, if the review was prompted by an incarcerated person complaint, the reviewing practitioner must not have been previously involved in the care of that incarcerated person.

717.2 POLICY

It is the policy of this department to conduct a biannual peer review of all qualified health care professionals. The clinical performance enhancement review process is neither an annual performance review nor a clinical case conference process. It is a professional review focused on the qualified health care professional’s clinical skills. Its purpose is to enhance competence and address areas in need of improvement.

An immediate peer review may be authorized by the Responsible Physician if serious problems of practice arise with a specific qualified health care professional.

717.3 COMPONENTS OF THE CLINICAL PERFORMANCE ENHANCEMENT

The clinical performance enhancement review process is to be conducted biannually on all qualified health care professionals. The result of these reviews shall be kept confidential. Documentation from the review shall include:

- Name of the individual being reviewed.
- Date of the review.
- Name and credentials of the reviewer.
- Confirmation that the review was shared with the qualified health care professional.
- Summary of findings and corrective action, if any.

If a clinical performance enhancement review identifies a serious concern, the Responsible Physician shall implement an independent review by someone who is not directly employed by

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this department. The result of this review shall be shared with the appropriate health care service by the Responsible Physician, and a plan of correction shall be implemented.

The Responsible Physician will keep a log of clinical performance enhancement reviews of all qualified health care professionals to ensure compliance with this policy.

717.4 HEALTH CARE COMPLAINTS

The Jail Administrator, in cooperation with the Responsible Physician, shall be responsible for developing and implementing a process by which incarcerated persons may submit complaints about the health care services they have received. There shall also be a means of collecting and analyzing the observations of other qualified health care professionals, correctional staff, or other nonmedical staff regarding the delivery of health care services.

The Responsible Physician shall convene a panel of independent physicians to review the practice of the physician about whom complaints or observations have been made. The Responsible Physician shall take appropriate action at the recommendation of the panel.

717.5 RECORDS

All clinical performance enhancement review reports and complaint investigations shall be considered confidential. The contents of such files shall not be revealed to other than the involved employee or authorized personnel, except pursuant to lawful process or as otherwise authorized or required by statute.

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Clinical Decisions

718.1 PURPOSE AND SCOPE

This policy recognizes that a coordinated effort between the Responsible Physician and the Jail Administrator is needed to ensure an adequate health care system. It emphasizes the importance of clinical decisions being the sole responsibility of the qualified health care professional.

718.1.1 DEFINITIONS

Definitions related to this policy include:

Clinical decisions - The process of formulating a differential diagnosis with information gathered from an incarcerated person's medical history and physical and mental examinations, developing a list of possible causes, and ordering tests to help refine the list or identify a specific disease.

Differential diagnosis - A systematic method of identifying unknowns or diagnosing a specific disease using a set of symptoms and testing as a process of elimination.

718.2 POLICY

Clinical decisions and actions regarding incarcerated person health care are the sole responsibility of qualified health care professionals and should not be countermanded by others. The Responsible Physician shall be responsible for arranging for appropriate health resources and for determining what services are needed. The Jail Administrator or the authorized designee shall be responsible for providing the custodial support to ensure a safe and secure environment for the delivery of the services and its accessibility to the incarcerated persons (15 CCR 1200(a); 15 CCR 1206(k)). A manual of written policies and defined procedures outlining the provisions of health care services with the Imperial County Sheriff's Office Jail will be maintained by the Responsible Physician (15 CCR 1206 et. Seq.)

718.3 MEDICAL AUTONOMY

Clinical decisions shall be made only after a thorough evaluation of the patient’s complaint and physical or mental condition. The implementation of clinical decisions is to be completed in an effective and safe manner that does not violate the security regulations of the facility.

718.4 PROBLEM RESOLUTION

Any issues arising because of the clinical decision process shall be reviewed under the provisions of the Continuous Quality Improvement Policy using medical records, grievances, staff complaints and any other relevant data.

718.5 POLICY AND PROCEDURE MANUAL

Each policy, procedure, and program in the health care delivery system will be reviewed and updated at least every two years. All changes in the manual will be with the approval of the Responsible Physician and the Jail Administrator.

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Licensure, Certification, and Registration Requirements

719.1 PURPOSE AND SCOPE

The purpose of this policy is to recognize that incarcerated persons are entitled to health care services that are provided by qualified health care professionals working within the scope of their respective licensure, certification, registration, and training. This policy also establishes a credentials verification process.

719.2 POLICY

It is the policy of this department that all qualified health care professionals who provide health care services to incarcerated persons meet the same standards as those working in the community, including required licenses, certifications, and restrictions, including those defining the recognized scope of practice specific to the profession (15 CCR 1203). Job descriptions shall include minimum qualifications and specific duties and responsibilities, and shall be approved by the Responsible Physician.

The current credentials and job descriptions for all qualified health care professionals are on file at the facility and retained in accordance with established records retention schedules.

Any health care provided to incarcerated persons at the facility that is not provided by a physician is provided in accordance with a standing order or direct order issued by personnel qualified under governing laws to give such orders (15 CCR 1203; 15 CCR 1204).

719.3 CREDENTIALING AND FILE MAINTENANCE

A completed file of current licenses, certifications, registration, reference checks, and applications shall be maintained by the Human Resources Department and by the Responsible Physician or the authorized designee at this facility.

(a) The Responsible Physician or the authorized designee should obtain confirmation of current licensure, certification, and registration prior to making any offer of employment.

(b) Inquiries into any sanctions or disciplinary actions of state boards, employers, and the U.S. Department of Health and Human Services' National Practitioner Data Bank should be conducted prior to making any offer of employment.

(c) Individuals should be required to pass a job-related, pre-employment background investigation. Employment references may be obtained via mail or over the telephone with documentation.

(d) Each employee should be held responsible for providing renewal verification of licenses, certificates, and registration prior to the expiration date.

(e) Any group or individual providing health care services must complete the credentialing process that is appropriate for their profession and must provide the facility a copy

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of current licensure and, when appropriate, a Drug Enforcement Administration certificate to prescribe controlled substances.

(f) To be eligible for hire, all clinical health care personnel must possess and maintain a current CPR certification and provide documentation to the Responsible Physician or the authorized designee.

719.4 STUDENTS AND/OR INTERNS

If the health care services provided to an incarcerated person are performed by any intern, resident, or student who is authorized to provide specific health care services as part of a formal medical training program, the individuals in training will work under the control and supervision of a qualified health care professional. Assigned tasks shall be commensurate with the intern, student, or resident's level of training.

There shall be a written agreement between the facility and the entity sponsoring the training program that covers the scope of work, duration of the agreement, and any legal or liability issues.

Any student, intern, or resident working in the facility shall participate in a facility orientation that includes but is not limited to topics such as fire safety, facility security, items considered contraband, and incarcerated person culture.

All students, interns, or residents shall be required to agree in writing to abide by all facility policies, including those relating to hostages, facility security, and the confidentiality of information.

All training provided, written agreements, and/or contracts shall be maintained in the intern, resident, or student's file by the Responsible Physician or the authorized designee in accordance with established records retention schedules.

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Incarcerated Person Assistants

720.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines and establish parameters for the appropriate use of incarcerated persons as assistants in the provision of health care services.

720.2 POLICY

It is the policy of this department that all incarcerated person assistants shall be under direct supervision and used in a manner that does not give them control or authority over other incarcerated persons, access to confidential medical information, or authority to make treatment decisions or provide patient care. Incarcerated person assistants shall not be used as a substitute for qualified health care professionals.

720.3 INCARCERATED PERSON ASSISTANTS

Incarcerated persons who have received appropriate training may perform limited duties involving assistance to other incarcerated persons, however, only while under the direct supervision of qualified health care professionals. The duties that incarcerated person assistants may perform include the following:

- Peer support and education
- Emotional support activities for incarcerated persons who are ill
- Assisting disabled incarcerated persons with daily living activities such as providing escort assistance or assistance with bathing and dressing
- When qualified and properly trained and when participating in a formal suicide prevention plan, incarcerated person assistants may serve as a companion to other incarcerated persons who are at risk of suicide

720.4 PROHIBITED DUTIES

Incarcerated person assistants shall not be used for any direct patient care activities, diagnostic or treatment decisions, dispensing of medications, scheduling health care appointments, or any form of patient care normally provided by a qualified health care professional.

720.5 TRAINING

Incarcerated person assistants assigned to health care services shall receive education and training specific to their anticipated duties to ensure that they understand and can perform their duties in a safe and lawful manner.

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Suicide Prevention and Intervention

721.1 PURPOSE AND SCOPE

This policy establishes the suicide prevention and intervention program to identify, monitor and, when necessary, provide for emergency response and treatment of incarcerated persons who present a suicide risk while incarcerated at the department detention facilities.

This policy is intended to reduce the risk of self-inflicted injury or death by providing tools to the staff that will allow a timely and organized emergency response to suicide, suicide attempts, or an incarcerated person's unspoken indications that suicide is being considered. The three key components of this plan are evaluation, training, and screening with intervention.

721.2 POLICY

It is the policy of this department to minimize the incidence of suicide by establishing and maintaining a comprehensive suicide prevention and intervention program designed to identify incarcerated persons who are at risk of suicide and to intervene appropriately whenever possible. The program shall be developed by the Jail Administrator or the authorized designee and the Responsible Physician, approved by the local public health entity, and reviewed annually by the Jail Administrator. A copy of this policy shall be maintained where it can be easily accessed by all staff members (15 CCR 1029(a)(8); 15 CCR 1030).

721.3 SUICIDE PREVENTION TEAM

The Jail Administrator in cooperation with the Responsible Physician shall establish a suicide prevention team. The team will evaluate and approve the suicide prevention and intervention program annually. The suicide prevention team will consist of qualified health care professionals and the Jail Administrator or the authorized designee. The yearly evaluation will include a review of all current policies to ensure they are relevant, realistic, and consistent with the mission of the program. The program and policies will be updated as needed (15 CCR 1030).

The suicide prevention team shall also ensure that the facility is evaluated annually to identify any physical plant characteristics or operational procedures that might be modified to reduce the risk of suicide. This should be accomplished by conducting a review of suicides and suicide attempts, physical inspection, review of various facility inspection reports, and by participating in incarcerated person/management team meetings. If physical modifications are recommended, the team shall ensure the Jail Administrator is promptly notified.

It shall also be the responsibility of the suicide prevention team to coordinate with the Training Manager to ensure that suicide prevention training is provided in compliance with applicable statutes and standards.

721.4 STAFF TRAINING

All facility staff members who are responsible for supervising incarcerated persons shall receive initial and annual training on suicide risk identification, prevention, and intervention, to include, at minimum (15 CCR 1030):

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- The provisions of this policy.
- Identification of the warning signs and indicators of potential suicide, including training on suicide risk factors.
- Identification of the demographic and cultural parameters of suicidal behavior, including incidence and variations in precipitating factors.
- Responding to suicidal and depressed incarcerated persons.
- Communication between corrections staff, court staff, and health care personnel.
- Using referral procedures.
- Housing observation and suicide watch-level procedures.
- Follow-up monitoring of incarcerated persons who attempt suicide.
- Communication between members and arresting/transporting officers.
- A plan for mental health consultation following return from court as needed.

Recommendations for modification to suicide training should be directed to the Jail Administrator, who shall review the recommendations and approve, if appropriate.

721.5 SCREENING AND INTERVENTION

All incarcerated persons shall undergo medical and mental health screening during the intake process (15 CCR 1030). A portion of the intake medical screening is devoted to assessing incarcerated persons at risk for suicide. Upon an incarcerated person entering the facility, the person should be assessed by custody staff for the ability to answer medical and mental health screening questions.

Any incarcerated person who appears to be unable to answer the initial medical screening questions shall be examined by a qualified health care professional at a designated hospital and receive medical clearance before acceptance into the jail. Incarcerated persons who refuse to answer these questions shall be placed under observation until the screening can be completed, or until sufficient information is obtained to allow the staff to make appropriate decisions concerning housing and care.

Staff members shall promptly refer any incarcerated person who is at risk for suicide to classification, health services, and mental health services. The incarcerated person shall remain under direct and constant observation in a safe setting until designated staff makes appropriate health care and housing decisions (15 CCR 1030).

Special situations may arise where a screening and intervention is appropriate for an incarcerated person when the person is placed in restrictive housing, following a hearing, and after a transfer or change in classification (15 CCR 1030).

721.6 SUICIDE WATCH

Incarcerated persons should only be housed on suicide watch with the approval of a qualified health care professional and the Watch Commander. If a qualified health care professional is not

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present in the jail, the Watch Commander may make the decision to place an incarcerated person on suicide watch but should notify a qualified health care professional as soon as practicable. incarcerated persons placed on suicide watch shall be closely monitored and housed in a cell that has been designed to be suicide resistant. Prior to housing the incarcerated person, the staff should carefully inspect the cell for objects that may pose a threat to the person's safety.

Qualified health care professionals are primarily responsible for the treatment of incarcerated persons on suicide watch. Correctional officers and general employees are responsible for the physical safety of incarcerated persons. All staff members should coordinate their efforts to ensure that incarcerated persons do not have the means or the opportunity to injure themselves.

An observation log shall be maintained for each incarcerated person on suicide watch. A staff member shall be designated to make a direct visual observation of the incarcerated person twice every 30 minutes at approximately 15-minute intervals. A Watch Commander and a qualified health care professional, if available, must observe the incarcerated person at least once every five hours. Each staff member who is required to observe the incarcerated person shall make notations in the observation log documenting the time of observation and a brief description of the person's behavior.

An incarcerated person classified as actively suicidal must be continuously monitored by direct visual observation of a correctional officer. While monitoring may be supplemented by video monitoring, it may never be a substitute for direct visual monitoring.

The status of suicidal incarcerated persons should be readily identifiable in a manner discernible by staff. When standard-issue clothing presents a security or medical risk to the incarcerated person or others, the incarcerated person shall be supplied with a security garment that is designed to promote the person's safety and not cause unnecessary humiliation and degradation. Use of the security garment shall be documented in the incarcerated person's health record. Suicidal persons shall not be permitted to retain undergarments or any other item that can be fashioned into an implement for hanging (e.g., plastic bags, shoelaces, sheets). Incarcerated persons shall not be permitted to keep personal property while housed on suicide watch and shall not be permitted to possess razors or other sharp objects, such as pencils, items with staples, or any other item that may be used to cause a self-inflicted injury. Physical restraints should only be used as a last resort measure. The decision to use or discontinue use of restraints should be made in consultation with qualified health care professionals.

Incarcerated persons who are not actively suicidal but who have expressed suicidal thoughts or have a recent history of self-injurious behavior should be observed by staff at irregular intervals, not to exceed every 15 minutes.

721.6.1 INTERVENTION

Any suicide attempt is a medical emergency. Staff should take action to facilitate emergency medical care and preserve and collect evidence as necessary. A qualified health care professional should be summoned immediately any time the staff suspects a suicide attempt is imminent. Staff should take reasonable and appropriate precautions to mitigate the ability of the incarcerated

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persons to injure themselves, and should consider establishing and maintaining a non-threatening conversation with the person while awaiting assistance. If a qualified health care professional is not immediately available, the incarcerated person should be placed in an appropriate and safe location until such time as qualified health care professionals or the Responsible Physician is available.

Following a suicide attempt, staff should initiate a medical emergency response and initiate and continue appropriate life-saving measures until relieved by qualified health care professionals. The arriving medical staff should perform the appropriate medical evaluation and intervention. The Responsible Physician or the authorized designee should be notified in situations when referral and transportation to the emergency room of a local hospital is required (15 CCR 1030).

721.6.2 NOTIFICATION

In the event of an attempted or completed suicide, the Jail Administrator should be promptly notified. The Jail Administrator should notify the Sheriff.

The location where a suicide or attempted suicide has occurred should be treated as a crime scene after the incarcerated person has been removed from the cell or after emergency medical care is rendered. The area should be secured and access-controlled to preserve evidence until the appropriate investigation can be completed.

All suicides or attempted suicides shall be documented in an incident report. Any injury must be documented in an incarcerated person injury report (15 CCR 1030).

All in-custody deaths, including those resulting from suicide, should be investigated and documented in accordance with the Reporting In-Custody Deaths Policy (15 CCR 1030).

721.7 FOLLOW-UP

Qualified health care professionals should evaluate any incarcerated person placed in suicide watch within 24 hours of placement or at the next available physician's visit, whichever is earliest. After evaluation, qualified health care professionals should make a recommendation whether to keep the incarcerated person on suicide watch. Only a qualified health care professional may remove an incarcerated person from suicide watch.

All changes in incarcerated person status should be reported to the qualified health care professional to ensure the person receives appropriate care. The incarcerated person's health record should be updated to reflect all contacts, treatment, and any other relevant information, and the records maintained in accordance with established records retention schedules.

Although the goal of this program is to significantly reduce the risk of in-custody deaths, the ongoing care of suicidal incarcerated persons after release must also be considered. Incarcerated persons who are at risk for suicide should work with local or area mental health resources and their families after release. When feasible, staff should make referrals to the Imperial County Behavioral Health liaison when an at-risk incarcerated person is being released from custody.

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721.7.1 DEBRIEFING

Any suicide attempt or death of an incarcerated person or on-site staff member requires a staff debriefing. Information will be communicated to the oncoming Watch Commander and staff to apprise them of the incident and the actions taken with regard to the incident. Such debriefing will be appropriately documented and shall be reviewed by administration, security, and the Responsible Physician.

721.8 TRANSPORTATION

Incarcerated persons at risk for suicide pose additional challenges during transport and while being held in court holding facilities. The transportation staff should take reasonable steps to closely monitor at-risk incarcerated persons whenever they are transported or held in any cell that is not designated as a suicide-watch cell. All additional security and monitoring measures implemented by the staff should be documented in the incarcerated person's record. The transporting correctional officer should ensure that the suicide threat or other danger is communicated to personnel at the receiving facility.

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Nursing Assessment Protocols

723.1 PURPOSE AND SCOPE

The purpose of this policy is to establish standards for evaluating and treating incarcerated persons with medical issues that are easily and effectively treated or triaged by nursing personnel who have been properly trained in the use of nursing assessment protocols.

723.1.1 DEFINITIONS

Definitions related to this policy include:

Nursing assessment protocols - Written instructions or guidelines that specify the steps to be taken in evaluating an incarcerated person's health status and providing medical treatment. Protocols may include first-aid procedures for the identification and care of ailments that ordinarily would be treated with over-the-counter (OTC) medication or through self-care. These protocols also may address more serious symptoms, such as chest pain, shortness of breath, or intoxication. The protocols provide a sequence of steps to evaluate and stabilize an incarcerated person until a qualified health care professional is contacted and orders for further care are received.

723.2 POLICY

It is the policy of this department that medical care performed by personnel other than a physician shall be performed pursuant to a written protocol or order of the Responsible Physician.

723.3 PROTOCOL DEVELOPMENT AND AUTHORIZATION

The facility's Responsible Physician or the authorized designee shall develop, review, and authorize all nursing protocols used for the treatment of incarcerated persons, and shall develop, deliver, or procure appropriate training for the nurses on their use. Each nursing assessment protocol will have a signed declaration indicating it has been reviewed and approved by the nursing administrator and the Responsible Physician.

The protocols developed shall be appropriate for the training and experience of the health care services staff members who will deliver the services. Each protocol shall comply with the standards of practice for the level of care the health care services staff members are authorized to provide. The protocols shall only include the use of OTC medications.

The Responsible Physician shall review the nursing assessment annually, revising as necessary and dating and signing approved protocols (15 CCR 1204).

723.4 TRAINING

Nurses will be trained and approved in the nursing assessment protocols prior to their use. The training shall be documented and should include:

(a) Evidence that new nurses have been trained.

(b) Demonstration of knowledge and skills.

(c) Evidence of annual review of skills.

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(d) Evidence of retraining when protocols are introduced or revised.

723.5 AUTHORIZED USE OF PROTOCOLS

Nursing staff may use a nursing assessment protocol only after they have been trained and authorized by the Responsible Physician. Nursing assessment protocols shall only be used after a nurse fully evaluates the incarcerated person's complaint and the incarcerated person's condition meets the appropriate criteria.

Incarcerated persons may only be treated using a nursing protocol for the same condition on two consecutive visits. If the incarcerated person requests service for the same condition a third time, the incarcerated person should be referred to a physician's assistant, nurse practitioner, registered nurse, or physician.

The assessment protocols only include the use of OTC medication. When OTCs are administered per the protocol, they do not require the signature of a physician. However, the order and the administration of the medication shall be documented on the medication administration record.

A registered nurse (RN) is considered the minimum certification level required to independently initiate medical treatment. The RN must be present to physically assess the incarcerated person; an assessment cannot be done via telephone or electronically.

Licensed vocational nurses (LVNs) are generally prohibited from independently initiating any standardized protocol. Under very specific circumstances (e.g., early detoxification, a history of a seizure disorder), it may be acceptable for an LVN to initiate a standing order following a telephone consultation with a physician, physician's assistant, psychiatrist, dentist, or other person who meets the minimum certification level to initiate such orders. Under these circumstances, it is essential that the incarcerated person be personally evaluated within 24 hours by a physician's assistant, nurse practitioner, registered nurse, or physician.

Nursing assessment protocols shall not include the administration of any prescription medication, with the exception of protocols addressing an emergency or a life-threatening situation. Treatment with prescription medication may only be initiated upon a written or verbal order from a physician, physician's assistant, psychiatrist, dentist, or other person who is licensed to dispense medication in the state, either independently or under the supervision of a physician.

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Infirmary Care

724.1 PURPOSE AND SCOPE

This policy recognizes that some incarcerated persons will need care for an illness or diagnosis that requires daily monitoring, daily medication and/or therapy, or assistance with daily activities at a level that requires skilled nursing intervention. Such persons are best served in an area expressly designed and operated for providing medical care in close proximity to qualified health care professionals.

724.1.1 DEFINITIONS

Definitions related to this policy include:

Infirmary - An area specifically designed and operated for providing medical care to incarcerated persons who need skilled nursing care for a period of 24 hours or more. It is expressly intended for persons who do not need hospitalization or placement in a licensed nursing facility, but whose care cannot be managed safely in an outpatient setting. It is not the area itself but the scope of care provided that makes the bed an infirmary bed.

Infirmary care - Care provided to patients with an illness or diagnosis that requires daily monitoring, medication and/or therapy, or assistance with daily activities at a level requiring skilled nursing intervention.

Within sight or sound of a qualified health care professional - The patient can gain the professional's attention through visual or auditory signals.

724.2 POLICY

It is the policy of this department that infirmary care is provided when appropriate to meet the serious medical needs of incarcerated persons. The Responsible Physician shall be responsible for developing and maintaining an infirmary manual, that shall be available in the infirmary. The infirmary manual shall include but is not limited to:

- Nursing care procedures.
- A definition of the scope of infirmary care services available.
- Provisions for a physician to be on-call or available 24 hours a day.
- Guidelines regarding the availability of health care personnel, who shall be on-duty 24 hours a day when incarcerated persons are present and shall have access to a physician or registered nurse.
- Provisions ensuring that all incarcerated persons are within sight or sound of a staff member.
- Provisions for an infirmary record that is separate from the complete medical record of the incarcerated person.
- Requirements for compliance with applicable state statues and local licensing.

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Admission to and discharge from the infirmary shall be controlled by medical orders or protocols issued by a qualified health care professional after a clinical evaluation and the establishment of a treatment plan.

724.3 DOCUMENTATION REQUIREMENTS FOR INFIRMARY PATIENTS

A complete inpatient health record shall be kept for each incarcerated person housed in the infirmary and should include:

- The admitting order that includes the admitting diagnosis, medications, diet, activity restrictions, diagnostic tests required, and frequency of vital sign monitoring and other follow-up.
- Complete documentation of the care and treatment given.
- The medication administration record.
- A discharge plan and discharge notes.

724.4 INFIRMARY REQUIREMENTS

Incarcerated persons in the infirmary shall have access to operable washbasins with hot and cold running water at a minimum ratio of one basin for every 12 incarcerated persons, unless state or local building or health codes specify differently. Sufficient bathing facilities shall be provided in the infirmary to allow incarcerated persons to bathe daily. At least one bathing facility shall be configured and equipped to accommodate incarcerated persons who have physical impairments or who need assistance to bathe. Water for bathing is thermostatically controlled to temperatures ranging from 100 to 120 degrees.

Incarcerated persons in the infirmary shall have access to toilets and hand-washing facilities 24 hours a day and can use the toilet without staff assistance. Toilets are provided at a minimum ratio of one for every 12 persons in the male infirmary and one for every eight persons in the female infirmary. Urinals may be substituted for up to one-half of the toilets in the male infirmary. All housing units with three or more persons shall have a minimum of two toilets.

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Medical Equipment and Supply Control

725.1 PURPOSE AND SCOPE

This policy outlines the control and inventory process to be utilized in accounting for all medical equipment and supplies. Medical equipment and supplies can pose a hazard for both the incarcerated person population and the staff. Unauthorized possession of medical equipment and supplies constitutes possession of contraband. Unauthorized use of medical equipment and supplies violates incarcerated person rules detailed in the incarcerated person handbook. Since it is necessary to have a well-stocked medical space within the secure perimeter of the facility, there must be a plan to ensure that equipment and medical supplies are accounted for and tightly controlled.

725.2 POLICY

It is the policy of this department that all medical equipment, including sharps, dental instruments, needles and other items must be tightly controlled so they cannot be used as weapons or to facilitate the injection of drugs or other substances. Additionally, these tools and supplies must be controlled to prevent exposure to biohazards.

725.3 STAFF RESPONSIBILITIES

It is the responsibility of the Jail Administrator to ensure that the incarcerated person handbook clearly defines the unauthorized possession and/or use of medical equipment and supplies as a rule violation that may result in discipline.

The Responsible Physician or the authorized designee shall create and maintain an inventory log for all medical equipment and supplies. This log will be utilized by medical personnel who work within the facility to track and control medical equipment and supplies. When not in use, all medical equipment and supplies shall be stored in a secure manner to prevent unauthorized access.

At the beginning of each shift, the qualified health care professional shall inventory the medical supplies and equipment within their control. Any time a disposable item is used, the log shall reflect its use and disposal. At the end of each shift, the qualified health care professional will conduct another inventory using the supply and equipment log, and reconcile any disposable supplies used during their shift.

If there is a discrepancy that indicates that medical supplies or equipment are missing, the Watch Commander shall be immediately notified. The Watch Commander shall initiate a search for the missing supplies and/or equipment. The Watch Commander shall document the incident and any actions taken and provide the Jail Administrator with a complete report.

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Continuation of Care

726.1 PURPOSE AND SCOPE

The purpose of this policy is to establish and maintain a proactive health system in the facility that fosters the continuation of health care needs that, if discontinued, would have a negative effect on the health of the incarcerated person. The sole objective is to maintain or improve the health of the incarcerated persons. This policy is intended to ensure that incarcerated persons receive health services in keeping with current community standards as ordered by qualified health care professionals.

726.2 POLICY

It is the policy of this department that all incarcerated persons shall have access to the continuation of care for a health issue, provided the treatment plan meets community standards. The incarcerated person's health care needs will be assessed by qualified health care professionals and continued as determined or referred after release (15 CCR 1206.5(a); 15 CCR 1210).

726.3 CONTINUATION OF CARE

The Jail Administrator is responsible for coordinating with the Responsible Physician to ensure that all incarcerated persons receive appropriate health care, including but not limited to:

(a) Newly booked incarcerated persons shall have a medical screening as part of the booking and classification process. This screening includes documentation of acute or chronic health issues or conditions, existing injuries, and medications or treatments the incarcerated person is currently receiving.

1. Any prior jail health records, including those from other facilities, should be reviewed.
2. Current medications will be verified and continued as deemed appropriate by the Responsible Physician or the authorized designee.

(b) A health assessment is completed on or before the 14th day of continuous incarceration.

(c) Continuation of birth control measures, upon request by the incarcerated person, as prescribed by a physician, nurse practitioner, certified nurse midwife, or physician assistant (Penal Code § 4023.5).

(d) Individual treatment plans that are used to guide treatment. The format for planning may vary but should include, at a minimum:

1. The frequency of follow-up for medical evaluation and adjustment of treatment modality.
2. The type and frequency of diagnostic testing and therapeutic regimens.
3. When appropriate, instructions about diet, exercise, medication, and adaptation to the correctional environment.
4. Custody staff is informed of the treatment plan when necessary to ensure coordination and cooperation in the ongoing care of the incarcerated person.

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(e) Reasonable effort should be made to obtain information and records relating to previous health care professionals, with the consent of the incarcerated person, if the incarcerated person is currently under medical care.

(f) Upon transfer to another facility, a medical discharge summary of the incarcerated person's current condition, medications, and treatment plan will be forwarded in a sealed envelope (to maintain confidentiality) to the receiving facility.

(g) Response to requests for health information from medical facilities and health care professionals, with the incarcerated person's written consent.

(h) When incarcerated persons are sent out of the facility for emergency or specialty medical treatment, written information regarding the incarcerated person's reason for transfer, pertinent medical problems, and list of current medications should be sent with the incarcerated person and may be given to those providing care upon request. The name and telephone number of a contact person the medical facility can call should be included with the patient's health information. Upon the incarcerated person's return to the facility, treatment recommendations should be reviewed by the Responsible Physician or the authorized designee and appropriate plans should be made for continuing care in the facility based on the treating facility's diagnosis, recommended medications, and other treatment.

(i) Upon release from the facility, incarcerated persons should be given written instructions for the continuation of care, including but not limited to:

1. The name and contact information of health care facilities for follow-up appointments.
2. Prescriptions and/or an adequate supply of medication for those with chronic medical or psychiatric conditions.

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Continuous Quality Improvement

727.1 PURPOSE AND SCOPE

The purpose of this policy is to establish a Continuous Quality Improvement (CQI) process of health care review in an effort to identify improvement needs in policies, processes or staff actions, and to develop and implement better health care strategies to improve the processes and outcomes of the health care services delivered at this facility.

727.2 POLICY

It is the policy of this department that an internal review and CQI process for incarcerated person health care delivery and outcomes is developed and maintained, measurable goals and objectives are established and reviewed annually, and that the process itself is periodically reviewed and updated as needed. The process should be supervised by the Responsible Physician. The data evaluated should result in more effective access to services, an improved quality of care, and a better utilization of resources.

727.3 CQI TECHNIQUES AND MONITORING

The CQI process may be applied to any aspect of health care delivery and health service outcomes, including, but not limited to, monitoring and reviewing the following:

- Quality of the medical charts, by the Responsible Physician or the authorized designee
- Investigations of complaints and grievances
- Corrective action plans and plan outcomes
- Deaths in custody, suicide attempts, sentinel events, and incident and management of serious communicable disease outbreaks
- Plans for employee education and training, using investigation findings
- Records of internal review activities
- Quarterly reports to the Responsible Physician and Jail Administrator
- Legal requirements for confidentiality of medical records
- Credentialing (assessing and confirming qualifications), privileging (authorization to provide services), and training of employees and the associated peer review processes
- Condition and effectiveness of the care environment
- Adequacy and quality of supplies and equipment
- Quality of care provided to individual patients
- Accuracy and efficiency of pharmacy services and medication administration
- Ease of access to care

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- Risk minimization tactics
- Data describing the types, quality and quantity of care provided
- Accreditation compliance

727.4 CQI COMMITTEE MEETINGS

The jail CQI committee should meet quarterly under the direction of both the committee chair and the Responsible Physician. The CQI meetings may be conducted at the same time as quarterly administrative meetings, but CQI minutes must be produced and maintained separately from any other minutes.

The CQI minutes are not subject to disclosure outside of the CQI program, including requests from local, regional and national entities. Other interested parties with a need to know are only entitled to the disclosure of information that includes:

(a) Problems that may have been identified.

(b) Solutions that have been agreed upon.

(c) Persons responsible for implementing the corrective action.

(d) The time frame for implementing the corrective actions.

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Informed Consent and Right to Refuse Medical Care

728.1 PURPOSE AND SCOPE

This policy recognizes that incarcerated persons have a right to make informed decisions regarding their health care. It establishes the conditions under which informed consent should be obtained prior to treatment, when medical care may proceed without consent, the documentation process for the refusal of medical care, and the retention of refusal forms.

728.1.1 DEFINITIONS

Definitions related to this policy include:

Informed consent - The written agreement by an incarcerated person to a treatment, examination, or procedure. Consent is sought after the incarcerated person has received the material facts about the nature, consequences, and risks of the proposed treatment, the examination or procedure, the alternatives to the treatment, and the prognosis if the proposed treatment is not undertaken, in a language understood by the person.

728.2 POLICY

It is the policy of this department that generally, all health care examinations, treatments, and procedures shall be conducted with the informed consent of the incarcerated person. Exceptions include emergencies, life-threatening conditions, and a court order (15 CCR 1214).

728.3 INFORMED CONSENT

The qualified health care professional initiating treatment shall inform the incarcerated person of the nature of the treatment and its possible side effects and risks, as well as the risks associated with not having the treatment.

For invasive procedures or any treatment where there is some risk to the incarcerated person, informed consent is documented on a written form containing the signatures of the person and a health services staff witness.

A signed informed consent shall be obtained and witnessed by the prescribing psychiatrist for the initiation of psychotropic medication.

Appropriate arrangements shall be made to provide language translation services as needed before an incarcerated person signs any informed consent form.

For minors and conservatees, the informed consent of a parent, guardian, or legal custodian applies where required by law. Absent informed consent in non-emergency situations, a court order is required before involuntary treatment can be administered to an incarcerated person.

728.4 REFUSAL OF TREATMENT

When an incarcerated person refuses medical, mental health, or dental treatment or medication, they shall be counseled regarding the necessity of the treatment/medication and

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the consequences of refusal. The incarcerated person shall then be requested to sign a form acknowledging that the person refused an examination and/or treatment.

The form shall be filled out completely by the qualified health care professional and include the incarcerated person's name, booking number, treatment/medication refused, the risks or consequences of refusal, and the person's mental status. The form must be signed by the incarcerated person and a witness.

In the event that the incarcerated person refuses to sign, a notation to this effect shall be documented on the incarcerated person signature line. This shall require a signed acknowledgement by two witnesses.

Documentation regarding the incarcerated person's mental status shall be noted in the medical record, along with a brief note describing the intervention of the qualified health care professional.

The completed form is to be placed in the incarcerated person's medical record.

It is the responsibility of the qualified health care professional to refer all refusal forms to the Responsible Physician.

Any time there is a concern about the decision-making capacity of the incarcerated person, an evaluation shall be conducted, particularly if the refusal is for critical or acute care.

Any time an incarcerated person refuses to take their medication, attend sick call, or attend a scheduled medical appointment, a signed refusal must be obtained by the qualified health care professional.

The refusal form shall be a permanent part of the incarcerated person's medical record.

The incarcerated person may revoke their refusal at any time.

728.4.1 STERILIZATION

This department shall not perform any sterilization procedure on an incarcerated person, without the incarcerated person's consent, unless the procedure is necessary to save the incarcerated person's life. A sterilization procedure may be performed with the incarcerated person's consent under the following conditions (Penal Code § 3440(b)):

(a) Less invasive measures are not available, have been refused by the incarcerated person or have been deemed unsuccessful.

(b) A second physician, approved to provide medical services for the facility, but not employed by the county, confirms the need for the procedure.

(c) The incarcerated person has been advised of the impact and side effects of the procedure, and that refusal will not affect their ability to receive future medical treatment.

If a sterilization procedure is performed, this department shall provide psychological consultation before and after the procedure, as well as the appropriate medical follow-up (Penal Code § 3440(c)).

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The Department shall also submit data annually to the Board of State and Community Corrections regarding the race, age, medical justification and method of sterilization for any sterilization procedure performed (Penal Code § 3440(d)).

728.4.2 INVOLUNTARY ADMINISTRATION OF PSYCHOTROPIC MEDICATION

Psychotropic medication may only be administered involuntarily to an incarcerated person in emergency circumstances or as otherwise allowed by law and only with a physician's order. The medication administered shall only be what is required to treat the emergency condition and administered for only as long as the emergency continues to exist. Any such treatment shall be consistent with the standard of care. A court order shall be sought or legal consent shall be obtained if the Responsible Physician anticipates further dosage will be necessary or beneficial (Penal Code § 2603; 15 CCR 1217).

In cases of non-emergencies, certain conditions must be met as described in Penal Code § 2603(c) prior to the involuntary administration of the psychotropic medication, including a documented attempt to locate an available bed in a noncarceral treatment facility in lieu of seeking to administer involuntary medication (Penal Code § 2603).

The reason medication was involuntarily administered should be documented in the incarcerated person's health care record.

728.5 RECORDS

The Jail Administrator or the authorized designee shall work with the Responsible Physician to develop medical care consent and refusal forms and a system for retaining records in the incarcerated person's health file in accordance with established records retention schedules.

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Management of Health Records

729.1 PURPOSE AND SCOPE

The purpose of this policy is to establish a uniform manner of maintaining the active health records of incarcerated persons for easy accessibility during clinical treatment, and the storage methods for inactive health records. This policy also addresses practices that will ensure the confidentiality of health record information by separating it from custody records.

729.1.1 DEFINITIONS

Definitions related to this policy include:

Protected health information - Information that relates to the incarcerated person's past, present, or future physical or mental health or condition, the provision of medical care to the incarcerated person, or the past, present, or future payment for the provision of health care to the incarcerated person (45 CFR 160.103).

729.2 POLICY

It is the policy of this department to maintain the confidentiality of incarcerated persons' protected health information. Incarcerated person health records will be maintained separately from custody records and under secure conditions, in compliance with all local, state, and federal requirements.

The Responsible Physician or the authorized designee will establish standardized facility procedures for recording information in the file and for the control and access to incarcerated person health records. Incarcerated workers shall not have any access to incarcerated person health records.

729.3 INITIATING A HEALTH RECORD

Following the initial medical screening process, the qualified health care professional shall initiate a health record for each incarcerated person. The Responsible Physician shall be responsible for developing and implementing procedures for standardized record formatting (15 CCR 1205 et seq.).

729.4 CONFIDENTIALITY OF AN INCARCERATED PERSON'S HEALTH RECORDS

Information regarding an incarcerated person's health status is confidential. Active health records shall be maintained separately from custody records. Access to an incarcerated person's health record shall be in accordance with state and federal law (Health Insurance Portability and Accountability Act (HIPAA) of 1996, Public Law 104-191 and the implementing regulations) (15 CCR 1205).

The incarcerated person's protected health information may be disclosed, with the incarcerated person's written authorization, to any person so designated. A fully completed authorization for release and/or a disclosure of protected health information form shall be required prior to disclosure based upon informed consent (15 CCR 1205).

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The incarcerated person's protected health information may be disclosed by the qualified health care professional without the incarcerated person's authorization under certain circumstances and when approved by the Responsible Physician or the authorized designee. Those circumstances include:

(a) To known qualified health care professionals who are members of the health care team responsible for the incarcerated person's care.

(b) To custody staff regarding incarcerated persons as reasonably necessary to protect the safety, security, and good order of the facility. Examples may include information that the incarcerated person may be:

1. Suicidal.
2. Homicidal.
3. A clear custodial risk.
4. A clear danger of injury to self or others.
5. Gravely disabled.
6. Receiving psychotropic medications.
7. A communicable disease risk.
8. In need of special housing.

(c) To the local public health officer when an incarcerated person is part of a communicable disease investigation.

(d) Pursuant to a court order or valid subpoena duces tecum, accompanied by satisfactory assurance that the incarcerated person has been given notice and an opportunity to file an objection or efforts have been made to secure a protective order as required under HIPAA (45 CFR 164.512).

(e) To a law enforcement officer for purposes of a criminal investigation, to avert a serious threat to the health or safety of any person or to fulfill mandatory reporting requirements.

(f) To a law enforcement officer when the incarcerated person has died as a result of criminal conduct.

The incarcerated person's limited protected health information may also be disclosed to a law enforcement officer for purposes of identifying or locating a suspect or when the incarcerated person is a victim of a crime. When reasonably possible, the approval of the Jail Administrator should be obtained prior to disclosure.

Attorneys requesting health record information regarding an incarcerated person shall be advised that an authorization for release and/or a disclosure of medical information form or an attorney release form signed by the incarcerated person is required.

Family members may be informed of the incarcerated person's custody status and whether the incarcerated person is receiving medical care. Family members requesting additional information must provide a proper authorization for release and/or a disclosure of medical information form.

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The Jail Administrator, in consultation with the Responsible Physician, shall designate personnel who will be responsible for reviewing all requests for access to medical records and who will propose related policies and procedures and other activities designed to facilitate proper documentation of health care and access to records.

729.4.1 ADDITIONAL STATE PRIVACY PROTECTIONS

The health services administrator and Responsible Physician or the authorized designee shall ensure that privacy protections comply with state law requirements regarding privacy and confidentiality applicable to the specific type of medical records requested, including:

(a) Records associated with human immunodeficiency virus (HIV) or acquired immunodeficiency syndrome (AIDS) (Health and Safety Code § 121025).

(b) Records of patients in alcohol or substance use disorder treatment programs (Health and Safety Code § 11845.5).

729.5 HEALTH RECORD CONTENTS

(a) To standardize record keeping and to identify responsibilities, the following should apply to incarcerated person health records (15 CCR 1205):

1. The qualified health care professional or the authorized designee should be responsible for ensuring that all required information and forms are included in the medical records. There should also be a periodic informal review as described in the Continuous Quality Improvement Policy.
2. The qualified health care professional or the authorized designee should be responsible for ensuring incoming written findings and recommendations are returned with the incarcerated person from any offsite visit and filed in the incarcerated person's medical record.

(b) Incarcerated persons' health records shall minimally contain but are not limited to:

1. Identifying information (e.g., incarcerated person name, identification number, date of birth, gender) on each sheet in the file.
2. Completed incarcerated person medical/mental health screening forms and evaluation reports.
3. Health appraisal information and data forms.
4. Complaints of illness or injury.
5. A problem summary, containing medical and mental health diagnoses and treatments as well as known allergies.
6. Immunization records.
7. Progress notes of all significant findings, diagnoses, treatments, and dispositions.
8. Orders from a qualified health care professional for prescribed and administered medications and medication records in conformance with 15 CCR 1216.
9. X-ray and laboratory reports and diagnostic studies.

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10. A record of the date, time, and place of each clinical encounter with incarcerated persons.
11. Health service reports.
12. Individualized treatment plans when available or required.
13. Consent and refusal forms.
14. Release of information authorization forms (including HIPAA forms).
15. Results of specialty consultations and off-site referrals.
16. Special needs treatment plans, if applicable.
17. Names of personnel who treat, prescribe, and/or administer/deliver prescription medication.

729.6 ACTIVE INCARCERATED PERSONS HEALTH RECORDS

Active incarcerated person health records will be accessible to qualified health care professionals as necessary for the provision of medical treatment and other uses allowed by law, or the Jail Administrator or the authorized designee under exigent circumstances, to protect the safety, security, and good order of the facility.

All entries in the incarcerated person's health record will have the place, date, time, signature and title of each individual providing care and should be legible.

Documentation in the incarcerated person's health record is done in the subjective, objective, assessment, and plan (SOAP) format. An incarcerated person's health record is initiated at the first health encounter following the initial medical screening.

If an incarcerated person has been previously incarcerated, the previous health record should be reactivated. If a new record has been initiated and a previous record exists, medical records personnel should merge the two records in order to compile a complete history, unless mandated statutory retention schedules have provided for the destruction of one file and there is a need to create a new file.

New information shall be entered on the health record at the completion of each encounter.

All the incarcerated person's health records shall be returned to the file prior to the end of each watch.

729.7 INACTIVE MEDICAL RECORDS

When an incarcerated person is released from custody, medical records personnel should remove the incarcerated person's health record from the active file.

The health record should be reviewed for completeness. Any loose documents should be filed according to the established health record format.

The health record should be securely stored in the area designated for inactive incarcerated person health records, in accordance with established records retention schedules but no less

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than 10 years from the date of the last clinical encounter. Adult records and juvenile records may have different jurisdictional retention requirements.

Inactive incarcerated person medical records may be stored off-site. Health record information from inactive files may be transmitted to specific and designated physicians or medical facilities upon the written request or authorization of the incarcerated person.

729.8 ELECTRONIC MEDICAL RECORDS

If medical records are maintained in an electronic format, the system should be structured with redundancies to ensure the records will survive any system failure.

729.9 HIPAA COMPLIANCE

The Jail Administrator, in consultation with the Responsible Physician, shall ensure that a health record protection and disclosure compliance plan conforming to the requirements of HIPAA is prepared and maintained. The plan should detail all necessary procedures for security and review of the access and disclosure of protected health information.

At minimum, the plan will include:

- Assignment of a HIPAA compliance officer who is trained in HIPAA compliance and will be responsible for maintaining procedures for and enforcing HIPAA requirements, including receiving and documenting complaints about breaches of privacy.
- Ongoing training on HIPAA requirements, depending on the level of access the member has to protected health information.
- Administrative, physical, and technical safeguards to protect the privacy of protected health information.
- Procedures for the permitted or required use or disclosure of protected health information and the mitigation of harm caused by improper use or disclosure.
- Protocol to ensure privacy policies and procedures, any privacy practices notices, disposition of any complaints, and other actions, activities, and designations required to be documented, are maintained for at least six years after the date of creation or last effective date, whichever is later.

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Incarcerated Person Health Care Communication

730.1 PURPOSE AND SCOPE

The purpose of this policy is to establish and maintain effective communication between the treating qualified health care professionals and custody personnel. This communication is essential at all levels of the organization to ensure the health and safety of all occupants of the facility.

730.2 POLICY

It is the policy of this department that effective communication shall occur between the Jail Administrator and the treating qualified health care professionals regarding any significant health issues of an incarcerated person. All health issues should be considered during classification and housing decisions in order to preserve the health and safety of the occupants of this facility.

When a qualified health care professional recognizes that an incarcerated person will require accommodation due to a medical or mental health condition, custody personnel shall be promptly notified in writing.

The Jail Administrator shall be responsible for establishing measurable goals relating to processes that enhance good communication between the qualified health care professionals and the custody staff. The Jail Administrator should also establish, in writing, the desired performance objectives relating to practices that support good communication between the qualified health care professionals and the custody staff. The Jail Administrator should review the documents annually for any necessary revisions or updates in support of continuous improvement in the delivery of health care services.

730.3 MANAGING SPECIAL NEEDS INCARCERATED PERSONS

Upon an incarcerated person's arrival at the facility, the qualified health care professional, in conjunction with the custody staff, should determine if the incarcerated person has any special needs.

(a) If staff determines that an incarcerated person has special needs, a communication form or other appropriate documentation relating to special needs should be completed and sent to classification personnel, the Watch Commander, and the housing officer. This is to ensure that the person is assigned to a housing unit that is equipped to meet their special needs. Incarcerated persons prescribed medication that increases their risk of heat related illnesses or injuries shall be considered as special needs.

(b) The qualified health care professional should arrange for the appropriate follow-up evaluation.

(c) The health care of special needs incarcerated persons should be continuous and ongoing. At minimum, the person should be seen by the Responsible Physician or a qualified health care professional at least once every 90 days to evaluate the person's continued designation as a special needs incarcerated person.

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(d) Incarcerated persons who have been determined by qualified health care professionals to require a special needs classification should be seen at least once monthly by a qualified health care professional.

(e) Prior to transfer to another facility, a medical transfer summary should be completed detailing any special requirements that should be considered while the incarcerated person is in transit and upon their arrival at the destination. Discharge planning should be included, as appropriate.

(f) A treatment plan should be developed for each incarcerated person and should include, at a minimum:

1. The frequency of follow-up for medical evaluation and anticipated adjustments of the treatment modality.
2. The type and frequency of diagnostic testing and therapeutic regimens.
3. When appropriate, instructions about diet, exercise, adaptation to the correctional environment, and using prescribed medications.

(g) When clinically indicated, the qualified health care professionals and the custody personnel should consult regarding the condition and capabilities of incarcerated persons with known medical and/or psychiatric illnesses or developmental disabilities prior to any of the following:

1. Housing assignment
2. Program or job assignment
3. Admissions to and transfers from or between institutions
4. Disciplinary measures for mentally ill patients

(h) Qualified health care professionals and custody personnel should communicate about incarcerated persons who require special accommodation. These include but are not limited to incarcerated persons who are:

1. Chronically ill.
2. Undergoing dialysis.
3. In an adult facility as an adolescent.
4. Infected with a communicable disease.
5. Physically disabled.
6. Pregnant.
7. Frail or elderly.
8. Terminally ill.
9. Mentally ill or suicidal.
10. Developmentally disabled.

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730.4 NOTIFICATION TO SUPERVISORS

In the event that there is no mutual agreement regarding an individual or group of incarcerated persons who require special accommodation for medical or mental health conditions, supervisors in the respective chain of command within the health care and custody staff should address these issues.

730.5 NOTIFICATION TO THE SHERIFF FOR MEDICAL RELEASE

Supervisors, through the chain of command, should advise the Sheriff when a terminally ill incarcerated person may be appropriate for early release or medical probation under Government Code § 26605.6 because the incarcerated person would not reasonably pose a threat to public safety and the person has a life expectancy of six months or less, or the person requires 24-hour care or acute long-term inpatient rehabilitation services.

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Forensic Evidence

731.1 PURPOSE AND SCOPE

The purpose of this policy is to maintain credibility between the incarcerated persons and the facility's qualified health care professionals by establishing clear guidelines restricting facility health care professionals from participating in the collection of forensic evidence for disciplinary or legal proceedings.

731.1.1 DEFINITION

Definitions related to this policy include:

Forensic evidence - Physical or psychological data collected from an incarcerated person that may be used against the incarcerated person in disciplinary or legal proceedings.

731.2 POLICY

Qualified health care professionals of this facility are generally prohibited from participating in the collection of forensic evidence or performing psychological evaluations for disciplinary or legal proceedings.

Qualified health care professionals of this facility should not be involved in the collection of forensic evidence except when complying with state laws requiring the collection of blood samples from incarcerated persons, provided the incarcerated person has consented to the procedure and staff are not involved in any punitive action against the incarcerated person.

Qualified health care professionals of this facility may collect blood or urine for testing for alcohol or drugs when it is done for medical purposes and under a physician's order. Qualified health care professionals of this facility may conduct incarcerated person-specific, court-ordered laboratory tests and examinations or radiology procedures with the consent of the incarcerated person.

Qualified health care professionals of this facility are prohibited from being involved in the following procedures:

(a) Body cavity searches

(b) Psychological evaluations for use in adversarial proceedings

(c) Blood draws for lab studies ordered by the court, without incarcerated person consent

(d) Any medical procedure, except emergency lifesaving measures, that does not have the incarcerated person's written consent

It shall be the responsibility of the Sheriff or the authorized designee to arrange for appropriately trained professionals to collect forensic evidence for disciplinary or legal proceedings.

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Oral Care

732.1 PURPOSE AND SCOPE

The intent of this policy is to ensure that incarcerated persons have access to dental care and treatment for serious dental needs. While the focus of this policy is primarily on urgent and emergent dental care, as with medical or mental health care, dental care is available based upon patient need.

732.1.1 DEFINITIONS

Definitions related to this policy include:

Infection control practices - Are defined by the American Dental Association (ADA) and the Centers for Disease Control and Prevention (CDC) as including sterilizing instruments, disinfecting equipment, and properly disposing of hazardous waste.

Oral care - Includes instruction in oral hygiene, examinations, and treatment of dental problems. Instruction in oral hygiene minimally includes information on plaque control and the proper brushing of teeth.

Oral examination - Includes taking or reviewing the patient's oral history, an extra-oral head and neck examination, charting of teeth, and examination of the hard and soft tissue of the oral cavity with a mouth mirror, explorer, and adequate illumination.

Oral screening - Includes visual observation of the teeth and gums, and notation of any obvious or gross abnormalities requiring immediate referral to a dentist.

Oral treatment - Includes the full range of services that in the supervising dentist's judgment are necessary for proper mastication and for maintaining the incarcerated person's health status.

732.2 POLICY

It is the policy of this department that oral care is provided under the direction of a dentist licensed in this state and that care is timely and includes immediate access for urgent or painful conditions. There are established priorities for care when, in the dentist's judgment, the incarcerated person's health would otherwise be adversely affected (15 CCR 1215).

732.3 ACCESS TO DENTAL SERVICES

Emergency and medically required dental care is provided to each incarcerated person upon request. Dental services are not limited to extractions. It is the goal of dental services to alleviate pain and suffering, ensure that incarcerated persons do not lose teeth merely as a consequence of incarceration and to provide appropriate dental service whenever medically required to maintain nutrition (15 CCR 1215).

Access to dental services should be as follows:

(a) All incarcerated persons wishing to see the dentist for a non-emergency issue shall complete a sick call form. Requests should be triaged according to the nature and severity of the problem and should be seen by a dentist according to assigned priority.

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Incarcerated persons requesting dental services on weekends or after hours will initially be evaluated by a qualified health care professional and referred appropriately.

(b) If an incarcerated person suffers obvious trauma or other dental emergency, the qualified health care professional may arrange for immediate access to a dentist or may transfer the incarcerated person to an emergency room for treatment.

(c) Incarcerated persons who are furloughed or sentenced to work release or another form of community release may see their own dentist pursuant to approval of scheduling arrangements with facility medical and custody staff. The incarcerated person will be financially responsible for any payment. The Department is under no obligation to the incarcerated person to this appointment.

(d) Records documenting all dental treatment should be maintained in the incarcerated person's medical record file and retained in accordance with established records retention schedules. Examination results should be recorded on a uniform dental record using a numbered system.

(e) Medications prescribed by a dentist should be administered in accordance with pharmacy procedures and documented in the incarcerated person's medical record.

(f) Necessary dental services identified by a dentist that are not available on-site should be provided by referral to community resources as deemed necessary by the facility dentist.

732.4 DENTAL CARE OPTIONS

Incarcerated persons should be offered a dental screening by a qualified health care professional or a dentist within 14 days of incarceration, unless such a screening was completed within the past six months. This dental screening should include an evaluation of the current dental status and instruction on oral hygiene and preventive oral education.

Incarcerated persons should be offered a dental examination, supported by diagnostic X-rays if necessary, by a dentist within 12 months of incarceration.

Incarcerated persons who are scheduled to be incarcerated for less than 12 months should have access to the treatment of dental pain, fillings, extractions of non-restorable teeth, cleaning and treatment of symptomatic areas, and repair of partials and dentures.

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Pharmaceutical Operations

733.1 PURPOSE AND SCOPE

The purpose of this policy is to establish the procedures and protocols under which the facility must manage a pharmaceutical operation in order to comply with federal, state and local laws that govern prescribing and administering medication.

733.1.1 DEFINITIONS

Definitions related to this policy include:

Administration - The act of giving a single dose of a prescribed drug or biological substance to an incarcerated person. Administration is limited to qualified health care professionals in accordance with state law.

Controlled substances - Medications classified by the Drug Enforcement Administration (DEA) as Schedule II-IV (21 USC § 812).

Delivery - The act of providing a properly labeled prescription container (e.g., a dated container that includes the name of the individual for whom the drug is prescribed, the name of the medication, dose, and instructions for taking the medication, the name of the prescribing physician, and expiration dates). Under these circumstances, a single dose at a time can be delivered to the incarcerated person, according to the written instructions, by any qualified health care professional.

Dispensing - Those acts of processing a drug for delivery or administration to an incarcerated person pursuant to the order of a qualified health care professional. Dispensing consists of:

- Comparing directions on the label with the directions on the prescription or order to determine accuracy.
- Selection of the drug from stock to fill the order.
- Counting, measuring, compounding, or preparing the drug.
- Placing the drug in the proper container and affixing the appropriate prescription label to the container.
- Adding any required notations to the written prescription.

Dispensing does not include the acts of distributing, delivery, or administration of the drug. The function of dispensing is limited to pharmacists and qualified health care professionals.

Distributing - The movement of a drug, in the originally labeled manufacturer's container or in a labeled pre-packaged container, from the pharmacy to a health care services area.

Dose - The amount of a drug to be administered at one time.

Drug - An article recognized in the United States Pharmacopoeia and National Formulary (USP-NF), the Homeopathic Pharmacopoeia of the United States, or any supplement that is intended for

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use in the diagnosis, cure, mitigation, treatment, or prevention of disease in humans. A substance, other than food, intended to affect the structure or any function of the human body.

Pharmaceutical operations - The functions and activities encompassing the procurement, dispensing, distribution, storage, and control of all pharmaceuticals used within the jail, the monitoring of incarcerated person drug therapy, and the provision of incarcerated person/patient drug information.

733.2 POLICY

It is the policy of this department that pharmaceutical operations meet all federal, state, and local legal requirements and be sufficient to meet the needs of the facility population (15 CCR 1216).

733.3 PHARMACEUTICAL OPERATIONS

(a) The Responsible Physician, in conjunction with the pharmacist, shall establish a list of all prescription and non-prescription medications available for incarcerated person use.

1. Drugs approved for use in the facility should promote safe, optimum, and cost-efficient drug therapy.
2. The list should be periodically updated.

(b) The Responsible Physician, in conjunction with the pharmacist, shall ensure appropriate medication storage, handling and inventory control.

(c) The Responsible Physician shall inspect the pharmaceutical operation quarterly and regularly review charts on medication utilization.

(d) The Responsible Physician shall be responsible for establishing and maintaining a system for storing and accounting for controlled substances. A count of syringes, needles, and controlled substances shall be taken and verified as correct and documented at the change of each shift by two qualified health care professionals. An incorrect count shall be reported immediately to the Watch Commander. Medications shall be stored under proper conditions of security, separation, and environmental control at all storage locations.

1. Medication shall be accessible only to legally authorized persons.
2. Medication and device cabinets (stationary or mobile) shall be closed and locked when not in use.
3. Controlled substances shall be stored and handled in accordance with DEA regulations.
4. Medication requiring refrigeration shall be stored separately either in a refrigerator that is locked or in a refrigerator that is in a locked room and is used exclusively for medication and medication adjuncts. The inside temperature of this refrigerator shall be maintained between 36 and 46 degrees. The inside temperature shall be monitored and recorded daily on a refrigerator temperature log.

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5. Antiseptics and other medications for external use shall be stored separately from internal and injectable medications.

(e) Medication shall be kept in pharmacist-packaged or the original manufacturer's labeled containers. Medication shall only be removed from these containers to prepare a dose for administration. Drugs dispensed to incarcerated persons who are off grounds or are being discharged from the facility shall be packaged in accordance with the provisions of federal packaging laws (15 USC § 1471 et seq.) and any other applicable state and federal law.

(f) Medication shall be properly labeled with the label firmly affixed to the prescription package. Each label shall indicate the name, address, and telephone number of the dispensing pharmacy, in addition to:

1. The medication name, strength, quantity, manufacturer, manufacturer's lot number or internal control number, and expiration date.

2. Directions for use, dispensing date, and drug order expiration date. Accessory or cautionary labels shall be applied as appropriate.

3. In cases where a multiple dose package is too small to accommodate the prescription label, the label may be placed on an outer container into which the multiple dose packages are placed.

(g) Medication that is outdated, visibly deteriorated, unlabeled, inadequately labeled, discontinued, or obsolete shall be stored in a separate secure storage area and disposed of in accordance with the following requirements:

1. Controlled substances shall be disposed of in accordance with the state and federal regulations (15 CCR 1216(b)(8)).

2. Unused, outdated, or discontinued doses or excess inventories of non-controlled drugs that have not been in the possession of the incarcerated person shall be returned to the pharmacy for disposition.

3. Returned, non-controlled substances that have been in the possession of the incarcerated person, unclaimed personal medication collected at intake, or individual doses of medication removed from the original pharmacy packaging shall be destroyed at the facility by health services staff and placed in the medical waste disposal system.

4. Pharmaceutical waste shall be separated from other types of medical waste for handling and disposal purposes, and will be discarded in designated containers distinctly identified for medical waste.

(h) All medication preparation, storage and administration areas shall be clean, organized, illuminated, ventilated, and maintained at an appropriate temperature range. Any mobile medication cart that is not being used in the administration of medication to incarcerated persons shall be stored in a locked room that meets similar requirements.

(i) Current drug reference information, such as a Physician's Desk Reference (PDR) or an approved website, shall be available to staff.

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(j) An annual report on the status of the pharmaceutical operation will be prepared by the pharmacist and provided to the Responsible Physician and the Jail Administrator.

733.4 PRESCRIBING MEDICATIONS

All medications shall be prescribed in a safe and effective manner for clinically appropriate reasons and documented in the individual patient medical record. Records shall be retained in accordance with established records retention schedules (15 CCR 1216; 15 CCR 1217).

(a) Any medication prescribed by a qualified health care professional shall specify the drug name, strength, dose, route, frequency, discontinuation date, and indication for use if the medication is intended to be used as needed. Medication shall not be prescribed for an indefinite period. The qualified health care professional shall review medication regimens at specified time intervals. An order to continue or discontinue any medication shall be documented in the medical record, which will supersede any earlier orders for that medication. A physician's signature should be required on all verbal orders within 72 hours of the order.

(b) Any medication prescription that is not complete or is questionable shall not be prepared until clarification is received from the qualified health care professional. Staff shall make an effort to obtain prescription clarification in a timely manner.

(c) Medication shall only be ordered upon approval of the Responsible Physician. Medication shall be prescribed and ordered from the facility list of approved medications unless the Responsible Physician approves otherwise.

(d) Some incarcerated persons may be permitted to possess and self-administer some medications when monitored and controlled, in accordance with this policy.

(e) Apparent adverse drug reactions shall be recorded in the incarcerated person's health record by the qualified health care professional.

(f) The qualified health care professional shall notify the Watch Commander of all known medication errors in a timely manner. Medication error reports shall be completed on all known medication errors.

733.5 PER DOSE MEDICATION ADMINISTRATION

Psychotropic medication, controlled substances, tuberculosis (TB) medication, seizure medication, and those listed as directly observed therapy (DOT) shall be administered to incarcerated persons on a per dose basis. (15 CCR 1216(b)).

(a) Each medication ordered on a per dose basis for individual incarcerated persons shall be kept in the medication room of the facility.

(b) Medication dispensing envelopes bearing the incarcerated person's name, booking number, housing location, and the medication and its dosing schedule shall be generated for each incarcerated person receiving per dose medication. These shall be administered from the individually packaged supply and delivered to the patient at each scheduled medication time.

(c) The qualified health care professional will confirm the incarcerated person's identity prior to administering the medication by comparing the name/booking number on the dispensing envelope with the incarcerated person's identification badge/armband.

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1. Incarcerated persons should have a fluid container and adequate fluid to take the medication being administered.
2. The qualified health care professional should observe the incarcerated person taking the medication to prevent "cheeking" or "palming."
3. The qualified health care professional should inspect the incarcerated person's mouth after the incarcerated person swallows the medication to ensure it was completely ingested. If the incarcerated person appears to be "cheeking" the medication, a chart entry will be made and a notation entered on the medication envelope, as well as the Medication Administration Record (MAR). Custody staff shall be immediately notified of the suspected "cheeking" and shall follow-up with the appropriate security, corrective, and/or disciplinary action.

(d) The qualified health care professional shall record each medication administered by initialing the appropriate date and time. The qualified health care professional shall authenticate the initials by placing the staff member's initials, signature, or name stamp in the designated area on the lower portion of the MAR. Pre-charting is not allowed.

1. In the event that medication cannot be administered (for example, the incarcerated person is in court or the medication is not in stock), a note explaining the situation and planned action shall be made on the MAR or on a progress note.

(e) The qualified health care professional shall have incarcerated persons who refuse their medication sign a refusal form at the medication round. If the incarcerated person willfully refuses to sign the refusal form, the qualified health care professional shall advise custody staff, who should attempt to resolve the situation through voluntary compliance, by reminding the incarcerated person that a refusal to sign may lead to disciplinary action. The qualified health care professional shall also:

1. Note the refusal on the medication log including the date and time.
2. Review the medication logs for prior refusals.
3. Document patterns of refused medications on the incarcerated person's medical record.
4. Make a reasonable effort to convince the incarcerated person to voluntarily continue with the medication as prescribed.
5. Report continued refusals to the Responsible Physician and have the incarcerated person complete and sign a medication refusal form.

(f) No incarcerated person should be deprived of prescribed medication as a means of punishment.

733.6 SELF-ADMINISTRATION OF MEDICATION

Upon approval of the Responsible Physician or qualified health care professional, incarcerated persons may be allowed to self-administer prescribed medication other than psychotropic medication, seizure medication, controlled drugs, TB medication, any medication that is required to be DOT, or has the recognized potential for abuse (15 CCR 1216).

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The qualified health care professional ordering medication should educate the incarcerated person regarding potential side effects and the proper use of the medication (15 CCR 1216(d)).

(a) Medication may be ordered through a pre-booking examination or medical clearance obtained at a hospital or other clinic, an emergency room visit, or evaluation by an on-site qualified health care professional.

(b) Any questions the incarcerated person may have concerning the person's medication should be addressed at this time.

(c) The incarcerated person shall be instructed to carry medication at all times or to secure it in designated areas within the housing unit.

(d) All self-administered medications are to be documented on the MAR.

(e) Upon receipt of the medication, the qualified health care professional should issue the medication as follows:

1. The qualified health care professional issuing the medication should confirm correct identity by comparing the name/booking number of the self-administer package to the incarcerated person's identification badge/armband.

2. When issuing self-administered medication, documentation on the MAR should include the number of pills issued and the qualified health care professional's initials.

(f) The continuous quality improvement coordinator should monitor incarcerated person compliance by randomly interviewing incarcerated persons about the name, purpose, dose, schedule, and possible side effects of their prescription medication and will inspect the incarcerated persons' self-administered medication and review their medical records. Any violation of the rules will be reported to the custody liaison.

(g) Any self-administered medication may be changed to per-dose at the discretion of the medical staff if the incarcerated person is not responsible enough to self-administer the medication or has a history of frequent rule violations. Documentation in the medical record should accompany any decision to change the medication to per-dose. Custody and health care staff should continuously monitor and communicate with each other regarding incarcerated persons complying with the conditions and rules for self-administered medication.

(h) Incarcerated persons who arrive at the facility with prescribed medication should be administered per dose for any new medications or refills until the new medication or refill is received from the pharmacy.

733.7 NON-PRESCRIPTION MEDICATION

Any over-the-counter non-prescription medication available to incarcerated persons for purchase in the facility commissary shall be approved by the Jail Administrator and the Responsible Physician and reviewed annually (15 CCR 1216(c)).

The Jail Administrator and the Responsible Physician should establish a limit on the amount of non-prescription medication an incarcerated person may purchase and have in the person's

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possession at any time. Incarcerated persons with medication in an amount above the proscribed limit may be subject to disciplinary actions.

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Release Planning

734.1 PURPOSE AND SCOPE

This department recognizes that incarcerated persons may require information and assistance with health care follow-up upon release from custody. The purpose of this policy is to establish guidelines to assist staff with providing resources for the continuity of an incarcerated person's health care after they are released from custody.

734.1.1 DEFINITION

Definitions related to this policy include:

Release planning - The process of providing sufficient resources for the continuity of health care to an incarcerated person before their release to the community.

734.2 POLICY

The qualified health care professional should work with correctional staff to ensure that incarcerated persons who have been in custody for 30 or more days and have pending release dates, as well as serious health, dental, or mental health needs, are provided with medication and health care resources sufficient for the incarcerated person to seek health care services once released.

The Jail Administrator or the authorized designee shall be responsible for ensuring that release preparation curriculum and materials are developed and maintained for this purpose, and that community resource information is kept current. Release planning should include:

(a) Resources for community-based organizations that provide health care services, housing, funding streams, employment, and vocational rehabilitation.

(b) Lists of community health professionals.

(c) Discussions with the incarcerated person that emphasize the importance of appropriate follow-up care.

(d) Specific appointments and medications that are arranged for the incarcerated person at the time of release.

734.3 PREPARATION FOR RELEASE

Upon notification of the imminent release of an incarcerated person who has been identified as having serious medical or mental health needs, release planning shall include the following:

(a) A medical screening shall be conducted to assess the incarcerated person's immediate medical needs, and arrangements should be made for community follow-up where needed, including sufficient medication.

(b) With the incarcerated person's written consent, the qualified health care professional should:

1. Share necessary information with health care services.
2. Arrange for follow-up appointments.

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3. Arrange for the transfer of health summaries and relevant parts of the health record to community health care services or others who are assisting in planning for or providing services upon the incarcerated person's release.

(c) Contact with community health care services shall be documented via an administrative note in the incarcerated person's health record.

(d) Incarcerated persons with serious mental health issues, including those receiving psychotropic medication, shall be informed about community options for continuing treatment and provided with follow-up appointments, when reasonably possible.

(e) Medication will be provided as appropriate.

734.4 RELEASE PLANNING RECORDS

All records of community referrals, transfer forms, logs, documentation of release planning, lists of medication provided, records release authorization forms, and any other relevant documents shall be maintained in the incarcerated person's health file and retained in accordance with established records retention schedules.

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Privacy of Care

735.1 PURPOSE AND SCOPE

This policy recognizes that incarcerated persons have a right to privacy and confidentiality regarding their health-related issues. It also recognizes incarcerated persons' right to health care services that are provided in such a manner as to ensure that privacy and confidentiality, and encourage incarcerated persons' use and trust of the facility's health care system.

735.1.1 DEFINITION

Definitions related to this policy include:

Clinical encounters - Interactions between incarcerated persons and health care professionals involving a treatment and/or an exchange of confidential health information.

735.2 POLICY

It is the policy of this department that, to instill confidence in the health care system by the incarcerated person population, all discussions of health-related issues and clinical encounters, absent an emergency situation, will be conducted in a setting that respects the incarcerated person's privacy and encourages the incarcerated person's continued use of health care services.

735.3 CLINICAL EVALUATIONS

Emergency evaluations and rendering of first aid should be conducted at the site of the emergency, if reasonably practicable, with transfer to the medical clinic or emergency room as soon as the incarcerated person is stabilized.

Incarcerated persons shall have a same-gender escort for encounters with an opposite-gender qualified health care professional, as appropriate.

Custody personnel should only be present to provide security if the incarcerated person poses a risk to the safety of the qualified health care professional or others.

735.4 REPORTING INAPPROPRIATE ACCESS OF MEDICAL INFORMATION

The Jail Administrator and Responsible Physician shall establish a process for staff, incarcerated persons, or any other persons to report the improper access or use of medical records.

735.5 TRAINING

All corrections personnel, interpreters, and qualified health care professionals who are assigned to a position that enables them to observe or hear qualified health care professional/incarcerated person encounters shall receive appropriate training on the importance of maintaining confidentiality when dealing with incarcerated person health care. The Training Manager shall be responsible for scheduling such training and for maintaining training records that show the employee attended, in accordance with established records retention schedules.

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Involuntary Administration of Psychotropic Medication

Effective Date:	06/30/2025
Revised Date:	06/30/2025
Issuing Authority: County Counsel	

736.1 PURPOSE AND SCOPE

The purpose of this policy is to outline the conditions under which psychotropic medications may be administered involuntarily to incarcerated persons

736.1.1 DEFINITIONS

Definitions related to this policy include:

Psychiatric Emergency - A situation in which action to impose treatment over the patient's objection is immediately necessary, due to a sudden and marked change in the incarcerated person's mental condition, for the preservation of life or the prevention of serious bodily harm to the patient or others, and it is impracticable to first obtain informed consent (15 CCR § 1217).

Psychotropic Medication - Any medication prescribed for the treatment of symptoms of psychosis and other mental and emotional disorders (15 CCR § 1217).

736.2 POLICY

It is the policy of this department, in collaboration with the contract mental health provider, shall assure timely and humane access to psychotropic medication for incarcerated persons who have been deemed in need of emergency psychotropic medication when it is impracticable to obtain informed consent (15 CCR § 1217).

The provisions of California Penal Code sections 1370, 1370.01, and 1370.02 shall apply to antipsychotic medications provided in a county jail, provided, however that the maximum time an incarcerated person may be treated in a treatment facility under this section shall not exceed six months. This is done to avoid poor outcomes for those incarcerated persons who refuse their medication and risk decompensation. This purpose is completed through a court order.

Prior to the administration of any involuntary medication pursuant to this policy, the department shall receive a certified court order authorizing the administration of the medication. This does not apply to emergency medication orders (15 CCR § 1217).

Psychotropic medication may only be administered involuntarily to an incarcerated person in emergency circumstances or as otherwise allowed by law and only with a physician's order. The medication administered shall only be what is required to treat the emergency condition and administered for only as long as the emergency continues to exist.

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A court order shall be sought, or legal consent shall be obtained if the Responsible Physician anticipates further dosage will be necessary or beneficial (CA Penal Code § 2603; 15 CCR § 1217). In cases of non-emergencies, certain conditions must be met as described in CA Penal Code § 2603(c) prior to the involuntary administration of the psychotropic medication, including a documented attempt to locate an available bed in a community-based treatment facility in lieu of seeking to administer involuntary medication (CA Penal Code § 2603).

Psychotropic medications will not be used for any disciplinary reasons.

736.3 PROCEDURE

Upon receipt of the involuntary medication court order, it will be noted in the incarcerated person's file.

Prior to administering the medication, correctional staff will verify the incarcerated person's name. Medical staff will then administer the medication in the presence of correctional staff. If the incarcerated person is willing to take their medication voluntarily, standard medication pass procedures shall apply.

736.3.1 COURT-ORDERED INVOLUNTARY MEDICATION ORDER

In instances where an incarcerated person refuses to take their court-ordered medications, the following shall take place:

(a) Verify the order is still valid by reviewing the court minutes.

(b) Confirm with medical staff that the medications being refused are the medications associated with the order.

(c) The Watch Commander, in consultation with a mental health and medical representative, will determine a course of action for administering the involuntary medication.

(d) The Watch Commander, Mental Health, and Medical staff will determine the appropriate jail area to administer the involuntary medication.

(e) The Watch Commander shall be present for all administration of involuntary medications.

(f) The Watch Commander will brief their staff and formulate a plan to enter the cell and secure the incarcerated person so psychotropic medications can be administered.

(g) Before using any force, the Watch Commander will encourage the incarcerated person to comply with medical staff and voluntarily take the medication(s). The Watch Commander will inform the incarcerated person the medication can and will be administered involuntarily.

(h) Upon entering the incarcerated person's cell, correctional staff will secure the incarcerated person in accordance with the Use of Force and Use of Restraints policies in this manual.

(i) Medical personnel staff will enter the cell at the direction of the Watch Commander, administer the psychotropic medication(s), and then exit the cell.

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(j) Intermittent supervision by the correctional staff will be conducted at least twice every 30 minutes for two hours or under the direction of the Watch Commander.

(k) Correctional staff involved in the administration of involuntary medications shall complete a use of force reportdocumenting their involvement before the end of the shift.

736.3.2 EMERGENCY INVOLUNTARY MEDICATION ORDER

lIn instances where an emergency involuntary psychotropic medication order is placed, the following shall take place:

(a) Involuntary psychotropic medication for a psychiatric emergency shall be administered pursuant to a direct written one-time order from the responsible facility psychiatrist or physician.

(b) The Watch Commander shall consult with medical and mental health staff before the administration of the psychotropic medication and be present for all administration of involuntary medications.

(c) The Watch Commander will brief their staff and formulate a plan to enter the cell and secure the incarcerated person for the psychotropic medications to be administered.

(d) Before using any force, the Watch Commander will encourage the incarcerated person to comply with medical staff and voluntarily take the medication(s). The Watch Commander will inform the incarcerated person the medication can and will be administered involuntarily.

(e) Upon entering the incarcerated person's cell, correctional staff will secure the incarcerated person in accordance with the Use of Force and Use of Restraints policies in this manual.

(f) When safe to do so, and at the direction of the Watch Commander, medical staff will enter the cell and safely administer the psychotropic medication, and then exit the cell.

(g) Correctional staff involved in the administration of involuntary psychotropic medication shall complete a use-of-force report documenting their involvement before the end of the shift.

(h) Intermittent supervision by the correctional staff will be conducted at least twice every 30 minutes for two hours or under the direction of the Watch Commander.

(i) If the incarcerated person is exhibiting any clinical deterioration at any time, they will be transported to a clinically appropriate treatment facility.

(j) All cases of involuntary psychotropic medications for a psychiatric emergency shall be reported to the Jail Administrator or the on-call manager if occurring after hours.

736.3.3 POST-INVOLUNTARY MEDICATION OBSERVATION

After an incarcerated person is involuntarily medicated, they should be placed in an observation room. Correctional Staff will conduct intermittent checks twice every 30 minutes for at least two hours. After two hours, Correctional Staff consult with medical staff regarding appropriate housing placement for the incarcerated person.

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The safety cell will only be utilized for placement of an incarcerated person who has been involuntarily medicated and displays behavior which results in the destruction of property or reveals an intent to cause physical harm to self or others. The safety cell shall not be used for those who are compliant during the involuntary medication process and are not a danger to themselves or others or destroying property (15 CCR 1055).

736.4 ALTERNATIVE MEANS

In adherence to ethical standards, the department prioritizes exploring alternatives before resorting to involuntary psychotropic medication, particularly in non-emergency situations as per California Penal Code § 2603. This commitment involves assessing available crisis intervention resources, utilizing non-pharmacological techniques, and fostering collaborative decision-making. Incentives, such as snacks, can be utilized to modify behavior. The Watch Commander should approve the use of incentives for medication compliance. The Sheriff's Office remains dedicated to ethical and legal standards through ongoing adjustments to treatment plans and collaboration with external mental health resources.

736.5 AUDITS

All incidents of the administration of involuntary psychotropic medication shall be reported to the Jail Administrator.The Jail Administrator or their designee shall conduct weekly audits of all incarcerated persons with involuntary medication orders.

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Chapter 8 - Environmental Health

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Sanitation Inspections

800.1 PURPOSE AND SCOPE

The Imperial County Sheriff's Office has established a plan to promote and comply with the environmental safety and sanitation requirements established by applicable laws, ordinances and regulations. This policy establishes a plan of housekeeping tasks and inspections required to identify and correct unsanitary or unsafe conditions or work practices in this facility.

800.2 POLICY

It is the policy of the Department to maintain a safe and sanitary facility. To accomplish this goal, the Department will maintain a written plan that contains schedules and procedures for conducting weekly and monthly sanitation inspections of the facility.

800.3 RESPONSIBILITIES

The Jail Administrator will ensure that the safety and sanitation plan addresses, at a minimum, the following (15 CCR 1280):

(a) Schedules of functions (e.g., daily, weekly, monthly or seasonal cleaning, maintenance, pest control, safety surveys)

(b) Self-inspection checklists to identify problems and to ensure cleanliness of the facility.

(c) Procedures, schedules, and responsibilities for coordinating annual inspections by the county health department, including how deficiencies on the inspection report are to be corrected in a timely manner.

(d) A list of approved equipment, cleaning compounds, chemicals, and related materials used in the facility, and instructions on how to operate, dilute, or apply the material in a safe manner.

(e) Record-keeping of self-inspection procedures, forms, and actions taken to correct deficiencies.

(f) Training requirements for custody staff and incarcerated workers on accident prevention and avoidance of hazards with regard to facility maintenance.

Consideration should be given to general job descriptions and/or limitations relating to personnel or incarcerated persons assigned to carrying out the plan. Specialized tasks, such as changing air filters and cleaning ducts or facility pest control, are more appropriately handled by the Department or by contract with private firms.

Incarcerated persons engaged in sanitation duties shall do so only under the direct supervision of qualified custody staff. When incarcerated work crews are used, additional controls should be implemented to account for all equipment and cleaning materials.

All staff shall report any unsanitary or unsafe conditions to a supervisor. Staff shall report repairs needed to the physical plant and to equipment by submitting a work order to a supervisor. Watch Commanders will conduct cleaning inspections on a daily basis. The Jail Administrator or the authorized designee will conduct weekly safety and sanitation inspections of the facility.

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800.4 WORK ORDERS

All reports of unsafe or unsanitary conditions, as well as repairs needed to the physical plant and equipment, shall be documented in a work order. The Jail Administrator will designate a staff person to receive these work orders and take appropriate action to ensure the repairs are made or action is taken. All work and action taken will also be documented. Requests for budget resources above and beyond already budgeted maintenance items shall be reported to the Jail Administrator.

800.5 SAFETY DATA SHEETS

Materials and substances used in the operation and maintenance of the facility may qualify as hazardous material. Hazardous material is required to have a companion Safety Data Sheet (SDS) that is provided by the manufacturer or distributor of the material. The SDS provides vital information on individual hazardous materials and substances, including instructions on safe handling, storage, disposal, prohibited interactions and other details relative to the specific material.

The Jail Administrator shall be responsible for ensuring that a written hazard communication plan is developed, implemented and maintained at each workplace. Each area of the facility in which any hazardous material is stored or used shall maintain an SDS file in an identified location that includes (29 CFR 1910.1200(e)(1)):

(a) A list of all areas where hazardous materials are stored.

(b) A physical plant diagram and legend identifying the storage areas of the hazardous materials.

(c) A log for identification of new or revised SDS materials.

(d) A log for documentation of training by users of the hazardous materials.

800.5.1 SDS USE, SAFETY, AND TRAINING

All supervisors and users of SDS information must review the latest issuance from the manufacturers of the relevant substances. Staff and incarcerated persons shall have ready and continuous access to the SDS for the substance they are using while working. In addition, the following shall be completed (29 CFR 1910.1200(e)):

(a) Supervisors shall conduct training for all staff and incarcerated persons on using the SDS for the safe use, handling, and disposal of hazardous material in areas they supervise.

(b) Upon completion of the training, staff and incarcerated persons shall sign the acknowledgement form kept with each SDS in their work area.

(c) Staff and incarcerated persons using the SDS shall review the information as necessary to be aware of any updates and to remain familiar with the safe use, handling, and disposal of any hazardous material.

800.5.2 SDS DOCUMENTATION MAINTENANCE

Changes in SDS information occur often and without general notice. Any person accepting a delivery, addition or replacement of any hazardous material shall review the accompanying SDS.

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If additions or changes have occurred, the revised SDS shall be incorporated into the file and a notation shall be made in the SDS revision log.

Supervisors shall review SDS information in their work areas semiannually to determine if the information is current and that appropriate training has been completed. Upon review, a copy of the SDS file and all logs shall be forwarded to the Maintenance Supervisor or the authorized designee.

800.5.3 SDS RECORDS MASTER INDEX

The Maintenance Supervisor or the authorized designee will compile a master index of all hazardous materials in the facility, including locations, along with a master file of SDS information. They will maintain this information in the safety office (or equivalent), with a copy to the local fire department. Documentation of the semiannual reviews will be maintained in the SDS master file. The master index should also include a comprehensive, current list of emergency phone numbers (e.g., fire department, poison control center) (29 CFR 1910.1200(g)(8)).

800.5.4 CLEANING PRODUCT RIGHT TO KNOW ACT

In addition to SDS information, printable information regarding ingredients of certain products used by staff and incarcerated persons shall be readily accessible and maintained in the same manner as an SDS (Labor Code § 6398.5; Health and Safety Code § 108952(f); Health and Safety Code § 108954.5(c)).

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Hazardous Waste and Sewage Disposal

801.1 PURPOSE AND SCOPE

The purpose of this policy is to establish a system for disposing of hazardous waste. The Department recognizes that the effectiveness of a disposal system depends not only on the written policies, procedures, and precautions, but on adequate supervision and the responsible behavior of the staff and incarcerated persons. It is the responsibility of everyone in the facility to follow hazardous waste disposal instructions, utilizing prescribed precautions and using safety equipment properly.

801.1.1 DEFINITION

Definitions related to this policy include:

Hazardous waste - Material that poses a threat or risk to public health or safety or is harmful to the environment (e.g., batteries, paints, solvents, engine oils and fluids, cleaning products).

801.2 POLICY

It is the policy of this department that any sewage and hazardous waste generated at the facility shall be handled, stored, and disposed of safely and in accordance with all applicable federal and state regulations and in consultation with the local public health entity.

801.3 RESPONSIBILITIES

The Jail Administrator or the authorized designee shall be responsible for:

(a) Contracting with a hazardous waste disposal service.

(b) Developing and implementing a storage and disposal plan that has been reviewed and approved by a regulatory agency.

(c) Including hazardous waste issues on internal health and sanitation inspection checklists.

(d) Including hazardous waste issues in the incarcerated person handbook and ensuring that incarcerated persons receive instruction on proper handling and disposal during incarcerated person orientation.

(e) Developing and implementing procedures for the safe handling and storage of hazardous materials until such time as the contractor removes the items from the facility.

(f) Ensuring the staff is trained in the proper identification of hazardous waste and the appropriate handling, storage, and disposal of such items.

801.4 SEWAGE DISPOSAL

All sewage and liquid waste matter must be disposed of into a public system of sewerage or, if public sewerage is not available, into a private system of sewage disposal in accordance with the requirements of the local public health entity.

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The institution's use of the private system must be discontinued, and the private system must be properly abandoned when public sewerage becomes available.

801.5 HAZARDOUS WASTE

Hazardous waste generated in the facility shall be properly disposed of in designated containers and stored until removed by the contractor. At a minimum, staff shall use universal standard precautions when in contact with hazardous materials.

801.6 SAFETY EQUIPMENT

The Jail Administrator and the county emergency manager shall ensure that appropriate safety equipment is available. All supervisors shall be knowledgeable in how to access the safety equipment at all times. The county may coordinate with local fire departments or contracted vendors to obtain the necessary safety equipment.

801.7 SUPERVISOR RESPONSIBILITY

Supervisors are responsible for monitoring any hazardous waste containment issue, ensuring that employees have the appropriate safety equipment, that any exposed persons receive immediate medical treatment, and that the appropriate measures are taken to lessen the exposure of others. Supervisors shall ensure that incident reports are completed and forwarded to the Jail Administrator in the event of an exposure to staff, incarcerated persons, or visitors.

801.8 TRAINING

The Training Manager shall be responsible for ensuring that all facility personnel receive appropriate training in the use of appropriate safety equipment and the identification, handling and disposal of hazardous waste. Training records shall be maintained, including the course roster, curriculum, instructor name and credentials, and testing instruments.

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Housekeeping and Maintenance

802.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines to ensure that the facility is kept clean and in good repair in accordance with accepted federal, state and county standards.

802.2 POLICY

It is the policy of this department to maintain a sanitation and preventive maintenance schedule to keep the facility clean and in good repair.

802.3 RESPONSIBILITIES

The Jail Administrator shall establish a plan for housekeeping and maintenance of the facility. The plan should include but is not limited to (15 CCR 1280):

(a) Schedules that determine the frequency of cleaning activities on a daily, weekly, or monthly timetable, by area of the facility.

(b) Supervision of the staff and incarcerated persons to ensure proper implementation of the procedures and to ensure that no incarcerated person supervises or assigns work to another incarcerated person.

(c) Development and implementation of an overall sanitation plan (e.g., cleaning, maintenance, inspection, staff training, incarcerated person supervision).

(d) Development of inspection forms.

(e) All incarcerated person responsibilities, which should be included in the incarcerated person handbook.

(f) A process to ensure that deficiencies identified during inspections are satisfactorily corrected and documented.

(g) Detailed processes for the procurement, storage, and inventory of cleaning supplies and equipment.

(h) A process for the preventive maintenance of equipment and systems throughout the facility.

(i) Staff supervision of the provision and use of cleaning tools and supplies.

To the extent possible, cleaning and janitorial supplies shall be nontoxic to humans. Any poisonous, caustic, or otherwise harmful substances used for cleaning shall be clearly labeled and kept in a locked storage area.

802.4 SANITATION SCHEDULE

A daily, weekly and monthly cleaning schedule will be established by the Facility Commander or their authorized designee. The facility staff should implement a site specific plan for cleaning and maintenance of each area of the jail (e.g., housing, food preparation, laundry, loading dock/trash storage, barber shop, warehouse, common areas). The following recommendations include, but are not limited to, specific areas and items:

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(a) Daily cleaning:

1. Sweep and then wet mop the entire jail floor
2. Clean all cell block areas
3. Empty all trash receptacles
4. Clean all toilets and sinks
5. Clean all showers

(b) Weekly cleaning:

1. Dust bars and window ledges
2. Clean air conditioning/heating grates
3. Clean mattresses (mattresses are also to be cleaned prior to being issued to a new incarcerated person)
4. Pour water down floor drains to test for flow

(c) Monthly cleaning:

1. Walls
2. Ceilings
3. Bunk pans

802.5 INSPECTION CHECKLIST

The Jail Administrator or the authorized designee should develop an inspection checklist that includes the cleaning and maintenance items that will be checked by supervisors on a daily, weekly and monthly basis throughout the facility.

The inspection checklist will closely correspond to the established cleaning and maintenance schedule.

Inspection checklists shall be forwarded to the Jail Administrator or the authorized designee for annual review, filing and retention as required by the established records retention schedule.

802.6 TRAINING

All custodial staff and incarcerated workers assigned cleaning duties shall receive instruction commensurate with their tasks, including proper cleaning techniques, the safe use of cleaning chemicals, and areas of responsibility.

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Physical Plant Compliance with Codes

803.1 PURPOSE AND SCOPE

The purpose of this policy is to establish the timeline, process and responsibilities for facility maintenance, inspections and equipment testing in compliance with all applicable federal, state and local building codes.

803.2 POLICY

It is the policy of this department that all construction of the physical plant (renovations, additions, new construction) will be reviewed and inspected in compliance with all applicable federal, state and local building codes. All equipment and mechanical systems will be routinely inspected, tested and maintained in accordance with applicable laws and regulations.

803.3 COMPLIANCE WITH CODES AND STATUTES

Plumbing, sewage disposal, solid waste disposal and plant maintenance conditions will comply with rules and regulations imposed by state regulatory entities governing such practices.

803.4 RESPONSIBILITIES

The Jail Administrator shall be responsible for establishing and monitoring the facility maintenance schedule, the inspection schedules of the Watch Commanders and correctional officers, and ensuring that any deficiencies discovered are corrected in a timely manner.

Copies of the local jurisdiction’s applicable health and sanitation codes shall be kept in the facility by the Jail Administrator or the authorized designee. The Jail Administrator or the authorized designee is responsible for developing internal health and sanitation inspection checklists, for maintaining valid licensing and sanitation certificates and inspection reports, and for proof of corrective actions.

803.5 PROCEDURE

All safety equipment (e.g., emergency lighting, generators, and an uninterruptible power source (UPS)) shall be tested at least quarterly. Power generators and UPS equipment should be inspected weekly and load-tested quarterly or according to the manufacturer's instructions. All completed inspection forms shall be kept on file for review by the appropriate department committees or external agencies.

Any remodeling or new construction shall have prior approval of the local fire, building, and health authorities. Any required plans and permits will be procured prior to the commencement of any changes to the facility.

The following areas of the facility shall be inspected and evaluated for functionality, wear, and rodent or pest infestation. The list is not meant to be all-inclusive:

- Admissions
- Food services

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- Incarcerated person housing
- Laundry
- Barbershop
- Loading dock/trash storage
- Warehouse
- Water systems and plumbing
- Emergency generators
- Fire safety equipment
- The entire physical structure of the facility, including roof, walls, exterior doors, mechanical systems, and lighting

803.6 PLUMBING - FLOOR DRAINS

Floor drains must be flushed weekly and all traps must contain water to prevent the escape of sewer gas. Grids and grates must be present.

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Water Supply

804.1 PURPOSE AND SCOPE

The Imperial County Sheriff's Office recognizes the importance of providing the facility with safe, potable water. The purpose of this policy is to establish guidelines for testing the facility's water to ensure that the water is safe to consume.

804.2 POLICY

In compliance with standards set by law, this facility will ensure the continued supply of safe potable water for use by incarcerated persons, staff, and visitors through rigorous annual testing of water supplies (42 USC § 300f et seq.).

804.3 PROCEDURE

The Jail Administrator shall ensure that the facility's potable water source is tested by an independent public or private testing service at least once each year. Water quality will be certified to be in compliance with all state and local regulations. Corrective measures shall be promptly taken if the test results fall below acceptable regulatory standards.

In the event that water testing reveals any significant hazards to the incarcerated persons or staff at the facility, the Sheriff, Jail Administrator and the Department health authority shall take immediate action to mitigate the problem.

The testing results, valid certificates of the sampling entity and the testing laboratory shall be kept in accordance with established records retention schedules.

Where the facility's water supply is obtained from a private source, the source shall be properly located, constructed and operated to protect it from contamination and pollution and the water shall meet all current standards set by the applicable state and/or local authority regarding bacteriological, chemical and physical tests for purity.

804.4 EMERGENCY PLAN

The Jail Administrator and the Department health authority shall develop a plan for the supply of potable water for drinking and cooking in the event that a man-made or natural disaster interrupts the regular water supply. The plan shall address methods for providing clean potable water for a minimum of three days, and should have contingency plans for emergencies lasting longer than three days. The plan should also include contingencies for the use of non-potable water to flush toilets and remove effluent from the facility.

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Vermin and Pest Control

805.1 PURPOSE AND SCOPE

The purpose of this policy is to establish inspection, identification and eradication processes designed to keep vermin and pests controlled in accordance with the requirements established by all applicable laws, ordinances and regulations of the local public health entity.

805.2 POLICY

It is the policy of this department that vermin and pests be controlled within the facility. The Jail Administrator or the authorized designee shall be responsible for developing and implementing this policy, in cooperation with the Responsible Physician and the local public health entity, for the sanitation and control of vermin and pests, and to establish medical protocols for treating incarcerated person clothing, personal effects, and living areas, with specific guidelines for treating an infested incarcerated person (15 CCR 1212; 15 CCR 1264).

805.3 PEST CONTROL SERVICES

The Jail Administrator or the authorized designee shall be responsible for procuring the services of a licensed pest control professional to perform inspections of the facility at least monthly and to treat areas as required to ensure that vermin and pests are controlled.

805.4 PREVENTION AND CONTROL

Many infestations and infections are the result of a recently admitted incarcerated person who is vermin-infested or whose property is vermin-infested. Most infestations are spread by direct contact with an infected person or with infested clothing and bedding. Incarcerated persons with lice or mites should be treated with approved pediculicides as soon as the infestation is identified to avoid spreading it. To reduce the chance of further transmission, separate quarters for incarcerated persons undergoing treatment for lice should be used as described in the Communicable Diseases Policy.

Because the use of the treatment chemicals can cause allergic reactions and other negative effects, treatment should be done only when an infestation is identified and not as a matter of routine.

Clothing, bedding, and other property that is suspected of being infested shall either be removed from the facility or cleaned and treated by the following methods, as appropriate or as directed by the pest control provider or the Responsible Physician (15 CCR 1264):

- Washing in water at 140 degrees for 20 minutes
- Tumbling in a clothes dryer at 140 degrees for 20 minutes
- Dry cleaning
- Storing in sealed plastic bags for 30 days
- Treating with an insecticide specifically labeled for this purpose

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Head lice and their eggs are generally found on the head hairs. There may be some uncertainty about the effectiveness of some available pediculicides to kill the eggs of head lice. Therefore, some products recommend a second treatment seven to 10 days after the first. During the interim, before the second application, eggs of head lice could hatch and there is a possibility that lice could be transmitted to others.

Pubic lice and their eggs are generally found on the hairs of the pubic area and adjacent hairy parts of the body, although they can occur on almost any hairy part of the body, including the hair under the arm and on the eyelashes.

Pubic lice and their eggs are generally successfully treated by the available pediculicides. However, when the eyelashes are infested with pubic lice and their eggs, a physician should perform the treatment.

Successful treatment depends on careful inspection of the incarcerated person and proper application of the appropriate product. The area used to delouse incarcerated persons needs to be separate from the rest of the facility. All of the surfaces in the treatment area must be sanitized. There must be a shower as part of the delousing area.

The supervisor shall document the date of treatment, the area treated, the pest treated, and the treatment used.

805.5 LABELING AND SECURE STORAGE OF COMPOUNDS

Containers of pest exterminating compounds shall be conspicuously labeled for identification of contents. The containers shall be securely stored separately from food and kitchenware, and shall not be accessible by incarcerated persons.

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Incarcerated Person Safety

806.1 PURPOSE AND SCOPE

The purpose of this policy is to establish a safety program to reduce incarcerated person injuries by analyzing causes of injuries and identifying and implementing corrective measures.

806.2 POLICY

It is the policy of the Imperial County Sheriff's Office to provide a safe environment for individuals confined at this facility, in accordance with all applicable laws, by establishing an effective safety program, investigating incarcerated person injuries, and taking corrective actions as necessary to reduce accidents and injury.

806.3 RESPONSIBILITIES

The Sheriff shall appoint a staff member who will be responsible for the development, implementation, and oversight of the safety program. This program will include but not be limited to (15 CCR 1280):

- A system to identify and evaluate hazards, including scheduled inspections to identify unsafe conditions.
- Analysis of incarcerated person injury reports to identify causes and recommend corrective actions.
- Establishment of methods and procedures to correct unsafe and/or unhealthful conditions and work practices in a timely manner.

806.4 INVESTIGATION OF REPORTED INCARCERATED PERSON INJURY

Whenever there is a report of an injury to an incarcerated person that is the result of accidental or intentional acts, other than an authorized use of force by custody staff, the Sheriff or the authorized designee will initiate an investigation to determine the cause of the injury and develop a plan of action whenever a deficiency is identified. Injuries resulting from use of force incidents will be investigated and reported in accordance with the Use of Force Policy.

806.5 INVESTIGATION REPORTS

The Watch Commander shall ensure that reports relating to an incarcerated person's injury are completed and should include the following:

- Incident reports
- Investigative reports
- Health record entries
- Any other relevant documents

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806.6 ANNUAL REVIEWS

The Sheriff or the authorized designee shall conduct an annual review of all injuries involving incarcerated persons for the purpose of identifying problem areas and documenting a plan of action to abate circumstances relating to incarcerated person injuries.

The plan of action should include but not be limited to:

- The area where the deficiencies have been identified.
- Strategies to abate the deficiency.
- Resources needed to correct a deficiency.
- The person or persons responsible for taking corrective action and the target completion date.

The Sheriff shall consult with the Department risk manager to coordinate corrective action or to seek managerial/administrative guidance for implementing corrective action.

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Incarcerated Person Hygiene

807.1 PURPOSE AND SCOPE

This policy outlines the procedures that will be taken to ensure the personal hygiene of every incarcerated person in the Imperial County Sheriff's Office jail is maintained. The Imperial County Sheriff's Office recognizes the importance of each incarcerated person maintaining acceptable personal hygiene practices by providing adequate bathing facilities and hair care services, and the issuance and exchange of clothing, bedding, linens, towels, and other necessary personal hygiene items.

807.2 POLICY

It is the policy of the Imperial County Sheriff's Office facility to maintain a high standard of hygiene in compliance with the requirements established by all state laws, ordinances, and regulations (15 CCR 1069). Compliance with laws and regulations relating to good incarcerated person hygiene practice is closely linked with good sanitation practices. Therefore, the need to maintain a high level of hygiene is not only for the protection of all incarcerated persons, but for the safety of the correctional staff, volunteers, contractors, and visitors.

807.3 RESPONSIBILITIES

The Jail Administrator shall ensure the basic necessities related to personal care are provided to each incarcerated person upon entry into the general population. Appropriate additional personal care items may be available for purchase from the incarcerated person commissary.

807.4 STORAGE SPACE

There should be adequate and appropriate storage space for incarcerated person bedding, linen, or clean clothing. The inventory of clothing, bedding, linen, and towels should exceed the maximum incarcerated person population so that a reserve is always available (15 CCR 1263).

The facility should have clothing, bedding, personal hygiene items, cleaning supplies, and any other items required for the daily operation of the facility, including the exchange or disposal of soiled or depleted items. The assigned staff shall ensure that the storage areas are properly maintained and stocked. The Jail Administrator should be notified if additional storage space is needed.

807.4.1 BEDDING ISSUE

Upon entering a living area of the Imperial County Sheriff's Office jail, every incarcerated person who is expected to remain overnight shall be issued bedding and linens including but not limited to (15 CCR 1270):

(a) Sufficient freshly laundered blankets to provide comfort under existing temperature conditions. Blankets shall be exchanged and laundered in accordance with facility operational laundry rules.

(b) One clean, firm, nontoxic, fire-retardant mattress (16 CFR 1633.1 et seq.).

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1. Mattresses will be serviceable and enclosed in an easily cleanable, nonabsorbent material and conform to the size of the bunk. Mattresses will be cleaned and disinfected when an incarcerated person is released or upon reissue.
2. Mattresses shall meet the most recent requirements of the State Fire Marshal, the Bureau of Home Furnishings' test standard for penal mattresses, and any other legal standards at the time of purchase (15 CCR 1272).
3. Mattresses shall be free of holes and tears. Mattresses with holes, tears, or that lack sufficient padding shall be replaced upon request with mattresses that meet the requirements of 15 CCR 1270 (15 CCR 1271).

(c) Two sheets or one sheet and a clean mattress cover.

(d) One clean bath towel.

Linen exchange, including towels, shall occur at least weekly and shall be documented in the daily activity log (15 CCR 1271). The Watch Commander shall review the daily activity log at least once per shift.

The Jail Administrator or the authorized designee shall conduct both scheduled and unannounced inspections of the facility to ensure that bedding issuance policies and procedures are carried out in accordance with the applicable laws and regulations.

807.4.2 CLOTHING ISSUE

An incarcerated person admitted to the facility for 72 hours or more and assigned to a living unit shall be issued a set of facility clothing. The issue of clothing appropriate to the climate for incarcerated persons shall include but is not limited to: (15 CCR 1260):

- Clean socks.
- Clean outer garments.
- Clean undergarments (e.g., shorts, undershirt, bra and two pairs of panties).
- Footwear.

All issued and exchanged clothing shall be clean and free of holes or tears, reasonably fitted, durable, and easily laundered and repaired. Undergarments shall be clean, free of holes or tears, and substantially free of stains. Individuals shall be able to select the garment type more compatible with their gender identity and gender expression (15 CCR 1260).

Clothing shall be exchanged twice each week, at a minimum (15 CCR 1262). All exchanges shall be documented on the daily activity log. The Watch Commander or unit supervisor shall review the daily activity log at least once per shift.

Additional clothing may be issued as necessary for changing weather conditions or as seasonally appropriate. An incarcerated person's personal undergarments and footwear may be substituted for the institutional undergarments and footwear, provided there is a legitimate medical necessity for the items and they are approved by the medical staff.

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Each incarcerated person assigned to a special work area, such as food services, janitorial, and other specified work, shall be clothed in accordance with the requirements of the job, including any appropriate protective clothing and equipment, which shall be exchanged as frequently as the work assignment requires. All issued clothing shall be clean, free of holes and tears (15 CCR 1261).

The Jail Administrator or the authorized designee shall conduct both scheduled and unannounced inspections of the facility to ensure that clothing issuance policies and procedures are carried out in accordance with the applicable laws and regulations.

The Jail Administrator or the authorized designee shall ensure that the facility maintains a sufficient inventory of extra clothing to ensure each incarcerated person shall have neat and clean clothing appropriate to the season.

An incarcerated person's excess personal clothing shall be mailed, picked up by, or transported to a designated family member or stored in containers designed for such purpose. All incarcerated person personal property shall be properly identified, inventoried, and secured. Incarcerated persons shall sign and receive a copy of the inventory record.

807.5 LAUNDRY SERVICES

Laundry services shall be managed so that daily clothing, linen and bedding needs are met.

807.6 INCARCERATED PERSON ACCOUNTABILITY

To ensure incarcerated person accountability, incarcerated persons are required to exchange item for item when clean clothing, bedding, and linen exchange occurs.

Prior to being placed in a housing unit, incarcerated persons shall be provided with an incarcerated person handbook listing this requirement.

807.7 PERSONAL HYGIENE OF INCARCERATED PERSONS

Personal hygiene items, hair care services, and facilities for showers will be provided in accordance with applicable laws and regulations. This is to maintain a standard of hygiene among incarcerated persons in compliance with the requirements established by state laws as part of a healthy living environment.

Each incarcerated person held more than 24 hours who does not have the following personal care items because of either indigency or the absence of an incarcerated person canteen shall be issued the following items (15 CCR 1265):

- Toothbrush
- Dentifrice
- Soap
- Comb
- Shaving implements

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- Sanitary pads, panty liners, and tampons at no cost and no maximum allowance (Penal Code § 4023.5)

The Jail Administrator or the authorized designee may modify this list to accommodate the use of liquid soap and shampoo dispensers. Personal hygiene items should be appropriate for the incarcerated person's gender. Additional hygiene items shall be provided to incarcerated persons upon request, as needed.

Personal care items shall be issued within the first 12 hours of a housing assignment. Incarcerated persons shall not be required to share personal care items or disposable razors (15 CCR 1265). Used razors are to be disposed into approved sharps containers. Other barbering equipment capable of breaking the skin must be disinfected between individual uses, as prescribed by the California Board of Barbering and Cosmetology to meet the requirements of 16 CCR 979 and 16 CCR 980 (15 CCR 1267(c)).

Incarcerated persons, except those who may not shave for reasons of identification in court, shall be allowed to shave daily (15 CCR 1267(b)). The Jail Administrator or the authorized designee may suspend this requirement for any incarcerated person who is considered a danger to others.

807.8 BARBER AND COSMETOLOGY SERVICES

The Jail Administrator or the authorized designee shall be responsible for developing and maintaining a schedule for hair care services provided to the incarcerated person population and will have written policies and procedures for accessing these services (see the Grooming Policy). The Jail Administrator shall ensure that the rules are included in the incarcerated person handbook.

807.8.1 SCHEDULE FOR HAIR CARE SERVICES

Incarcerated persons shall have the ability to receive hair care services once per month (15 CCR 1267(b)). Records of hair care services shall be documented in the daily activity log.

Prior to being placed in a housing unit, incarcerated persons will be given an incarcerated person handbook, which details how to request hair care services.

807.8.2 HAIR CARE SPACE

Due to sanitation concerns, the hair care services should be located in a room that is designated for that purpose. The floors, walls, cabinets, countertops, and ceilings should be smooth, nonabsorbent, and easily cleanable. The room should be supplied with a hand washing sink with hot and cold water under pressure. The minimum hot water temperature must comply with local building and health department standards.

Each barbering room should have all the equipment necessary for maintaining sanitary procedures for hair care, including approved, covered metal containers for waste, disinfectants, laundered towels, and a means of separating sanitized equipment from soiled equipment.

After each haircut, all tools that came into contact with the incarcerated person shall be thoroughly cleaned and sanitized according to established guidelines and regulations.

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Regulations with detailed hair care cleaning and sanitation requirements shall be posted in a conspicuous place for use by all hair care personnel and incarcerated persons. Single-use items, such as cotton pads and neck strips, shall be properly disposed of immediately after a single use.

Barbers or beauticians shall not provide hair care service to any incarcerated person when the skin of the face, neck, or scalp is inflamed, or when there is scaling, pus, or other evidence of skin eruptions, unless it is performed in accordance with the specific written authorization of the Responsible Physician. Any person infested with head lice shall not be given hair care service until cleared by the medical staff.

The hair care services area shall be maintained and kept clean according to the requirements of the state or local board of barbering and cosmetology and the health department standards.

807.9 AVAILABILITY OF PLUMBING FIXTURES

Incarcerated persons confined to cells or sleeping areas shall have access to toilets and washbasins with hot and cold running water that is temperature controlled. Access shall be available at all hours of the day and night without staff assistance.

The minimum number of plumbing fixtures provided for incarcerated persons in housing units is:

- One sink/washbasin for every 10 incarcerated persons (24 CCR 1231.3.2(2)).
- One toilet to every 10 incarcerated persons (urinals may be substituted for up to one-third of the toilets in facilities for male incarcerated persons) (24 CCR 1231.3.1).

807.10 INCARCERATED PERSON SHOWERS

Incarcerated persons will be allowed to shower upon assignment to a housing unit and at least every other day thereafter, or more often if possible. Absent exigent circumstances, no person shall be prohibited from showering at least every other day following assignment to a housing unit. If showering is prohibited, it shall be approved by the Jail Administrator or the authorized designee, and the reasons for prohibition shall be documented (15 CCR 1266).

There should be one shower for every 20 incarcerated persons unless federal, state, or local building or health codes differ. Showering facilities for incarcerated persons housed at this facility shall be clean and properly maintained. Water temperature shall be periodically measured to ensure a range of 100 to 120 degrees for the safety of incarcerated persons and staff, and shall be recorded and maintained (24 CCR 1231.3.4).

Transgender and intersex incarcerated persons shall be given the opportunity to shower separately from other incarcerated persons (28 CFR 115.42).

807.11 ADDITIONAL PRIVACY REQUIREMENTS

Incarcerated persons shall be permitted to shower, perform bodily functions, and change clothing without non-medical staff of the opposite sex viewing their breasts, buttocks, or genitalia, except in exigent circumstances or when such viewing is incidental to routine cell checks. Staff of the opposite sex shall announce their presence when entering an incarcerated person housing unit (28 CFR 115.15).

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807.12 DELOUSING MATERIALS

Delousing materials and procedures shall be approved through consultation with the Responsible Physician or qualified health care professionals.

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Chapter 9 - Food Services

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Food Services

900.1 PURPOSE AND SCOPE

The Department recognizes the importance of providing nutritious food and services to incarcerated persons to promote good health, to reduce tension in the jail, and ultimately support the safety and security of the jail. This policy provides guidelines on the preparation of food services items and dietary considerations for incarcerated persons housed in the facility.

900.2 POLICY

It is the policy of this department that food services shall provide incarcerated persons with a nutritionally balanced diet in accordance with federal, state, and local laws, and with regulations for daily nutritional requirements (15 CCR 1241 et seq.).

The food services operation shall be sanitary and shall meet the acceptable standards of food procurement, planning, preparation, service, storage, and sanitation in compliance with Food and Drug Administration (FDA) and United States Department of Agriculture (USDA) requirements and standards set forth in Health and Safety Code § 113700 et seq. (15 CCR 1245(a)).

900.3 FOOD SERVICES SUPERVISOR

The food services supervisor shall be responsible for oversight of the day-to-day management and operation of the food services area, including:

- Developing, implementing, and managing a budget for food services.
- Ensuring sufficient staff is assigned and scheduled to efficiently and safely carry out all functions of food services operations.
- Establishing, developing, and coordinating appropriate training for staff and incarcerated person workers.
- Developing a menu plan that meets all nutrition and portion requirements and can be produced within the available budget.
- Developing procedures for food found to be contaminated, expired, showing signs of spoilage, or otherwise not fit for human consumption (15 CCR 1243).
- Other duties and activities as determined by the Jail Administrator.

900.4 MENU PLANNING

All menus shall be planned, dated, and available for review at least one month in advance of their use. Records of menus and of foods purchased shall be kept on file for one month. Menus shall provide a variety of foods and should consider food flavor, texture, temperature, appearance, and palatability. Menus shall be approved by a registered dietitian or nutritionist before being served to ensure the recommended dietary allowance for basic nutrition meets the needs of the appropriate age group. The dietitian shall ensure that the meals meet the nutritional and hot food requirements of 15 CCR 1240 and 15 CCR 1241(15 CCR 1242).

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Any changes to the meal schedule, menu, or practices should be carefully evaluated by the food services supervisor in consultation with the Jail Administrator, dietician, medical staff, and other professionals, and shall be recorded. All substitutions will be of equal or better nutritional value and meet the caloric requirements set forth in 15 CCR 1241. If any meal served varies from the planned menu, the change shall be noted in writing on the menu and/or production sheet.

Menus as planned, including changes, shall be evaluated by a registered dietitian at least annually (15 CCR 1242). Facility menus shall be evaluated at least quarterly by the food services supervisory staff to ensure adherence to established daily servings.

Copies of menus, foods purchased, annual reviews, and quarterly evaluations should be maintained by the food services supervisor in accordance with established records retention schedules.

900.5 FOOD SAFETY

Temperatures in all food storage areas should be checked and recorded at the beginning of each shift. Holding temperatures for cold and hot foods shall be checked and recorded every two hours. Hot food shall be reheated to 165 degrees if it falls below 135 degrees at any time.

All reach-in or walk-in refrigerators and cold storage must maintain food temperature as outlined in the Food Storage Policy.

One sample for each meal served shall be dated and maintained under refrigeration for testing in the event of a food-borne illness outbreak. Sample meals shall be discarded at the end of three days if no food-borne illness is reported.

Food production shall be stopped immediately if there is any sewage backup in the preparation area or if there is no warm water available for washing hands. Food production shall not resume until these conditions have been corrected (15 CCR 1245(a)).

900.6 THERAPEUTIC DIETS

The food services supervisor shall be responsible for ensuring that all incarcerated persons who have been prescribed therapeutic diets by qualified health care professionals are provided with compliant meals. A therapeutic diet manual, which includes samples of medical diets, shall be maintained in the health services and food services areas for reference and information.

More complete information may be found in the Prescribed Therapeutic Diets Policy.

Persons who are known to be pregnant or lactating shall be provided a balanced, nutritious diet approved by a physician (15 CCR 1248).

900.7 RELIGIOUS DIETS

The food services supervisor, to the extent reasonably practicable, will provide special diets for incarcerated persons in compliance with the parameters of the Religious Programs Policy and the Religious Land Use and Institutionalized Persons Act (RLUIPA).

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When religious diets are provided, they shall conform to the nutritional and caloric requirements for non-religious diets (15 CCR 1241).

900.8 FOOD SERVICES REQUIREMENTS

All reasonable efforts shall be made to protect incarcerated persons from food-borne illness. Food services staff shall adhere to sanitation and food storage practices and there shall be proper medical screening and clearance of all food handlers in accordance with the Food Services Workers' Health, Safety and Supervision Policy (15 CCR 1230).

Food production and services will be under staff supervision. Food production, storage, and food-handling practices will follow the appropriate federal, state, or local sanitation laws (15 CCR 1246).

900.9 MEAL SERVICE PROCEDURE

Incarcerated person meals that are served in a dining room or dayroom should be provided in space that allows groups of incarcerated persons to dine together, with a minimum of 15 square feet of space per incarcerated person. A dining area shall not contain toilets or showers in the same room without appropriate visual barriers.

Meals shall be served at least three times during each 24-hour period. At least one meal must include hot food. Any deviation from this requirement shall be subject to the review and approval of a registered dietitian to ensure that incarcerated persons receive meals that meet nutritional guidelines.

Incarcerated persons must be provided a minimum of 15 minutes dining time for each meal. There must be no more than 14 hours between a substantial evening meal and breakfast. A substantial evening meal is classified as a serving of three or more menu items at one time, including a high-quality protein, such as meat, fish, eggs, or cheese. The meal shall represent no less than 20 percent of the day's total nutrition requirements. If more than 14 hours pass between meals, approved snacks will be provided. If a nourishing snack is provided at bedtime, up to 16 hours may elapse between the substantial evening meal and breakfast. A nourishing snack is classified as a combination of two or more food items from two of the four food groups, such as cheese and crackers or fresh fruit and cottage cheese.

Incarcerated persons who miss, or may miss, a regularly scheduled meal must be provided with a beverage and a sandwich or substitute meal. Approved snacks should be served to incarcerated persons on medical diets in less than the 14-hour period if prescribed by the Responsible Physician or registered dietitian. Incarcerated persons on medical or therapeutic meals who miss their regularly scheduled meal will be provided with their prescribed meal (15 CCR 1240).

As the meal time approaches, facility staff should direct the incarcerated persons to get dressed and be ready for meals. Incarcerated persons should be assembled and a head count taken, to verify all incarcerated persons in the housing location are present. Staff should be alert to signs of injury or indications of altercations, and should investigate any such signs accordingly. Staff should remain alert to the potential for altercation during incarcerated person movement and meals. Meals shall be served under the direct supervision of staff.

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Staff should direct an orderly filing of incarcerated persons to the dining room or assigned seating in the dayroom. Staff should identify incarcerated persons who have prescribed therapeutic or authorized religious diets so those incarcerated persons receive their meals accordingly.

It shall be the responsibility of the correctional officers to maintain order and enforce rules prohibiting excessive noise and intimidation of other incarcerated persons to relinquish food during mealtime.

The dining room shall have an area designated for incarcerated persons who have been prescribed a longer time to eat by qualified health care professionals, a dietitian, or as deemed appropriate by a supervisor.

To the extent reasonably practical, an adequate number of food services staff and correctional personnel should supervise meal service in central dining areas. If reasonably possible, the supervisor should be present.

The Watch Commander should make every attempt to be present during meal services in central dining areas to assess the meal service process, the quality of food, and any health or security issues.

In the interest of security, sanitation, and vermin control, incarcerated persons shall not be allowed to take food from the dining area to their housing areas.

900.10 EMERGENCY MEAL SERVICE PLAN

The food services supervisor shall establish and maintain an emergency meal service plan for the facility (15 CCR 1243(k)).

Such a plan should ensure that there is at least a seven-day supply of food maintained in storage for incarcerated persons. In the event of an emergency that precludes the preparation of at least one hot meal per day, the Jail Administrator may declare an "Emergency Suspension of Standards" pursuant to 15 CCR 1012 for the period of time the emergency exists.

During an emergency suspension, the food services supervisor shall assign a registered dietician to ensure that minimum nutritional and caloric requirements are met (15 CCR 1242). The Jail Administrator shall notify the Board of State and Community Corrections (BSCC) in writing in the event the suspension lasts longer than three days. The emergency suspension of food service standards shall not continue more than 15 days without the approval of the chairperson of the BSCC (15 CCR 1012).

In the event that the incarcerated person food supply drops below that which is needed to provide meals for two days, the Jail Administrator or the authorized designee shall purchase food from wholesale or retail outlets to maintain at least a four-day supply during the emergency.

Depending on the severity and length of the emergency, the Sheriff should consider requesting assistance from allied agencies through mutual aid or the National Guard.

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Food Services Training

901.1 PURPOSE AND SCOPE

The purpose of this policy is to reduce the risk of potential injury to staff, contractors, and incarcerated workers in the food services areas by developing and implementing a comprehensive training program in the use of equipment and safety procedures.

901.2 POLICY

The Imperial County Sheriff's Office ensures a safe and sanitary environment is maintained for the storage and preparation of meals through the appropriate training of food services staff and incarcerated workers (15 CCR 1230; 15 CCR 1243(g); 15 CCR 1245(a)).

901.3 TRAINING

The food services supervisor, under the direction of the Jail Administrator, is responsible for ensuring that a training curriculum is developed and implemented in the use of equipment and safety procedures for all food services personnel, including staff, contractors and incarcerated workers.

The training shall include, at minimum:

(a) Work safety practices and use of safety equipment.

(b) Sanitation in the facility's food services areas.

(c) Reducing risks associated with operating machinery.

(d) Proper use of chemicals in food services areas.

(e) Employing safe practices.

(f) Facility emergency procedures.

A statement describing the duties and proper time schedule should be developed for each job function in the facility's kitchen and food services operation. The food services supervisor, at the direction of the Jail Administrator, shall establish an employee/kitchen worker training course, and all staff or incarcerated workers shall be trained on how to assemble, operate, clean and sanitize kitchen equipment.

Information about the operation, cleaning and care of equipment, including manufacturer's literature, that is suitable for use as reference material shall be kept in the food services operation area. The reference material should be used in developing training on the use of the equipment and the maintenance and cleaning procedures.

Safety and sanitation shall be the primary consideration in equipment purchase and replacement. Placement and installation of equipment must be carefully planned to facilitate cleaning, sanitizing, service and repairs. The equipment must also meet any applicable government codes.

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901.4 TESTING

A test should be developed to determine and document that the food services worker understands the proper procedures demonstrated during training. Food services workers are required to pass the test in order to work in the food services area. Upon achievement of a passing score, the food services worker shall acknowledge receipt of the training in writing. The signed document shall be forwarded to the Training Manager and retained in the worker's training file. Contracted service providers should be required to provide documentation and certification of their employees. Only trained personnel are authorized to use food services equipment.

901.5 BRIEFING TRAINING

The food services supervisor should consider daily briefing training as a method of staff development. Regular and repetitive trainings of short duration (8 to 10 minutes) at the beginning of each shift are an effective and cost efficient way to maintain the competency of staff. A lesson plan and record of attendance should be incorporated into the briefing training. Records of all training, including training for contract workers, should be forwarded to the Training Manager and maintained in the worker's training files in accordance with established records retention schedules.

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Dietary Guidelines

902.1 PURPOSE AND SCOPE

The purpose of this policy is to ensure that the nutritional needs of the incarcerated person are met and that overall health is promoted through the use of balanced nutritious diets.

902.2 POLICY

It is the policy of this department that diets provided by this facility will meet or exceed the guidelines established in the current publications of the Dietary Reference Intakes (DRI) of the Food and Nutrition Board, Institute of Medicine of the National Academies, the California Food Guide (CFG) and the U.S. Department of Agriculture’s Dietary Guidelines for Americans (DGA).

902.3 REVIEW OF DIETARY ALLOWANCES

The food services supervisor is responsible for developing the facility's menus and shall ensure that all menus served by food services comply with the nutritional and caloric requirements found in the 2019 DRI, and the 2020-2025 DGA guidelines (15 CCR 1241). Any deviation from these guidelines shall be reviewed by the Sheriff and/or the Jail Administrator and the Responsible Physician.

The food services supervisor or the authorized designee shall ensure that the facility's menus and dietary allowances are evaluated annually by a registered dietitian, and that any changes meet the DRI and DGA guidelines. A registered dietitian must approve menus before they are used (15 CCR 1242).

Menus should be evaluated at least quarterly by the food services supervisor or the authorized designee.

902.4 MENU CYCLE PLANNING

The food services supervisor or the authorized designee should plan the menus one month in advance of their use.

Any changes to the menu must be recorded and kept until the next annual inspection (15 CCR 1242). Any menu substitutions must use better or similar items.

Menus should include the following minimum food group allowances per day (15 CCR 1241):

(a) Dairy Group: Three servings of pasteurized fat-free or low-fat milk fortified with Vitamins A and D or food providing at least 250 mg. of calcium and equivalent to 8 ounces of fluid milk. One serving can be from a fortified food containing at least 150 mg. of calcium. Persons who are known to be pregnant or lactating should receive four servings of milk or milk products.

(b) Vegetable-Fruit Group: Five servings of fruits and vegetables. At least one daily serving, or seven servings per week, shall be from each of the following three categories:

1. One serving of a fresh fruit or vegetable.

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2. One serving of a Vitamin A source, fruit or vegetable, containing at least 200 micrograms retinol equivalents or more.

3. One serving of a Vitamin C source containing at least 30 mg. or more.

(c) Grain Group: A minimum of six servings of grains, three of which must be made with whole grains.

(d) Protein Group: Three servings of lean meat, fish, eggs, cooked dry beans, peas, lentils, nuts, peanut butter, or textured vegetable protein, equivalent to 14 grams or more of protein. The daily requirements shall be equal to three servings for a total of 42 grams per day or 294 per week. In addition, a fourth serving from the legumes category shall be served three days a week.

(e) A daily or weekly average of the food group's requirement is acceptable.

(f) Saturated dietary fat should not exceed 10 percent of the total calories on a weekly basis. Fat shall be added only in minimum amounts necessary to make the diet palatable. Facility diets shall consider the recommendations and intentions of the 2015-2020 DGA of reducing overall sugar and sodium levels.

Additional servings of dairy, vegetable-fruit, and grain groups must be provided in amounts to meet caloric requirements when the minimum servings outlined in the requirements above are not sufficient to meet the caloric requirements of an incarcerated person.

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Food Services Workers' Health, Safety, and Supervision

903.1 PURPOSE AND SCOPE

The purpose of this policy is to establish basic personal health, hygiene, sanitation, and safety requirements to be followed by all food services workers and to ensure the proper supervision of food services staff and incarcerated workers.

903.2 POLICY

The Imperial County Sheriff's Office will ensure that meals are nutritionally balanced, safe, and prepared and served in accordance with applicable health and safety laws. All incarcerated person food services workers will be properly supervised by custody staff to ensure safety and security at all times (15 CCR 1243(h)).

903.3 FOOD SERVICES SUPERVISOR RESPONSIBILITIES

The food services supervisor is responsible for developing and implementing procedures to ensure that all meals are prepared, delivered and served only under direct supervision by staff.

Work assignments shall be developed to ensure that sufficient food services staff is available to supervise incarcerated person food services workers. The food services supervisor should coordinate with the corrections supervisor to ensure that sufficient correctional staff is available to supervise incarcerated person meal service.

The food preparation area must remain clean and sanitary at all times. The food services supervisor or the authorized designee shall post daily, weekly and monthly cleaning schedules for the equipment and food preparation area.

903.4 MEDICAL SCREENING

The food services supervisor shall work cooperatively with the Responsible Physician to develop procedures to minimize the potential for spreading contagious disease and food-borne illness. In an effort to prevent the spread of illness, the following shall be strictly observed (15 CCR 1230):

(a) All food services workers shall have a pre-employment/pre-assignment medical examination, in accordance with local requirements, to ensure freedom from diarrhea, skin infections and other illnesses transmissible by food or utensils.

(b) Periodic reexaminations of food services workers shall be given to ensure freedom from any disease transmissible by food or utensils.

(c) Food services workers shall have education and ongoing monitoring in accordance with the standards set forth in the applicable government health and safety codes.

(d) A supervisor shall inspect and monitor all persons working in any food services area on a daily basis for health and cleanliness, and shall remove anyone exhibiting any signs of food-transmissible disease from any food services area.

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(e) Any person working in any food services area who is diagnosed by a qualified health care professional with a contagious illness should be excluded from the food services areas until medically cleared to return to work.

(f) All food handlers shall wash their hands when reporting for duty and after using toilet facilities. Aprons shall be removed and secured in a clean storage area before entering the toilet facility.

(g) Food services workers shall wear disposable plastic gloves and a protective hair covering, such as a hat or hairnet, when handling or serving food. Gloves shall be changed after each task is completed.

(h) Any outside vendor must submit evidence of compliance with state and local regulations regarding food safety practices.

(i) Smoking at any time is prohibited in any food services area.

(j) Documentation of compliance with all of the above and with any other risk-minimizing efforts implemented to reduce food transmissible disease shall be maintained in accordance with established records retention schedules.

(k) All food services workers shall report to a supervisor any information about their health and activities in accordance with health and safety codes as they relate to diseases that are transmittable through food, (e.g., open sores, runny nose, sore throat, cough, vomiting, diarrhea, fever, recent exposure to contagious diseases such as Hepatitis A or tuberculosis).

Any food services worker is prohibited from handling food or working in any food services area if they report symptoms such as vomiting, diarrhea, jaundice, sore throat with fever or has a lesion containing pus, such as a boil or infected wound that is open or draining. Food service workers shall only return to work in food service areas when cleared by a qualified health care professional.

903.5 TRAINING REQUIREMENTS FOR FOOD SERVICES WORKERS

The food services supervisor is responsible for developing and implementing a training program for incarcerated person food services that includes food safety, proper food-handling techniques and personal hygiene. Each incarcerated food services worker shall satisfactorily complete the initial training prior to being assigned to prepare, deliver or serve food. Food services workers should receive periodic supplemental training as determined by the food services supervisor (15 CCR 1243(g)).

The training curriculum for incarcerated person food services workers should include, at minimum, the following topics:

- Proper hand-washing techniques and personal hygiene as it applies to food services work
- Proper application and rotation of gloves when handling food
- Proper use of protective hair coverings, such as hats or hairnets
- Wearing clean aprons and removing aprons prior to entering toilet facilities

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- Maintaining proper cooking and holding temperatures for food
- Proper portioning and serving of food
- Covering coughs and sneezes to reduce the risk of food-borne illness transmission
- Reporting illness, cuts or sores to the custody staff in charge

903.6 SUPERVISION OF INCARCERATED WORKERS

Only personnel authorized to work in the food preparation area will be allowed inside. Incarcerated person food handlers working in the kitchen must be under the supervision of a staff member (15 CCR 1243(h)). The Jail Administrator will appoint at least one qualified staff member, who will be responsible for the oversight of daily activities and ensuring food safety. The appointed staff member must be certified by passing the American National Standards Institute food safety manager certification examination.

Sufficient custody staff shall be assigned to supervise and closely monitor incarcerated person food services workers. Staff shall ensure that incarcerated person food services workers do not misuse or misappropriate tools or utensils, and that all workers adhere to the following:

- Correct ingredients are used in the proper proportions.
- Food is maintained at proper temperatures.
- Food is washed and handled properly.
- Food is served using the right utensils and in the proper portion sizes.
- Utensils such as knives, cutting boards, pots, pans, trays, and food carts used in the preparation, serving, or consumption of food are properly washed and sanitized after use. Disposable utensils and dishes will not be reused.
- All utensils are securely stored under sanitary conditions when finished.

903.7 SUPERVISION OF THE FOOD SUPPLY

The risk of conflict and protest is reduced when the incarcerated person population has confidence in the safety and quality of their food. Custody staff should supervise the transport and delivery of food to the respective serving areas. Custody staff should ensure the food is protected during transportation and delivered to the right location efficiently and under the right temperatures.

Food services staff should report any suspected breech in the safety or security of the food supply. Staff should be alert to incarcerated person behavior when serving food, and cognizant of any comments concerning perceived contamination or portioning issues. Staff should report any suspicion of incarcerated person unrest to a supervisor.

Any change to the published menu or the standard portioning should be documented and reported to the food services supervisor as soon as practicable.

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Food Preparation Areas

904.1 PURPOSE AND SCOPE

This policy is intended to ensure the proper design and maintenance of the food preparation area.

904.2 POLICY

It is the policy of this department to comply with all federal, state and local laws and regulations concerning the institutional preparation of food.

904.3 COMPLIANCE WITH CODES

The Jail Administrator is responsible for ensuring that food preparation and service areas are in compliance with all applicable laws and regulations and that food preparation areas are sanitary, well lit, ventilated and have adequate temperature-controlled storage for food supplies (15 CCR 1245(a)).

Any physical changes in the food preparation area, such as changing equipment or making major menu changes (from cold production to hot food), must be approved by the local public health entity to ensure adequate food protection.

Living or sleeping quarters are prohibited in the food preparation and food services areas (Health and Safety Code § 114286).

The food preparation area must avoid cross contamination and remain free from vermin infestation (Health and Safety Code § 114259).

904.4 CONSTRUCTION REQUIREMENTS

All remodeling and new construction of food preparation areas shall comply with federal, state, and local building codes, comply with food and agricultural laws and standards, and include any required approvals from any local regulatory authority (Health and Safety Code § 113700 et seq.).

The food preparation area shall be sized to include space and equipment for adequate food preparation for the facility's population size, type of food preparation, and methods of meal services.

Floors, floor coverings, walls, wall coverings, and ceilings should be designed, constructed, and installed so they are smooth, non-absorbent, and attached so that they are easily cleanable (Health and Safety Code § 114268; Health and Safety Code § 114271).

Except in the area used only for dry storage, porous concrete blocks or bricks used for interior walls shall be finished and sealed for a smooth, non-absorbent, easily cleanable surface.

Food storage areas shall be appropriately clean, sized, typed, and temperature-controlled for the food being stored (Health and Safety Code § 114047).

Lighting throughout the kitchen and storage areas shall be sufficient for staff and incarcerated persons to perform necessary tasks (Health and Safety Code § 114252).

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Mechanical ventilation of sufficient capacity to keep rooms free of excessive heat, steam, condensation, vapors, obnoxious odors, smoke, and fumes shall be provided if necessary (Health and Safety Code § 114149(a)).

All equipment used in the food preparation area shall be commercial grade and certified by the American National Standards Institute or approved by a registered environmental health professional/sanitarian (Health and Safety Code § 114130).

Dishwashing machines will operate in accordance with the manufacturer recommendations and hot water temperatures will comply with federal, state, and local health requirements (Health and Safety Code § 114101).

Equipment must be smooth, easy to clean, and easy to disassemble for frequent cleaning. Equipment should be corrosion resistant and free of pits, crevices, or sharp corners.

Dry food storage must have sufficient space to store a minimum of 15 days of supplies and be stored in compliance with the provisions of Health and Safety Code § 114047.

904.5 TOILETS AND WASHBASINS

Adequate toilet and washbasin facilities shall be located in the vicinity of the food preparation area for convenient sanitation and proper hygiene. Toilet facilities shall be completely enclosed and shall have tight-fitting, self-closing, solid doors, which shall be closed except during cleaning and maintenance.

Signs shall be conspicuously posted throughout the food preparation area and in each restroom informing all food services staff and incarcerated workers to wash their hands after using the restroom. Signs shall be printed in English and in other languages as may be dictated by the demographic of the incarcerated person population.

To reduce the potential for contaminants being brought into the food preparation area, toilet facilities in the vicinity of the food preparation area should be limited to use by the food services staff and incarcerated workers only. Anyone working in the food services area must store their aprons in a designated clean area before entering the toilet facilities.

The food services supervisor shall be responsible for procedures to ensure:

(a) All fixtures in the toilet facilities are clean and in good operating condition.

(b) A supply of toilet tissue is maintained at each toilet at all times. Toilet facilities used shall have at least one covered waste receptacle.

(c) The hand-washing station located adjacent to the toilet facility has warm water available and is kept clean and in good operating condition. Single-dispensing soap and a method for drying hands shall be provided at all times (Health and Safety Code § 113953.3).

If the toilet facility is outside of the kitchen area, food services workers must wash their hands after using the toilet facility and again upon returning to the kitchen area before preparing or serving food.

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Food Budgeting and Accounting

905.1 PURPOSE AND SCOPE

The purpose of this policy is to establish processes that will enable the facility's food services to operate within its allocated budget, and for the development of specifications for purchasing food, equipment, and supplies for the delivery of food services (15 CCR 1243(i)).

905.2 POLICY

The Imperial County Sheriff's Office food services facilities shall serve nutritious meals in an efficient and cost-effective manner in accordance with applicable laws and standards.

905.3 FOOD SERVICES SUPERVISOR RESPONSIBILITIES

The food services supervisor is responsible for establishing a per meal, per incarcerated person budget for food, equipment and supplies that are needed for the effective operation of the facility food services. This includes monitoring purchases according to the budgeted weekly and monthly spending plans.

The volume for purchasing should be based upon the food services needs and storage availability. The food services supervisor is responsible for establishing and maintaining detailed records and proper accounting procedures, and should be prepared to justify all expenditures and establish future budget requirements.

905.4 PROCEDURE

The food services supervisor is responsible for ensuring that food services are delivered in an efficient and cost-effective manner by employing the following procedures including but not limited to:

(a) Developing an annual budget that is realistically calculated according to previous spending data and available revenue, and lists all anticipated costs for the food services operation for the coming year.

(b) Establishing a per meal, per incarcerated person cost using an inventory of existing supplies and planned purchases, minus the anticipated ending inventory (15 CCR 1243(i)).

(c) Ensuring that accurate meal record data is collected and maintained. Meal records should include but not be limited to the date and time of service and the number of:

1. Meals prepared and served for each meal period.
2. Meals served per location.
3. Prescribed therapeutic diet meals served.
4. Authorized religious diet meals served.
5. Authorized disciplinary isolation diet meals served.

(d) Ensuring that food is purchased from an approved wholesale/institutional vendor to ensure food safety.

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(e) Bulk-purchasing nonperishable items to maximize the budget dollars (15 CCR 1243(b)).

(f) Continuous monitoring and improvement to minimize poor food management and/or accounting, including but not limited to:

1. Following planned menus.
2. Inspection of food deliveries to ensure the right quantity is delivered and the condition of the food is acceptable.
3. Purchasing food that is in season.
4. Purchasing the grade of product best suited to the recipe.
5. Following standard recipes.
6. Producing and portioning only what is needed.
7. Minimizing food production waste and establishing appropriate food storage and rotation practices, including proper refrigeration.
8. When reasonably practicable, responding to the incarcerated person's food preferences.
9. Establishing minimum staffing requirements based on the layout and security requirements of the facility.
10. Budgeting adequately for equipment repair and replacement, factoring in any labor cost savings, the need for heavy-duty equipment with corrections packages for safety, and incarcerated person abuse.

(g) Establishing purchasing specifications, which are statements of minimum quality standards and other factors, such as quantity and packaging. A basic specification should contain (15 CCR 1243(b)):

1. The common name of the product.
2. The amount to be purchased.
3. The trade, federal, or other grade or brand required.
4. The container size and either an exact or a range of the number of pieces in a shipping container.
5. The unit on which prices are to be quoted (e.g., 6/#10 cans, 10/gallons).

(h) Establishing accounting procedures for financial statements and inventory control.

(i) Maintaining records of invoices, purchase orders, meal count sheets, food production records, therapeutic and religious diet records, inventory of food, supplies, and equipment for the required period of time, as mandated by the governing body of the facility.

905.5 MONTHLY REPORTING

The food services supervisor is responsible for ensuring that accurate meal record data is collected and maintained. Meal records should include, but not be limited to, the number of (15 CCR 1243(j)):

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(a) Meals prepared and served for each meal period.

(b) Meals served per location.

(c) Prescribed therapeutic diet meals served.

(d) Authorized religious diet meals served.

(e) Authorized disciplinary isolation diet meals served.

A monthly report summarizing all data should be provided to the Jail Administrator.

All meal records shall be retained in accordance with department retention schedules and state statutory regulations.

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Inspection of Food Products

906.1 PURPOSE AND SCOPE

The purpose of this policy is to establish methods by which the Food and Drug Administration (FDA) and/or the United States Department of Agriculture (USDA) inspections and/or approvals are conducted on any food products grown or produced within the jail system.

906.2 POLICY

The Imperial County Sheriff's Office will ensure the safety and quality of all food products grown or produced at this facility through routine inspections and approvals, as required by law.

906.3 FOOD INSPECTION PROCEDURES

The food services manager is responsible for developing procedures for ensuring that all food used in the food services operation has been inspected and/or approved to standards established by statute, and that the delivery of all food products to the food preparation areas and to the incarcerated persons occurs promptly to reduce the risk of any food-borne illness or contamination.

The food services manager shall establish inspection procedures in accordance with established standards and statutes. Such procedures shall include but are not limited to:

(a) The FDA or USDA inspection and/or approval of all food products grown or produced by this facility prior to distribution.

(b) A system of periodic audits and inspections of the facility and of all raw material suppliers, either by custody staff or by a third-party vendor.

(c) A system of thorough documentation of all inspection and approval processes, training activities, raw material handling procedures, cleaning and sanitation activities, cleanliness testing, correction efforts, record-keeping practices, and the proper use of sign-off logs shall be developed and implemented.

(d) Processes of evaluating the effectiveness of training and validating cleanliness through testing (e.g., swabs, bioluminescence and visual, taste, and odor evaluations) shall be created and implemented. Records of all such activities shall be documented.

(e) Documentation of any recommendations for continuous quality improvement and their implementation, with the intent of eliminating deficiencies. Documentation should include a post-deployment verification of the correction.

906.4 FOOD SERVICES MANAGER RESPONSIBILITIES

The food services manager is responsible for ensuring adherence to the following practices, including but not limited to:

(a) The scope of food products being grown or processed internally is well-defined.

(b) All critical processes are validated to ensure consistency and compliance with specifications.

(c) Any changes to the process are evaluated for effectiveness.

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(d) There are clearly written instructions and procedures for the staff and incarcerated persons to follow.

(e) The staff and incarcerated persons are trained to perform all established tasks and document all necessary procedures.

(f) Physical barriers for separating raw and cooked food-processing areas are established and maintained.

(g) The traffic flow of workers is designed to minimize the risk of any cross-contamination.

(h) All drains are used and cleaned properly, within industry standards.

(i) Proper equipment and/or tools are provided and designated for specific use.

(j) All persons working in the food services areas are wearing proper clothing and protective devices at all times.

(k) All persons working in the food services areas wash their hands properly and frequently.

(l) Only authorized personnel are allowed in the food processing areas.

(m) Only potable water is used for growing or washing produce.

(n) The distribution of all prepared food is done in a manner that reduces the risk of food-borne illness or contamination.

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Food Services Facilities Inspection

907.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for inspecting food services areas and facilities to ensure a safe and sanitary environment for staff and incarcerated persons.

907.2 POLICY

It is the policy of the Imperial County Sheriff's Office that the food services area be maintained in a safe, sanitary condition by conducting regularly scheduled inspections, both by facility staff and by an outside independent inspection authority as may be required by law.

907.3 CLEANING AND INSPECTIONS BY STAFF

The food services manager shall ensure that all equipment, appliances, and utensils in the food preparation areas and dining areas are inspected weekly. Adequate hot and cold water should be available in the kitchen. The water temperature of all fixtures should be checked and recorded weekly to ensure compliance with the required temperature range. Deficiencies noted by inspections shall be promptly addressed.

A cleaning schedule for each food services area shall be developed and posted for easy reference by staff, and shall include areas such as floors, walls, windows, and vent hoods. Equipment, such as chairs, tables, fryers, and ovens, should be grouped by frequency of cleaning as follows:

- After each use
- Each shift
- Daily
- Weekly
- Monthly
- Semiannually
- Annually

The food services manager is responsible for establishing and maintaining a record-keeping system to document the periodic testing of sanitary conditions and safety measures, in accordance with established records retention schedules. At the direction of the Jail Administrator or the authorized designee, the food services manager shall take prompt action to correct any identified problems.

907.3.1 SAFETY INSPECTION CHECKLIST

The following items should be part of the weekly inspection:

- Lighting is adequate and functioning properly.
- Ample working space is available.
- Equipment is securely anchored.

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- There are suitable storage facilities, minimizing the risk of falling objects.
- Floors are clean, dry, even, and uncluttered.
- Machines have proper enclosures and guards.
- A clear fire safety passageway is established and maintained.
- Fire extinguishers and sprinkler systems are available, not expired and are tested regularly.
- The food preparation area has good ventilation.
- Furniture and fixtures are free from sharp corners, exposed metal, and splintered wood.
- All electrical equipment is in compliance with codes and regulations.
- All workers wear safe clothing, hair coverings, gloves, and protective devices while working.
- All workers are in good health, with no symptoms of illness or injury that would pose a risk to food safety.
- All ranges, ovens, and hot holding equipment are clean and in good operating condition.
- Mixers and attachments are clean and in good operating condition.
- Dishwashing machines are clean and in good operating condition, and proper chemicals are in use.
- Water temperatures for hand sinks, washing sinks, and dishwashing machines meet minimum acceptable temperatures.
- Appropriate hand-washing stations are provided.
- Toilet facilities are in good repair and have a sufficient supply of toilet paper.
- All temperature charts and testing documents are current, accurate, and periodically reviewed and verified by the food services manager.
- Only authorized personnel are allowed in the kitchen area.
- Foods are labeled and stored properly using the first-in first-out system.
- The refrigerators and freezers are in good operating condition and maintain proper temperature.
- There is no evidence of cross-connection or cross-contamination of the potable water system.

907.4 CONTRACTING FOR INSPECTION

The food services manager is responsible for ensuring that the food services operation works in accordance with all state and local laws and regulations.

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Food Services Facilities Inspection

The Jail Administrator shall contract with an independent outside source for periodic inspection of the food services facilities and equipment to ensure that established state and local health and safety codes have been met.

Documentation of the inspections, findings, deficiencies, recommended corrective actions, and verification that the corrective standards were implemented will be maintained by the facility in accordance with established records retention schedules.

A contract for services from an independent and qualified inspector should include but is not limited to the following components:

(a) The inspector should conduct a pre-inspection briefing with the Jail Administrator and other appropriate personnel, including the food services manager, to identify the applicable government health and safety codes and the areas to be inspected. The inspector should provide the necessary equipment to conduct the inspection.

(b) The inspector should audit the policies and procedures of the food services operation.

(c) During the course of the inspection, the inspector should study and report on whether the following meet acceptable standards:

1. Walls, ceilings, and floors are in good condition, smooth and easily cleanable.
2. The kitchen layout is properly designed to avoid cross-contamination.
3. The kitchen is properly lighted and ventilated.
4. The temperature-controlled storage areas are in good operating condition and proper temperatures are being maintained.
5. Dry foods are properly stored off the floor, away from the walls and ceilings.
6. There is no sign of pest infestation.
7. All equipment is properly maintained, in a sanitary condition and is certified by one of the American National Standards Institute certification agencies (e.g., Underwriters Laboratories, the National Science Foundation product certification mark).
8. The dishwashing equipment is clean, in good operating condition, and maintains proper washing and rinsing temperatures.
9. There is no evidence of cross-contamination between the potable and contaminated water systems.
10. The dishware washing area is clean and supplied with proper chemicals and Safety Data Sheets.
11. The food is properly stored, labeled, and rotated according to first-in first-out procedures.
12. The food services staff and incarcerated workers are wearing clean uniforms and practice proper personal hygiene.
13. All food services workers are trained for proper food handling and there is a person in charge who is responsible for the food safety of the facility.

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14. Appropriate hand-washing stations are provided.

Any deficiencies should be noted by the inspector in their inspection report, and recommendations made for corrective action.

At the exit interview, the inspector should cite any violations according to the government health and safety codes.

The inspector should conduct a follow-up inspection to verify the deficiencies have been corrected as recommended.

The food services manager should provide the Jail Administrator with a plan to implement the recommended corrections in a timely manner and schedule a post-correction inspection with the original independent inspector.

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Food Storage

908.1 PURPOSE AND SCOPE

The purpose of this policy is to establish food storage methods that are designed to meet manufacturer's recommendations, Health and Safety Codes, state laws and local ordinances, and to safely preserve food, extend storage life and reduce food waste.

908.2 POLICY

Food and food supplies will be stored in sanitary and temperature-controlled areas in compliance with state and local health laws and standards (15 CCR 1243(c); 15 CCR 1245(a)).

908.3 PROCEDURES

The food services supervisor shall be responsible for establishing procedures to ensure the safe preservation and storage of food in the most cost-effective manner, beginning with the receipt of the raw materials through the delivery of prepared meals.

When receiving food deliveries, food services staff shall inspect the order for quality and freshness, and shall ensure that the order is correct by checking the order received against the order form. All delivery vehicles shall be inspected by food services staff to make certain that the vehicles are clean, free from vermin infestations and are maintained at the appropriate temperature for the type of food being carried.

If food quality and freshness do not meet commonly accepted standards or if it is determined that proper storage temperatures have not been maintained, the employee checking the order in will refuse the item and credit the invoice.

Any food destined for return to the vendor should be stored separately from any food destined for consumption. The food services supervisor will contact the vendor and arrange for replacement of the unacceptable food items.

Storage temperatures in all food storage areas should be checked and logged on a daily basis. Records of the temperature readings should be maintained in accordance with established records retention schedules.

An evaluation system should be established for food stored in any area with temperature readings outside the normal range, and should include contingency plans for menu changes, food storage relocation or food destruction, as indicated. All actions taken to ensure the safety of the food served should be documented and retained in accordance with established records retention schedules.

908.4 DRY FOOD STORAGE

Canned items and dry food that does not need refrigeration should be stored in a clean, dry, secure storage area where temperatures are maintained between 45 and 80 degrees. Temperatures shall be monitored and recorded once each day on a checklist.

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All dry items shall be stored at least 6 inches off the floor and at least 6 inches away from any wall. Only full unopened cans and containers shall be stored in the storerooms. Open containers and packages shall be appropriately stored in the working or holding areas.

All storage areas will be kept locked when they are not in actual use. New food shipments shall be placed behind existing like items and rotated using a first-in first-out rotation method.

Personal clothing and personal items shall not be stored in food storage areas.

908.4.1 MAINTENANCE OF DRY FOOD STORAGE AREAS

Incarcerated workers or staff should clean the storage areas at least once each day by sweeping and mopping all floors and wiping down shelves and walls. Any damaged items should be inspected for spoilage and repackaged or discarded as appropriate. Food services staff should inspect the storage areas to ensure they are clean and orderly. Staff will document the inspection and record the daily temperature on the storage area checklist (15 CCR 1243(m)).

908.5 REFRIGERATED AND FROZEN STORAGE

Unless health codes dictate otherwise, refrigerators must be kept between 32 and 41 degrees. Deep chill refrigerators will be set between 28 and 32 degrees for cook-chill products, dairy, and meat items, to extend shelf life. Other than the defrosting cycle, all freezers must maintain a temperature of 0 degrees or lower.

All freezer and refrigerator storage areas should have at least two thermometers to monitor temperatures. One thermometer should have a display visible to the outside. The second thermometer shall be placed in the warmest place inside the storage area. Daily temperature readings shall be recorded on the storage area checklist. Any variance outside of acceptable temperature range shall be immediately addressed.

All food must be covered and dated when stored. Cooked items shall not be stored beneath raw meats. Cleaned vegetables shall be stored separately from unwashed vegetables. Storage practices shall use a first-in first-out rotation method.

908.5.1 MAINTENANCE OF REFRIGERATED AND FREEZER AREAS

Refrigeration storage units should be cleaned daily, including mopping floors and wiping down walls. A more thorough cleaning should occur weekly to include dismantling and cleaning shelves. Food services staff should inspect the contents of freezers and storage units daily to ensure all items are properly sealed and labeled (15 CCR 1243(m)).

908.5.2 STORAGE OF CLEANING SUPPLIES AND MATERIALS

Soaps, detergents, waxes, cleaning compounds, insect spray, and any other toxic or poisonous materials should be kept in a separate, locked storage area to prevent cross contamination with food and other kitchen supplies.

908.6 WASTE MANAGEMENT

The food services supervisor shall develop and maintain a waste management plan that ensures the garbage is removed daily (15 CCR 1243(l)). This plan also should include methods to minimize

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the waste of edible food and to dispose of non-edible or waste food material without utilizing a landfill.

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Prescribed Therapeutic Diets

909.1 PURPOSE AND SCOPE

The purpose of this policy is to ensure that incarcerated persons who require prescribed therapeutic diets as a result of a diagnosed medical condition are provided with nutritionally balanced therapeutic meals that are medically approved and meet nutritional and safety standards.

909.2 POLICY

It is the policy of this department to provide therapeutic diet meals as prescribed by qualified health care professionals.

909.3 PROCEDURES

The Responsible Physician, in consultation with the food services supervisor, shall (15 CCR 1248):

(a) Develop written procedures that identify individuals who are authorized to prescribe a therapeutic diet.

(b) The therapeutic diets utilized by this facility shall be planned, prepared, and served with consultation from a registered dietitian.

(c) The Jail Administrator shall comply with any therapeutic diet prescribed for an incarcerated person.

(d) The Jail Administrator and the Responsible Physician shall ensure that the diet manual, which includes sample menus of therapeutic diets, shall be available to both the health services and food services workers. A registered dietitian shall review, and the Responsible Physician shall approve, the diet manual on an annual basis.

As a best practice, all therapeutic diet prescriptions should be reviewed and rewritten, if appropriate, on a quarterly basis. This is to reduce the risk of an incarcerated person developing an adverse medical condition or nutritional defect as the result of a diet that is inconsistent with the person's current medical needs. A diet request form should be made available to incarcerated persons.

Pregnant or lactating incarcerated persons shall be provided a balanced, nutritious diet approved by a physician (15 CCR 1248).

909.4 STAFF COMMUNICATION/COORDINATION

It is the responsibility of the health authority to compile a daily list of all incarcerated persons who are prescribed therapeutic diets. The list should contain the following information:

(a) Incarcerated person's name

(b) Incarcerated person's identification number

(c) Housing location or dining location where the meals will be delivered

(d) Incarcerated person's therapeutic diet type

(e) Special remarks or instructions

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Any time incarcerated persons are assigned to a different housing area, custody staff must notify the food services personnel immediately.

909.5 PREPARATION AND DELIVERY OF MEALS

The food services supervisor or the authorized designee is responsible for reviewing the therapeutic diet lists prepared by the Responsible Physician, counting the number and type of therapeutic meals to be served, and preparing the food according to the therapeutic menu designed by the registered dietitian.

Therapeutic diets may include snacks and oral supplements. Snacks and supplements should be distributed with regularly scheduled meal service or may be distributed with medications. Individual labels or written documents containing the following information should be prepared by the kitchen, clearly identifying each meal and any included snacks:

(a) Incarcerated person's name

(b) Incarcerated person's identification number

(c) Housing location or dining location where the meals will be delivered

(d) Incarcerated person's therapeutic diet type

(e) A list of items provided for the meal

The custody staff responsible for meal distribution shall ensure that any incarcerated person who has been prescribed a therapeutic meal by the Responsible Physician or the authorized designee receives the prescribed therapeutic meal. Incarcerated persons who receive a therapeutic meal should sign for receipt of the meal.

Therapeutic meal receipts should be retained in the incarcerated person's medical record for an amount of time necessary to resolve any dispute about the receipt or composition of a prescribed meal.

Unless a therapeutic diet was prescribed with a specific end date, only the Responsible Physician or the authorized designee may order that a therapeutic diet be discontinued.

Incarcerated persons who are receiving therapeutic diets must receive clearance from the Responsible Physician before they may receive a religious or disciplinary diet.

If prescribed by the Responsible Physician, supplemental food shall be served to incarcerated persons more frequently than the regularly scheduled meals. An incarcerated person who misses a regularly scheduled meal shall receive the prescribed meal.

909.6 THERAPEUTIC AND RELIGIOUS MEAL RECORDS

Incarcerated persons receiving prescribed therapeutic diet meals and/or authorized religious diet meals must sign a document indicating the following:

(a) Incarcerated person's name

(b) Incarcerated person's identification number

(c) Dates and times of service

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(d) Housing location or dining location where the meals will be delivered

(e) Incarcerated person's therapeutic diet type

(f) A list of items provided for the meal

All information regarding a therapeutic diet is part of an incarcerated person's medical record and is therefore subject to state and federal privacy laws concerning medical records.

All meal records shall be retained in accordance with established retention schedules and applicable statutory regulations.

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Chapter 10 - Programs for Incarcerated Persons

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Programs and Services

1000.1 PURPOSE AND SCOPE

The purpose of this policy is to establish the programs and services that are available to incarcerated persons. The programs and services exist to motivate offenders toward positive behavior while they are in custody. The policy identifies the role and responsibilities of the Incarcerated Person Programs Coordinator, who manages a range of programs and services.

1000.2 POLICY

The Imperial County Sheriff's Office will make available to incarcerated persons a variety of programs and services subject to resources and security concerns. Programs and services offered for the benefit of incarcerated persons may include social services, faith-based services, out of cell activities, library access, educational/vocational training, alcohol and drug abuse recovery programs, and leisure time activities (15 CCR 1070).

1000.3 PROGRAMS COORDINATOR RESPONSIBILITIES

The Programs Coordinator is selected by the Jail Administrator and is responsible for managing the incarcerated person programs and services, including the following:

(a) Research, plan, budget, schedule, and coordinate security requirements for all incarcerated person programs and services.

(b) Develop or procure programs and services as authorized by the Jail Administrator (15 CCR 1070).

(c) Act as a liaison with other service providers in the community that may offer social or educational programs (e.g., school districts, Department of Social Services, health educators, substance abuse counselors).

(d) Develop, maintain, and make available to incarcerated persons the schedule of programs and services.

(e) Develop policies and procedures, and establish rules for the participation of incarcerated persons in the programs and services.

(f) Develop and maintain records on the number and type of programs and services offered, as well as incarcerated person attendance at each offering.

(g) Establish controls to verify that the content and delivery of programs and services are appropriate for the circumstances.

(h) Accumulate data and prepare monthly and annual reports as directed by the Jail Administrator.

(i) Ensure incarcerated persons are not denied access to educational and vocational programs based solely on their indigent status.

1000.4 SECURITY

All programs and services offered to benefit incarcerated persons shall adhere to the security and classification requirements of this facility. To the extent practicable, the Programs Coordinator will

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develop individualized programs and services for incarcerated persons who are housed in high-security or administrative separation.

1000.5 DISCLAIMER

Incarcerated person programs are provided at the sole discretion of the Imperial County Sheriff's Office in keeping with security interests, available resources, and best practices.

Nothing in this policy is intended to confer a legal right for persons to participate in any program offered other than what is required by law or that which is medically required.

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Incarcerated Person Welfare Fund

1001.1 PURPOSE AND SCOPE

The Department is authorized to maintain a fund derived from proceeds from the commissary, vending machines, telephones, and other incarcerated person-related commerce activities to be used primarily to provide welfare and education programs for the benefit of the incarcerated person population.

1001.2 POLICY

It is the policy of this department to maintain and administer an Incarcerated Person Welfare Fund that supports incarcerated person programs.

1001.3 INCARCERATED PERSON WELFARE FUND

The Programs Coordinator, in cooperation with the Fiscal Department, will establish and maintain an Incarcerated Person Welfare Fund where proceeds derived from incarcerated person telephones, commissary profits, vending machines, and other income intended for the support of incarcerated person programs are deposited.

The Incarcerated Person Welfare Fund is allocated to support a variety of programs, services, and activities benefiting the general incarcerated person population and enhancing incarcerated person activities and programs. This includes capital construction and improvement projects in support of such programs, services, and activities (Penal Code § 4025).

1001.4 INCARCERATED PERSON WELFARE FUNDING SOURCES

Revenues and funding from the following sources shall be deposited into the Incarcerated Person Welfare Fund account:

(a) All proceeds from commissary and canteen operations

(b) Proceeds from vending machines made available for incarcerated person use

(c) Proceeds from the operation of incarcerated person telephones

(d) Proceeds from the sale of incarcerated persons' arts-and-crafts projects

(e) Donations

(f) Interest income earned by the Incarcerated Person Welfare Fund

1001.5 EXPENDITURE OF INCARCERATED PERSON WELFARE FUNDS

The Incarcerated Person Welfare Fund shall be used solely for the welfare and benefit of the incarcerated person population or as otherwise permitted by law.

Expenditures permitted from the Incarcerated Person Welfare Fund include but are not limited to the following:

(a) Education programs

(b) Recreational goods and services, such as:

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1. Recreational equipment, games, and sporting goods
2. Televisions and cable/satellite subscriptions, video players, and content media
3. Library books
4. Vending machines

(c) Salary and benefit costs for personnel while they are employed in positions or are performing activities solely for the benefit of incarcerated persons or to facilitate incarcerated person programs

(d) Welfare packages for indigent incarcerated persons

(e) Alcohol and drug treatment programs

(f) Department facility canteens, including vending machines available for incarcerated person use

(g) Incarcerated person trust accounting system

(h) Envelopes, postage, and personal hygiene items for indigent incarcerated persons

(i) Approved non-prescription, over-the-counter health aids for incarcerated person use

(j) Libraries designated for incarcerated person use

(k) Visiting room equipment, supplies, and services

(l) Incarcerated person activity programs, including:

1. Equipment for television viewing
2. Visiting music/entertainment groups
3. Music equipment and supplies
4. Activities equipment, supplies, and services
5. Repair of equipment purchased from the Incarcerated Person Welfare Fund
6. Food or supplies for special occasions
7. Incarcerated person awards for the purpose of providing umpires or referees, and maintaining activity equipment and apparel
8. Incarcerated person tournaments and holiday events
9. Incarcerated person club activities
10. Entertainment equipment, cable or satellite subscription services, and other related supplies
11. Materials for faith-based programs

1001.5.1 EXPENDITURE FOR REENTRY PROGRAMS

Expenditures from the Incarcerated Person Welfare Fund are also permitted for programs that assist indigent incarcerated persons with the reentry process within 30 days of release. These

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programs include work placement, counseling, obtaining proper identification, education, and housing (Penal Code § 4025.5).

1001.5.2 PROHIBITED EXPENDITURES OF INCARCERATED PERSON WELFARE FUND
Except as permitted by law, the Incarcerated Person Welfare Fund shall not be used to fund activities associated with any of the following:

(a) Security-related functions, including staff, safety equipment, radios, weapons, or control devices that are specifically designated for use by the custody staff in maintaining the security, safety, and order in the facility

(b) Food service, staff costs, equipment, and supplies

(c) Medical/dental services, staff costs, equipment, and supplies

(d) Maintenance and upkeep of department facilities not otherwise permitted by law

(e) Janitorial services and supplies

(f) Transportation to court, medical appointments, or other reasons not related to incarcerated person programs

(g) Any other normal operating expenses incurred by the day-to-day operation of the Department

1001.6 FINANCIAL ACCOUNTING OF INCARCERATED PERSON WELFARE FUNDS

The Programs Coordinator in cooperation with the Fiscal Department shall maintain an accounting system to be used for purchasing goods, supplies, and services that support incarcerated person programs (see the Financial Practices Policy).

1001.6.1 ANNUAL REPORTING
The Jail Administrator is responsible for ensuring an annual report of expenditures from the Incarcerated Person Welfare Fund is submitted annually to the County Board of Supervisors (Penal Code § 4025).

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Accounts

1002.1 PURPOSE AND SCOPE

This policy establishes guidelines and procedures for managing, handling, and accounting of all money belonging to incarcerated persons that is held for their personal use while they are incarcerated in this facility.

1002.2 POLICY

It is the policy of this department to manage incarcerated person accounts for the purpose of receiving funds from authorized sources for incarcerated persons use.

1002.3 INCARCERATED PERSON ACCOUNTS

The Department will establish an incarcerated person account for the purpose of receiving funds from authorized sources for incarcerated person use. A separate account will be established for each incarcerated person when they are booked into this facility.

When an incarcerated person is admitted to the jail, a written, itemized inventory of the money in the incarcerated person's possession shall be completed by the arresting/transporting officer. Any subsequent deposits to the incarcerated person's account shall be through a kiosk located in visitation lobby of the Sheriff's Services Center or online through a portal maintained by the Incarcerated Person Telecommunications Provider.

An incarcerated person may use money in their trust account for bail or to purchase items from the incarcerated person commissary. Incarcerated persons may receive money while in custody. Funds will be made available to incarcerated persons for their use in accordance with the rules and regulations established by the Jail Administrator.

1002.4 FUNDING SOURCES

The incarcerated person account will only accept funds for deposit from approved sources. Funds deposited into an incarcerated person's account will first be used to settle the incarcerated person's negative balance, should one exist.

1002.4.1 DEPOSITS DURING BOOKING

With the exception of legally prescribed fees (e.g., booking fees, pay to stay), all money received during the booking process shall be deposited to the incarcerated person's account after the incarcerated person signs an acknowledgement agreeing to the amount.

1002.4.2 DEPOSITS THROUGH THE MAIL

Funds will not be received through the mail unless expressly authorized by the Jail Administrator or authorized designee.

All personal checks, payroll checks and other unapproved monies will be forwarded to the personal property storage area and placed in the incarcerated person's property bag.

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1002.4.3 VISITOR DEPOSITS
Visitors are directed to the kiosk located in the visitation lobby of the Sheriff's Services Center to deposit funds into an incarcerated person's account.

1002.5 AUTHORIZATION FOR SELF-BAIL

Incarcerated person wishing to use their personal funds as bail must sign an Authorization for Self-Bail transaction document. This transaction document must be received by the cashier before the incarcerated person's account can be debited and a receipt issued.

1002.6 RELEASE OF FUNDS TO OTHER PERSONS

Incarcerated persons wishing to release all or part of their personal funds to a person who is not in custody must sign a cash withdrawal transaction document. Funds can only be released within 48 hours of booking unless authorized by the Jail Administrator. The person to whom the funds are to be released must contact the cashier, who will prepare a cash withdrawal transaction document for the amount to be withdrawn, and will indicate to whom the money is to be released. That person must furnish a valid driver's license or state-issued identification card to the cashier. The cashier will then forward the cash withdrawal transaction document to the proper housing area for the incarcerated person's signature and approval.

1002.7 RELEASE FROM CUSTODY

The cashier will receive a daily roster of incarcerated persons scheduled for release. Each incarcerated person's account will be accessed and a report showing all activity on the account will be reviewed and adjusted to show a zero balance.

Staff members who are responsible for the release of incarcerated persons will notify the cashier of all impending releases, including those not on the scheduled release roster, by providing the list with the names and booking numbers to the cashier.

The cashier will prepare a check or debit card for the incarcerated person to be released and provide the check or debit card with receipt to the Watch Commander. A debit card shall only be released to an incarcerated person after they have verified the amount and signed the corresponding receipt.

1002.8 CASHIER RESPONSIBILITY

At 2300 hours each day the cashier shall prepare an account close out report for the previous 24-hour period and forward the report to the fiscal department.

All monies shall be counted, verified against the transactions, bundled and placed in a designated secure safe or transferred to the Fiscal Department with appropriate transmittal documentation, in accordance with Department finance rules.

Any unresolved discrepancies found during the balancing procedures shall be promptly reported. The cashier reporting the discrepancies shall prepare a report showing the amount of the discrepancy.

The report shall include the following:

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(a) Date and time each cash discrepancy was discovered

(b) Amount of overage or shortage

(c) Explanation of the cause of the overage/shortage

(d) Documentation used to identify the error

(e) Recovery attempts

(f) Name of person reporting the discrepancy

(g) Name of person approving the report and the date approved

The supervisor shall initial the report prior to submission to the Fiscal Department for final review.

1002.9 SECURE BANKING OF INCARCERATED PERSON FUNDS

All monies collected by custody personnel shall be secured daily in an officially designated and secure place, and verified by a supervisor or authorized designee.

1002.10 AUTOMATED KIOSKS

The use of automated kiosks for the deposit of monies into the incarcerated person account or to transfer incarcerated person monies for the purchase of commissary or other authorized items will meet the financial accounting requirements of this policy and other standard financial practices.

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Counseling Services

1003.1 PURPOSE AND SCOPE

The purpose of this policy is to establish a process for providing counseling and crisis intervention services to incarcerated persons.

1003.2 POLICY

It is the policy of this department to provide counseling and crisis intervention services to any incarcerated person who either requests services or is determined by a health care provider to be in need of counseling or crisis intervention services.

1003.3 PROCEDURE

The Jail Administrator shall develop procedures to ensure counseling and crisis intervention services are available to incarcerated persons. These services may be provided by:

(a) Medical/mental health staff assigned to the facility.

(b) The chaplain or religious volunteers (see the Religious Programs Policy).

(c) Correctional officers assigned to the facility who have specific training and expertise in this area.

The Jail Administrator shall coordinate with the Responsible Physician to develop and confidentially maintain records of counseling and crisis intervention services provided to incarcerated persons and to ensure that those records are retained in accordance with established records retention schedules.

The Jail Administrator shall ensure that request forms are available and provided to incarcerated persons who request counseling services. All incarcerated person requests for counseling shall be forwarded to the Watch Commander. If an incarcerated person displays behavior indicating a need for counseling or crisis intervention services, the facility employee shall notify the Watch Commander. The Watch Commander shall assess the need and area of counseling and make a reasonable effort to provide the incarcerated person with the requested counseling as soon as reasonably practicable with consideration given to facility security, scheduling, and available resources. Incarcerated persons who are victims of a sexual abuse or harassment incident will be informed of the availability and continuity of counseling (28 CFR 115.82; 28 CFR 115.83).

1003.4 NON-CRISIS COUNSELING

The Department shall, when reasonably practicable, make counseling services available to assist incarcerated persons who are being released into the community.

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Exercise and Out of Cell Time

1004.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines and procedures ensuring that the Imperial County Sheriff's Office facility will have sufficiently scheduled exercise and out of cell time periods and sufficient space for these activities, as required by law.

1004.1.1 DEFINITIONS

Definitions related to this policy include (15 CCR 1006):

Exercise - The opportunity for physical exertion.

Out of Cell Time - Time spent outside of the sleeping area, where an individual has the opportunity to exercise or participate in recreation.

Recreation - An individual's ability to choose from activities that occupy the attention and offer the opportunity for relaxation and may include reading, games, socialization, entertainment, education, and programs.

1004.2 POLICY

It is the policy of this department to provide incarcerated persons with access to exercise opportunities, exercise equipment, and out of cell time activities in accordance with state laws or requirements.

1004.3 RESPONSIBILITIES

The Jail Administrator or the authorized designee shall be responsible for ensuring there is sufficient secure space allocated for physical exercise and out of cell time, and that a schedule is developed to ensure accessibility to both activities for all incarcerated persons. At least three hours per week of exercise opportunities shall be provided and at least seven hours of out of cell time distributed over a period of seven days for recreation (15 CCR 1065).

1004.4 ACCESS TO EXERCISE

Incarcerated persons shall have access to exercise opportunities and equipment, including access to physical exercise outside the cell and adjacent dayroom areas, and the opportunity to exercise outdoors when weather permits.

The Watch Commander shall use the approved daily log sheet to document when incarcerated persons of like classification status are scheduled to exercise each day and shall record the exercise of an incarcerated person, or that the incarcerated person has declined outside exercise.

Daily log sheets should be collected monthly and forwarded to the Jail Administrator. Log sheets shall be maintained in accordance with established records retention schedules.

1004.5 ACCESS TO OUT OF CELL TIME

Each incarcerated person shall have access to the minimum state-required out of cell time (leisure-time) activities outside the cell and adjacent dayroom areas (15 CCR 1065). The length of time

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will be determined by the incarcerated person's classification status, security concerns, and operational schedules that preclude out of cell time during a period of time (e.g., meal times, searches, lockdown, court). The staff should ensure that the maximum time possible is provided to the incarcerated persons for this purpose.

Televisions, newspapers, table games, and other items may also be made available to enhance out of cell time. Consideration will be given to the passive or active out of cell time needs of older incarcerated persons and incarcerated persons with disabilities.

1004.5.1 USE OF THE INCARCERATED PERSON WELFARE FUND

Monies derived from the Incarcerated Person Welfare Fund may be used to purchase and maintain equipment and supplies.

1004.6 SECURITY AND SUPERVISION

The staff supervising incarcerated persons during exercise and out of cell time shall document when each incarcerated person has the opportunity to exercise or recreate, and when each incarcerated person actually participates.

Staff shall be responsible for inspecting exercise equipment to ensure it appears safe for use. Broken equipment or equipment that is in an unsafe condition shall not be used. Incarcerated persons will not be permitted to use equipment without supervision. All equipment shall be accounted for before incarcerated persons are returned to their housing unit.

The supervising staff may terminate the exercise or out of cell time period and escort back to the housing unit any incarcerated person who continues to act in an aggressive or disorderly manner after being ordered to stop by the staff. Whenever an exercise or out of cell time period is involuntarily terminated, the staff will document the incident and rationale for terminating the exercise period. The Watch Commander will determine whether disciplinary action is warranted.

1004.6.1 MONITORING FOR HEAT RELATED ILLNESSES OR INJURIES

Due to the extreme heat possible in the County of Imperial, staff supervising recreation or exercise periods should remain especially watchful for signs and symptoms of heat related injuries and illnesses to include the following:

(a) Red, flushed, or blotched skin, or skin that is turning bluish.

(b) Mental confusion or convulsive behavior.

(c) Fainting.

(d) Fatigue, nausea, severe headache, or dizziness.

Medical assistance should be summoned for any incarcerated persons displaying any of the above-listed signs or symptoms.

The medical staff shall make available a list of all incarcerated persons who have been prescribed medication that can be at an increased risk of heat-related illnesses or injuries.

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1004.6.2 INCLEMENT WEATHER

Whenever inclement weather is present, including an excessive heat watch or warning, the officer assigned to supervise outdoor recreation shall consult the Watch Commander prior to beginning the recreation. The Watch Commander shall consider the outdoor conditions and make provisions to mitigate risks, including but not limited to, allowing for increased fluids and ice, and allowing alternatives to outdoor recreation. Any decision to temporarily suspend recreation due to inclement weather shall be reported to the Facility Commander or On-call manager as soon as reasonably possible.

1004.7 EXERCISE SPACE

Exercise areas, as specified by federal, state, and/or local laws or requirements, should be sufficient to allow each incarcerated person the required minimum amount of exercise. Use of outdoor exercise is preferred but weather conditions may require the use of covered/enclosed space. Dayroom space is not considered exercise space.

Incarcerated persons on separation status shall have access to the same facilities as other incarcerated persons unless security or safety considerations dictate otherwise. When incarcerated persons on separation status are excluded from use of regular facilities, the alternative area for exercise use shall be documented.

1004.8 INABILITY TO MEET REQUIREMENTS

In the event that the incarcerated person population exceeds the ability of the facility to meet the exercise and out of cell time requirements, the facility should notify the governing body about the deficiency in space for exercise, that it may violate the law and/or the requirements, and request funds to remedy the situation. The facility should document all action taken to try to remedy the situation, including funding requests, population reduction requests, and all responses to those requests.

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Education, Vocation, and Rehabilitation

1005.1 PURPOSE AND SCOPE

This department provides educational and vocational programs that are designed to help incarcerated persons improve personal skills, assist in their social development, and improve employability after release. The ability of the department to offer educational programs is dictated by available funding, incarcerated person classification, and other required incarcerated person programs and routines.

1005.2 POLICY

It is the policy of this department to provide educational and vocational programs to all eligible incarcerated persons subject to schedule, space, personnel, and other resource constraints.

1005.3 PROGRAM REQUIREMENTS

Designated space for incarcerated person education and vocational programs will, whenever practicable, be designed with input from educational/vocational service providers.

Adequate funding is required. If the funding source reduces or eliminates funding in these areas, educational and/or vocational programs may be reduced or eliminated.

While the housing classification of an incarcerated person has the potential to pose security issues, every effort, to the extent reasonably practicable, will be made to provide individualized educational opportunities (15 CCR 1061).

1005.4 PROGRAMS COORDINATOR

The Sheriff or the authorized designee shall appoint an Incarcerated Person Programs Coordinator, who shall be responsible for managing all aspects of the incarcerated person educational and vocational program. Those duties include, but are not limited to:

(a) Conducting an annual needs assessment to determine the type of programs needed to serve the incarcerated person population.

(b) Developing the program plans.

(c) Developing or directing the curricula for each educational, vocational and testing component.

(d) Developing and implementing individualized programs for high-risk or administrative incarcerated persons, as needed.

(e) Coordinating with corrections staff regarding the security issues associated with these programs.

(f) Developing and maintaining records of all needs assessments, all training offered, all incarcerated person attendees, testing records and class evaluations.

(g) Forecasting the annual cost of the program and coordinating with the budget office to secure funding.

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1005.5 COURSE OFFERINGS

Course offerings will be subject to need, available resources, security concerns, available space and incarcerated person classification, and may include the following:

- Basic education, General Educational Development (GED) preparation
- English as a second language (ESL)
- Basic literacy
- Substance abuse and healthy lifestyles education
- Parenting courses
- Basic life skills
- Vocational skills such as:
    - Cooking and food services
    - Landscaping, horticulture
    - Basic woodworking
    - Basic office skills
- Other courses as deemed appropriate by the Incarcerated Person Programs Coordinator

1005.6 OUTREACH

Information about educational opportunities should be included in the general incarcerated person orientation. At a minimum, incarcerated persons should receive instruction on how to request participation in the incarcerated person education programs, along with eligibility requirements and rules for participation.

1005.7 ELIGIBILITY REQUIREMENTS

Educational/vocational programming (other than televised courses) may be offered to sentenced and pretrial persons. The Sheriff shall ensure that there is equal opportunity for participation for incarcerated persons of each gender.

1005.8 INCARCERATED PERSON REQUESTS

Incarcerated persons requesting participation in an education or vocational program should be directed to submit a request electronically on the provided tablets. Incarcerated person requests will be forwarded to the Programs Coordinator, who will have the facility classification staff screen and approve the request.

The Programs Coordinator will notify the incarcerated person whether they have been approved for an education program. If approved, the Programs Coordinator will provide instruction to the person on how to access the program services and will notify the affected facility staff about the incarcerated person's scheduled attendance.

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Incarcerated persons may also contact the Programs Coordinator at any time and request information regarding educational opportunities by completing and submitting the appropriate request form electronically on the provided tablets.

Incarcerated persons have the right to refuse to participate in programs other than work assignments or programs that are required by statute or court order.

1005.9 SELF-STUDY PROGRAM

Whenever reasonably feasible, the basic educational program may be presented by self study tutoring and videotape programming.

Incarcerated persons admitted into the high-school equivalency preparation program will be issued the necessary books and supplies. Studying will be done throughout the day at scheduled periods when videotape programming is presented.

Upon completion of a GED self-study program, the incarcerated person may be given the opportunity to take the high school equivalency preparation credential examination.

1005.10 HIGH-SECURITY/ADMINISTRATIVE SEPARATION INCARCERATED PERSONS

To the extent reasonably practicable, high-security incarcerated persons and those held in administrative separation may receive individual instruction in the form of a correspondence course.

1005.11 REHABILITATION PROGRAM

The Department provides opportunities for rehabilitation programs that are based upon victim and community input and are fashioned in a way that gives the incarcerated person an opportunity to make amends for the harm done.

The Sheriff and the Jail Administrator should work with other justice system partners to create such programs and opportunities. Examples include the following:

- Programs designed to deter domestic violence and substance abuse
- Community service, such as supervised public works projects
- Making restitution to victims
- Paying court fines

1005.12 DISCLAIMER

Nothing in this policy is meant to confer a legal right for incarcerated persons to participate in any educational offering. Educational programming is provided at the sole discretion of the Sheriff and the Jail Administrator.

1005.13 CLASSROOM USE AND DESIGN

The demographics of the incarcerated person population should always be considered when developing educational and other programs. Incarcerated person classification and separation requirements also need to be considered.

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The Jail Administrator should encourage and include educators in the setup and design of classrooms that have been identified for incarcerated person education programs. To the extent reasonably possible, in consideration of the space design and the ability to provide adequate security, teachers, education managers, and administrators should be consulted to ensure that their needs are met.

In addition to the traditional classroom approach to educational programming, there are several other delivery methods. These include independent study and computer education programs.

1005.14 NEW CONSTRUCTION OR RENOVATION

Whenever construction of new facilities is considered, the Jail Administrator may include education specialists during the design phase to ensure that the needs of education providers are met with regard to security, sound levels, and educational equipment.

The Jail Administrator may seek technical assistance from consultants to school districts that provide education programs in correctional settings. There are also networks of educators who can provide valuable consulting services in order to keep pace with rapidly evolving program and legislative issues that are related to education.

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Commissary Services

1006.1 PURPOSE AND SCOPE

The purpose of this policy is to establish a commissary program that will give incarcerated persons the opportunity to purchase specific items that are not provided to them while in custody.

1006.2 POLICY

It is the policy of this department to provide commissary services so that incarcerated persons who are not on disciplinary restriction and who have funds posted to their incarcerated person accounts may purchase items approved by the Jail Administrator (Penal Code § 4025).

1006.3 COMMISSARY MANAGER RESPONSIBILITIES

The Jail Administrator shall be responsible for designating a qualified person to act as the Commissary Manager. The Commissary Manager shall be responsible for the accounting and general operation of the commissary, which shall include but is not limited to:

- Maintaining current rules, regulations, and policies of the commissary and ensuring compliance by commissary staff.
- Managing inventory and processing orders in a timely manner.
- Performing weekly audits of high-security items.
- Ensuring that sufficient space is provided either on or off facility property for the storage and processing of commissary orders.
- Ensuring commissary facilities are sanitary and secure.
- Conducting a quarterly inventory of all supplies and immediately reporting any discrepancies to the Jail Administrator.
- Ensuring that all incarcerated persons who are approved to purchase commissary items are provided with a printed list of items that are available at local stores if the facility does not operate a commissary.
- To the extent reasonably practicable, ensuring the prices for items offered in the commissary correspond to local retail store prices.

Any commissary inventory or sales issues related to religious diets shall be addressed in the Religious Programs Policy.

1006.4 COMMISSARY ACCOUNTING

The Watch Commander shall be responsible for ensuring that all incarcerated persons who have commissary privileges have the opportunity to order and receive commissary items in a timely manner.

All incarcerated persons shall be afforded the opportunity to review an accounting of their money held in their account, including deposits, debits, and commissary goods purchased and received. Any discrepancy of the incarcerated person's funds shall be immediately reported to the Commissary Manager. If the Commissary Manager and the involved incarcerated person cannot

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settle the discrepancy, the Jail Administrator shall be notified and the Jail Administrator will resolve the discrepancy.

1006.5 INCARCERATED PERSON WELFARE PACKS

The Jail Administrator or the authorized designee shall monitor the provision of welfare packs to indigent incarcerated persons. Welfare packs shall include but not be limited to:

(a) At least two postage-paid envelopes and two sheet of paper each week to permit correspondence with family members and friends (see the Mail Policy).

(b) Personal hygiene items, including toothbrush, toothpaste, soap, and other supplies deemed to be appropriate for indigent persons.

The Sheriff may expend money from the Incarcerated Person Welfare Fund to provide indigent incarcerated persons with essential clothing and limited transportation expenses upon release (Penal Code § 4025(i)).

1006.6 ANNUAL AUDIT OF THE COMMISSARY

The Commissary Manager should ensure that an annual audit of the commissary operation is conducted by a certified auditor. The written report prepared by the auditor should be reviewed for accuracy by the Commissary Manager and provided to the Jail Administrator.

All surplus funds from the commissary operation should be deposited into the Incarcerated Person Welfare Fund or used in a manner from which the incarcerated persons will benefit. They also may be deposited and used in accordance with expenditures authorized by the board of supervisors. An itemized report on expenditures shall be submitted annually to the board of supervisors (Penal Code § 4025(e)).

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Library Services

1007.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for funding of library services and for providing incarcerated persons access to leisure and legal reading materials.

1007.2 POLICY

It is the policy of this facility to operate a library service that provides leisure and legal reading materials to incarcerated persons.

1007.3 RESPONSIBILITIES

The Jail Administrator or the authorized designee is responsible for the administration of the library services and should appoint a capable member to serve as librarian to run the daily library operations. The library services shall include access via paper documents or through electronic media to legal reference materials, current information on community services and resources, and religious, educational, and recreational reading material (15 CCR 1064).

The librarian shall ensure that reading materials are provided to the general housing units and that any member assigned to assist with the delivery of library services has received the appropriate training in facility safety and security practices.

1007.4 LIBRARY FUNDING AND MAINTENANCE

The Jail Administrator should ensure that funding is available to operate the library. The Jail Administrator may use monies from the Incarcerated Person Welfare Fund to offset the cost of salaries, services, and supplies. The librarian may enlist the assistance of the local public library system and other community organizations to maintain and update the library. Donated books and materials should be screened by the librarian for permissible content and safety prior to being distributed to incarcerated persons.

The Department may reject library materials that may compromise the safety, security, and orderly operation of this facility (see the Mail Policy for examples of materials that may be rejected).

The library shall be operated within the physical, budgetary, and security limits of the existing facility.

Books and other reading material should be provided in languages that reflect the population of the facility.

1007.5 ACCESS TO LIBRARY

Access to the incarcerated person library or to library materials shall be based on incarcerated person classification, housing location, and other factors that legitimately relate to maintaining the safety and security of the facility.

Incarcerated persons in disciplinary separation shall have the same access to reading materials and legal materials as the general population unless a restriction is directed by the court.

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1007.6 LEISURE LIBRARY MATERIALS

Each incarcerated person is allowed to have no more than two books at any given time. Existing selections must be returned before new books may be selected by an incarcerated person. Incarcerated persons who destroy or misuse books and library materials will be subject to disciplinary action and may be required to pay for the material.

1007.7 LEGAL MATERIALS

All incarcerated persons shall have reasonable access to the legal system, which may include access to legal reference materials. Pro per incarcerated persons shall have priority regarding access to legal publications.

Legal information that may be provided through the library includes but is not limited to:

- Criminal code sections.
- Copies of criminal and/or civil cases.
- Copies of relevant judicial forms.

Incarcerated persons desiring access to the library or legal publications shall submit a completed legal information request. Only one request per incarcerated person per week is allowed unless the incarcerated person is a court-ordered pro per.

Completed requests will be fulfilled by the selected provider and mailed to the department. Once the requested materials are received, staff will deliver them to the incarcerated person that requested it.

Pro per incarcerated persons may keep minimal supplies for their case in their cells (e.g., paper, letters, reference materials), provided they do not create a fire hazard or other safety or security concern.

1007.8 ALTERNATE MEANS OF ACCESS TO LEGAL RESOURCES

Nothing in this policy shall confer a right to access a law library. Unless it is specified by court order, the Sheriff may provide access to legal resources by a variety of means that may include public or private legal research services (e.g., web-based legal resources).

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Telephone Access

1009.1 PURPOSE AND SCOPE

This policy establishes guidelines for permitting incarcerated persons to access and use telephones.

1009.2 POLICY

The Jail will provide access to telephones for use by incarcerated persons consistent with federal and state law. The Jail Administrator or the authorized designee shall develop written procedures establishing the guidelines for access and usage (15 CCR 1067). All incarcerated persons will be provided a copy of the telephone usage rules as part of their incarcerated person orientation during the booking process.

1009.3 PROCEDURE

Incarcerated persons housed in general population will be permitted reasonable access to public telephones at scheduled times in the dayrooms for collect calls unless such access may cause an unsafe situation for the facility, staff, or other incarcerated persons. The Jail Administrator shall ensure a notice is conspicuously posted near the phones, informing incarcerated persons that non-attorney calls may be monitored and recorded.

Incarcerated persons are not permitted to receive telephone calls. Messages will only be delivered in the event of a verified emergency.

In the event of a facility emergency, or as directed by the supervisor or the Jail Administrator, all telephones will be turned off.

For security reasons, incarcerated persons who are awaiting transport to another facility or release to another agency are not permitted to use the telephones.

Teletypewriter or other communication devices (e.g., videophones, third-party communications assistant) will be made available to persons who are known to have, or are perceived by others as having, hearing or speech impairments to allow them equivalent telephone access as those without these disabilities (15 CCR 1067).

The minimum time allowed per call should be 10 minutes, except where there are substantial reasons to justify such limitations. Reasons for denial of telephone access shall be documented and a copy placed into the incarcerated person's file. The rules governing the use of the telephone will be provided topersons during orientation and posted near the telephones.

The staff should monitor the use of public telephones to ensure incarcerated persons have reasonable and equitable access and that the rules of use are observed. Any incarcerated persons refusing to cooperate with the telephone rules may have their call terminated, telephone privileges suspended, and/or incur disciplinary action.

Requirements relating to the use of telephones during booking and reception are contained in the Reception Policy.

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1009.4 USE OF TELEPHONES IN HIGH-SECURITY OR ADMINISTRATIVE SEPARATION HOUSING

Incarcerated persons who are housed in high-security or administrative separation may use the public telephones in the dayroom during the time allocated for that classification of incarcerated person to utilize that space. If portable telephones are available in the facility,persons who are housed in high-security or administrative separation units may have reasonable access to the portable telephones.

1009.5 COURT-ORDERED TELEPHONE CALLS

If a court order specifying free telephone calls is received by the facility, or a supervisor determines there is a legitimate need for a free telephone call for a specific incarcerated person, the supervisor may direct that a person use a facility telephone at no charge. The staff shall be responsible for ensuring that the incarcerated person is not calling a number that has been restricted by a court order or by request of the recipient. Such a call shall be recorded to the same extent authorized for calls that are not court-ordered.

1009.6 ATTORNEY-CLIENT TELEPHONE CONSULTATION

At all times through the period of custody, whether the incarcerated person has been charged, tried, convicted, or sentenced, reasonable and non-recorded telephone access to an attorney shall be provided to theperson at no charge to either the attorney or to the incarcerated person, in accordance with the Access to Courts and Counsel Policy.

1009.7 TELEPHONE CONTRACTS AND CHARGES

The Jail Administrator or the authorized designee is responsible for ensuring that rates charged to incarcerated persons are similar to those charged to the general public and that incarcerated persons are afforded a range of feasible calling options.

1009.8 FOREIGN NATIONALS

A foreign national who has been detained may contact their consulate via the public phones provided for incarcerated persons. If the consulate does not accept collect calls, the foreign national shall be allowed to make a reasonable number of direct calls to establish communication with the consulate.

Consular officers who contact the jail to speak with a foreign national to provide consular services should be given reasonable telephone access to the incarcerated person.

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Visitation

1010.1 PURPOSE AND SCOPE

The purpose of this policy is to establish rules for visitation and to provide a process for incarcerated person visits and visitors. Visitation is a privilege and is based on space availability, schedules, and on-duty staffing.

1010.1.1 DEFINITIONS

Definitions related to this policy include (Penal Code § 4032):

In-person visit - An on-site visit that may include barriers. In-person visits include interactions in which an incarcerated person has physical contact with a visitor, the incarcerated person is able to see a visitor through a barrier, or the incarcerated person is otherwise in a room with a visitor without physical contact. "In-person visit" does not include an interaction between an incarcerated person and a visitor through the use of an on-site two-way audio/video terminal.

Non-barrier visit - An on-site visit at the Herbert Hughes Correctional Center affording incarcerated workers an opportunity to visit without a physical barrier.

Video visitation - Interaction between an incarcerated person and a member of the public through the means of an audio-visual communication device when the member of the public is located at a local detention facility or at a remote location.

1010.2 POLICY

It is the policy of the Imperial County Sheriff's Office to allow incarcerated person visitation, including video visitation when applicable, as required by law.

1010.3 PROCEDURES

The Department shall provide adequate facilities for visiting that include appropriate space for the screening and searching of incarcerated persons and visitors and storage of visitors' personal belongings that are not allowed in the visiting area.

The Jail Administrator shall develop written procedures for incarcerated person visiting, which shall provide for as many visits and visitors as facility schedules, space, and number of personnel will reasonably allow, with no fewer visits allowed than specified by 15 CCR 1062 per week, by type of facility. The procedures are subject to safety and security requirements and should consider:

- The facility's schedule.
- The space available to accommodate visitors.
- Whether an emergency or other conditions justify a limitation in visiting privileges.
- Video visitation if applicable (Penal Code § 4032; 15 CCR 1062).

The visiting area shall accommodate incarcerated persons and visitors with disabilities. Visitors with disabilities who request special accommodations shall be referred to a supervisor.

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Reasonable accommodations will be granted to incarcerated persons and disabled visitors to facilitate a visitation period.

Visitor logs and records shall be developed and maintained in accordance with established records retention schedules.

Court orders granting a special incarcerated person visitation are subject to county legal review and interpretation.

1010.3.1 VISITOR REGISTRATION AND IDENTIFICATION

All visitors must register and produce a valid state, military, tribal, or other government identification. Identification will be considered valid for 90 days after expiration, provided the visitor has renewed the ID and has proof of the renewal.

(a) The registration form must include the visitor's name, address, and the relationship to the incarcerated person.

(b) A valid identification shall include the following:

1. A photograph of the person
2. A physical description of the person

(c) An official visitor shall present proof of professional capacity. For example, attorney license/Supreme Court card, law enforcement identification, or a business card/ letterhead of the business with the visitor's name.

Failure or refusal to provide a valid identification is reason to deny a visit.

1010.4 AUTHORIZATION TO SEARCH VISITORS

Individuals who enter the secure perimeter of this facility are subject to search if there is reasonable cause to believe the visitor has violated the law, is wanted by a law enforcement agency, or is attempting to bring contraband onto the facility property or into the facility. All searches shall be made in accordance with current legal statutes and case law.

The area designated for a visitor to be searched prior to visiting with an incarcerated person shall have a notice posted indicating that any cellular telephone, wireless communication device, or any component thereof shall be confiscated for the period of the visitation and returned to the visitor upon departure from the facility (Penal Code § 4576(b)(3)).

1010.5 VISITING SCHEDULE

The Jail Administrator shall designate a person to develop a schedule for incarcerated person visitation that includes daytime, evening, and weekend hours. Each incarcerated person shall receive a copy of the visitation schedule in the incarcerated person handbook at orientation. The visiting hours will also be posted in the public area of the facility.

1010.6 DENIAL OR TERMINATION OF VISITING PRIVILEGES

The Jail Administrator or the authorized designee is responsible for defining, in writing, the conditions under which visits may be denied.

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Visitation may be denied or terminated by a supervisor if the visitor poses a danger to the security of the facility or there is other good cause (15 CCR 1062). Danger to the security of the facility or other good cause includes but is not limited to the following:

(a) The visitor appears to be under the influence of drugs and/or alcoholic beverages.

(b) The visitor refuses to submit to being searched.

(c) The visitor or incarcerated person violates facility rules or posted visiting rules.

(d) The visitor fails to supervise and maintain control of any minors accompanying the visitor into the facility.

(e) Visitors attempting to enter this facility with contraband will be denied a visit and may face criminal charges.

Any visitation that is denied or terminated early, on the reasonable grounds that the visit may endanger the security of the facility, shall have the actions and reasons documented. A copy of the documentation will be placed into the incarcerated person's file and another copy will be forwarded to the Jail Administrator (15 CCR 1062).

1010.7 GENERAL VISITATION RULES

All visitors and incarcerated persons will be required to observe the following general rules during visitation:

(a) A maximum of two adults and two children will be permitted to visit an incarcerated person at any one time. Children visiting incarcerated persons must be deemed age appropriate by the parent or guardian accompanying the child. Where a dispute over children visiting occurs between the incarcerated person and the parent or legal guardian, the incarcerated person will be advised to use the court for resolution. Adults must control minors while they are waiting to visit and during the visit.

(b) An incarcerated person may refuse to visit with a particular individual.

(c) Those incarcerated persons who are named as the restrained person in any restraining or other valid court order shall not be allowed visits from persons who are protected by the order.

(d) Visitors must be appropriately attired prior to entry into the visitor's area of the jail.

(e) Inappropriate clothing, such as transparent clothing, halter-tops, excessively tight or revealing clothing, hats and bandannas, or any other clothes associated with a criminal gang or otherwise deemed by the staff to be unacceptable, will not be permitted.

(f) All visitors must have footwear.

(g) Visitors will leave all personal items, with the exception of car keys and identification, outside of the secure area. Visitors who enter the jail with handbags, packages, or other personal items will be instructed to lock the items in a vehicle or locker or return at another time without the items. The jail is not responsible for lost or stolen items.

(h) Food or drink is not permitted in the visiting area.

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(i) Incarcerated persons will be permitted to sign legal documents, vehicle release forms, or any other items authorized by the Watch Commander. Transactions of this nature will not constitute a regular visit.

1010.8 SPECIAL VISITS

The Watch Commander may authorize special visitation privileges, taking into consideration the following factors:

- The purpose of the visit
- The relationship of the visitor to the incarcerated person
- The circumstances of the visit
- Distance traveled by the visitor

Whenever a special visit is denied, an entry into the duty log will be made. The entry will include the requesting visitor's name and the reason why the visit was denied.

1010.9 ATTORNEY VISITS

Incarcerated persons shall have access to any attorney retained by or on behalf of the incarcerated person, or to an attorney the incarcerated person desires to consult, in a private interview room. Staff shall not interfere with, suspend, or cancel official visits except in circumstances where the safety, security, or good order of the jail is compromised (see the Access to Courts and Counsel Policy).

1010.10 NON-BARRIER VISITS

Non-barrier visits are afforded as an incentive for incarcerated persons housed at the Herbert Hughes Correctional Center, who are assigned to an incarcerated work program. Incarcerated persons must apply for the non-barrier visit by submitting an application to the Incarcerated Programs Sergeant. Physical contact between the incarcerated person and the visitor(s) is prohibited without express permission from the on-duty Watch Commander or Facility Commander. Non-barrier visits may be authorized for non-worker status incarcerated persons during specially scheduled events at the discretion of the Jail Administrator. The on-duty Watch Commander shall evaluate and coordinate the appropriate number of staff to safely supervise non-barrier visits and/or approved special visits.

1010.11 CONSULAR VISITS

The Jail Administrator or the authorized designee should facilitate visitor access between a detained foreign national and a consular officer when requested by the detainee or consular officer. Additionally, access should also be facilitated when a consular officer requests to visit with a detained foreign national in cases where the detainee does not want a visit.

A foreign national should be allowed to visit with a consular officer in a private interview room. Members should not interfere with, suspend, or cancel official consular visits except in circumstances where the safety, security, or good order of the jail is compromised.

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Resources for Released Persons

1011.1 PURPOSE AND SCOPE

The purpose of this policy is to establish the process of providing community resource information to any incarcerated person who is due for release after serving at least 30 days, in order to assist with the transition back into the community.

1011.2 POLICY

It is the policy of this department that all incarcerated persons who have served at least 30 days shall be provided with an information packet containing community resources prior to their release.

1011.3 COMMUNITY RESOURCES

The information packet with community resources should contain, at a minimum, the contact information for the following organizations and resources:

- Community health centers
- Employment centers
- Registry office to obtain an identification card
- Substance abuse and mental health providers
- Housing agencies
- Education agencies

Subject to the approval of the Sheriff or the Jail Administrator, the staff or community providers may offer classes within the facility that are related to these community services.

Upon request, the department will provide the verification needed for a replacement California identification card, if applicable (Vehicle Code § 14902(g)).

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Work Release Program

1012.1 PURPOSE AND SCOPE

The purpose of this policy is to establish the guidelines and requirements for the Work Release Program. The Work Release Program allows incarcerated persons to maintain employment, support families, and facilitate a successful return to the community.

1012.2 POLICY

It is the policy of this department to operate a voluntary Work Release Program to provide incarcerated persons with opportunities to secure or maintain employment, support families, assist in the payment of fines and penalties to the court, and promote a successful return to the community (Penal Code § 4024.2(a)).

Release programs shall be conducted in accordance with state and local guidelines. In cases of pretrial release, the courts may have jurisdiction over release decisions.

1012.3 WORK RELEASE PROGRAM

Any incarcerated person who has met the eligibility requirements and received approval may be granted permission to leave the facility to work at the person's place of employment in accordance with state and local guidelines, court orders, and the provisions of this policy.

The Jail Administrator or the authorized designee has sole authority to approve participation in the program and is responsible for the overall administration of the Work Release Program.

The Work Release Program participants are limited to geographic restrictions of the facility and must remain within state boundary lines unless otherwise ordered by the sentencing court.

1012.3.1 ELIGIBILITY

In order to be eligible for the Work Release Program, an incarcerated person must meet the following requirements:

- Sentenced directly to work release programs by the court
- No documented disciplinary incidents
- No outstanding warrants, wants, or detainers

Incarcerated persons who do not adhere to the rules of the program will be subject to removal from the program and to disciplinary and criminal action in accordance with the rules of the facility and applicable laws.

1012.3.2 ADMINISTRATIVE REMOVAL

An incarcerated person may be administratively removed from the program for the safety and well-being of the person, the staff, the program, the facility, and/or the general public. Such removal shall be subject to review by the Jail Administrator or the authorized designee on the next business day (15 CCR 1054).

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1012.3.3 STAFF RESPONSIBILITY

The Work Release Program staff is responsible for contacting the employer prior to authorizing the work assignment. The staff should inform the employer and the incarcerated person of the rules and expectations for program participants.

The program staff shall provide each employer with the facility's contact information, including the contact person and telephone number, and instruct the employer to notify the contact person immediately if an incarcerated person does not report to work, leaves prior to the scheduled departure time, or if any concerns arise during the work shift. The facility should provide a contact person who is available 24 hours a day, seven days a week, as some incarcerated persons will work evening or overnight shifts.

1012.3.4 HOUSING

Incarcerated persons participating in the Work Release Program should be housed in an area other than general population housing to reduce the possibility of contraband entering the facility.

Incarcerated persons in the program may either return to separate housing within the facility's secure perimeter or may be housed in a residential facility outside the secure perimeter. Factors to consider when determining appropriate housing for program participants include the following:

- Rated bed capacity of the facility
- Current occupancy
- Housing options and security capabilities outside the secure perimeter of the facility
- Number of incarcerated persons approved to participate in the program

1012.3.5 DAILY WORK ITINERARIES

Incarcerated persons must have an approved daily work itinerary prior to leaving the facility. The itinerary should include the following:

- Scheduled start and stop times for work
- Anticipated amount of travel time between the facility and the employer, each way
- Mode of transportation each way (e.g., bus, car, walk)
- Location of the workplace
- Contact name, address, and telephone number of the employer
- Contact name, telephone number, and driver's information of the transport person if the incarcerated person does not have a valid license
- Contact name and telephone number of the on-duty program staff member

Any change to the itinerary (e.g., overtime, location of the workplace, transportation) must be approved in advance by the Jail Administrator or the authorized designee.

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1012.3.6 FINANCIAL MANAGEMENT
All incarcerated persons who participate in the Work Release Program shall ensure that the appropriate funds are deposited into their incarcerated person accounts. Funds from the incarcerated person accounts will be subtracted for room and board, program drug testing, booking fees, etc. Fines to the court, victim restitution, allowances to help pay family financial obligations, and funds for a savings account may also be taken from the account with the permission of the incarcerated person or by order of the court.

1012.3.7 EMPLOYER VERIFICATION
The Work Release Program staff shall make scheduled telephone calls and random site visits to the incarcerated person's employer to ensure compliance with the rules of the program.

1012.3.8 PROGRAM CONFLICTS
The Work Release Program staff shall make every attempt to ensure the incarcerated person's work schedule does not conflict with their required participation in treatment programs at the facility.

1012.3.9 DRUG TESTING
Random and scheduled drug testing shall be conducted on all incarcerated persons participating in the Work Release Program. Any positive results may cause the incarcerated person's disqualification from the program, as well as disciplinary sanctions or criminal charges, if warranted.

1012.4 RECORDS

The following records shall be maintained by the Jail Administrator or the authorized designee on all incarcerated persons participating in the Work Release Program:

(a) All payments and accounting associated with the Work Release Program

(b) All contacts between the staff and employers prior to releasing incarcerated persons to work and confirming all employment information

(c) All daily logs of time worked and payments received

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Incarcerated Person Work Program

1013.1 PURPOSE AND SCOPE

The purpose of this policy is to establish the guidelines and requirements for the Incarcerated Person Work Program. The Incarcerated Person Work Program allows incarcerated persons to improve and/or develop useful job skills, work habits, and experiences that will facilitate a successful transition back to the community.

1013.2 POLICY

The Imperial County Sheriff's Office shall operate an Incarcerated Person Work Program in accordance with all applicable federal, state, or local work safety laws, rules, and regulations, and to the extent that the operation of incarcerated person work programs do not pose a risk to the safety of the staff, other incarcerated persons, or the public. This policy establishes the requirements, selection process, supervision, and training of persons prior to and after entering the facility's Incarcerated Person Work Program.

1013.3 WORK CRITERIA

1013.3.1 SENTENCED INCARCERATED PERSON WORK REQUIREMENTS

All sentenced incarcerated persons who are physically and mentally able should work. Incarcerated persons shall not be required to perform work that exceeds their physical limitations. Incarcerated persons may be excused from work in order to maintain their participation in an educational, vocational, drug abuse treatment, or other program. The Department will abide by all laws, ordinances, and regulations when using incarcerated persons to work in the facility.

1013.3.2 PRETRIAL AND UNSENTENCED INCARCERATED PERSON WORK REQUIREMENTS

Pretrial and unsentenced incarcerated persons may volunteer to participate in the Incarcerated Person Work Program but shall not be required to participate in work beyond maintaining the immediate living area.

1013.4 INCARCERATED WORKER SELECTION

The Incarcerated Person Work Program Coordinator shall be responsible for the selection and assignment of incarcerated persons to the various work assignments. The coordinator should solicit input from other custody staff in assisting with incarcerated person selection and assignment. Staff shall take into consideration the following eligibility criteria:

(a) Incarcerated persons who have posed a threat in the past or have been charged with escape should be carefully screened for incarcerated person work projects.

(b) The incarcerated person's charges and classification are such that the person will not pose a security risk to other incarcerated persons, staff, or the public.

(c) The incarcerated person's capacity to perform physical tasks, including which tasks can be performed by the incarcerated person while pregnant, will match the job requirements.

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(d) The incarcerated person is able to learn the necessary work routines.

(e) The special interests, abilities, craft, or trade of the incarcerated person will benefit the work assignment.

Incarcerated persons must be able to pass a health screening test in accordance with the policies contained in this manual, and must meet all statutory and regulatory requirements. Health-screening shall be done for persons who work in the kitchen, around food products, or who serve meals to the incarcerated person population.

1013.5 COMMUNITY SERVICE PROGRAM

Sentenced incarcerated persons may be assigned to public works projects with state, municipal, and local government agencies, or to community service projects, with the approval of the Sheriff and in accordance with all applicable laws and regulations.

Assigning incarcerated persons to activities that benefit individuals, businesses or other private entities that are not considered a public works project is prohibited and may constitute a violation of the law.

1013.5.1 PROGRAM GUIDELINES

Any community service program is subject to the approval of the Jail Administrator or the authorized designee.

Any such program shall be subject to the following guidelines:

(a) The program complies with all statutes, ordinances, regulations, labor agreements, permissions, or restrictions relating to incarcerated persons whenever they are assigned to public works and community service projects.

(b) There are incarcerated persons available who, as a matter of classification, are deemed eligible for participating in the community service programs. Only incarcerated persons who are classified as minimum custody shall be assigned outside the secure perimeter.

(c) The number of work opportunities available in the community will determine the availability of opportunities to participate in the community service program.

(d) Staff assigned to manage the program should strive to develop work assignments that give incarcerated persons an opportunity to develop good work habits and attitudes that can be applied to jobs obtained after release.

(e) Victim and community input should be solicited and considered when developing community service programs.

(f) Poor performance in the work program or violating rules may render the incarcerated person ineligible to participate in the work program. Any violation of work rules may result in disciplinary action that may include the loss of credits previously awarded for good behavior and work time. Incarcerated persons who do not comply with program rules, or for any reason cannot work, will be reclassified in accordance with the policies and procedures of the Imperial County Sheriff's Office.

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1013.5.2 COMMUNITY WORK SELECTION PROCESS

Participation in any community service program is strictly voluntary. A classification process that clearly describes the criteria for program participation will be developed by the supervisor in charge of the program.

Any incarcerated person desiring to participate in the community service program is subject to the following:

(a) The incarcerated person must submit to a screening process, including a criminal history check, to ensure that their criminal history is compatible with work in non-secure areas.

(b) The incarcerated person must agree in writing to participate in the community service program.

Incarcerated persons may be charged a fee for participating in the program in order to offset the cost of administration and staffing.

1013.6 SUPERVISION OF INCARCERATED WORKERS

Facility staff in charge of work programs or who provide supervision of incarcerated persons assigned to work crews should adhere to the following:

(a) Incarcerated workers should be provided with safety equipment, clothing, and footwear commensurate with the work performed. Safety equipment may include but is not limited to eye protection, gloves, hardhat or headwear, and sunscreen for protection from sun exposure.

(b) Work periods shall not exceed 10 hours per day.

(c) Incarcerated workers should be provided with work breaks to allow them to take care of personal needs.

(d) Incarcerated workers shall have access to nutritious meals and a reasonable amount of time to consume those meals during their work period.

(e) Incarcerated persons who work shifts during the early morning or late-night hours should be provided with quiet space to allow for sleep during daytime hours.

(f) Incarcerated workers shall not access incarcerated person records, incarcerated person monies, or commissary.

(g) Incarcerated workers shall not participate in the maintenance of locking systems or other security detention devices.

(h) Incarcerated person performance is regularly evaluated and recorded.

Incarcerated workers shall be under the direct supervision of the facility staff at all times and shall not be supervised by other incarcerated persons when they are on assignment through the Incarcerated Person Work Program.

Persons who are responsible for the supervision of incarcerated persons on work crews should receive training in basic areas of safety, security, and reporting procedures.

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Disciplinary action for incarcerated worker misconduct shall adhere to the Discipline Policy.

1013.7 INCARCERATED WORKER TRAINING

Incarcerated persons who are assigned to work in any area that may require the handling of any chemicals or the use of any equipment shall receive training from the respective department supervisor prior to using the chemicals or equipment. Work-crew supervisors shall also train incarcerated workers on safety practices. Incarcerated persons should never be assigned to handle dangerous chemicals or equipment that normally require a level of expertise and competency beyond their demonstrated ability.

1013.8 INCARCERATED WORKER INCENTIVES

The Jail Administrator is responsible for establishing an incentive program for incarcerated persons assigned to the Incarcerated Person Work Program. Incentives for incarcerated persons may include:

(a) Granting "Good Time and Work" credits to apply to their sentence as allowed by state or local law.

(b) Using credits for sentence reduction when allowed by statute.

(c) Granting distinctive housing assignments, extra privileges, recreation, and special rewards, as allowed by law regulation and policy. Welfare funds may be used to offset the cost of a reward program.

(d) Awarding certificates of achievement for successful completion of vocational, educational, and/or work programs.

(e) When allowed by law, ordinance, and in consideration with local labor relations, giving monetary compensation for work on government projects.

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Religious Programs

1014.1 PURPOSE AND SCOPE

This policy provides guidance regarding the right of incarcerated persons to exercise their religion and for evaluating accommodation requests for faith-based religious practices of incarcerated persons (15 CCR 1072).

1014.1.1 DEFINITIONS

Definitions related to this policy include:

Compelling government interest - A method for determining the constitutionality of a policy that restricts the practice of a fundamental right. In order for such a policy to be valid, there must be a compelling government interest, which is necessary or crucial to the mission of the Department, as opposed to something merely preferred, that can be furthered only by the policy under review.

Least restrictive means - A standard imposed by the courts when considering the validity of policies that touch upon constitutional interests. If the Department adopts a policy that restricts a fundamental religious liberty, it must employ the least restrictive measures possible to achieve its goal.

Religious exercise - Any exercise of religion, whether or not it is compelled by, or central to, a system of religious belief. The key is not what a faith requires but whether the practice is included in the incarcerated person's sincerely held religious beliefs.

Substantial burden - For the purposes of this policy, substantial burden means either of the following:

- A restriction or requirement imposed by the Department that places an incarcerated person in a position of having to choose between following the precepts of the person's religion and forfeiting benefits otherwise generally available to other incarcerated persons, or having to abandon one of the precepts of their religion in order to receive a benefit.
- The Department puts considerable pressure on an incarcerated person to substantially modify the person's behavior in violation of their beliefs.

1014.2 POLICY

It is the policy of this department to permit incarcerated persons to engage in the lawful practices and observances of their sincerely held religious beliefs consistent with the legitimate governmental objectives of the facility.

1014.3 STAFF RESPONSIBILITIES

Members shall not show favoritism or preference to any religion and will not discriminate or retaliate against any incarcerated person for participating or not participating in any religion or religious practice. Incarcerated persons are not required to participate in religious programs or activities.

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Facility staff will not allow their personal religious beliefs to influence them in the daily management of the incarcerated person population, particularly as it relates to religious practices.

1014.4 CHAPLAIN

The Sheriff shall appoint an individual to serve as the chaplain for the facility. The chaplain shall be responsible for assisting the Jail Administrator with supervising, planning, directing, and coordinating religious programs. The chaplain may be responsible for duties including but not limited to:

(a) Coordinating religious services.

(b) Maintaining a list of accepted religious practices that have been approved by the Jail Administrator and ensuring the current list is available to the staff.

(c) Reviewing requests for religious accommodations.

(d) Providing or arranging for grief counseling for incarcerated persons.

(e) Distributing a variety of religious texts.

(f) Developing and maintaining a liaison with a variety of religious faiths in the community.

(g) Making reasonable efforts to enlist religious leaders from outside the community as necessary.

(h) Seeking donations for religious programs from the community, when appropriate.

(i) Working with incarcerated person families when requested.

(j) Periodically surveying the facility population to assist in determining whether current resources are appropriate for the incarcerated person population.

(k) Providing guidance to the Sheriff and the Jail Administrator on issues related to religious observance.

1014.5 RELIGIOUS BELIEFS AND ACCOMMODATION REQUESTS

Incarcerated persons are not required to identify or express a religious belief. An incarcerated person may designate any belief, or no belief, during the intake process and may change a designation at any time by declaring the person's religious belief in writing to the chaplain. Incarcerated persons seeking to engage in religious practices shall submit a request through the established process. Requests to engage in practices that are on the facility's list of accepted practices should be granted. Requests to engage in religious practices that are not on the approved list shall be processed as provided in this policy.

All requests for accommodation of religious practices shall be treated equally, regardless of the religion that is involved. Equal and consistent treatment of all religions and religious beliefs shall not always require that all incarcerated persons of the same religion receive the same accommodations. Requests for accommodation of religious practices shall be submitted to a supervisor. In determining whether to grant or deny a request for accommodation of a religious practice, the supervisor will work with the chaplain to determine the sincerity of the religious claim of an incarcerated person. Requests should be denied only if the denial or reason for denial would

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further a compelling interest of the facility and is the least restrictive means of furthering that compelling interest.

A supervisor who does not grant the accommodation, either in part or in full, should promptly forward the request to the Jail Administrator, who, after consultation with legal counsel as appropriate, should make a determination regarding the request within 10 days following the incarcerated person's request.

A Jail Administrator who does not grant an accommodation, either in part or in full, should forward the request to the Sheriff with the basis for the denial within 14 days of the incarcerated person's original request being made. The Sheriff or the authorized designee will review the denial and respond to the requesting incarcerated person as soon as reasonably practicable.

The Jail Administrator and the Sheriff shall be informed of all approved accommodations. The chaplain should make any necessary notifications to staff as necessary to meet an approved accommodation.

All incarcerated person requests for religious accommodations and related determinations shall be fully documented in the person's record.

1014.5.1 SUSPENSION OR REVOCATION OF ACCOMMODATIONS

In an emergency or extended disruption of normal facility operations, the Jail Administrator may suspend any religious accommodation. The Jail Administrator may also revoke or modify an approved religious accommodation if the accommodated incarcerated person violates the terms or conditions under which the accommodation was granted.

1014.5.2 APPEALS OF SUSPENSION OR REVOCATION OF ACCOMMODATIONS

Incarcerated persons may appeal the Jail Administrator's denial, suspension, or revocation of an accommodation through the appeal process.

1014.5.3 ACCOMMODATION REQUESTS REGARDING GROOMING, RELIGIOUS CLOTHING, AND HEADWEAR

Individuals in custody have the right to a religious accommodation with respect to grooming, religious clothing, and headwear in observance of their sincerely held religious belief, at all times and throughout the jail, except if in furtherance of a compelling governmental interest regarding security that may impact the jail, staff, the individual, or others in custody. Religious grooming, clothing, and headwear accommodations shall only be denied when doing so would be the least restrictive means of furthering these governmental interests (Penal Code § 2607). (See the Reception Policy.)

1014.6 DIETS AND MEAL SERVICE

The Jail Administrator should provide incarcerated persons requesting a religious diet, including fasting and/or hour of dining, a reasonable and equitable opportunity to observe their religious dietary practice. This should be done within budgetary constraints and be consistent with the security and orderly management of the facility. The chaplain shall provide a list of incarcerated

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persons authorized to receive religious diets to the food services supervisor. The food services supervisor shall establish a process for managing religious meal accommodations.

1014.7 HAIRSTYLES AND GROOMING

Unless it is necessary for the health and sanitation of the facility, incarcerated persons who wear head and facial hair in the observance of their religion will generally not be required to shave or cut their hair. To the extent reasonably practicable, alternative housing may be considered to accommodate the need for religious hair and grooming, while meeting the health and sanitation needs of the facility (Penal Code § 2607).

Any incarcerated person whose appearance is substantially altered due to changes in facial hair or hair length may be required to submit to additional identification photographs.

1014.8 RELIGIOUS TEXTS

Religious texts should be provided to the requesting incarcerated person, if the texts available do not pose a threat to the safety, security, and orderly management of the facility.

1014.9 UNAUTHORIZED PRACTICES OR MATERIAL

The following list, which is not intended to be exhaustive, includes materials or practices that shall not be authorized:

(a) Animal sacrifice

(b) Language or behaviors that could reasonably be construed as presenting a threat to facility safety or security

(c) Self-mutilation

(d) Use, display, or possession of weapons

(e) Self-defense or military training

(f) Disparagement of other religions

(g) Nudity or sexual acts

(h) Profanity

(i) Use of illegal substances or controlled substances without a prescription

1014.10 GROUP RELIGIOUS SERVICES

Group religious services may be allowed after due consideration of the incarcerated person's classification or other concerns that may adversely affect the order, safety, and security of the facility.

Alternatives to attendance of group religious services may include but are not limited to:

- The provision of religious books and reading materials.
- Access to religious counselors.
- Recorded religious media (e.g., DVDs, CDs, video tapes).

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1014.11 RELIGIOUS SYMBOLS AND IMPLEMENTS

Religious symbols and implements used in the exercise of religion should generally be allowed unless the symbol or implement poses a threat to the safety and security of the facility. Alternatives to the provision of religious symbols and implements may be considered when security, safety, or efficient operations may be jeopardized (e.g., substitution of a towel in lieu of a prayer rug).

1014.12 RELIGIOUS GARMENTS AND CLOTHING

Incarcerated persons who practice a religion that requires particular modes of dress, garments, headgear, etc., other than standard-issue clothing, should generally be accommodated subject to the need to identify incarcerated persons and maintain security (Penal Code § 2607). (See the Reception Policy for additional guidance.)

Head coverings shall be searched before being worn in the housing areas of the facility and shall be subject to random searches for contraband. Personal head coverings should be exchanged in favor of department-supplied head coverings when available and appropriate.

Incarcerated persons wearing headscarves or other approved coverings shall not be required to remove them while in the presence of or while visible to the opposite gender, if they so desire. Religious garments that substantially cover the person's head and face shall be temporarily removed during the taking of booking and identification photographs.

To the extent reasonably practicable, alternative housing may be considered to accommodate an incarcerated person's need for religious attire, while meeting the security needs of the facility.

1014.13 FAITH- AND MORALS-BASED COUNSELING

The Jail Administrator shall be responsible for establishing a plan for incarcerated persons to receive faith- and morals-based counseling from the chaplain or religious volunteers. Incarcerated persons should be reasonably accommodated, including reasonable access to clergy members and spiritual advisers, volunteer religious organizations, faith- and morals-based programs, and other secular volunteer programs.

No incarcerated person shall be required to participate in any such program.

1014.14 SPACE AND EQUIPMENT FOR RELIGIOUS OBSERVANCES

The Jail Administrator shall ensure that there are sufficient facilities and resources for the chaplain to serve the incarcerated person population, including providing access to areas of the facility. Space for group worship will be dictated by the availability of secure areas and the classification status of the incarcerated persons to be served. All recognized religious groups should have equal access to the space, equipment, and services which the facility normally provides for religious purposes.

1014.15 COMMUNITY RESOURCES

The chaplain may minister their particular faith and any other similar faiths to incarcerated persons but should also establish contacts with clergy of other faiths who can provide services to persons of other religious denominations.

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Whenever the chaplain is unable to represent or provide faith-based services to an incarcerated person, a religious leader or other volunteer from the community, credentialed by the particular faith, should be sought to help provide services. All individuals providing faith-based services should be supervised by the chaplain. All efforts to contact faith-based representatives should be documented and retained in accordance with established records retention schedules.

Volunteers are another valuable resource that could be utilized extensively in the delivery of the religious program (see the Volunteer Program Policy). A volunteer could ensure that religious personnel who provide programming in the facility possess the required credentials and have the security clearance to enter the facility.

The chaplain, in cooperation with the Jail Administrator or the authorized designee, shall develop and maintain communication with faith communities. The chaplain shall review and coordinate with the Jail Administrator regarding offers to donate equipment or materials for use in the religious programs. All communication efforts and donations should be documented and retained in accordance with established records retention schedules.

1014.16 TRAINING

The Department shall provide training to facility staff on the requirements of this policy.

The Department shall also provide training in safety and security to the chaplain. The chaplain shall approve and train clergy and religious volunteers. This includes the preparation of a training curriculum, as well as the development and maintenance of training records.

1014.17 SEARCHES REGARDING RELIGIOUS CLOTHING AND HEADWEAR

Unless exigent circumstances exist, when a person in custody is wearing religious clothing or headwear, a correctional officer shall offer to conduct searches of the individual using a correctional officer of the same gender and offer the search to be out of view of members of a different gender (Penal Code § 2607).

Following a search, any religious clothing or headwear purchased, accessed, or retained shall be returned unless there is a reason to confiscate the item due to a security risk. If the item is not returned, the reason shall be documented (Penal Code § 2607).

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Incarcerated Person Marriage

1015.1 PURPOSE AND SCOPE

It is the purpose of this policy to establish guidelines for a process to allow incarcerated persons to marry while in custody.

1015.1.1 DEFINITIONS

Officiant - An individual who presides in an official capacity to perform a service of ceremony. Officiants must show a certificate to the Clerk-Recorders' Office which shows they may ordain marriages.

Witness - An individual who, being present personally sees a ceremony and signs a document attesting the genuineness of its execution.

1015.2 POLICY

It is the policy of this Office to allow incarcerated persons to marry in accordance with Family Code Section 300 and Supreme Court decision In re Marriage Cases 2008 Cal. Lexis 6807.

1015.3 RESPONSIBILITIES OF THE INCARCERATED PERSON

It is the responsibility of the incarcerated person and parties involved to make arrangements for the marriage including, but not limited to:

(a) Securing the marriage license

(b) Obtaining the Officiant authorized by law to perform the ceremony

(c) Pay all associated fees associated with the marriage

(d) Obtain a marriage license from the County Clerk-Recorders' Office

(e) Prepare an Affidavit of Inability to Appear with a notarized signature of the incarcerated person

1015.4 RESTRICTIONS

This Office reserves the right to suspend or refuse any marriage ceremony that could compromise the safety and security of the facility, staff, public or incarcerated persons. Additionally, the following restrictions apply to the marriage ceremony:

(a) Individuals prohibited from visiting will not be authorized.

(b) The Officiant shall not be related to either party

(c) Cameras, cellphones and other items not normally allowed in the jail are prohibited

(d) No physical contact, other than the exchange of rings will be allowed

(e) The ceremony will be conducted in a room based upon safety and security needs

(f) If both parties are incarcerated the marriage will not be authorized

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1015.5 PROCEDURES

The following guidelines will be followed for incarcerated person marriages:

(a) The incarcerated person will send a request to get married and provide information sufficient for a background check of all involved parties including contact phone numbers.

(b) A Correctional Sergeant will conduct necessary background checks on the involved parties and approve or deny the request. If approved the Correctional Sergeant will arrange a date and time best suited to maintaining the efficient operation and security of the facility.

(c) The Correctional Sergeant or authorized designee will notify the involved parties of the date, time, and location of the ceremony.

(d) A Correctional Officer will ensure that only the approved parties enter the facility and the room identified for the marriage ceremony. All parties will be notified of the restrictions and that they are subject to search.

(e) A Correctional Officer will receive any documents and inspect them for contraband prior to allowing the incarcerated person to handle them.

(f) A Correctional Officer will witness the marriage ceremony and sign certifying the genuineness of the ceremony

(g) The incarcerated person will be escorted back to their housing unit at the conclusion of the ceremony. No visitation will be authorized in conjunction with the marriage ceremony

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Mail

1016.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for receiving, sending, inspecting, censoring, and rejecting mail.

1016.2 POLICY

This department will provide incarcerated persons ample opportunity to send and receive mail, subject to restriction when there is a legitimate government interest in security, order, and rehabilitation.

1016.3 MAIL GENERALLY

Incarcerated persons may, at their own expense, send and receive mail without restrictions on quantity, provided it does not jeopardize the safety of members, visitors, or other incarcerated persons, or pose an unreasonable disruption to orderly jail operations.

The Jail Administrator or the authorized designee may allow incarcerated persons to correspond with other incarcerated persons in this jail, as well as in other jails or correctional institutions, as long as the mail is sent and received through the U.S. Postal Service.

Incarcerated persons are authorized to store mail and writing materials in their cells in an amount determined by the Jail Administrator. Excess writing materials and mail, including confidential mail, will be seized, inventoried, and retained pending disposition according to the jail procedures regarding excess property (see the Searches Policy).

1016.4 SUSPENSION/RESTRICTION OF MAIL PRIVILEGES

Mail privileges may be suspended or restricted upon approval of the Jail Administrator whenever members become aware of (15 CCR 1083(f)):

(a) Mail sent by an incarcerated person that involves threats of violence against any member of the government, judiciary, legal representatives, victims, or witnesses.

(b) Incoming or outgoing mail representing a threat to jail security, members, or the public.

The District Attorney or County Counsel should be consulted when criminal charges are considered against an incarcerated person or there is an apparent liability risk to the Department that relates to suspension or restriction of mail privileges.

1016.5 PROCESSING AND INSPECTION OF MAIL

Members should process incoming and outgoing mail as expeditiously as reasonably possible. Incoming and outgoing mail should be processed within 24 hours and packages within 48 hours. Mail processing may be suspended on weekends, holidays, or during an emergency situation.

Any contraband found in mail or mail that is considered contraband shall be processed in accordance with jail evidence procedures.

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Cash, government checks, and money orders contained in incoming incarcerated person mail shall be removed and credited to the incarcerated person's account (see the Accounts Policy). Personal checks shall be processed as rejected mail according to this policy.

Mail logs and records, justification of censoring or rejection of mail, and copies of hold or return notices shall be maintained in the incarcerated person's file in accordance with established records retention schedules.

1016.5.1 NONCONFIDENTIAL MAIL

Assigned members should open and inspect all incoming and outgoing general mail of current incarcerated persons. Mail for incarcerated persons no longer in custody should not be opened and should be forwarded (see the Forwarding of Mail section of this policy). Nonconfidential mail not containing money orders shall be returned to sender or forwarded to the contract mail processing center.

Only members designated by the Jail Administrator are authorized to read incoming and outgoing nonconfidential mail of current incarcerated persons. These members should receive training on legitimate government interests for reading and censoring mail and other legal requirements related to incarcerated person mail (15 CCR 1063).

Incoming mail should be read as deemed necessary to maintain jail security and order or to monitor a particular problem.

Outgoing mail may not be sealed by the incarcerated person and may be read by members when:

(a) There is reason to believe the mail would:
    1. Interfere with the orderly operation of the jail.
    2. Be threatening to the recipient.
    3. Facilitate criminal activity.
(b) The incarcerated person is on a restricted mail list.
(c) The mail is between incarcerated persons.
(d) The envelope has an incomplete return address.

1016.5.2 CONFIDENTIAL MAIL

Incarcerated persons may correspond confidentially with courts, legal counsel, officials of this department, elected officials, jail inspectors, government officials, or officers of the court (15 CCR 1063).

The jail will also accept and deliver a fax or interoffice mail from these entities.

Outgoing and incoming confidential mail shall be processed by members who have received special training in inspecting confidential documents and who are accountable for maintaining confidentiality. Such members may inspect incoming and outgoing confidential mail for contraband, limiting the inspection to a search for physical items that may be included in addition

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to the mail and shall not read, scan, or copy the mail. Any inspection shall be completed in the presence of the incarcerated person.

1016.5.3 BOOKS AND PERIODICALS

Unless otherwise in conflict with this policy and prohibited by the Jail Administrator, incarcerated persons may purchase, receive, and read any book, newspaper, magazine, or other periodical accepted for distribution by the U.S. Postal Service (15 CCR 1066).

Periodicals shall be accepted only if they are mailed directly from the publisher to a named incarcerated person. A local daily newspaper in general circulation shall be made available to incarcerated persons (15 CCR 1066).

1016.6 CENSORSHIP OR REJECTION OF INCOMING AND OUTGOING NONCONFIDENTIAL MAIL

In determining whether to censor or reject a specific piece of incoming nonconfidential mail, consideration shall be given to whether censoring or rejecting the material is rationally related to a legitimate government interest, whether alternate means of communicating with an incarcerated person are available, and the impact of allowing the material into the jail upon members and incarcerated persons.

Outgoing nonconfidential mail shall only be censored to further a substantial government interest, and only when it is necessary to address the particular government interest. Government interests that justify censorship or rejection of outgoing mail include:

(a) Maintaining jail security.

(b) Preventing dangerous conduct, such as an escape plan.

(c) Preventing ongoing criminal activity, such as threats of blackmail or extortion.

(d) Preventing harassment of those who have requested that no mail be sent to them by the incarcerated person.

Mail identified for censorship or rejection shall be delivered to the Jail Administrator, who shall decide the disposition of such mail.

Censored mail should be redacted and a copy of the unredacted mail should be kept (see the Documenting Rejected or Censored Mail, Books, and Periodicals section of this policy).

Rejected mail shall be handled according to the jail's established procedures regarding incarcerated person personal property or returned to the sender.

Notice shall be given to the incarcerated person sender or to the incarcerated person recipient and sent to the sender of censored or rejected mail, unless such notification jeopardizes any investigation or jail security.

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1016.6.1 REJECTION OF BOOKS AND PERIODICALS

The Department may reject books, magazines, newspapers, and other periodicals that may inhibit the maintenance of reasonable safety, security, and discipline in the jail. For example, publications may be rejected if they (15 CCR 1066):

- Advocate violence, unlawful activity, or a security breach.
- Incite unrest or disorder.
- Contain sexually explicit material, including pornographic magazines, nude pictures, or pictures or descriptions of sexually explicit activities.
- Incite violent crimes or crimes against children.
- Contain information about unlawful gambling or an unlawful lottery, or the manufacture or use of weapons, narcotics, or explosives.
- Create a hostile or offensive work environment.

Reasonable alternatives should be considered and an exaggerated response should be avoided; for example, discontinuing delivery of a magazine because of one article.

The Jail Administrator shall make the final decision as to the specific books and periodicals that will be prohibited within this jail.

Religious publications not supplied by jail-authorized entities may be accepted by the chaplain or other religious programming volunteer who has received training on contraband rules and who has been approved by the Jail Administrator to review such publications for distribution.

Notice shall be given to the incarcerated person recipient and sent to the sender of rejected publications, even when the sender is the editor or publisher, unless such notification jeopardizes any investigation or jail security. A single notification is sufficient if the publication is received by multiple incarcerated persons.

1016.6.2 DOCUMENTING REJECTED OR CENSORED MAIL, BOOKS, AND PERIODICALS

In each case where it is necessary to reject or censor mail, a written record must be made of such action, to include:

(a) The incarcerated person's name and number.

(b) A description or an unredacted copy of the mail, as applicable.

(c) A description of the action taken and the reason for such action.

(d) The disposition of the item involved.

(e) The member's signature.

(f) Notification to the incarcerated person and the sender, including the date and method by which they were notified (e.g., in person, by letter).

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1016.7 FORWARDING OF MAIL

Any non-legal mail received for a former incarcerated person should be returned to the sender with a notation that the incarcerated person is not in custody. Obvious legal mail should be forwarded to the former incarcerated person's new address if it is reasonably known. Otherwise, legal mail should be returned to the sender.

1016.8 WRITING MATERIALS FOR INDIGENT INCARCERATED PERSONS

Indigent incarcerated persons shall receive writing materials on a weekly basis, pursuant to a schedule established by the Jail Administrator. Writing materials should include the following (15 CCR 1063):

(a) At least four pre-stamped envelopes for correspondence with family and friends

(b) Eight sheets of writing paper

(c) One pencil

Indigent incarcerated persons shall receive an amount of pre-stamped envelopes and writing paper sufficient to correspond with courts, legal counsel, officials of this department, elected officials, jail inspectors, government officials, or officers of the court (see the Access to Courts and Counsel Policy) (15 CCR 1063). There shall be no limitation on the number of postage-paid envelopes and sheets of paper permitted for correspondence to the indigent incarcerated person's attorney and to the courts. Requests for additional writing materials shall be screened and granted based on need, as determined by the Jail Administrator or the authorized designee.

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Chapter 11 - Facility Design

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Space and Environmental Requirements

1100.1 PURPOSE AND SCOPE

This policy describes the desired space and environmental requirements for the physical plant.

1100.2 FACILITY SECURITY AND ACCESSIBILITY

Planned designs for renovations, modifications, additions, or new construction within the facility should facilitate personal communication with incarcerated persons and direct visual observation of all cells, dayrooms, and out of cell time areas. Electronic surveillance may be used to augment the observation of incarcerated persons but shall not be used as a substitute for personal communication.

All locks, detention hardware, fixtures, furnishings, and equipment should have the proper security value for the areas in which they are used. The use of padlocks in place of security locks on cell or incarcerated person housing unit doors is generally prohibited, as unauthorized locking mechanisms may pose a significant threat to the safety and security of the facility in the event of an emergency.

All parts of the facility that are accessible to the public should be accessible to and usable by disabled persons.

1100.3 ENVIRONMENTAL REQUIREMENTS

1100.3.1 LIGHTING LEVELS

Lighting levels shall be adequate for staff and incarcerated persons to perform daily activities. Night lighting levels should permit adequate illumination for supervision but should not unnecessarily interfere with the ability of incarcerated persons to sleep.

1100.3.2 NATURAL LIGHT

All incarcerated persons living areas should provide incarcerated person with exposure to natural light, unless prohibited by security concerns.

1100.3.3 NOISE LEVEL

Noise levels at night should be sufficiently low to allow incarcerated persons to sleep. Nothing in this policy is intended to limit or impair in any way staff's ability to monitor the jail in a manner that is consistent with safety and security and good correctional practices. Noise measurements shall be documented in each housing unit at least annually by an independent expert or by a designated trained staff member who is able to correctly document the conditions.

1100.3.4 VENTILATION

Ventilation systems, including those in toilet rooms and cells with toilets, should be sized and calibrated to supply fresh or circulated air in accordance with federal and state laws, codes, and jail standards.

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Other than an emergency situation, incarcerated persons or jail staff shall not adjust or restrict the ventilation systems without the express permission of the supervisor. Any adjustments made to the ventilation system shall only be allowed for the duration of the emergency or until qualified maintenance personnel can adjust or repair the ventilation system.

Air quantities shall be documented at least annually by an independent expert or by a designated trained staff member who is able to correctly document the conditions, and a report provided to the Jail Administrator.

1100.3.5 TEMPERATURE LEVELS

Temperature and humidity levels should be maintained at a level established by facility maintenance personnel and deemed comfortable and cost-efficient.

Temperature readings shall be documented for each area of the facility on a weekly basis on the appropriate log. Staff shall immediately contact facility maintenance in the event that temperatures or humidity levels become uncomfortable.

1100.3.6 CELL FURNISHINGS

Each incarcerated person housed in this facility shall be provided with the following items:

- A sleeping surface and mattress in accordance with federal and state laws, codes, and jail standards
- A writing surface and seat
- A storage area for clothing and personal belongings

1100.4 DAYROOMS

Dayrooms shall be equipped with at least one shower for every 20 incarcerated persons or fraction thereof (24 CCR 1231.3.4), and tables and sufficient seating for all incarcerated persons at capacity. Where incarcerated persons do not have continuous access to their cells, dayrooms shall also be equipped with one toilet, an immediate source of fresh potable water, and lavatory with hot and cold water for every 10 incarcerated persons or fraction thereof (24 CCR 1231.2.9).

1100.5 JANITOR CLOSETS

Janitor closets shall be located near or inside each housing unit. Each janitor closet should contain a sink and the necessary cleaning implements. Access to the janitor closets shall be controlled and supervised by the staff. Only incarcerated persons identified as workers shall be allowed access to the janitor closets, and then only under the supervision of staff.

1100.6 EMERGENCY POWER

The facility shall be equipped with a sufficient emergency power source to operate communications, security, and alarm systems in control centers; emergency lighting in corridors, stairwells, all incarcerated person housing areas and security control points; and audio-visual monitoring systems.

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1100.7 POLICY

It is the policy of this department to comply with federal and state laws, codes, and correctional standards in matters relating to the jail space and environmental requirements. Any designs for renovations, modifications, additions, or new construction within the facility should be in compliance with federal and state laws, codes, and jail standards.

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Smoking and Tobacco Use

1101.1 PURPOSE AND SCOPE

This policy establishes limitations on the use of tobacco products by members and others while on-duty or while in Imperial County Sheriff's Office facilities or vehicles.

For the purposes of this policy, smoking and tobacco use includes but is not limited to any tobacco product, such as cigarettes, cigars, pipe tobacco, snuff, tobacco pouches, and chewing tobacco, as well as any device intended to simulate smoking such as an electronic cigarette or personal vaporizer.

1101.2 POLICY

The Imperial County Sheriff's Office recognizes that tobacco use is a health risk and can be offensive to others. Smoking and tobacco use also presents an unprofessional image for the Department and its members. Therefore, smoking and tobacco use are prohibited by members, incarcerated persons, and visitors in all department facilities, buildings, and vehicles, and as is further outlined in this policy.

1101.3 SMOKING AND TOBACCO USE

Smoking and tobacco use by members is prohibited any time members are in public view representing the Department.

Smoking and the use of other tobacco products is not permitted inside department facilities or any department vehicle, or any other county building (Labor Code § 6404.5).

It shall be the responsibility of each employee to ensure that no person under their supervision smokes or uses any tobacco product inside county facilities and vehicles.

1101.4 INCARCERATED PERSONS PROHIBITIONS

Incarcerated persons are not allowed to possess or use tobacco products of any kind. This includes tobacco-related paraphernalia such as matches, lighters, pipes, wrapping papers, nicotine gum or patches, or e-cigarettes or vapes.

Staff members shall not provide any tobacco product or paraphernalia to any incarcerated person, including those identified as workers, at any time. Any incarcerated person found using, in possession of, or requesting tobacco products or paraphernalia will face disciplinary action.

1101.5 ADDITIONAL PROHIBITIONS

No person shall smoke tobacco products within 20 feet of a main entrance, exit, or operable window of any public building, including any department facility or a building on the campuses of the University of California, California State University and the California community colleges, whether present for training or any other purpose (Government Code § 7596 et seq.).

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1101.5.1 NOTICE

The Jail Administrator or the authorized designee should ensure that proper signage regarding smoking and tobacco use prohibitions is posted at each entrance to the facility (Labor Code § 6404.5).

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Control Centers

1102.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for control centers for monitoring and coordinating the facility security, safety and communications.

1102.2 POLICY

It is the policy of this department to maintain a control center in each facility, which shall be secure and staffed 24 hours each day to monitor and coordinate security, safety and communications.

1102.3 COMMUNICATIONS AND MONITORING CAPABILITIES

Control centers shall have multiple means of direct communication capabilities with all staff control stations in incarcerated person housing areas, including telephone, intercom and radio.

The control center staff shall be responsible for monitoring fire, smoke and life safety alarms and shall have the means to summon assistance in the event of an emergency.

1102.4 SECURITY

Access into the control centers should be through an entrance controlled by the staff inside the control center.

At no time should incarcerated persons be allowed to enter the control centers.

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Crowding

1103.1 PURPOSE AND SCOPE

One of the determining factors in maintaining a safe and secure jail is to limit the incarcerated person population to the number of beds constructed in each incarcerated person classification level. Occasionally, emergencies occur that will require the jail to exceed its approved bed capacity. This policy establishes the approved bed capacity of the facility, addresses temporary population excess, and provides a plan for gathering statistics and projecting long-term space needs via a jail needs assessment.

1103.2 POLICY

It is the policy of the Imperial County Sheriff's Office to manage the incarcerated person population to the extent as is reasonably possible to avoid exceeding the facility's approved bed capacity.

1103.3 RESPONSIBILITIES

The Sheriff is responsible for ensuring that the facility has a sufficient number of housing units in an appropriate configuration so that incarcerated persons can be separated according to the facility's classification plan.

In the event of an emergency that causes the facility to be populated beyond the approved bed capacity, every reasonable effort should be made to reduce the incarcerated person population to the approved bed capacity as soon as reasonably practicable. The Department will take affirmative action to address excess population. In the event that the incarcerated person population remains over capacity or continues to increase, a crowding committee should be formed to examine any and all methods to ensure that the facility population is reduced and remains within the approved bed capacity.

1103.4 CROWDING COMMITTEE

The Sheriff or the authorized designee is responsible for forming the crowding committee and for facilitating its meetings. When the incarcerated person population nears the approved bed capacity of the facility, the Sheriff should schedule a meeting with the committee for the purpose of identifying potential solutions to reduce the population to, or below, the approved bed capacity.

A complete report describing facility population, conditions and mitigation recommendations should be provided to all members of the committee, as well as being released to the public.

The committee membership should include but is not limited to:

(a) The Sheriff of the Department

(b) The Jail Administrator

(c) A member of the local judiciary

(d) A representative of the District or Prosecuting Attorney's Office

(e) A representative of the Public Defender's Office

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(f) A representative from the County Executive's Office

(g) A representative from the Imperial County Board of Supervisors

(h) One or more members of the public

1103.5 FACILITY NEEDS ASSESSMENT

In the event that the jail maintains an average 80 percent occupancy rate consistently for one year, the Department should initiate a jail needs assessment. The assessment initiates a systematic process that is designed to identify a variety of operational issues and program needs, and may indicate when expansion or replacement of the facility is warranted.

1103.6 DAILY INCARCERATED PERSON POPULATION REPORT

The Jail Administrator or the authorized designee is responsible for ensuring that detailed daily logs of the facility's incarcerated person population and other demographic information are completed and maintained by the staff. These logs shall reflect the monthly, average daily population of sentenced and non-sentenced incarcerated persons by categories of each gender as of midnight of each day. The number of incarcerated persons occupying holding cells shall also be counted at midnight each day. An incarcerated person population report summarizing this information shall be created daily and distributed to the Sheriff and the Jail Administrator (see the Population Management Policy). The Jail Administrator shall provide the Board of State and Community Corrections with applicable incarcerated person demographic information as described in the Jail Profile Survey (15 CCR 1040).

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Attachments

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