

# Santa Cruz County Sheriff's Office

## Santa Cruz County Sheriff's Office Correction's Policy Manual

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### **MISSION**

Our mission is to ensure public safety in Santa Cruz County. We accomplish this through open communication and collaboration with our community as well as continuous professional development of staff to address crime and promote innovative corrections solutions.

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**PHILOSOPHY AND GOALS**

(Agency Philosophy and Goals statement)

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### **PHILOSOPHY AND GOALS**

Corrections Bureau

Primary Objectives:

- 1) Prevent Deaths in Custody
- 2) Prevent Inmate Escapes
- 3) Reduce Recidivism

Bureau Goals:

- A. Comply with local, state, and federal standards, laws and orders
- B. Provide inmate needs: food, medical, hygiene, clothing, bedding, visiting, court appearances
- C. Maintain clean and operable correctional facilities
- D. Prepare inmates for community re-entry
- E. Hire and train correctional staff
- F. Provide security for local courts and transport inmates to courts

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### **CODE OF ETHICS**

My fundamental duty is to serve the community; to safeguard lives and property; to protect the innocent against deception, the weak against oppression or intimidation and the peaceful against violence or disorder; and to respect the constitutional rights of all to liberty, equality and justice.

I will keep my private life unsullied as an example to all and will behave in a manner that does not bring discredit to me or to my agency. I will maintain courageous calm in the face of danger, scorn or ridicule; develop self-restraint; and be constantly mindful of the welfare of others. Honest in thought and deed both in my personal and official life, I will be exemplary in obeying the law and the regulations of my department. Whatever I see or hear of a confidential nature or that is confided to me in my official capacity will be kept ever secret unless revelation is necessary in the performance of my duty.

I will never act officiously or permit personal feelings, prejudices, political beliefs, aspirations, animosities or friendships to influence my decisions. With no compromise for crime, I will enforce the law courteously and appropriately without fear or favor, malice or ill will, never employing unnecessary force or violence and never accepting gratuities.

I recognize the badge of my office as a symbol of public faith, and I accept it as a public trust to be held so long as I am true to the ethics of criminal justice service. I will never engage in acts of corruption or bribery, nor will I condone such acts by other officers. I will cooperate with all legally authorized agencies and their representatives in the pursuit of justice.

I know that I alone am responsible for my own standard of professional performance and will take every reasonable opportunity to enhance and improve my level of knowledge and competence.

I will constantly strive to achieve these objectives and ideals, dedicating myself before God to my chosen profession.

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## Chapter 1 - Role and Authority

## Organizational Structure and Responsibility

### 100.1 PURPOSE AND SCOPE

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

### 100.2 BUREAUS

The Sheriff is responsible for administering and managing the Santa Cruz County Sheriff's Office. There are three bureaus in the office:

- Administration bureau
- Operations bureau
- Corrections bureau

#### 100.2.1 ADMINISTRATION BUREAU

The Administration Bureau is commanded by a Undersheriff, whose primary responsibility is to provide general management direction and control for that bureau. The Administration Bureau consists of Administrative, Personnel, Training, Finance, Records and Civil Services..

#### 100.2.2 OPERATIONS BUREAU

The Operations Bureau is commanded by a Chief Deputy whose primary responsibility is to provide general management, direction and control for that bureau. The Operations Bureau consists of Uniformed Patrol, Investigations, Decentralized Community Policing, and Special Operations.

#### 100.2.3 CORRECTIONS BUREAU

The Corrections Bureau is commanded by a Chief Deputy whose primary responsibility is to provide general management, direction and control for that bureau. The Corrections Bureau consists of Main Jail, Women's Minimum Security Facility, Rountree Medium Security Facility and Special Services that include Court Security, Food Services and Medical Services.

### 100.3 CHAIN OF COMMAND

#### 100.3.1 CHAIN OF COMMAND

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

To maintain continuity, order and effectiveness in the office, 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 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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##### 100.3.2 SUCCESSION OF COMMAND

The Sheriff exercises command over all personnel in the office. During planned absences the Sheriff will designate a Bureau Chief to serve as acting Sheriff.

Except when designated as above, the command authority in the absence or unavailability of the Sheriff is as follows:

- (a) Undersheriff
- (b) Operations Bureau Chief Deputy
- (c) Corrections Bureau Chief Deputy
- (d) Patrol Lieutenant

##### 100.3.3 UNITY OF COMMAND

The principles of unity of command ensure efficient supervision and control within the Sheriff's Office. Generally, each employee shall be accountable to one supervisor at any time for a given assignment or responsibility. Except where specifically delegated authority may exist by policy or special assignment, any supervisor may temporarily direct any subordinate if an operational necessity exists.

##### 100.3.4 ORDERS

Members shall respond to and make good faith and reasonable effort to comply with the lawful order of superior officers and other proper authority.

## Authority and Legal Assistance

### 101.1 PURPOSE AND SCOPE

This policy acknowledges and reflects the legal authority under which the Santa Cruz 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 correctional facility operates in accordance with these laws, constitutional mandates, regulations and local ordinances.

### 101.2 POLICY

It is the policy of this office 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

Correctional Facility 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 Santa Cruz 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 office:

- (a) Analyze and alert the correctional facility executive and correctional facility management team to correctional facility-related case law.
- (b) Serve as a legal consultant in the construction and review of new correctional facility 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 office and the Sheriff.

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#### *Authority and Legal Assistance*

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##### 101.4.1 LEGAL LIAISON

The Sheriff will designate one or more staff to act as a liaison between the Office 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.

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 Office.

# Custody Manual

## 102.1 PURPOSE AND SCOPE

The Custody Manual is a statement of the current policies, rules and guidelines of this office's correctional facility. All members are to conform to the provisions of this manual. All prior and existing manuals, orders and regulations which are in conflict with this manual are revoked, except to the extent that portions of existing manuals, orders and other regulations which 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 office under the circumstances reasonably known to them at the time of any incident.

## 102.2 POLICY

The manual of the Santa Cruz County Sheriff's Office Correctional Facility 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.

### 102.2.1 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 Santa Cruz 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 office administrative action, training or discipline. The Santa Cruz County Sheriff's Office reserves the right to revise any policy content, in whole or in part.

## 102.3 RESPONSIBILITIES

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

The Facility Manager 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 Santa Cruz 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.

### 102.3.1 COMMAND STAFF

The command staff should consist of the following:

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- Sheriff
- Undersheriff
- Chief Deputy
- Lieutenant

#### 102.3.2 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 Facility Manager, who will consider the recommendation.

#### 102.3.3 INTERNAL AND EXTERNAL SECURITY MEASURE REVIEW

The Facility Manager 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).

#### 102.4 DEFINITIONS

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

**Office** - The Santa Cruz County Sheriff's Office.

**Custody Manual** - The Office Custody Manual.

**Employee** - Any person employed by the Office.

**Incarcerated Person** - Any person held in the custody of the correctional facility.

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

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

- Full- and part-time employees.
- Sworn corrections officers.
- Reserve corrections officers.
- Non-sworn employees.
- Volunteers.

**Correction officer** - All persons, regardless of rank, who are employees and who are selected and trained in accordance with state law as corrections officers of the Santa Cruz 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 corrections officer.

**Shall or will** - Indicates a mandatory action.

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

### **102.5 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 office network (15 CCR 1029).

No changes shall be made to the electronic version without authorization from the Facility Manager.

### **102.6 MANUAL ACCEPTANCE**

As a condition of employment, all members are required to read and obtain necessary clarification of this office'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.

### **102.7 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 office network for review prior to implementation. The Training Officer 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.



## Standards of Conduct

### 103.1 PURPOSE AND SCOPE

This policy provides employees with guidelines for conduct in order that they may participate in meeting the goals of this office in serving the community. This policy shall apply to all sworn, general service staff, volunteer and contractor members of this office (including part-time and reserve employees). This policy is intended for internal use only and shall not be construed to increase or establish an employee's civil or criminal liability. Nor shall it be construed to create or establish a higher standard of safety or care. A violation of any portion of this policy may only serve as the basis for internal disciplinary and/or administrative action.

### 103.2 POLICY

The continued employment of every employee of this office shall be based on conduct that reasonably conforms to the guidelines set forth herein. Failure of any employee to meet the guidelines set forth in this policy whether on-duty or off-duty may be cause for disciplinary action.

An employee's off-duty conduct shall be governed by this policy to the extent that it is related to acts that may materially affect or arise from the employee's ability to perform official duties or to the extent that it may be indicative of an employee being unfit for his/her position.

### 103.3 CONDUCT THAT MAY RESULT IN DISCIPLINE

The following list of causes for disciplinary action constitutes a portion of the disciplinary standards of this office. This list is not intended to cover every possible type of misconduct and does not preclude the recommendation of disciplinary action for specific action or inaction that is detrimental to efficient office service:

#### 103.3.1 ATTENDANCE

- (a) Leaving the assignment during duty hours without reasonable excuse and proper permission and approval.
- (b) Unexcused or unauthorized absence or tardiness on scheduled days of work.
- (c) Failure to report to work or to the place of assignment at the time specified and fully prepared to perform duties without a reasonable excuse.
- (d) Failure to notify the Office within 24 hours of any change in residence address, home telephone number or marital status.

#### 103.3.2 CONDUCT

- (a) Unauthorized or unlawful fighting, threatening or attempting to inflict unlawful bodily injury on another.
- (b) Initiating any civil action for recovery of any damages or injuries incurred in the course and scope of employment without first notifying the Sheriff of such action.

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#### *Standards of Conduct*

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- (c) Using office resources in association with any portion of an independent civil action. These resources include, but are not limited to, personnel, vehicles, equipment and confidential records.
- (d) Engaging in horseplay that results in injury or property damage or the reasonable possibility thereof.
- (e) Unauthorized possession of, loss of, or damage to office property or the property of others or endangering it through unreasonable carelessness or maliciousness.
- (f) Failure of any employee to promptly and fully report activities on their own part or the part of any other employee where such activities may result in criminal prosecution or discipline under this policy.
- (g) Failure of any employee to promptly and fully report activities that have resulted in official contact by any other law enforcement agency.
- (h) Using or disclosing one's status as an employee with the Office in any way that could reasonably be perceived as an attempt to gain influence or authority for non-office business or activity.
- (i) The use of any confidential data, information, photograph, video or other recording obtained or accessed as a result of employment with the Office for personal or financial gain or without the express authorization of the Sheriff or the authorized designee may result in discipline under this policy.
- (j) Seeking restraining orders against individuals encountered in the line of duty without the express permission of the Sheriff.
- (k) Discourteous, disrespectful or discriminatory treatment of any member of the public or any member of this office.
- (l) Unwelcome solicitation of a personal or sexual relationship while on-duty or through the use of official capacity.
- (m) Engaging in sexual abuse.
- (n) Any history of sexual abuse in a prison, jail, lockup, community confinement facility, juvenile facility or other institution (28 CFR 115.17).
- (o) Conviction or civil or administrative adjudication for engaging or attempting to engage in sexual activity that was facilitated by force, overt or implied threats of force, coercion, or if the victim did not consent or was unable to consent or refuse (28 CFR 115.17).
- (p) Engaging in on-duty sexual relations including, but not limited to, sexual intercourse, excessive displays of public affection or other sexual contact.
- (q) Engaging in personal associations with inmates. In instances where the relationship existed prior to the inmate's incarceration, staff shall submit notification of such relationship in writing to their supervisor, who will notify the Facility Manager.
- (r) Divulging home telephone numbers, addresses, e-mail addresses, work schedules or other confidential data regarding themselves or other employees to current incarcerated people, former incarcerated people or their families or the general public.

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- (s) Accepting gifts of any value or favors from current or former incarcerated people or their families. Attempts on the part of a current incarcerated person, former incarcerated person or his/her family to send gifts or offer favors to employees or their families must be immediately reported to the employee's supervisor.
- (t) Allowing contraband articles, including, but not limited to, weapons, clothing, food, illegal drugs, tobacco, vaping device, or other artificial nicotine pouches in any jail facility.
- (u) Receiving from an incarcerated person any articles to deliver outside the facility.

#### 103.3.3 DISCRIMINATION

Discrimination against any person because of age, race, color, creed, religion, gender, sexual orientation, national origin, ancestry, marital status, physical or mental disability or medical condition will not be tolerated.

#### 103.3.4 INTOXICANTS

- (a) Reporting for work or being at work following the use of intoxicants where such use may impair the employee's ability to perform assigned duties or where there is an immediate suspicion of ineffectiveness during public contact resulting from the use of intoxicants.
- (b) Unauthorized possession or use of, or attempting to bring intoxicants to the work site.
- (c) Reporting for work or being at work following the use of a controlled substance or any drug (whether legally prescribed or otherwise) where such use may impair the employee's ability to perform assigned duties without prior authorization from a supervisor.
- (d) Unauthorized possession or use of a controlled substance or other illegal drug.

#### 103.3.5 PERFORMANCE

- (a) Sleeping during on-duty time or assignments.
- (b) Careless workmanship resulting in spoilage or waste of materials or work of an unacceptable nature as applicable to the nature of the work assigned.
- (c) Unsatisfactory work performance including, but not limited to, failure, incompetence, inefficiency or delay in performing and/or carrying out proper orders, work assignments or instructions of supervisors without a reasonable and bona fide excuse.
- (d) Concealing, attempting to conceal, removing or destroying defective or incompetent work.
- (e) Disobedience or insubordination to constituted authorities, including refusal or deliberate failure to carry out or follow lawful directives and orders from any supervisor or person in a position of authority.

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- (f) The wrongful or unlawful exercise of authority on the part of any employee for malicious purpose, personal gain, willful deceit or any other improper purpose.
- (g) Disparaging remarks or conduct concerning duly constituted authority to the extent that such conduct disrupts the efficiency of the Office or subverts the good order, efficiency and discipline of the Office or that would tend to discredit any member thereof.
- (h) Knowingly making false, misleading or malicious statements that are reasonably calculated to harm or destroy the reputation, authority or official standing of the Office or members thereof.
- (i) The falsification of any work-related records, the making of misleading entries or statements with the intent to deceive, or the willful and unauthorized destruction and/or mutilation of any office record, book, paper or document.
- (j) Wrongfully loaning, selling, giving away or appropriating any office property for the personal use of the employee or any unauthorized person.
- (k) The unauthorized use of any badge, uniform, identification card or other office equipment or property for personal gain or any other improper purpose.
- (l) The receipt or acceptance of a reward, fee or gift from any person for service incident to the performance of the employee's duties (lawful subpoena fees and authorized work permits excepted).
- (m) Any knowing or negligent violation of the provisions of the office manual, operating procedures or other written directive of an authorized supervisor that the Office has made available to the employees.
- (n) Dishonesty, including attempted or actual theft of office property, services or the property of others, or the unauthorized removal or possession of office property or the property of another person.
- (o) Criminal, dishonest, infamous or disgraceful conduct adversely affecting the employee/employer relationship, whether on-duty or off-duty.
- (p) Failure to disclose or misrepresenting material facts, or the making of any false or misleading statement on any application, examination form or other official document, report or form, or during the course of any work-related investigation.
- (q) Failure to take reasonable action while on-duty and when required by law, statute, resolution or approved office practices or procedures.
- (r) Substantiated, active, continuing association with or membership in organized crime or criminal syndicates or a criminal gang with knowledge thereof, except as specifically directed and authorized by the Office.
- (s) Offer or acceptance of a bribe or gratuity.
- (t) Misappropriation or misuse of public funds.

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- (u) Exceeding lawful peace officer powers by unreasonable, unlawful or excessive conduct.
- (v) Unlawful gambling or unlawful betting on office premises or at any work site.
- (w) Substantiated, active, continuing association on a personal rather than official basis with a person or persons who engage in or are continuing to engage in serious violations of state or federal laws, where the employee has or reasonably should have knowledge of such criminal activities, except where specifically directed and authorized by the Office.
- (x) Solicitations, speeches or distribution of campaign literature for or against any political candidate or position while on-duty, on office property or while in any way representing him/herself as a member of this office, without the express authorization of the Sheriff.
- (y) Engaging in political activities during assigned working hours without the express authorization of the Sheriff.
- (z) Violating any misdemeanor or felony statute.
- (aa) Any other on-duty or off-duty conduct which any employee knows or reasonably should know is unbecoming a member of the Office or which is contrary to good order, efficiency or morale, or which tends to reflect unfavorably upon the Office or its members.
- (ab) Any failure or refusal of an employee to properly perform the function and duties of an assigned position.
- (ac) Failure to maintain required and current licenses (e.g., driver license) and certifications (e.g., first aid).
- (ad) Giving false or misleading statements, or misrepresenting or omitting material information to a supervisor or other person in a position of authority, in connection with any investigation or in the reporting of any office-related business.

#### 103.3.6 SAFETY

- (a) Failure to observe posted rules, signs and written or oral safety instructions while on-duty and/or within office facilities or to use required protective clothing or equipment.
- (b) Knowingly failing to report any on-the-job or work-related accident or injury within 24 hours.
- (c) Substantiated employee record of unsafe or improper driving habits or actions in the course of employment.
- (d) Failure to maintain good physical condition sufficient to adequately and safely perform law enforcement duties.

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- (e) Any personal action contributing to involvement in a preventable traffic collision, or other unsafe or improper driving habits or actions in the course of employment.
- (f) Violating office safety standards or safe working practices.

#### 103.3.7 SECURITY

- (a) Unauthorized, intentional release of designated confidential information, materials, data, forms or reports.

#### 103.3.8 SUPERVISION RESPONSIBILITY

- (a) Supervisors and managers are required to follow all policies and procedures and may be subject to discipline for:
  1. Failure to be reasonably aware of the performance of their subordinates or to provide appropriate guidance and control.
  2. Failure to promptly and fully report any known misconduct of a member to the member's immediate supervisor or to document such misconduct appropriately or as required by policy.
  3. Directing a subordinate to violate a policy or directive, acquiescing to such a violation, or exhibiting indifference to such a violation.
  4. Exercising unequal or disparate authority toward any member for malicious or other improper purpose.
- (b)
- (c)

#### 103.3.9 PRISON RAPE ELIMINATION ACT (PREA) DISCLOSURE

Members have a continuing affirmative duty to notify the Facility Manager in writing if they 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 for an offense involving 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 the subject of any civil or administrative adjudication finding that the member engaged 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.

#### **103.4 GENERAL STANDARDS**

Members shall conduct themselves, whether on- or off-duty, in accordance with the United States and California constitutions and all applicable laws, ordinances, and rules enacted or established pursuant to legal authority.

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Members shall familiarize themselves with policies and procedures and are responsible for compliance with each. Members should seek clarification and guidance from supervisors in the event of any perceived ambiguity or uncertainty.

Discipline may be initiated for any good cause. It is not mandatory that a specific policy or rule violation be cited to sustain discipline. This policy is not intended to cover every possible type of misconduct.

#### 103.4.1 PRISON RAPE ELIMINATION ACT DISCLOSURE

Members have a continuing affirmative duty to notify the Facility Manager in writing if they have (28 CFR 115.17; 15 CCR 3411):

- (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 for an offense involving 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 the subject of any civil or administrative adjudication finding that the member engaged 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.

#### 103.5 POST-INVESTIGATION PROCEDURES

##### 103.5.1 FACILITY MANAGER RESPONSIBILITIES

Upon receipt of any completed personnel investigation, the Facility Manager shall review the entire investigative file, the employee's personnel file and any other relevant materials.

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

- (a) Prior to forwarding recommendations to the Sheriff, the Facility Manager may return the entire investigation to the assigned detective or supervisor for further investigation or action.
- (b) When forwarding any written recommendation to the Sheriff, the Facility Manager shall include all relevant materials supporting the recommendation. Actual copies of an employee's existing personnel file need not be provided and may be incorporated by reference.

##### 103.5.2 RESPONSIBILITIES OF THE SHERIFF

Upon receipt of any written recommendation for disciplinary action, the Sheriff or their designee shall review the recommendation and all accompanying materials.

The Sheriff or their designee may modify any recommendation and/or may return the file to the Facility Manager for further investigation or action.

Once the Sheriff or their designee is satisfied that no further investigation or action is required by staff, the Sheriff or their designee shall determine the amount of discipline, if any, to be imposed.

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In the event that disciplinary action is recommended, the Sheriff or their designee shall provide the employee with written notice (Skelly) within one year of the date the alleged misconduct was discovered (absent an exception set forth in Government Code § 3304(d) or Government Code § 3508.1). That notice should include:

- (a) Specific charges set forth in separate counts, describing the conduct underlying each count.
- (b) A separate recommendation of proposed discipline for each charge.
- (c) A statement that the employee has been provided with or been given access to all of the materials considered by the Sheriff in recommending the proposed discipline.
- (d) 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 employee, the Sheriff may grant a reasonable extension of time for the employee to respond.
  - 2. If the employee elects to respond orally, the presentation shall be recorded by the Office. Upon request, the employee shall be provided with a copy of the recording.

#### 103.5.3 RELATIONSHIPS

- (a) Unwelcome solicitation of a personal or sexual relationship while on-duty or through the use of one's official capacity.
- (b) Engaging in on-duty sexual activity, including but not limited to sexual intercourse, excessive displays of public affection, or other sexual contact with other members, volunteers, contractors, or incarcerated persons.
- (c) Establishing or maintaining an inappropriate personal or financial relationship, as a result of an investigation, with an incarcerated person or with a known victim, witness, suspect, or defendant while a case is being investigated or prosecuted, or as a direct result of any official contact.
- (d) Associating with or joining a criminal gang, organized crime, and/or criminal syndicate when the member knows or reasonably should know of the criminal nature of the organization. This includes any organization involved in a definable criminal activity or enterprise, except as specifically directed and authorized by this office.
- (e) Associating on a personal, rather than official, basis with persons who demonstrate recurring involvement in serious violations of state or federal laws after the member knows or reasonably should know of such criminal activities, except as specifically directed and authorized by this office.
- (f) Participation in a law enforcement gang as defined by Penal Code § 13670. Participation is grounds for termination (Penal Code § 13670).

#### 103.5.4 DISCRIMINATION, OPPRESSION, OR FAVORITISM

Unless required by law or policy, discriminating against, oppressing, or providing favoritism to any person because of actual or perceived characteristics such as race, ethnicity, national origin,



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religion, sex, sexual orientation, gender identity or expression, age, disability, economic status, cultural group, veteran status, marital status, and any other classification or status protected by law, or intentionally denying or impeding another in the exercise or enjoyment of any right, privilege, power, or immunity, knowing the conduct is unlawful.

#### 103.5.5 UNAUTHORIZED ACCESS, DISCLOSURE, OR USE

- (a) Unauthorized and inappropriate intentional release of confidential or protected information, materials, data, forms, or reports obtained as a result of the member's position with this office.
  - 1. Members of this office shall not disclose the name, address, or image of any victim of human trafficking except as authorized by law (Penal Code § 293).
- (b) Disclosing to any unauthorized person any active investigation, incarcerated person, or critical incident information.
- (c) The use of any information, photograph, video, or other recording obtained or accessed as a result of employment or appointment to this office for personal or financial gain or without the express authorization of the Sheriff or the authorized designee.
- (d) Loaning, selling, allowing unauthorized use, giving away, or appropriating any office property for personal use, personal gain, or any other improper or unauthorized use or purpose.
- (e) Using office resources in association with any portion of an independent civil action. These resources include but are not limited to personnel, vehicles, equipment, and non-subpoenaed records.

#### 103.6 RESIGNATIONS/RETIREMENTS PRIOR TO DISCIPLINE

In the event that an employee tenders a written retirement or resignation prior to the imposition of discipline, it shall be noted in the file.

The tender of a retirement or resignation by itself shall not serve as grounds for the termination of pending discipline.

#### 103.7 DISCIPLINARY ACTION AGAINST PROBATIONARY EMPLOYEES

A probationary employee has no right to appeal. Dismissal of a probationary employee for failure to pass probation shall so be reflected in the employee's personnel file.

## Discriminatory Harassment

### 104.1 PURPOSE AND SCOPE

The purpose of this policy is to prevent office 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.

### 104.2 POLICY

The Santa Cruz 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 Office will not tolerate discrimination against a member in hiring, promotion, discharge, compensation, fringe benefits and other privileges of employment. The Office will take preventive, corrective and disciplinary action for any behavior that violates this policy or the rights and privileges it is designed to protect.

The nondiscrimination policies of the Office 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.

### 104.3 DEFINITIONS

Definitions related to this policy include:

#### 104.3.1 DISCRIMINATION

The Office 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 office equipment and/or systems to transmit or receive offensive material, statements, or pictures. Such conduct is contrary to office policy and to a work environment that is free of discrimination.

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##### 104.3.2 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.

##### 104.3.3 SEXUAL HARASSMENT

The Office 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.

##### 104.3.4 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 office rules or regulations, or any other appropriate work-related communication between supervisor and member.

#### **104.4 RESPONSIBILITIES**

This policy applies to all office members, who shall follow the intent of these guidelines in a manner that reflects office policy, professional standards, and the best interest of the Office 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 Personnel Director, or the County Administrator.

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

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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.

##### 104.4.1 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 Personnel Director, the County Administrator, or the California Civil Rights Department for further information, direction, or clarification (Government Code § 12950).

##### 104.4.2 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 Personnel Director in writing of the circumstances surrounding any reported allegations or observed acts of discrimination, harassment, or retaliation no later than the next business day.

##### 104.4.3 SUPERVISOR'S ROLE

Supervisors and managers shall be aware of the following:

- (a) Behavior of supervisors and managers should represent the values of the Office 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.

#### **104.5 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 Office that all complaints of

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discrimination or harassment shall be fully documented, and promptly and thoroughly investigated. Any member involved in the incident or investigation should be protected against retaliation, and the complaint and related investigation should be kept confidential to the extent possible.

##### 104.5.1 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.

##### 104.5.2 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 Personnel Director, or the County Administrator.

##### 104.5.3 ALTERNATIVE COMPLAINT PROCESS

No provision of this policy shall be construed to prevent any member from seeking legal redress outside the Office. 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.

#### **104.6 DOCUMENTATION OF COMPLAINTS**

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

- (a) Approved by the Sheriff, the County Administrator or the Personnel Director if appropriate.
- (b) Maintained in accordance with the office's established records retention schedules.

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##### 104.6.1 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.

#### **104.7 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 by signing the prescribed form 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 Office.

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

##### 104.7.1 STATE-REQUIRED TRAINING

The Training Officer 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 Officer should ensure that employees are provided the following website address to the training course: <https://calcivilrights.ca.gov/> (Government Code § 12950; 2 CCR 11023).

##### 104.7.2 TRAINING RECORDS

The Training Officer 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).

#### **104.8 REQUIRED POSTERS**

The Office 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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##### **104.9 WORKING CONDITIONS**

The Administration Chief Deputy 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).

## Brady Material Disclosure

### 105.1 PURPOSE AND SCOPE

This policy establishes guidelines for identifying and releasing potentially exculpatory or impeachment information (so-called "Brady information") to a prosecuting attorney.

#### 105.1.1 DEFINITIONS

Definitions related to this policy include:

**Brady information** - Information known or possessed by the Santa Cruz County Sheriff's Office that is both favorable and material to the defense of a criminal defendant.

### 105.2 POLICY

The Santa Cruz County Sheriff's Office will conduct fair and impartial criminal investigations and will provide the prosecution with both incriminating and exculpatory evidence, as well as information that may adversely affect the credibility of a witness. In addition to reporting all evidence of guilt, the Santa Cruz County Sheriff's Office will assist the prosecution by complying with its obligation to disclose information that is both favorable and material to the defense. The Office will identify and disclose to the prosecution potentially exculpatory information, as provided in this policy.

### 105.3 DISCLOSURE OF INVESTIGATIVE INFORMATION

Officers must include in their investigative reports adequate investigative information and reference to all material evidence and facts that are reasonably believed to be either incriminating or exculpatory to any individual in the case. If a deputy learns of potentially incriminating or exculpatory information any time after submission of a case, the deputy or the handling investigator must prepare and submit a supplemental report documenting such information as soon as practicable. Supplemental reports shall be promptly processed and transmitted to the prosecutor's office.

If information is believed to be privileged or confidential (e.g., confidential informant or protected personnel files), the deputy should discuss the matter with a supervisor and/or prosecutor to determine the appropriate manner in which to proceed.

Evidence or facts are considered material if there is a reasonable probability that they would affect the outcome of a criminal proceeding or trial. Determining whether evidence or facts are material often requires legal or even judicial review. If a deputy is unsure whether evidence or facts are material, the deputy should address the issue with a supervisor.

Supervisors who are uncertain about whether evidence or facts are material should address the issue in a written memo to an appropriate prosecutor. A copy of the memo should be retained in the Department case file.



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##### **105.4 DISCLOSURE OF PERSONNEL INFORMATION**

Whenever it is determined that *Brady* information is located in the personnel file of a member of this department who is a material witness in a criminal case, the following procedure shall apply:

(a) In the event that a *Pitchess* motion has not already been filed by the criminal defendant or other party pursuant to Evidence Code § 1043, the prosecution attorney shall be notified of the potential presence of *Brady* information in the officer's personnel file.

(b) The prosecution attorney should then be requested to file a *Pitchess* motion in order to initiate an in camera review by the court.

(c) Any member who is the subject of such a motion shall be notified in writing that a motion has been filed.

(d) The Custodian of Records shall accompany all relevant files during any in camera inspection and address any issues or questions raised by the court in determining whether any information contained in the files is both material and favorable to the criminal defendant.

(e) If the court determines that there is relevant *Brady* information contained in the files, only that information ordered released will be copied and released to the parties filing the motion.

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

##### **105.5 INVESTIGATING BRADY ISSUES**

If the Office receives information from any source that a member may have issues of credibility, dishonesty or has been engaged in an act of moral turpitude or criminal conduct, the information shall be investigated and processed in accordance with the Personnel Complaints Policy.

## Anti-Retaliation

### 106.1 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.

### 106.2 POLICY

The Santa Cruz 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.

### 106.3 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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#### *Anti-Retaliation*

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##### 106.3.1 RETALIATION PROHIBITED FOR REPORTING VIOLATIONS

A corrections officer shall not be retaliated against for reporting a suspected violation of a law or regulation by another corrections officer to a supervisor or other person in the Office who has the authority to investigate the violation (Government Code § 7286 (b)).

##### **106.4 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 Personnel Director.

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.

##### **106.5 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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#### *Anti-Retaliation*

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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.

#### **106.6 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.

#### **106.7 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 Professional Standards Unit for investigation pursuant to the Personnel Complaints Policy.

##### **106.7.1 DISPLAY OF WHISTLE-BLOWER LAWS**

The Office 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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##### **106.8 RECORDS RETENTION AND RELEASE**

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

##### **106.9 TRAINING**

This policy should be reviewed with each new member.

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

## **Chapter 2 - Organization and Administration**

## 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 Santa Cruz 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 office time can endanger the health and safety of office 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 office premises or on office 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 for employees who wish to seek help for alcohol and drug problems. Insurance coverage that provides treatment for drug and alcohol abuse also may be available. Employees should contact the Personnel Department, their insurance provider or the Employee Assistance Program for additional information.

Employees who experience drug or alcohol problems are encouraged to seek a referral for help through the Employee Assistance Program or their health care provider. 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 Office.

##### **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 Office 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.



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##### 200.7.2 DISCIPLINE

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

- (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 Office 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 Office 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.

## 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 Office. Service goals and objectives should be delineated in the budget plan.

### 201.2 POLICY

The Office's responsibilities include the development of a budget plan, submitting the plan to the County Administrator, 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 Facility Manager 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 Auditor's Office for review and approval and/or returned to the Office for additional development. Once the budget plan has been approved by the County Administrator or the authorized designee, the Office may initiate expenditures in accordance with the plan.

### 201.4 FISCAL ACCOUNTING AND MANAGEMENT OF APPROVED BUDGET

The Auditor's Office 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 Facility Manager'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 Facility Manager 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 Administrator.

#### **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 Office'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 Office 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 Office will utilize a system of position control as part of its ongoing budget process.

#### **201.7 STAFFING PLAN**

The Facility Manager 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 this facility. 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 Facility Manager should adhere to the following strategies for the management of position control and personnel costs:

- (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.

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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 Office shall ensure, by way of office risk managers, the procurement of adequate liability coverage of the correctional facility operations. Coverage shall include, at minimum, workers' compensation, civil liability and the public employee blanket bond.

## 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 corrections officer from each gender should be on-duty in the correctional facility 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 Facility Manager 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. With the exception of Custody Staff assigned to the Logistics Unit or on special assignment, other Custody staff will not be given physical plant maintenance duties that distract from their primary responsibility of supervising inmates.

## 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 office 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 Facility Manager 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.

## 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 Facility Manager shall ensure that all correctional facility property and fixed assets are inventoried annually and that all supplies purchased are reconciled with the invoice prior to payment.

The Santa Cruz County Sheriffs Office maintains a secure storage area for the purpose of storing supplies and equipment. The Facility Manager shall maintain oversight of the area.

### 204.3 PURCHASING

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

With approval of the Facility Manager and the Administrative Services Manager, small purchases of critical need may be reimbursed by way of petty cash.

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.
- (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.

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#### *Equipment Inventory and Supplies*

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##### **204.4 EQUIPMENT INVENTORY**

The Facility Manager or authorized designee will conduct an audit on all supplies and equipment annually. The Auditor's Office may also conduct an interim audit on all fixed assets in order to maintain a complete and accurate accounting of equipment and its location.



## 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)).

#### 205.2.1 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 inmates 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)). Inmates 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 Facility Manager. 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 inmate 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 Sergeant documenting the specific tool that is missing and the circumstances of the disappearance. The report will be forwarded to the Facility Manager. All staff members involved in the search will submit a report to the on-duty supervisor documenting their findings.

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##### 205.2.2 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 inmates are present, the inmates shall be locked down by staff supervising the area.

When the person has finished working in the area, a corrections officer will ensure that all tools are accounted for. 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 inmates may be released from lockdown.

##### 205.2.3 EXTERIOR-USE TOOLS

Exterior-use tools are those that are used by inmate 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 inmate workers who are classified to work outside the secure perimeter of the facility will be allowed to possess exterior-use tools. The corrections officer responsible for supervising inmate workers on outside work crews will inventory all tools assigned for this purpose at the beginning of the shift.

Any tool issued to an inmate will be logged with the inmate's name, the tool type and serial number documented. When an inmate worker is finished with that tool, the responsible staff member shall check the tool against the check-out log and document its return. Inmate workers shall not be permitted to pass tools between each other except under the direct supervision of a corrections officer.

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

In the event that an exterior-use tool is missing, the corrections officer shall immediately notify a supervisor. A thorough search for the tool will be undertaken and an incident report shall be completed. Inmates may only be released from their work assignments when it has been

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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 Facility Manager.

#### 205.2.4 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.

Staff assigned to the kitchen shall inventory all kitchen tools at the beginning of his/her shift and prior to the arrival of inmate workers. Kitchen tools will only be issued to inmates who have been classified as inmate workers. Staff will supervise inmates at all times when the inmates are using tools.

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

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

In the event that a kitchen tool is missing, the corrections officer 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 corrections officer responsible for the supervision of the use of the tool. The incident report with all relevant information shall be forwarded to the Facility Manager.

## 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 and evidence to ensure that the chain of custody is maintained so that evidence is admissible in a court of law or disciplinary hearing.

### 206.2 POLICY

It is the policy of the Santa Cruz County Sheriff's Office to seize evidence and contraband in accordance with current constitutional and search-and-seizure law. Members of this office 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 corrections 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 PROPERTY BOOKING PROCEDURE

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

- (a) Complete the property form describing each item of property separately, listing all serial numbers, owner's name, finder's name and other identifying information or markings.
- (b) Mark each item of evidence with the booking employee's initials and the date booked using the appropriate method to prevent defacing or damaging the value of the property.
- (c) Complete an evidence/property tag and attach it to each package or envelope in which the property is stored.

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- (d) Place the case number in the upper right corner of the bag or in the appropriate field of the evidence/property tag.
- (e) The original property form shall be submitted with the case report. A copy shall be placed with the property in the temporary property locker or with the property if it is stored somewhere other than a property locker.
- (f) When the property 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 property 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 property 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 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 officer receiving custody of evidence or property shall record on the property control card 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 property control card.

Any changes in the location of property held by the Office shall be noted in the property log book.

#### 206.4.4 PROPERTY CONTROL

Every time property is released or received, an appropriate entry on the evidence package and property control card 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.

Corrections officers desiring property for court shall contact the property officer 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 officer. This request may be filled out any time after booking the property or evidence.

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##### 206.4.5 STATUS OF PROPERTY

Each person receiving property 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 property control card, stating the date, time and to whom it was released.

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

The return of the property should be recorded on the property control card, indicating date, time and the name of the person who returned the property.

##### **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 Office.

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 property control card log 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 Auditor's Office. A record of the transfer shall be kept in the appropriate incarcerated person file.

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 Auditor's Office, 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 officer 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 Office 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.

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The property officer 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.

After release of all property listed on the property control card, the card shall be forwarded to the Records Section 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 property control card 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 office 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 Office 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 office 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 office 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).

## 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 Santa Cruz County Sheriffs Office or in the custody or control of office 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 office shall be forwarded to the Facility Manager.

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 office 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 Facility Manager 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 office 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.



## 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 Santa Cruz County Sheriff's Office will conduct and support research that improves operations, enhances professional knowledge, decreases recidivism, and advances the office'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 office policies relating to the security and confidentiality of incarcerated person 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 Facility Manager 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 legal counsel serving the Office 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

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medical procedure by the incarcerated person's own physician shall be undertaken only after the 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 office 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.

## 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 office 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 office 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.

#### 209.2.1 RECORD MAINTENANCE

It shall be the responsibility of the Records Section to maintain the following 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 Inmate Reception Policy
- Photographs and fingerprints cross referenced to the booking number
- Duration of confinement
- Court-generated background information
- Cash and property receipts
- Classification records, including inmate 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 assignments
- Program participation
- Visitation records
- Telephone records

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- Medical, dental, mental health, drug and alcohol screenings, assessments, treatments, medications

The inmate records shall be identified and separated according to a format developed and approved by the Facility Manager or the authorized designee.

#### 209.2.2 RELEASE OF INMATE RECORDS

Inmate records are confidential and shall be used for official business only. Any release of inmate records shall be made only in compliance with 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 inmate (15 CCR 1045). A copy of the release authorization document shall be maintained in the inmate record file.

#### 209.2.3 ELECTRONIC RECORD MAINTENANCE

All inmate 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 Facility Manager 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.

#### 209.2.4 RECORDS RETENTION

Inmate records shall be maintained consistent with the established records retention schedule.

## Report Preparation

### 210.1 PURPOSE AND SCOPE

Report preparation is a major part of each corrections officer's job. The purpose of these reports is to document incidents at the facility, refresh the corrections 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 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 Facility Manager 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 Facility Manager 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.

### 210.3 REQUIRED REPORTING

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

#### 210.3.1 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.

#### 210.3.2 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 Office shall establish a

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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 correctional facility activities.
- (e) Significant incidents related to medical issues, health, or safety in the correctional facility.
- (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 office 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.

#### 210.3.3 DEATHS

All deaths shall be investigated and a report completed by a qualified investigating officer 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.

#### 210.3.4 INJURY OR DAMAGE BY OFFICE 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.

#### 210.3.5 USE OF FORCE

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

### **210.4 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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##### **210.4.1 GENERAL POLICY OF HANDWRITTEN REPORTS**

Some incidents and report forms lend themselves to block print rather than typing. In general, the narrative portion of those reports in which there is a long narrative should be typed or dictated.

Supervisors may require, with the foregoing general policy in mind, block printing or typing of reports of any nature for office consistency.

##### **210.4.2 GENERAL USE OF OTHER 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.

##### **210.5 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.

##### **210.6 REPORT CHANGES OR ALTERATIONS**

Reports that have been approved by a supervisor and submitted to the Records Section 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 Section 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.

##### **210.7 ELECTRONIC SIGNATURES**

The Office has established an electronic signature procedure for use by all employees. The Facility Manager 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.

# 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 Office 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 office 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 keysets. Each shift is responsible for reporting any key malfunctions or missing keysets.

## 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. Exterior door keys shall not be permitted inside the facility except during an emergency requiring access to the exterior doors.

## 211.7 KEY CONTROL

All facility keys shall be maintained in a locked key box within the Central Control room. This room shall have controlled access for staff only. Each person assigned to the facility shall be issued



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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.

Under no circumstances shall an employee pass a key or key set to another employee. 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 Facility Manager or the authorized designee.

Central Control 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, Central Control 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 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.

#### **211.10 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 Facility Manager, the Sergeant, the supervisor, or the authorized designee in the event of an emergency.

#### **211.11 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 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 Facility Manager regarding the loss of the key, when it was discovered and the circumstances involved.

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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 Facility Manager will determine whether to re-key any locks that may have been compromised, and whether this should be done immediately.

The Facility Manager 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.

#### **211.12 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 Sergeant, 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.

## Administrative and Supervisory Inspections

### 212.1 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.

### 212.2 POLICY

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

### 212.3 INSPECTIONS

The Facility Manager 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.

#### 212.3.1 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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##### **212.4 INSPECTIONS OF SECURITY EQUIPMENT**

The Facility Manager 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 Facility Manager shall document all action taken to correct identified deficiencies, including maintenance records, and shall retain those records in accordance with established records retention schedules.

##### **212.5 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 Sergeant 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.

## Perimeter Security

### 213.1 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)).

### 213.2 POLICY

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

#### 213.2.1 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 Facility Manager 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.

### 213.3 PROCEDURE

The secure perimeter shall be maintained by assigned staff as well as a contracted law enforcement agency. The Facility Manager 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 Sergeant and the 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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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 Facility Manager.

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

The sallyport and the secure garage are to be used for the transfer of incarcerated persons.

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.

## Accessibility - Facility and Equipment

### 214.1 PURPOSE AND SCOPE

This policy is intended to ensure that staff and the general public have access to the facility, in compliance with the Americans with Disabilities Act (ADA) and Section 504 of the Rehabilitation Act (29 USC § 794).

#### 214.1.1 DISABILITY DEFINED

A disability is any physical or mental impairment that substantially limits one or more major life activities. These include, but are not limited to, any disability that would substantially limit the mobility of an individual or an impairment of vision and/or hearing, speaking or performing manual tasks that require some level of dexterity. Additionally, disability includes a physical or mental impairment that would inhibit a person's ability to meet the requirements established by the Office for conducting visitation or other business in the facility.

### 214.2 POLICY

The Santa Cruz County Sheriff's Office prohibits discrimination against persons with disabilities. The Santa Cruz County Sheriff's Office adheres to the ADA and all other applicable federal and state laws, regulations and guidelines in providing reasonable accommodations to ensure that the facility is reasonably accessible to and usable by individuals.

#### 214.2.1 ACCOMMODATIONS

As part of the compliance with the ADA and the commitment to provide access to persons with disabilities, the Office will provide reasonable accommodations in areas that include, but are not limited to:

- Vehicle parking areas that accommodate cars and vans or other vehicles with wheelchair lifts.
- Public areas that are wheelchair accessible.
- Drinking fountains that can accommodate wheelchairs or other mobility devices.
- ADA-compliant elevators.
- Restroom areas that are wheelchair compliant and meet ADA standards for accessibility.
- Search areas and metal detection devices, including private areas where alternative search methods may be performed.
- Services and equipment for the deaf and hard of hearing.
- Visitor check-in areas.
- Visitation areas, including attorney interview rooms that can accommodate wheelchairs and other mobility devices.

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#### *Accessibility - Facility and Equipment*

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##### 214.2.2 ADA COORDINATOR

The Facility Manager should appoint a staff member to serve as the ADA Coordinator, whose primary responsibilities include, but are not limited to, coordinating compliance with ADA requirements. The ADA Coordinator should be knowledgeable and experienced in a variety of areas, including:

- (a) The office structure, activities and employees, including special issues relating to the requirements of the correctional facility.
- (b) The ADA and other laws that address the rights of people with disabilities, such as Section 504 of the Rehabilitation Act, 29 USC § 794.
- (c) The accommodation needs of people with a broad range of disabilities.
- (d) Alternative formats and technologies that enable staff, inmates and the public with disabilities to communicate, participate and perform tasks related to correctional facility activities.
- (e) Construction and remodeling requirements with respect to ADA design standards.
- (f) Working cooperatively with staff, inmates and the public with disabilities.
- (g) Local disability advocacy groups or other disability groups.
- (h) Negotiation and mediation.

##### 214.2.3 TRAINING

The ADA Coordinator should work with the Training Officer as appropriate, developing training regarding issues specifically related, but not limited to:

- (a) The requirements of Section 504 of the Rehabilitation Act, 29 USC § 794.
- (b) Office policies and procedures relating to ADA requirements.

##### 214.2.4 DISSEMINATION OF INFORMATION

The ADA Coordinator will be responsible for the dissemination of information to staff and visitors on issues specifically related, but not limited to:

- (a) Services available to members of the public who are disabled.
- (b) Accessing services to accommodate disabilities.
- (c) Registering complaints or grievances relating to issues involving the ADA.



## Community Relations and Public Information

### 215.1 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).

### 215.2 RESPONSIBILITIES

The Facility Manager 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
  - 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 at the facility's front desk and assembled into a binder or clearly posted for public viewing. Additionally, a copy should be made available in this facility's

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#### *Community Relations and Public Information*

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library or provided by other means for use by incarcerated persons. At the discretion of the Sheriff, the information may also be made available electronically. No information will be released on persons whose booking process is not completed.

#### **215.3 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.

#### **215.4 TOURS OF THE CUSTODY FACILITY**

Tours of this facility may be arranged through the Facility Manager. 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.

#### **215.5 POLICY**

It is the policy of the Santa Cruz 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 Correctional Facility or an investigation will not be released.

## Victim Notification

### 216.1 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.

### 216.2 POLICY

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

### 216.3 PROCEDURE

The Facility Manager 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.

### 216.4 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.

#### 216.4.1 REQUIRED NOTIFICATIONS

The Sergeant 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 Office is no longer current, the Office 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 Sergeant 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.

## Vehicle Safety

### 218.1 PURPOSE AND SCOPE

It is the policy of this office to maintain and operate the vehicles assigned to this facility in a lawful and safe manner. The Office utilizes office-owned motor vehicles for a variety of applications. To maintain a system of accountability and ensure that office-owned vehicles are used appropriately, regulations relating to the use of these vehicles have been established. The term "office-owned" as used in this section also refers to any vehicle leased or rented by the Office.

### 218.2 USE AND SECURITY OF OFFICE VEHICLES

All staff members who operate office-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 office vehicles shall be maintained by the Facility Manager. 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.

#### 218.2.1 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 office 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 office, 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.

No person shall operate any office 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.

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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.

#### **218.2.2 VEHICLE SECURITY**

Office 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.

#### **218.3 VEHICLE INSPECTIONS**

All office-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.

#### **218.4 VEHICLE SAFETY REPAIRS**

Anyone authorized to drive office 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 office 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 Facility Manager 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.

Annual vehicle safety inspections will be conducted on all vehicles that are owned, leased, or used by the Office. The inspection will be conducted by a qualified individual designated by the Facility Manager. Inspection reports will be forwarded to and maintained by the Facility Manager.

#### **218.5 USE OF PERSONAL VEHICLES**

The use of personal vehicles for official business must be approved by the Facility Manager. The Facility Manager 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.

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#### **218.6 COLLISION DAMAGE, ABUSE AND MISUSE**

When any office-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 office's vehicle collision form.

When a collision involves any office vehicle or when a member of this office 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 office'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 Sergeant. 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.

#### **218.7 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 Office after an emergency does not qualify for this exemption; personnel using office-owned vehicles are subject to the toll charge.

To avoid unnecessary toll road violation charges, all members operating a office-owned vehicle on a toll road shall adhere to the following:

- (a) Members operating office-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 Office for any toll fees.
- (c) Members driving office-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.

#### **218.8 POLICY**

The Santa Cruz 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 [AgencyOffice, tactical deployments, and other considerations.

## Staffing Plan

### 219.1 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.

### 219.2 POLICY

It is the policy of the Santa Cruz 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.

### 219.3 STAFFING PLAN REQUIREMENTS

The Facility Manager 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

### 219.4 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 Facility Manager, 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 office policies. If deficiencies are noted, the



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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

**219.5 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 Facility Manager shall report the results of the BSCC biennial review and recommendations to the officials with fiscal responsibility for the facility (15 CCR 1027).

# Speech, Expression, and Social Networking

## 220.1 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 Office.

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.

### 220.1.1 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.

## 220.2 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 office. Due to the nature of the work and influence associated with the law enforcement profession, it is necessary that employees of this office be subject to certain reasonable limitations on their speech and expression. To achieve its mission and efficiently provide service to the public, the Santa Cruz County Sheriff's Office will carefully balance the individual employee's rights against the Office's needs and interests when exercising a reasonable degree of control over its employees' speech and expression.

## 220.3 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 Santa Cruz 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:

- Disclosing a photograph and name or address of a corrections officer who is working undercover.

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- Disclosing the address of a fellow corrections officer.
- Otherwise disclosing where another corrections officer can be located off-duty.

#### **220.4 PROHIBITED SPEECH, EXPRESSION, AND CONDUCT**

To meet the office'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 Office or its employees.
- (b) Speech or expression that, while not made pursuant to an official duty, is significantly linked to, or related to, the Office and tends to compromise or damage the mission, function, reputation or professionalism of the Office 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 correctional facility. 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 office'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 correctional facility 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 office logos, emblems, uniforms, badges, patches, marked vehicles, equipment or other material that specifically identifies the Office 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 office-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).

#### **220.4.1 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 Office or identify themselves in any way that could be reasonably perceived as representing the Office 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 office, the employee shall give a specific disclaiming statement that any such speech or expression is not representative of the Office.

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).

#### **220.5 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).

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The Office 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 Office, including the office email system, computer network, or any information placed into storage on any office system or device.

All messages, pictures and attachments transmitted, accessed or received over office networks are considered office records and, therefore, are the property of the Office. The Office reserves the right to access, audit and disclose for whatever reason all messages, including attachments, that have been transmitted, accessed or received through any office system or device, or any such information placed into any office storage area or device. This includes records of all key strokes or web-browsing history made at any office computer or over any office 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 office computers or networks.

#### **220.6 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 Office or the efficiency or morale of its members.
- (c) Whether the speech or conduct would reflect unfavorably upon the Office.
- (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 Office.

#### **220.7 TRAINING**

Subject to available resources, the Office should provide training regarding employee speech and the use of social networking to all members of the office.

## Information Technology Use

### **221.1 PURPOSE AND SCOPE**

The purpose of this policy is to provide guidelines for the proper use of office information technology resources, including computers, electronic devices, hardware, software, and systems.

### **221.2 POLICY**

Santa Cruz County Sheriff's Office members shall use information technology resources, including computers, software and systems, that are issued or maintained by the Office in a professional manner and in accordance with this policy.

## Portable Audio / Video Recorders

### 222.1 PURPOSE AND SCOPE

This policy provides guidelines for the use of portable audio/video recording devices by members of this department while in the performance of their duties. Portable audio/video recording devices include all recording systems whether body-worn, hand held or integrated into portable equipment.

This policy does not apply to mobile audio/video recordings, interviews or interrogations conducted at any Santa Cruz County Sheriff's Office facility, authorized undercover operations, wiretaps or eavesdropping (concealed listening devices).

### 222.2 POLICY

The Santa Cruz County Sheriffs Office may provide members with access to portable recorders, either audio or video or both, for use during the performance of their duties. The use of recorders is intended to enhance the mission of the office by accurately capturing contacts between members of the office and the public.

### 222.3 MEMBER PRIVACY EXPECTATION

All recordings made by members on any department-issued device at any time, and any recording made while acting in an official capacity for this department, regardless of ownership of the device it was made on, shall remain the property of the Department. Members shall have no expectation of privacy or ownership interest in the content of these recordings.

### 222.4 ACTIVATION OF THE PORTABLE RECORDER

This policy is not intended to describe every possible situation in which the portable recorder should be used, although there are many situations where its use is appropriate. Members should activate the recorder any time the member believes it would be appropriate or valuable to record an incident.

The portable recorder should be activated in any of the following situations:

- (a) All enforcement and investigative contacts including stops and field interview (FI) situations
- (b) Traffic stops including, but not limited to, traffic violations, stranded motorist assistance and all crime interdiction stops
- (c) Self-initiated activity in which a member would normally notify Netcom
- (d) Any other contact that becomes adversarial after the initial contact in a situation that would not otherwise require recording

Members should remain sensitive to the dignity of all individuals being recorded and exercise sound discretion to respect privacy by discontinuing recording whenever it reasonably appears to the member that such privacy may outweigh any legitimate law enforcement interest in recording. Requests by members of the public to stop recording should be considered using this same

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criterion. Recording should resume when privacy is no longer at issue unless the circumstances no longer fit the criteria for recording.

At no time is a member expected to jeopardize his/her safety in order to activate a portable recorder or change the recording media. However, the recorder should be activated in situations described above as soon as reasonably practicable.

#### **222.4.1 SURREPTITIOUS USE OF THE PORTABLE RECORDER**

Members of the Department may surreptitiously record any conversation during the course of a criminal investigation in which the member reasonably believes that such a recording will be lawful and beneficial to the investigation (Penal Code § 633).

Members shall not surreptitiously record another department member without a court order unless lawfully authorized by the Sheriff or the authorized designee

#### **222.4.2 CESSATION OF RECORDING**

Once activated, the portable recorder should remain on continuously until the member reasonably believes that his/her direct participation in the incident is complete or the situation no longer fits the criteria for activation. Recording may be stopped during significant periods of inactivity such as report writing or other breaks from direct participation in the incident.

Members shall cease audio recording whenever necessary to ensure conversations are not recorded between a person in custody and the person's attorney, religious advisor or physician, unless there is explicit consent from all parties to the conversation (Penal Code § 636).

#### **222.5 PROHIBITED USE OF PORTABLE RECORDERS**

Members are prohibited from using department-issued portable recorders and recording media for personal use and are prohibited from making personal copies of recordings created while on-duty or while acting in their official capacity.

Members are also prohibited from retaining recordings of activities or information obtained while on-duty, whether the recording was created with department-issued or personally owned recorders. Members shall not duplicate or distribute such recordings, except for authorized legitimate department business purposes. All such recordings shall be retained at the Department.

Members are prohibited from using personally owned recording devices while on-duty without the express consent of the Patrol Lieutenant. Any member who uses a personally owned recorder for department-related activities shall comply with the provisions of this policy, including retention and release requirements, and should notify the on-duty supervisor of such use as soon as reasonably practicable.

Recordings shall not be used by any member for the purpose of embarrassment, harassment or ridicule.



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#### *Portable Audio / Video Recorders*

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##### **222.6 IDENTIFICATION AND PRESERVATION OF RECORDINGS**

To assist with identifying and preserving data and recordings, members should download, tag or mark these in accordance with procedure and document the existence of the recording in any related case report.

A member should transfer, tag or mark recordings when the member reasonably believes:

- (a) The recording contains evidence relevant to potential criminal, civil or administrative matters.
- (b) A complainant, victim or witness has requested non-disclosure.
- (c) A complainant, victim or witness has not requested non-disclosure but the disclosure of the recording may endanger the person.
- (d) Disclosure may be an unreasonable violation of someone's privacy.
- (e) Medical or mental health information is contained.
- (f) Disclosure may compromise an undercover officer or confidential informant.

Any time a member reasonably believes a recorded contact may be beneficial in a non-criminal matter (e.g., a hostile contact), the member should promptly notify a supervisor of the existence of the recording.

##### **222.7 REVIEW OF RECORDED MEDIA FILES**

When preparing written reports, members should review their recordings as a resource (see the Officer-Involved Shootings and Deaths Policy for guidance in those cases). However, members shall not retain personal copies of recordings. Members should not use the fact that a recording was made as a reason to write a less detailed report.

Supervisors are authorized to review relevant recordings any time they are investigating alleged misconduct or reports of meritorious conduct or whenever such recordings would be beneficial in reviewing the member's performance.

Recorded files may also be reviewed:

- (a) Upon approval by a supervisor, by any member of the Department who is participating in an official investigation, such as a personnel complaint, administrative investigation or criminal investigation.
- (b) Pursuant to lawful process or by court personnel who are otherwise authorized to review evidence in a related case.
- (c) By media personnel with permission of the Sheriff or the authorized designee.
- (d) In compliance with a public records request, if permitted, and in accordance with the Records Maintenance and Release Policy.

All recordings should be reviewed by the Custodian of Records prior to public release (see the Records Maintenance and Release Policy). Recordings that unreasonably violate a person's

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privacy or sense of dignity should not be publicly released unless disclosure is required by law or order of the court.

#### **222.8 COORDINATOR**

The Sheriff or the authorized designee shall appoint a member of the Department to coordinate the use and maintenance of portable audio/video recording devices and the storage of recordings, including (Penal Code § 832.18):

- (a) Establishing a system for downloading, storing and security of recordings. (b) Designating persons responsible for downloading recorded data.
- (c) Establishing a maintenance system to ensure availability of operable portable audio/video recording devices.
- (d) Establishing a system for tagging and categorizing data according to the type of incident captured.
- (e) Establishing a system to prevent tampering, deleting and copying recordings and ensure chain of custody integrity.
- (f) Working with counsel to ensure an appropriate retention schedule is being applied to recordings and associated documentation.
- (g) Maintaining logs of access and deletions of recordings.

#### **222.9 RETENTION OF RECORDINGS**

Recordings of the following should be retained for a minimum of two years (Penal Code § 832.18):

- (a) Incident involving use of force by a deputy
- (b) Officer-involved shootings
- (c) Incidents that lead to the detention or arrest of an individual
- (d) Recordings relevant to a formal or informal complaint against a deputy or the Santa Cruz County Sheriff's Office

Recordings containing evidence that may be relevant to a criminal prosecution should be retained for any additional period required by law for other evidence relevant to a criminal prosecution (Penal Code § 832.18).

All other recordings should be retained for a period consistent with the requirements of the organization's records retention schedule but in no event for a period less than 180 days.

Records or logs of access and deletion of recordings should be retained permanently (Penal Code § 832.18).

#### **222.9.1 RELEASE OF AUDIO AND VIDEO RECORDINGS**

Requests for the release of audio/video recordings shall be processed in accordance with the

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Records Maintenance and Release Policy.

## Corrections Body Worn Cameras

### 223.1 POLICY

The Santa Cruz County Sheriff-Coroner's Office shall provide all corrections officer personnel with body worn cameras (BWC) for use during the performance of their duties.

### 223.2 PURPOSE AND SCOPE

The use of the BWC provides video and audio evidence for critical incidents, use of force, criminal and administrative investigations and civil litigation.

### 223.3 DEFINITIONS

For purposes of this policy, the following terms are defined:

- (a) "Critical incident" is any incident in which an officer, acting under the color of authority, is directly involved in an incident where death or the substantial risk of death results.
- (a) "Evidentiary data" refers to data of an incident that may be useful for investigative purposes including, but not limited to, a crime, an arrest, citation, disciplinary action, search, use of force incident, or a confrontational encounter.
- (a) "Non-evidentiary data" refers to data obtained in or around a correctional facility, that does not necessarily have value to aid in an investigation or prosecution.

### 223.4 OPERATIONS PROCEDURES

Personnel assigned to the Corrections Bureau who are trained to use a BWC will wear it all times while on-duty. Personnel shall position the BWC to facilitate the optimum field of view. The BWC may be worn on the chest or collar with an authorized mounting system.

Personnel are responsible for ensuring that the BWC is charged and operable at the beginning of shift. If a BWC is in need of repair, personnel will promptly notify their supervisors and turn in their equipment for repair or replacement. Personnel shall not deliberately remove, dismantle or tamper with any hardware or software component of the BWC system.

### 223.5 RECORDINGS

All recordings made by personnel are property of the Santa Cruz County Sheriff's Office. Personnel shall have no expectation of privacy or an ownership interest in the content of recordings or data.

All data collected by the BWC is considered to be a law enforcement investigatory record for purposes of the Public Records Act and exempt from disclosure under Government Code section 6254(f).

The following is prohibited:

- Unauthorized use, duplication or distribution of BWC data.
- Personal copies of official recordings.
- Re-recording data using personal devices.

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- Posting of video or audio to any social networking or website.
- Removal of recordings from the work site for other than authorized purposes.
- Use of the BWC for personal purposes.
- Use of personally owned video recording devices while on-duty.
- Intentional activation of the BWC in workplace locker rooms or restrooms.
- Recording conversations between employees.

#### **223.6 ACTIVATION OF THE BODY WORN CAMERA**

Personnel are not expected to jeopardize their safety or the safety of inmates to activate a BWC.

Personnel shall activate the BWC at the beginning, or as soon as it is safe to do so, in the following situations:

- (a) Use of Force
- (b) Entering a housing unit (not including direct supervision units) or temporary holding area occupied by an inmate
- (c) Movement of an assaultive, uncooperative, or unpredictable inmate
- (d) Searches of a cell, dormitory housing, or holding area (i.e. shakedowns)
- (e) Responding to inmate fights or disturbances, emergency situations, uncooperative inmate(s), cell extractions, safety chair placements, use of force, unusual or suspicious circumstances, interviewing an inmate with a history of uncooperative or unpredictable behavior
- (f) Inmate in medical or mental health distress
- (g) There may be additional circumstances which dictate the need for BWC activation, such as the inmate becoming uncooperative or resistive, or the possibility of an allegation of misconduct arises from the contact after the initial contact begins
- (h) Correctional Officers shall not record inmates while conducting strip search, conducting a classification or medical interview, during the time medical care or treatment is provided to an inmate, or during inmates' use of a toilet or shower

Personnel may activate the BWC when the recording serves a legitimate business need.

A supervisor may direct personnel's use of the BWC during specific incidents or events.

Personnel shall document the use of a body worn camera in their written report.

#### **223.7 DEACTIVATION OF THE BODY WORN CAMERA**

Once activated, the BWC shall continue recording until personnel's direct participation in the recorded event is complete.

If a BWC is not activated during an encounter, or a recording is terminated prior to the end of an encounter, the reason(s) shall be documented in a report concerning the incident.

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**223.8 DOWNLOADING RECORDINGS**

Personnel shall dock their BWC at the end of each shift. Personnel shall immediately notify their supervisor of a malfunctioning dock.

**223.9 REVIEW OF RECORDINGS**

Personnel may review their own recordings for the following reasons:

- (a) To prepare official reports.
- (b) To prepare for court testimony or other legal processes.
- (c) To prepare for an administrative interview.

**223.10 SUPERVISORS REVIEW OF RECORDINGS**

Supervisors shall review recordings involving the use of force before approving reports involving the use of force.

Supervisors may review recordings and data to assist in resolving a matter of fact, to investigate a formal or informal complaint or possible misconduct or to evaluate performance.

In those circumstances that involve a formal or informal complaint or possible misconduct, the supervisor shall tag the recording as evidentiary data and notify a corrections lieutenant.

Investigators conducting a criminal or administrative investigation shall:

- (a) Advise the System Administrator to restrict access to the recording to the lead investigators.
- (a) Document the reason for access by entering the case number (JMS / RMS) or reason for access in the comment field.
- (a) Review the recording to determine if the recording is evidentiary data and tag it appropriately for retention.
- (a) Direct the System Administrator to modify access restrictions appropriately when the matter is resolved.

**223.11 USE OF BODY WORN CAMERA FILES FOR TRAINING**

A Chief Deputy may authorize the use of BWC recordings for training purposes.

**223.12 CRITICAL INCIDENTS**

Personnel involved in critical incidents shall notify the supervisor of any recordings of the critical incident. The supervisor shall take immediate physical control of the BWC, download the recording as soon as practical and assign the recording to the Critical Incident category.

Personnel who are involved in any critical incident shall be permitted to view their recording prior to providing a formal statement or written report. Personnel may consult with legal representation prior to viewing their recordings. Before personnel view the recording, they shall be provided the following admonishment:

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**“In this case, there is video evidence that you have the opportunity to view before you give your initial statement. Video evidence has limitations and may depict the events differently than you recall and may not depict all of the events as seen or heard by you. Video has limited field of view and may not capture events normally seen by the human eye. The frame rate of video may limit the camera’s ability to capture movements normally seen by the human eye. Lighting as seen on the video may be different than what is seen by the human eye. Videos are two dimensional medium and may not capture depth, distance or positional orientation as well as the human eye. Remember, the video evidence is intended to assist your memory and recollection, not replace it.”**

The Sheriff’s Office shall attempt to notify involved personnel in the event the Sheriff releases any recording(s) to the media.

#### **223.13 SYSTEM ADMINISTRATOR**

BWC data shall be stored on an online cloud database that has a reliable method for automatically backing up data for storage, managed by an experienced and reputable third-party vendor using a system that has a built-in audit trail to prevent data tampering or unauthorized access.

The System Administrator is designated by the Sheriff and is responsible for the organization and retention of data obtained from the BWCs. This includes, but is not limited to, the following:

- (a) Operation and user administration of the system.
- (a) System evaluation.
- (a) Training.
- (a) Policy and Procedure review.
- (a) Review, maintenance, and release of BWC data in accordance with federal, state, and local law and the Santa Cruz Sheriff-Coroner’s Office retention policy.
- (b) Deletion of recordings.

#### **223.14 DELETION OF ACCIDENTAL RECORDINGS**

If personnel accidentally activate a BWC and the data has no value, personnel may request the body-worn-camera file be deleted by submitting a request to the System Administrator via the chain of command. Prior to deleting an accidental recording, the System Administrator will view the data and make notes in the comment field documenting the request and describing the content of the data.

#### **223.15 CATEGORY AND RETENTION**

1. Retention of Non-evidentiary, will be retained for a minimum of (60) days.
2. Retention of Evidentiary, Critical Incident and Use of Force Data: Will be retained for a minimum of two years or in the same manner as is required by law for other evidence that may be relevant to a criminal prosecution if longer, under any of the following circumstances:
  - (a) The recording is of an incident involving the use of force

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- (b) The recording is of an incident that leads to the detention of any individual.
  - (c) The recording is relevant to a formal or informal complaint against a correctional officer or a law enforcement agency.
3. All evidentiary and non-evidentiary data shall be erased, destroyed, or recycled in accordance with the provisions of Government Code section 26202(a).
  4. Records or logs of access and deletion of data from BWCs shall be retained permanently.



## Subpoenas and Court Appearances

### 224.1 PURPOSE AND SCOPE

This policy establishes the guidelines for office members who must appear in court. It will allow the Santa Cruz County Sheriff's Office to cover any related work absences and keep the Office informed about relevant legal matters.

### 224.2 POLICY

Santa Cruz County Sheriff's Office members will respond appropriately to all subpoenas and any other court-ordered appearances.

### 224.3 SUBPOENAS

Only office members authorized to receive a subpoena on behalf of this office or any of its members may do so. This may be accomplished by personal service to the officer or by delivery of the subpoena to the officer's supervisor or other authorized agent (Government Code § 68097.1; Penal Code § 1328(c)).

The party that issues a civil subpoena to a officer to testify as a witness must tender the statutory fee of \$275 with the subpoena for each day that an appearance is required before service is accepted of the subpoena (Government Code § 68097.2).

An immediate supervisor or authorized individual may refuse to accept service for a criminal subpoena if (Penal Code § 1328(d)(e)):

- (a) He/she knows that he/she will be unable to deliver a copy of the subpoena to the named officer within sufficient time for the named officer to comply with the subpoena.
- (b) It is less than five working days prior to the date listed for an appearance and he/she is not reasonably certain that service can be completed

If, after initially accepting service of a criminal subpoena, a supervisor or other authorized individual determines that he/she is unable to deliver a copy of the subpoena to the named officer within sufficient time for the named officer to comply with the subpoena, the supervisor or the subpoena clerk shall notify the server or the attorney named on the subpoena of such not less than 48 hours prior to the date listed for the appearance (Penal Code § 1328(f)).

#### 224.3.1 SPECIAL NOTIFICATION REQUIREMENTS

Any member who is subpoenaed to testify, agrees to testify or provides information on behalf of or at the request of any party other than the County Counsel or the prosecutor shall notify his/her immediate supervisor without delay regarding:

- (a) Any civil case where the County or one of its members, as a result of his/her official capacity, is a party.
- (b) Any civil case where any other city, county, state or federal unit of government or a member of any such unit of government, as a result of his/her official capacity, is a party.

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(c) Any criminal proceeding where the member is called to testify or provide information on behalf of the defense.

(d) Any civil action stemming from the member's on-duty activity or because of his/her association with the Santa Cruz County Sheriff's Office.

(e) Any personnel or disciplinary matter when called to testify or to provide information by a government entity other than the Santa Cruz County Sheriff's Office.

The supervisor will then notify the Facility Manager and the appropriate prosecuting attorney as may be indicated by the case. The Facility Manager should determine if additional legal support is necessary.

No member shall be retaliated against for testifying in any matter.

#### **224.3.2 CIVIL SUBPOENA**

The Office will compensate members who appear in their official capacities on civil matters arising out of their official duties, as directed by the current memorandum of understanding or collective bargaining agreement.

The Office should seek reimbursement for the member's compensation through the civil attorney of record who subpoenaed the member.

#### **224.3.3 OFF-DUTY RELATED SUBPOENAS**

Members receiving valid subpoenas for off-duty actions not related to their employment or appointment will not be compensated for their appearance. Arrangements for time off shall be coordinated through their immediate supervisors.

#### **224.4 FAILURE TO APPEAR**

Any member who fails to comply with the terms of any properly served subpoena or court-ordered appearance may be subject to discipline. This includes properly served orders to appear that were issued by a state administrative agency.

#### **224.5 STANDBY**

To facilitate standby agreements, members are required to provide and maintain current information on their addresses and contact telephone numbers with the Office.

If a member on standby changes his/her location during the day, the member shall notify the designated office member of how he/she can be reached. Members are required to remain on standby until released by the court or the party that issued the subpoena.

#### **224.6 COURTROOM PROTOCOL**

When appearing in court, members shall:

(a) Be punctual and prepared to proceed immediately with the case for which they are scheduled to appear.

(b) Dress in the department uniform or business attire.

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(c) Observe all rules of the court in which they are appearing and remain alert to changes in the assigned courtroom where their matter is to be heard.

**224.6.1 TESTIMONY**

Before the date of testifying, the subpoenaed member shall request a copy of relevant reports and become familiar with the content in order to be prepared for court.

**224.7 OVERTIME APPEARANCES**

When a member appears in court on his/her off-duty time, he/she will be compensated in accordance with the current memorandum of understanding or collective bargaining agreement.

## Payroll Records

### **225.1 PURPOSE AND SCOPE**

This policy provides the guidelines for completing and submitting payroll records of office members who are eligible for the payment of wages.

### **225.2 POLICY**

The Santa Cruz 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.

Supervisors are responsible for approving the payroll records 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 Administration as established by the county payroll procedures.

### **225.5 RECORDS**

The Facility Manager 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).

# Occupational Disease and Work-Related Injury Reporting

## 226.1 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.

### 226.1.1 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.).

## 226.2 POLICY

The Santa Cruz 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.).

## 226.3 RESPONSIBILITIES

### 226.3.1 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).

### 226.3.2 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.

### 226.3.3 FACILITY MANAGER RESPONSIBILITIES

The Facility Manager 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 Chief Deputy 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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##### **226.3.4 ADMINISTRATIVE RESPONSIBILITIES**

The Sheriff or his/her designee shall review and forward copies of the report to the Personnel Department. Copies of the report and related documents retained by the Office shall be filed in the member's confidential medical file.

##### **226.4 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 Bureau Commander through the chain of command and a copy sent to the Undersheriff.

Unless the injury is extremely minor, this report shall be signed by the affected member, indicating that he/she desired no medical attention at the time of the report. By signing, the member does not preclude his/her ability to later seek medical attention.

##### **226.5 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.

##### **226.5.1 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.

## Temporary Modified-Duty Assignments

### 227.1 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, and current memorandums of understanding or collective bargaining agreements. For example, nothing in this policy affects the obligation of the Office 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.

### 227.2 POLICY

Subject to operational considerations, the Santa Cruz 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 Office with a productive employee during the temporary period.

### 227.3 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 Santa Cruz 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 Office. 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 emergency 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 960 hours in a one-year period.

### 227.4 PROCEDURE

Employees may request assignment to modified duty by providing a signed statement from their health care provider describing their restrictions, limitations and expected duration to their Chief

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Deputy or his/her designee. The statement must also indicate if the employee requires any workplace accommodations, mobility aids or medical devices.

The Chief Deputy will determine what modified-duty assignments may be available based on the needs of the office, limitations of the employee and suitability of the employee to work a particular assignment. Requests for a modified-duty assignment of 20 hours or less may be approved and facilitated by the Facility Commander or Chief Deputy. All modified-duty assignments are subject to the approval of the Sheriff or his/her designee.

#### **227.5 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 office operations and the employee's medical appointments, as mutually agreed upon with the Bureau Commander.

The employee's supervisor shall coordinate efforts with Payroll to ensure proper time accountability.

- (a) Employees on modified duty are responsible for coordinating required doctor visits and physical therapy appointments in advance with their supervisor. Doctor visits and appointments for treatment of injuries or illnesses shall be arranged during off-duty time or otherwise charged to the employee's sick leave.
- (b) Employees shall promptly submit a status report for each visit to their treating health care provider and shall immediately notify their supervisor of any change in restrictions or limitations as determined by their health care provider. An employee assigned to a modified-duty assignment shall provide a duty status report to their supervisor no less than once every 30 days while the employee is on modified duty.
- (c) Supervisors shall keep the Bureau Commander apprised of the employee's status and ability to perform the modified-duty assignment. Modified-duty assignments that extend beyond 180 days, or the initial projected term of modified duty if less than 180 days, will require a written status report and a request for an extension to the Bureau Commander with an update of the employee's current status and anticipated date of return to regular duty. Extensions require approval of the Sheriff.
- (d) When it is determined that an employee on modified duty will return to regular duty, the supervisor shall notify the Bureau Commander. All training and certification necessary for return to duty shall be reviewed and updated as necessary.

#### **227.5.1 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.



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- (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 Bureau Commander that contains a status update and anticipated date of return to full duty when a temporary modified-duty assignment extends beyond 60 days.

#### **227.5.2 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:

- (a) Periodically apprising the Bureau Commander of the status and performance of employees assigned to temporary modified duty.
- (b) Notifying the Bureau Commander 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.

#### **227.6 MEDICAL EXAMINATIONS**

The office reserves the right to require, prior to returning to full-duty status, a fitness-for-duty examination of any employee assigned to a modified-duty assignment or of any employee having been on such assignment. Such examinations shall be at the expense of the office.

Prior to returning to full-duty status, employees shall be required to provide a statement signed by their health care provider indicating that they are medically cleared to perform the basic and essential job functions of their assignment without restriction or limitation.

#### **227.7 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 regarding a limitation related to pregnancy, childbirth, or related medical conditions, the Office should make reasonable efforts to provide an accommodation for the employee in accordance with federal law (42 USC § 2000gg-1; Government Code § 12945).

##### **227.7.1 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.

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##### **227.8 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 who are assigned to temporary modified duty shall inform their supervisors of any inability to maintain any certification, training, or qualifications.

##### **227.9 MODIFIED-DUTY SCHEDULES**

The schedules of employees assigned to modified duty may be adjusted to suit medical appointments or office needs at the discretion of the Chief Deputy.

The employee and his/her supervisors should be informed in writing of the schedule, assignment and limitations and restrictions as determined by the employee's health care provider.

Employees may be temporarily assigned to a different work schedule based on the modified-duty assignment available. Such temporary assignment may extend for the duration of the modified-duty assignment and shall be outside of the normal shift selection process outlined in the various Memoranda of Understanding.

## Illness and Injury Prevention

### 228.1 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 Santa Cruz 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.

### 228.2 POLICY

The Santa Cruz 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 Office 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 Office to comply with all laws and regulations related to occupational safety.

### 228.3 ILLNESS AND INJURY PREVENTION PLAN

The Undersheriff 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).

#### **228.4 ADMINISTRATION CHIEF DEPUTY RESPONSIBILITIES**

The responsibilities of the Undersheriff 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.

#### **228.5 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 Administration Bureau Commander.
- (e) Notifying the Administration Bureau Commander 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.

#### **228.6 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 Undersheriff via the chain of command.

The Undersheriff will take appropriate action to ensure the illness and injury prevention plan addresses potential hazards upon such notification.

#### **228.7 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 Undersheriff shall ensure that the appropriate documentation is completed for each inspection.

##### **228.7.1 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.

#### **228.8 INVESTIGATIONS**

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 an Investigation/Corrective Action 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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#### **228.9 TRAINING**

The Undersheriff should work with the Training Supervisor 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.

#### **228.9.1 TRAINING TOPICS**

The Training Supervisor 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/stretchers and proper lifting techniques.
- (l) Avoidance of slips and falls.
- (m) Good housekeeping and fire prevention.
- (n) Other job-specific safety concerns.

#### **228.10 RECORDS**

Records and training documentation relating to illness and injury prevention will be maintained in accordance with the established records retention schedule.

## Evaluation of Employees

### 229.1 PURPOSE AND SCOPE

The Office's employee performance evaluation system is designed to record work performance for both the Office and the employee, providing recognition for good work and developing a guide for improvement.

### 229.2 POLICY

The Santa Cruz 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 Office 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 non-sworn 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 six months before being eligible for certification as permanent employees. An evaluation is completed monthly for all full-time non-sworn personnel during the probationary period.

Correctional Officers are on probation for twelve months before being eligible for certification as permanent employees. Probationary correctional officers are evaluated daily, weekly, and monthly during the 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 may 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:

**Outstanding** - Is actual performance well beyond that required for the position. It is exceptional performance, definitely superior or extraordinary.

**Exceeds standards** - 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 outstanding.

**Meets standards** - Is the performance of a fully competent employee. It means satisfactory performance that meets the standards required of the position.

**Needs improvement** - 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.

**Unsatisfactory** - Performance is inferior to the standards required of the position. It is inadequate or undesirable performance that cannot be tolerated.

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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 unsatisfactory or outstanding shall be substantiated in the rater comments section. The Lieutenant of the Division shall review the evaluation before presentation to the employee.

#### **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 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.

#### **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 Main Jail Lieutenant shall review the evaluation for fairness, impartiality, uniformity, and consistency. The Main Jail Lieutenant shall evaluate the supervisor on the quality of ratings given.

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##### **229.8 EVALUATION DISTRIBUTION**

The original performance evaluation shall be maintained in the employee's personnel file in the Personnel Department.

A copy will be given to the employee and a copy will be retained in the employee's personnel file in the Sheriff's Office.

## 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 office 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 Santa Cruz County Sheriff's Office to prioritize member wellness to foster fitness for duty and support a healthy quality of life for office members. The Office 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., Personnel 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 Office should not use the same licensed psychotherapist for both member wellness support and fitness-for-duty evaluations.
- (b) Developing management and operational procedures for office peer support members, such as:
  1. Peer support member selection and retention.
  2. Training and applicable certification requirements.

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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 office 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.

#### **230.4 OFFICE PEER SUPPORT**

##### **230.4.1 PEER SUPPORT MEMBER SELECTION CRITERIA**

The selection of any office peer support member will be at the discretion of the coordinator. Selection should be based on the member's:

- 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.

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##### 230.4.2 PEER SUPPORT MEMBER RESPONSIBILITIES

The responsibilities of office peer support members include:

- (a) Providing pre- and post-critical incident support.
- (b) Presenting office 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 office-designated resources in situations that are beyond the scope of the peer support member's training.

##### 230.4.3 PEER SUPPORT MEMBER TRAINING

Every office peer support member should complete office-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 Office will honor the sensitivity of communications with peer support members, there is no legal privilege to such communications.

#### **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 [agency\_office]-provided physical fitness facilities and equipment

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- (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 office'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 Officer 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 office wellness support systems.
- Suicide prevention.
- Recognizing and managing mental distress, emotional fatigue, post-traumatic stress, and other possible reactions to trauma.
- 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.

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Training materials, curriculum, and attendance records should be forwarded to the Training Officer as appropriate for inclusion in training records.



## Corrections Access and Clearance

### 231.1 POLICY

This policy establishes clear procedures for all vendors, visitors, contractors, non-Sheriff's Office employees and others obtaining access and clearance to any Santa Cruz County correctional facility.

### 231.2 ACCESS REQUIREMENTS

Program providers, vendors, County employees or others having direct contact with incarcerated persons are required to complete the following clearance procedures:

1. Corrections Access Application and Agreement
2. Provide copy of government issued ID.
3. Live Scan: Complete a Live Scan fingerprinting process to facilitate a thorough background check.
4. Sheriff's Office orientation and PREA training.
5. Participate in an annual Professional Conduct in a Jail Setting and PREA training.
6. All Program providers must complete In Custody Programs training in addition to the items listed above

Escort only Vendors, and Professional Visitors (non-attorney) with no incarcerated person contact must complete the following procedures:

1. Corrections Access Application and Agreement
2. Provide copy of government issued ID

### 231.3 ACCESS AND CLEARANCE RENEWAL

It is required that all clearances are renewed annually before their respective dates of expiration.

- (a) Vendors, County employees and others having direct contact with incarcerated persons will renew their clearance by attending the annual Professional Conduct in a Jail Setting and PREA training course
- (b) All Program providers will renew their clearance by attending the annual In Custody Programs training, Professional Conduct in a Jail Setting, and PREA training course.
- (c) Escort only vendors and Professional Visitors (non-attorney) must complete and submit a Corrections Access Application and Agreement annually.

### 231.4 FACILITY RULES AND PROCEDURES

All visitors with access to any correctional facility are expected to follow all posted rules, signed agreements and training at all times. Failure to adhere to these requirements may result in clearance revocation of future access to all correctional facilities.

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##### **231.5 ACCESS REVOCATION**

Access and clearance of any visitor can be temporarily suspended by the facility Watch Commander in the event that safety and security is compromised. A corrections lieutenant or bureau chief will make the final determination regarding the permanent revocation of a visitors clearance.

##### **231.6 ACCESS DENIALS**

Several factors will be considered in determining access to the facility, to include but not limited to:

- Active warrants
- Current Failure to Appears
- Active Probation/Parole
- Sex Crime Conviction and/or registered under the Sex Offender Registration Act
- Conviction or arrest for assault on Peace Officer/Emergency Personnel
- Conviction or arrest for narcotic related offenses within 3 years
- PC 4573.5 conviction, arrest or possession of drugs in jail, within the last 5 years
- Violent felony within 7 years
- Any felony or misdemeanor arrest within 5 years
- Escape, escape attempts, or aid an abet an escape from a correctional facility.
- Subject to an active criminal investigation
- Weapons convictions or arrest within 5 years
- Extensive criminal history
- Omitting, misstatements, lying-or incomplete statements on the application
- Gang affiliation-any documented gang affiliation or membership within 10 years.
- Incarceration in any correctional facility within 5 years (Federal, State, local)
- Any crime or event that may jeopardize the security of the correctional facilities

##### **231.7 ACCESS APPEALS**

Any individual that is denied access may submit a written request for appeal to the bureau chief. The bureau chief will review the appeal and make a final decision.

##### **231.8 CONFIDENTIALITY**

All information provided in the Corrections Access Application and Agreement will be treated confidentially.

##### **231.9 MONITORING**

The following positions will be responsible for ensuring all visitors have submitted the proper application, renewals and participated in required training and orientation:

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- Food Service Manger- Food Service Provider/vendors/others
- Community Corrections Lieutenant- Medical/Mental Health providers
- Programs Manager- Program service providers

## **Chapter 3 - Recruitment Selection and Planning**

## Employee Orientation

### 300.1 PURPOSE AND SCOPE

The purpose of this policy is to define the parameters for new employee orientation.

### 300.2 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

### 300.3 EMPLOYEE ACKNOWLEDGEMENTS

Office personnel assigned to provide the new employee orientation will ensure that each new employee is given copies of work rules and regulations, office ethics, and any other office 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.

### 300.4 POLICY

It is the policy of the Santa Cruz 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.

# Continuing Education and Professional Development

## **301.1 PURPOSE AND SCOPE**

This policy is designed to support the ongoing professional education and professional development of office 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 Office 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 Santa Cruz County Sheriff's Office to encourage members to participate in continuing education and professional development opportunities whenever practicable.

The Office encourages all personnel to participate in formal education on a continuing basis.

## Training for Managers and Supervisors

### 302.1 PURPOSE AND SCOPE

This policy establishes training requirements and guidelines for supervisory and management staff, and encourages all personnel to participate in basic and continuing professional training.

### 302.2 POLICY

It is the policy of this office to administer a training program that provides for the professional growth and continued development of its personnel in accordance with all laws, ordinances and regulations. All training is provided with the intent to improve the competency of staff within the confines of funding, the requirements of a given assignment, staffing levels and legal mandates (15 CCR 1021; 15 CCR 1023).

### 302.3 TRAINING OBJECTIVES

The objectives of the training program are to accomplish the following:

- (a) Improve the competency of staff at all levels.
- (b) Ensure that staff can carry out the mission of the Office through a thoroughly demonstrated knowledge of office policies and procedures.
- (c) Increase the technical expertise and overall effectiveness of personnel.
- (d) Provide for continued professional development of office personnel.

### 302.4 TRAINING FOR NEW MANAGERS AND SUPERVISORS

All Facility Managers and supervisors (full- or part-time) are required to have 80 hours of management and supervision training as specified by the Commission on Peace Officer Standards and Training (POST) or the Standards and Training for Corrections Program (STC) within the first year of their appointment. Supervisors and managers shall thereafter receive a minimum of 24 hours of refresher training annually related to facility management and supervision (15 CCR 1021; 15 CCR 1023; 15 CCR 1025).

#### 302.4.1 SUPERVISORY TRAINING

All supervisory personnel shall have completed core training as specified in the Training Policy, prior to assuming supervisory responsibilities (15 CCR 1021).

### 302.5 TRAINING RECORDS

The Office shall use training 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 of the subject matter.

It shall be the responsibility of the Training Officer to ensure that the following is maintained on file for all training provided by the Office:

- The course outline or lesson plan
- A roster signed and dated by those in attendance

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#### *Training for Managers and Supervisors*

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- The name of the person coordinating the training

It shall be the responsibility of the involved employee to provide their immediate supervisor or the Training Officer with evidence of completed training or education in a timely manner. The Training Officer shall ensure that copies of such training records are placed in the employee's training file and retained in accordance with established records retention schedules.



## Correctional Training Officer Program

### 303.1 PURPOSE AND SCOPE

The Correctional Training Officer Program is intended to provide a standardized program to facilitate the corrections officer's transition from the academic setting to the actual performance of general corrections duties.

### 303.2 TRAINING OFFICER

The Training Officer (TO) is an experienced corrections officer trained in the art and science of supervising, training, and evaluating entry-level corrections officers in the application of their previously acquired knowledge and skills.

#### 303.2.1 SELECTION PROCESS

Training officers will be selected based on certain requirements, including:

- (a) A desire to perform the training mission.
- (b) Off probation as a corrections officer.
- (c) A demonstrated ability to be a positive role model.
- (d) Successfully passed an internal oral interview selection process.
- (e) Evaluation by supervisors and current TOs.
- (f) A certificate from the state's law enforcement certifying agency, where applicable.

#### 303.2.2 TRAINING

All TOs shall successfully complete a 40-hour course of instruction prior to being assigned a trainee.

All TOs must complete a 24-hour update course every three years while assigned to the position of TO.

### 303.3 TRAINING OFFICER RESPONSIBILITIES

The TO's responsibilities include the following:

- (a) TOs shall complete and submit a written evaluation on the performance of their assigned trainees to the TO's immediate supervisor on a daily basis.
- (b) TOs shall review the performance evaluations with the trainees each day.
- (c) TOs shall complete a detailed end-of-phase performance evaluation on the assigned trainee at the end of each phase of training.
- (d) TOs 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.

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#### *Correctional Training Officer Program*

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#### **303.4 TRAINING OFFICER PROGRAM SUPERVISOR**

The supervisor will be selected from the rank of SCO or above by the Facility Manager or the authorized designee and shall possess supervisory credentials from the state's corrections certifying agency, where applicable. The supervisor's responsibilities include the following:

- (a) Assignment of trainees to TOs.
- (b) Conduct TO meetings.
- (c) Maintain and ensure TO/trainee performance evaluations are completed in a timely manner.
- (d) Maintain, update and issue the training manual to each trainee.
- (e) Monitor individual TO performance.
- (f) Monitor the overall TO program.
- (g) Develop ongoing training for TOs.

#### **303.5 POLICY**

It is the policy of this office to assign all new corrections officers to a structured correctional facility training officer program designed to prepare the new corrections officer to perform in a custody assignment, and to provide training on all skills needed to operate in a safe, productive, and professional manner.

## 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 Santa Cruz Sheriff's Office and that are promulgated and maintained by the Personnel Department.

### 304.2 APPLICANT QUALIFICATIONS

In addition to being at least 18 years of age, applicants must be either a United States citizen or naturalized citizen prior to appointment and meet all standards that have been adopted for employment in a custody facility.

Applicants for job openings will be selected based on merit, ability, competence and experience. All deputy applicants must meet the minimum standards described in applicable laws, ordinances and regulations, in addition to the employment standards established by this office.

### 304.3 EMPLOYMENT STANDARDS

Employment standards shall be established for each job classification in order to define job responsibilities and requirements of a particular position, and shall include minimally, the equipment, tasks, abilities, knowledge and skills required to perform the duties of the job in a satisfactory manner. The Sheriff's Personnel maintains standards for all job classifications.

#### 304.3.1 CRIMINAL RECORD CHECK

Every person who may have inmate contact as a member or contractor shall, prior to service, undergo a thorough background investigation to verify his/her 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 Santa Cruz Sheriff's Office.

The Santa Cruz Sheriff's Office shall either conduct follow-up criminal background records checks at least once every five years on members or contractors who may have contact with inmates or have in place a system for otherwise capturing such information (28 CFR 115.17).

#### 304.3.2 OPERATION OF A MOTOR VEHICLE

If operating a vehicle is a requirement for the job classification, the following should apply:

- (a) The ability to possess a valid California driver's license prior to appointment.
- (b) The ability to drive safely.
- (c) The ability to control a motor vehicle at high speeds.
- (d) The ability to operate a motor vehicle in all types of weather conditions.
- (e) Disqualifying factors include:

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1. Receipt of three or more moving violations (or any single violation of a potential life-threatening violation, such as reckless driving, speed contest, suspect of a pursuit, etc.) within three years prior to the date of application. Moving violations for which there is a factual finding of innocence shall not be included.
2. Involvement as a driver in two or more chargeable (at fault) collisions within three years prior to the date of application.
3. A conviction for driving under the influence of alcohol and/or drugs within three years prior to the date of application, or any two convictions for driving under the influence of alcohol and/or drugs.

#### 304.3.3 INTEGRITY

The conduct and behavior of an deputy, both on- and off-duty, should be established and maintained at standards high enough to support public confidence in and respect for the office.

Circumstances that may be disqualifying during a background investigation include:

- (a) Accepting a bribe, gratuity or a payoff in exchange for special consideration.
- (b) Failure to report unethical or illegal conduct on the part of other custody employees.
- (c) Failure to consistently demonstrate strong moral character and integrity in dealing with the public.
- (d) Failure to be honest in any instance involving work or when questioned about non-work issues.
- (e) Any forgery, alteration or intentional omission of material facts on an official employment application or other official office document, or sustained episodes of academic cheating.
- (f) A prior felony conviction.
- (g) Conviction of any criminal offense classified as a misdemeanor under state law within three years prior to the date of application.
- (h) Conviction of two or more misdemeanor offenses under state law as an adult.
- (i) Conviction of any offense classified as a misdemeanor under state law while employed as a peace officer (including military police officers).
- (j) Admission of having committed any act amounting to a felony under state law within three years prior to the date of application or while employed as an deputy or peace officer (including military police officers).
- (k) Admission of administrative conviction of any act while employed as an deputy or peace officer (including military police officers) involving lying, falsification of any official report or document or theft.
- (l) Admission of any act of domestic violence as defined by law, committed as an adult.
- (m) Admission of any criminal acts committed against children, including, but not limited to, molesting or annoying children, child abduction, child abuse, lewd and lascivious acts

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with a child, indecent exposure, or acts of consensual unlawful intercourse between two minors where more than four years difference in age existed at the time of the acts.

- (n) Any history of actions resulting in civil lawsuits against the applicant or his/her employer may be disqualifying.

#### 304.3.4 DEPENDABILITY

- (a) A record of being motivated to perform well.
- (b) A record of dependability and follow through on assignments.
- (c) A history of taking the extra effort required for complete accuracy in all details of work.
- (d) A willingness to work the hours needed to complete a job.
- (e) Disqualifying factors include:
  1. Missing any scheduled appointment during the process without prior permission.
  2. Having been disciplined by any employer (including military) as an adult for abuse of leave, gross insubordination, dereliction of duty or persistent failure to follow established policies and regulations.
  3. Having been involuntarily dismissed (for any reason other than layoff) from two or more employers as an adult.
  4. Having held more than seven paid positions with different employers within the past four years, or more than 15 paid positions with different employers in the past 10 years (excluding military). Students who attend school away from their permanent legal residence may be excused from this requirement.
  5. Having undergone personal bankruptcy more than once, having current financial obligations for which legal judgments have not been satisfied, currently having wages garnished, or any other history of financial instability.
  6. Resigning from any paid position without notice shall be disqualifying, except where the presence of a hostile work environment is alleged.
  7. Having any outstanding warrant of arrest at time of application.

#### 304.3.5 LEARNING ABILITY

- (a) The ability to comprehend and retain information.
- (b) The ability to recall information pertaining to laws, statutes and codes.
- (c) The ability to learn and to apply what is learned.
- (d) The ability to learn and apply the material, tactics and procedures that are required of an deputy.
- (e) Disqualifying factors include:

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1. Being under current academic dismissal from any college or university where such dismissal is still in effect and was initiated within the past two years prior to the date of application.
2. Having been academically dismissed from any certified basic deputy or law enforcement academy, wherein no demonstrated effort has been made to improve in the deficient areas. Subsequent successful completion of another basic deputy or law enforcement academy shall rescind this requirement.

#### 304.3.6 PERSONAL SENSITIVITY

- (a) The ability to resolve problems in a way that shows sensitivity for the feelings of others.
- (b) Empathy.
- (c) Discretion, not enforcing the law blindly.
- (d) Effectiveness in dealing with people without arousing antagonism.
- (e) The ability to understand the motives of people and how they will react and interact.
- (f) Disqualifying factors include:
  1. Having been disciplined by any employer (including the military and/or any deputy or law enforcement training facility) for acts constituting racial, ethnic or sexual harassment or discrimination.
  2. Uttering any epithet derogatory of another person's race, religion, gender, national origin or sexual orientation.
  3. Having been disciplined by any employer as an adult for fighting in the workplace.

#### 304.3.7 JUDGMENT UNDER PRESSURE

- (a) The ability to apply common sense during pressure situations.
- (b) The ability to make sound decisions on the spot.
- (c) The ability to use good judgment in dealing with potentially explosive situations.
- (d) The ability to make effective, logical decisions under pressure.
- (e) The following shall be disqualifying:
  1. Admission of administrative conviction or criminal convictions for any act amounting to assault under color of authority or any other violation of federal or state civil rights laws.
  2. Any admission of administrative conviction or criminal conviction for failure to properly report witnessed criminal conduct committed by another deputy or law enforcement officer.

#### 304.3.8 ILLEGAL USE OR POSSESSION OF DRUGS

Refer to Santa Cruz County Sheriff's Office Recruiting and Hiring Illegal Use and/or Possession of Drugs guidelines.

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#### *Recruitment and Selection*

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##### 304.3.9 NOTICES

Background investigators shall ensure that investigations are conducted and notices provided in accordance with the requirements of the Fair Credit Reporting Act (FCRA) (15 USC § 1681d; 16 CFR 640.1 et seq.).

##### **304.4 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.

No person shall be hired who 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 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 Office shall ask all candidates who may have contact with inmates 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.

## Chemical Agents

### 305.1 PURPOSE AND SCOPE

This policy establishes the required training for corrections officers to be authorized to carry and use chemical agents and identifies the appropriate medical treatment of individuals exposed to a chemical agent.

### 305.2 POLICY

The Office 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.

### 305.3 CHEMICAL AGENT TRAINING

Only corrections officers trained and having shown adequate proficiency in the use of any chemical agent and the office's Use of Force Policy are authorized to carry and use a chemical agent.

- (a) All initial and proficiency training for chemical agents will be documented in the corrections officer's training file.
- (b) Corrections officers 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 chemical agent and will be provided remedial training. If, after two remedial training sessions, a corrections officer fails to demonstrate proficiency with chemical agents or knowledge of the Use of Force Policy, the corrections officer may be subject to discipline.
- (c) The Training Officer 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.

### 305.4 PROFICIENCY TESTING

The Training Officer shall ensure that all training delivered to staff should also test proficiency in order to document that the employee understands the subject matter, and that proficiency training is monitored and documented by a certified weapons or tactical instructor.

### 305.5 TRAINING RECORDS

It shall be the responsibility of the Training Officer to ensure that the following is maintained on file for all training provided by the Office:

- A course outline or lesson plan
- A roster signed and dated by those in attendance



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- The name of the person coordinating the training

The Training Officer shall ensure that copies of such training records are placed in the employee's training file and retained in accordance with established records retention schedules.

#### **305.6 REVIEW, INSPECTION AND APPROVAL**

Every chemical agent delivery device will be periodically inspected by the Rangemaster or the designated instructor for a particular device.

## Prison Rape Elimination Act Training

### 306.1 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.).

### 306.2 POLICY

The Santa Cruz 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 inmates are aware of the policies and procedures of the facility as they relate to PREA.

### 306.3 MEMBER TRAINING

All staff, volunteers and contractors who may have contact with inmates shall receive office-approved training on the prevention and detection of sexual abuse and sexual harassment within this facility. The Training Unit 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 inmates 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 Unit 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 correctional facility.
- (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 inmates 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 inmates, including lesbian, gay, bisexual, transgender, intersex or gender non-conforming inmates.
- (k) How to comply with relevant laws related to mandatory reporting of sexual abuse and sexual harassment to outside authorities.

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#### *Prison Rape Elimination Act Training*

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- (l) How to avoid inappropriate relationships with inmates.

Training shall be tailored according to the sex of the inmates at the facility. Staff should receive additional training on security measures and the separation of male and female populations in the same facility if inmates have been reassigned from a facility that houses only male or female inmates.

Training should include written testing to validate knowledge and understanding of the material. The Training Unit 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 Unit.

The Training Unit shall ensure that members undergo annual refresher training that covers the office's sexual abuse and sexual harassment policies and related procedures (28 CFR 115.31)

#### **306.4 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 Officer shall maintain documentation that the facility's health care and mental health professionals have received the training referenced above, either from this office or elsewhere.

#### **306.5 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).

## Health Care Staff Orientation

### 307.1 PURPOSE AND SCOPE

The purpose of this policy is to establish an orientation period for all new health care staff working in the facility, in cooperation with the health authority. The goal is to improve the competency of the health care staff and the effectiveness of the care delivered, as well as to maintain the safety and security of the custody environment and to comply with all applicable laws, regulations and national health care standards observed by the Office.

### 307.2 NEW HEALTH CARE STAFF ORIENTATION

All new health care staff shall complete an orientation program before independently working in their assignments. At a minimum, the orientation program will cover the following:

- (a) The purpose, goals, policies, and procedures for the Santa Cruz County Sheriff's Office
- (b) Security and contraband regulations
- (c) Access control to include use of keys
- (d) Appropriate conduct with incarcerated persons
- (e) Responsibilities and rights of facility employees and contractors
- (f) Universal and standard precautions
- (g) Occupational exposure
- (h) Personal protective equipment (PPE)
- (i) Biohazardous waste disposal
- (j) An overview of the correctional field as it relates to custody functions
- (k) Health care delivery protocols

### 307.3 HEALTH CARE STAFF REFRESHER TRAINING

All health care staff shall meet refresher-training requirements as established by the local public health entity or their minimum licensing requirements as established by the state licensing body.

### 307.4 FACILITY-SPECIFIC TRAINING

The Training Officer should include these staff members in training and training exercises relative to facility safety and security including, but not limited to, the following:

- Emergency medical triage in the facility
- Emergency evacuation routes and procedures
- Communication systems during facility emergencies
- Security during facility emergencies
- Qualified health care professional response during "officer down" incidents

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#### *Health Care Staff Orientation*

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- Responding to critical facility emergencies
- Facility hostage policy and medical response tactics
- Medical emergency transportation procedures
- Media relations

#### **307.5 TESTING**

All training delivered to qualified health care professionals should include a testing component to document that the employees understand the subject material.

#### **307.6 TRAINING RECORDS**

The Contract Medical Provider shall be responsible for developing and maintaining training records in accordance with established records retention schedules. The Contract Medical Provider shall also maintain a file of professional licensure and certifications for each member of the health care staff. The Training Coordinator shall have access to professional licensure and certification files.

## Briefing Training

### 308.1 PURPOSE AND SCOPE

Briefing training is generally conducted at the beginning of the corrections officer's assigned shift. Briefing training provides an opportunity for an important exchange of information between employees and supervisors.

### 308.2 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 corrections 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
- Office Special Orders 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 Facility Manager

### 308.3 COMPUTER-BASED TRAINING OPTIONS

The Lexipol Daily Training Bulletins (DTBs) is a web-based system that provides training on the Santa Cruz 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 Officer.

Personnel assigned to participate in DTBs should only use the passwords and login names assigned to them by the Training Officer. 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 Office.

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

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#### *Briefing Training*

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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.

#### **308.4 TRAINING RECORDS**

The Training Officer will assist the Sergeants with identifying relevant topics for delivery during briefing training and will be responsible for maintaining all briefing training records.

#### **308.5 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.

## Support Personnel Training

### 309.1 PURPOSE AND SCOPE

The Office has developed a training program for professional support and contractor 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 position as it relates to this facility. This policy establishes minimum training guidelines for those employees and contractors.

### 309.2 TRAINING COORDINATOR RESPONSIBILITIES

The Training Officer is responsible for coordinating training and will ensure that the training and orientation given to each general service or contract employee 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 the orientation 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.

### 309.3 PART-TIME PERSONNEL

General service personnel working part-time shall receive formal orientation and training commensurate with the scope of their work assignments, as determined by the Facility Manager, before assignment to duties within the facility. At a minimum the orientation should cover institutional rules, security and operational issues. General service and contract personnel who fail to successfully complete all required training shall not be permitted to work in the secure portions of the facility.

### 309.4 PERSONNEL WITH MINIMAL INCARCERATED PERSON CONTACT

New professional support and contractor personnel who have minimal incarcerated person contact will receive a minimum of 16 hours of training during the first year of employment.

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. Training topics shall include but not be limited to:

- Custody policies and procedures
- Emergency response procedures
- Job-specific training

### 309.5 PERSONNEL WITH REGULAR INCARCERATED PERSON CONTACT

All new professional and support employees, including contractors, who have regular or daily incarcerated person contact shall receive training prior to being independently assigned to a particular job function.

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 service,



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#### *Support Personnel Training*

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commissary, chaplain) but that do not involve the custodial supervision of incarcerated persons involving custody, discipline, and control. Training topics shall include but not be limited to:

- Security procedures and regulations
- Planning
- Development and implementation of treatment and out of cell time programs
- Supervision of incarcerated persons
- Signs of suicide risk
- Suicide precautions
- Use of force regulations and tactics
- Report writing
- Incarcerated person rules and regulations
- Key control
- Rights and responsibilities of incarcerated persons
- Safety procedures
- All emergency plans and procedures
- Interpersonal relations
- Social/cultural lifestyles of the incarcerated person population
- Cultural diversity for understanding staff and incarcerated persons
- Communication skills
- Cardiopulmonary resuscitation (CPR/first aid)
- Universal precautions for the prevention of disease
- Counseling techniques
- Interaction of the elements of the criminal justice system
- Sexual harassment/sexual misconduct awareness

#### **309.6 TESTING**

All training delivered to support personnel should include testing to document that the employee understands the subject material presented.

## **Chapter 4 - Emergency Planning**

## 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 correctional facility, 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 office 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 Facility Manager 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 Sergeant. The Sergeant, or in their absence Central Control, may determine whether to order a partial or full lockdown of the facility and shall notify the Facility Manager 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 Sergeant 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 Sergeant shall be immediately notified of the status of the headcount. If any person is unaccounted for, the Sergeant shall direct an immediate search of the facility and notify the Facility Manager 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 Sergeant, who will notify the Facility Manager. The Facility Manager should evaluate the basis for the strike and seek an appropriate resolution.

Should the Facility Manager be unable to resolve the grievance leading to the strike, the Facility Manager will notify the Sheriff and provide updates on the status of the hunger strike.

##### **400.5.1 NOTIFICATION OF QUALIFIED HEALTH CARE PROFESSIONALS**

The Facility Manager 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 Facility Manager 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 Facility Manager 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 Sergeant or the Facility Manager of the incident. The Sergeant or Facility Manager may direct additional staff as needed to resolve the disturbance (15 CCR 1029(a)(7)(B)).

#### 400.6.1 NOTIFICATIONS

The Sergeant should notify the Facility Manager of the disturbance as soon as practicable. Based on the seriousness of the event, the Facility Manager should notify the Sheriff.

#### 400.6.2 NOTIFICATION OF QUALIFIED HEALTH CARE PROFESSIONALS

The Facility Manager 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 Sergeant or the Facility Manager 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 correctional facility.

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 correctional facility, 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 Sergeant or a responsible staff member shall notify the Facility Manager, who in turn, shall notify the Sheriff.

#### 400.7.4 REPORTING

The Facility Manager or the Sergeant 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 Office does not recognize the taking of hostages as a reason to relinquish control of the correctional facility 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 Santa Cruz 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 Sergeant and the Facility Manager. The Facility Manager will notify the Sheriff as soon as practicable.

The Sergeant or the Facility Manager 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 Sergeant 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 Facility Manager 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 Facility Manager 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 Sergeant or the Facility Manager. As soon as practicable, the Facility Manager should notify the Sheriff.

Once the escape is verified and immediate actions taken inside the facility (lockdown, etc.), the Sergeant should notify all local law enforcement agencies.

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##### 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 Facility Manager (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 correctional facility clothing should be searched first. Any witnesses should be interviewed.

Classification officers or supervision staff (after hours), will develop a flyer with the incarcerated person's name, description, the incarcerated person's 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 Sergeant or a designated staff member should submit an incident report to the Facility Manager. 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 Facility Manager 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 Sergeant should notify the Facility Manager. The Facility Manager 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 correctional facility operations, and/or implementation of alternate staffing plans. To accommodate the influx of incarcerated persons, the Sergeant 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 correctional facility 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 Facility Manager shall 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).



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#### **400.11 REVIEW OF EMERGENCY PROCEDURES**

The Facility Manager shall ensure that there is a review of emergency response plans at least annually. This review should be documented with reports submitted to the Facility Manager 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 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 Officer 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 Officer.

The Training Officer shall forward an annual report to the Sheriff and the Facility Manager 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 Officer and retained in accordance with established records retention schedules.

## 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 office 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, the Facility Manager, 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 Facility Manager becomes aware that a staffing emergency exists or may occur, staff members who are present may be ordered to remain at their posts. The Facility Manager 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 Facility Manager 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 office 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 office 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 Facility Manager 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 Facility Manager 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.

## 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 office that fire prevention strategies are a high priority.

The Facility Manager 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 Office 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 Facility Manager 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 Facility Manager 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 Facility Manager 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 Facility Manager 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 INSPECTIONS**

The Office 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, SCBA use, emergency response, fire safety equipment use, and the evacuation plan.

The Facility Manager or the authorized designee shall ensure that staff conduct weekly 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 be provided to the Facility Manager and the Sheriff, and the records maintained for at least two years (15 CCR 1032(b)).

##### **402.6.1 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.

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##### **402.6.2 FLAMMABLE, TOXIC, AND CAUSTIC MATERIALS**

The Facility Manager, 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.

##### **402.7 EMERGENCY HOUSING OF INCARCERATED PERSONS**

The Facility Manager 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.

## Emergency Power and Communications

### 403.1 PURPOSE AND SCOPE

The Santa Cruz County Sheriff's Office facility 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 office 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 the Facility Manager 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 Facility Manager or the Sergeant 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/or 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 Facility Manager 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 Facility Manager.



## 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 Santa Cruz County Sheriff's Office correctional facility 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 Santa Cruz 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 Facility Manager 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

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 EMERGENCY HOUSING OF INCARCERATED PERSONS

The Facility Manager 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.

## Correctional Emergency Response Team

### 405.1 PURPOSE AND SCOPE

The Santa Cruz Sheriff's Office shall maintain a specialized Correctional Emergency Response Team (CERT) to provide support and handle critical incidents in the jail where special tactical deployment methods beyond the capacity of line staff appear to be necessary.

### 405.2 POLICY

It shall be the policy of this department to maintain a CERT Team and to provide the equipment, staffing, and training necessary to maintain a CERT Team. The CERT Team should develop sufficient resources to perform three basic operational functions:

- (a) Command and control.
- (b) Cell extractions.
- (c) Handling of disturbance within any facility.

#### 405.2.1 POLICY CONSIDERATIONS

A needs assessment should be conducted to determine the type and extent of CERT missions and operations appropriate to this office. The assessment should consider the team's capabilities and limitations and should be reviewed annually by the CERT Commander or his/her designee.

#### 405.2.2 ORGANIZATIONAL PROCEDURES

This office shall develop a separate written set of organizational procedures which should address, at minimum, the following:

- (a) Locally identified specific missions the team is capable of performing.
- (b) Team organization.
- (c) Personnel selection and retention criteria.
- (d) Training and required competencies.
- (e) Procedures for activation and deployment.
- (f) Command and control issues, including a clearly defined command structure.
- (g) Specialized functions and supporting resources.

#### 405.2.3 OPERATIONAL PROCEDURES

The office shall develop a separate written set of operational procedures in accordance with the determination of their level of capability, using sound risk reduction practices. Because such procedures are specific to CERT members and will outline tactical and officer safety issues; they are not included in this policy. Efforts should be made to follow best practices and procedures and should include, at minimum, the following:

- (a) Operational Planning
  - 1. All CERT Team members should have an understanding of operational planning.

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2. CERT team should consider planning for both spontaneous and planned events.
3. CERT Team should include having medical staff standby for missions.
- (b) Plans for missions' briefings to be conducted prior to an operation, unless circumstances require immediate deployment.
  1. When possible, briefings should include the specialized units and supporting resources.
- (c) Protocols for sustained operations should be developed which may include relief, rotation of personnel, and augmentation of resources.
- (d) A method for determining an appropriate tactical response to a situation.
- (e) Post-Incident scene management including:
  1. Documentation of the incident.
  2. Transition back to line-staff.
  3. Debriefing after every deployment of the CERT Team.
    - (a) After-action team debriefing provides evaluation and analysis of critical incidents and affords the opportunity for individual and team assessments, helps to identify training needs, and reinforces sound risk management practices.
    - (b) Such debriefing should not be conducted until involved officers have had the opportunity to individually complete necessary reports or provide formal statements.
    - (c) In order to maintain candor and a meaningful exchange, debriefing will generally not be recorded.
    - (d) When appropriate, debriefing should include specialized units and resources.
      - (a) Sound risk management analysis.
      - (b) Standardization of equipment deployed.

#### **405.3 TRAINING**

The CERT Commander shall conduct an annual CERT Training needs assessment to ensure that training is conducted within team capabilities, office policy, and the training guidelines.

##### **405.3.1 INITIAL TRAINING**

CERT Team members should not be deployed as part of the team until successful completion of a basic training program for new team-members.

##### **405.3.2 UPDATED TRAINING**

Appropriate team training for specialized CERT functions and other supporting resources should be completed prior to full deployment of the team.

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**405.3.3 TRAINING SAFETY**

Use of a designated safety officer should be considered for all tactical training.

**405.3.4 SCENARIO-BASED TRAINING**

CERT teams should participate in scenario-based training that simulates the tactical operational environment. Such training in an established method of improving performance during an actual deployment.

**405.4 UNIFORMS AND EQUIPMENT**

**405.4.1 UNIFORMS**

CERT Teams for this agency should wear uniforms that clearly identify team members as law enforcement officers. Attire may be selected appropriate to the specific mission.

**405.4.2 EQUIPMENT**

CERT teams from this agency should be adequately equipped to meet the specific mission(s) identified by the agency.

**405.4.3 WEAPONS**

Weapons and equipment used by CERT shall be agency-issued or approved, including any modifications, additions, or attachments. All weapons shall remain at the designated locations unless authorized by a Team Leader or Team Commander.

**405.5 CERT TEAM ADMINISTRATIVE PROCEDURES**

**405.5.1 SELECTION OF PERSONNEL**

Interested personnel who are off probation shall submit a memo expressing their interest in the CERT Team to the CERT Team Sergeant. Those qualifying applicants will then be invited to participate in the testing process. The order of the tests will be given at the discretion of the CERT Commander. The testing may consist of the physical testing, oral interview, review of prior work product and/or evaluations, and team evaluation. A list of successful applicants will be submitted to the CERT Commander for final selection.

**405.5.2 TEAM EVALUATION**

Continual evaluation of a team member's performance and efficiency as it relates to the positive operation of the units shall be conducted by the CERT Commander and/or is designee. The performance and efficiency level, as established by the team Division Commander, will be met and maintained by all CERT Team members. Any member of the CERT Team who performs or functions at a level less than satisfactory shall be subject to dismissal from the team.

**405.6 OPERATIONS GUIDELINES FOR CERT RESPONSE**

**405.6.1 ON-SCENE DETERMINATION**

The on-scene supervisor of a particular event shall make a request to the Lieutenant (on-call if not on-duty). The Lieutenant will consult with the CERT Team Commander and/or CERT Team

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Leaders to determine availability to assist. The Corrections Bureau Chief Deputy shall be notified of all CERT Team deployments.

#### 405.6.2 APPROPRIATE SITUATIONS FOR USE OF CERT TEAM RESPONSE

The following are examples of incidents which may result in the activation of the CERT Team:

- (a) High-risk inmates refusing an order to exit their cell or submit to being restrained.
- (b) High-risk searches or shakedowns of cells or housing units
- (c) Disturbances or riots involving multiple inmates.
- (d) Any situation that could enhance the ability to preserve life, maintain order, and/or ensure the protection of property.

In general, most hostage-situations or other situations involving the use of a deadly weapon, the CERT Team Commander should consult with the SWAT Team Commander for a potential SWAT Team response. Nothing in this policy will prohibit a strictly independent response from either team. The SWAT Team and CERT Team should periodically train together to ensure proficiency in a joint response.

#### 405.6.3 MOBILIZATION OF CERT PERSONNEL

The on-scene supervisor shall make a request to the on-scene or on-call lieutenant for a CERT response. The lieutenant should consult with the CERT Commander and/or CERT Team Leader(s) to determine their availability to assist. The Corrections Bureau Chief Deputy should be notified of all CERT team deployments. This does not prohibit individual CERT team operators from assisting other on-duty personnel during rapidly evolving events.

The on-scene supervisor or lieutenant should advise the CERT Commander with as much information as possible, including but not limited to:

- (a) The number of suspect(s) involved.
- (b) Any known weapons or other considerations.
- (c) If the suspect(s) are barricaded.
- (d) Information about what led to the incident.
- (e) Any other important facts critical to the immediate situation and whether the suspect has refused an order to surrender.

The Corrections Bureau Chief Deputy will approve the call out and the CERT Commander and/or his/her designee will implement the callout.

#### 405.6.4 FIELD UNIT RESPONSIBILITIES

While waiting for the CERT Team, line-staff should, if safe, practical, and sufficient resources exist:

- (a) Contain the incident.
- (b) Remove any uninvolved parties out of the unit or area.
- (c) Establish a response/react team, whose actions may include:

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1. Securing any subject or suspect that may surrender.
  2. Taking action to mitigate a threat.
- (d) Evacuate any injured persons or in the zone of danger.

#### 405.6.5 ON-SCENE COMMAND RESPONSIBILITIES

Upon arrival of the CERT Team at the scene, the Incident Commander shall brief the Team Commander and/or Team Leaders about the situation. Upon review, it will be the Incident Commander's decision, with input from the Chief Deputy or his/her designee, whether to deploy the CERT Team. Once the Incident Commander receives authorizes deployment, the CERT Commander and/or designee will be responsible for the tactical portion of the operation. The Incident Commander shall continue supervision of the command post operation and support of the CERT Team. The Incident Commander and CERT Team Commander should maintain communications at all times.

## **Chapter 5 - Inmate Management**



## 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 Office to forecast staffing and facility growth needs into the future, and to plan for the associated expenditures.

### 500.2 REPORTS

The Facility Manager 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 Facility Manager 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).

### 500.3 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 separation
- (c) Highest one-day incarcerated person population
- (d) Number and percentage of:
  - 1. Bookings
  - 2. Incarcerated persons by gender
  - 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

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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. Active misdemeanor warrants
  5. Active felony warrants
  6. Incarcerated person grievances and dispositions
  7. Incarcerated person disciplinary reports and dispositions
- (g) Any other demographic information (e.g., gang activity)

The Facility Manager 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).

## 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 office 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 Facility Manager 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 Sergeant 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 Sergeant. Counts shall include all persons in custody, including those on work assignments, furlough and 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 Facility Manager 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 corrections officer should be conducted once a day at a time established by the Facility Manager. The result of the formal count will be used to calculate the average daily population statistics for the facility.

In the event that an escape is discovered during the incarcerated person count, the Sergeant will initiate action to investigate the escape by promptly notifying law enforcement agencies and the Facility Manager, 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 Facility Manager and Sheriff as soon as practicable.

## Reception

### 502.1 PURPOSE AND SCOPE

The Santa Cruz County Sheriff's Office has a legal and methodical process for the reception of arrestees into this facility. This policy establishes guidelines for security needs, the classification process, identification of medical/mental health issues, and the seizure and storage of personal property.

### 502.2 POLICY

This Office shall use the following standardized policies when receiving arrestees to be booked into this facility. This is to ensure security within the facility and that arrestees are properly booked and afforded their applicable rights.

### 502.3 PRE-BOOKING SCREENING

All arrestees shall be screened prior to booking to ensure the arrestee is medically acceptable for admission and that all arrest or commitment paperwork is present to qualify the arrestee for booking. Required paperwork may include the following:

- (a) Arrest reports
- (b) Probable cause declarations
- (c) Warrants or court orders
- (d) Victim notification information
- (e) Special 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 Person's with Disabilities Policy)
- (g) Information regarding suicidal statements or actions

Any discrepancies or missing paperwork should be resolved before accepting the arrestee for booking from the arresting or transporting officer.

Prior to accepting custody of an arrestee who claims to have been arrested due to a mistake of the arrestee's true identity or an arrestee who claims that identity theft led to the issuance of a warrant in the arrestee's name, staff shall make reasonable efforts to investigate the arrestee's claim of identity fraud or mistake. Staff shall notify a supervisor when an arrestee makes a claim of mistaken identity or identity fraud.

Arrestees 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)).

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**502.3.1 IMMIGRATION DETAINERS**

No individual should be held based solely on a federal immigration detainer under 8 CFR 287.7 unless the person has been charged with a federal crime or the detainer is accompanied by a warrant signed by a Judicial Magistrate.

**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 Office intends to comply with the request (Government Code § 7283.1).

If the Office 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 IMMIGRATION INQUIRIES PROHIBITED**

Correctional Staff shall not inquire into an individual's immigration status for immigration enforcement purposes (Government Code § 7284.6).

**502.4 SEARCHES BEFORE ADMISSION**

All arrestees and their property shall be searched for contraband by the booking 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 for processing or processed according to the facility's rules for handling evidence. 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. A description of the items returned to the arresting or transporting officer shall be documented on the arrestee's booking record.

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 corrections officer shall offer to conduct searches of the individual using a corrections 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 TRANSITION FROM RECEPTION TO GENERAL POPULATION**

The Watch Commander is responsible for ensuring only arrestees who qualify are placed into general population cells or housing. Those who will not be placed into general population include:

- (a) Arrestees who are eligible for release following citation.

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- (b) Arrestees who are intoxicated or under the influence of any chemical substance.
- (c) Arrestees who are arranging bail. They shall be permitted a reasonable amount of time, at the discretion of the supervisor, to make telephone calls before being placed in general population.

#### **502.5.1 MONITORING FOR SIGNS OF INTOXICATION AND WITHDRAWAL**

Withdrawal from alcohol or drugs can become a life-threatening condition requiring professional medical intervention. It is the policy of this Office to provide proper medical care to inmates who suffer from drug or alcohol overdose or withdrawal.

Staff shall respond promptly to medical symptoms presented by inmates to lessen the risk of a life-threatening medical emergency and to promote the safety and security of all persons in the facility.

Custody staff should 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 staff member who suspects that an inmate may be suffering from overdose or experiencing withdrawal symptoms shall promptly notify the supervisor, who shall ensure that the appropriate medical staff is notified.

#### **502.5.2 INCARCERATED PERSON SEPARATION**

Incarcerated persons should be kept separate from the general population during the admission process. Newly admitted incarcerated persons should be separated according to the facility's classification plan.

#### **502.6 INCARCERATED PERSON PROPERTY CONTROL**

All property received from incarcerated persons at the time of booking shall be inventoried. A receipt should be signed by the person and the booking officer and referenced to the booking number before the admission is completed. The original copy of the property receipt will be retained and placed in the person's file and/or with the property. A second copy will be presented to the incarcerated person at the time of booking.

Excess personal clothing shall be mailed to, picked up by, or transported to designated family members or to a person of the incarcerated person's choosing, or stored in containers designed for this purpose.

#### **502.6.1 VERIFICATION OF INCARCERATED PERSON'S MONEY**

All monies belonging to the incarcerated person and retained by the booking corrections officer shall be verified in front of the person. When possible, the incarcerated person should initial the dollar amount on the booking sheet. All money should be placed in a separate envelope and sealed.

Negotiable checks or other instruments and foreign currency should also be sealed in an envelope with the amount indicated but not added to the cash total. Jewelry and other small property should also be sealed in an envelope. All envelopes should clearly indicate the contents on the front. The person sealing it should initial across the sealed flap. Should any money be withdrawn or added to

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the cash envelope, the person making the change shall enter the new amount below the original entry and initial it. The total amount of money in the envelope should always be computed and written on the outside of the envelope.

#### **502.6.2 PROPERTY STORAGE**

All incarcerated person 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 duly authorized work, including maintenance and other duties as directed by the Facility Manager.

#### **502.7 INMATE ORIENTATION**

Prior to housing, all inmates will be provided a Sheriff's Office Inmate Orientation handbook designed to orientate new inmates on the following:

1. corresponding, visiting, and telephone usage rules
2. rules and disciplinary procedures
3. inmate grievance procedures
4. programs and activities available and method of application
5. medical services
6. classification / housing assignments
7. court appearance procedures
8. voting procedures
9. availability of personal hygiene care items
10. medical / mental health procedures

#### **502.8 TELEPHONE CALLS**

Every person 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 corrections officer must ask the incarcerated person 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).

The calls may be of a duration that reasonably allows the incarcerated person to make necessary arrangements for matters that they may be unable to complete as a result of being arrested. The calls are not intended to be lengthy conversations and the custody staff may use their judgment in determining the reasonable duration of the calls.

There is no obligation for the custody staff to make a telephone call on an incarcerated person's behalf, for example in the case of a person who is so intoxicated that they cannot make a call.

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The custody staff is not required to wake an intoxicated person so that the person may complete a call. An intoxicated person should be provided the opportunity to make the telephone calls once the person awakes.

#### **502.8.1 TELEPHONE CALL PROCEDURES**

The Office will pay the cost of local calls. Long distance calls will be paid by the incarcerated person, using calling cards or by calling collect.

Calls between the incarcerated person and their attorney shall be deemed confidential, and shall not be monitored, eavesdropped upon, or recorded.

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 incarcerated persons make their booking telephone calls and within the custody facility.

The public defender's telephone number shall be posted with the sign.

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 agency (Penal Code § 851.5).

#### **502.8.2 ONGOING TELEPHONE ACCESS**

Ongoing telephone access for incarcerated persons who are housed at this facility will be in accordance with the Telephone Access Policy.

#### **502.9 SHOWERING AND CLOTHING EXCHANGE**

Incarcerated persons should be allowed to shower before being dressed in clean jail clothing. Showering should occur before an incarcerated person is transferred from the temporary holding area to general population housing (see the Incarcerated Person Hygiene Policy).

#### **502.10 JUVENILE DETAINEES**

Juveniles are not eligible for admission to this correctional facility. 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 correctional facility, 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



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non-offender juveniles, such as those who may be in protective custody, and juveniles and status offenders.

## Safety Checks

### 503.1 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.

### 503.2 POLICY

It is the policy of the Santa Cruz 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.

### 503.3 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 corrections 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 office 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.

#### 503.3.1 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 Facility Manager 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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#### **503.4 CATEGORIES OF SAFETY CHECKS AND SUPERVISORY SUPPORT**

##### Safety Check Categories, Documentation, Count Discrepancy and Supervision

(1) Safety Checks fall into three general categories: Formal Inmate Counts, Hourly Safety Checks and Special or Emergency Counts.

(a) **Formal Counts**-Such counts will be performed a minimum of five times every calendar day throughout the facility. These counts will generally occur at shift change, at meals and clothing exchange. The officer will account for incarcerated persons by checking them with the established housing roster. This check will consist of an officer walking through the housing unit and checking every room even if unassigned, shower stall and recreation yard. It is necessary for the officer to see the incarcerated person and observe the incarcerated person's breathing and general well-being.

(b) **Hourly Safety Checks**-Housing Officers shall conduct Hourly Safety Checks of inmates in their respective assigned units a minimum of once an hour throughout the shift. Formal Counts may constitute an Hourly Safety Check. Hourly Safety Checks shall be made at irregular intervals rather than in a predictable pattern but will be conducted at least once an hour. Officers will verify an incarcerated person's welfare by direct visual observation of breathing and by seeing the skin of the incarcerated person. If unable to verify an incarcerated person's welfare and presence (such as an incarcerated person sleeping under a blanket), the officer shall take immediate action to confirm the incarcerated person's presence and welfare. The Hourly Safety Check will consist of an officer walking through the housing unit and checking every room even if unassigned, shower stall and recreation yard. The West Housing Officer shall conduct Hourly Safety Checks on the Inmate Worker's assigned to laundry and the laundry room. Booking officers shall conduct Hourly Safety Checks of inmates placed in holding rooms, attorney rooms, visiting rooms or medical rooms. Incarcerated person's placed in any room who are Special Management Inmates will be checked on according to that classification (C 510).

(c) **Special or Emergency Counts**-Counts conducted at the request of the Facility or Watch Commander. These will be verified in the same manner as Formal Counts.

(2) Documentation

(a) Officers shall document their individual identifier and time Formal Counts, Hourly Safety Checks or Emergency Counts are conducted. Officers shall use the Electronic Recording System when available. Officers shall notify the supervisor and Logistics Officer of any malfunctions of the Electronic Recording System. Officers shall document any malfunction, omission or discrepancy in the performance of any Safety Check. In the case of automated systems being unavailable, manual logs will be completed. A Safety Check not documented is a Safety Check not completed.

(b) The Watch Commander and Supervising Correctional Officer will note in the daily log that a review of the Management Reports for Safety Checks for the shift was completed and fully documented. Additional documentation is required for Special Management Inmates (C 510).

(3) Count Discrepancy

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(a) During counts, the officer will compare the number of incarcerated person's in the assigned area with the number on the roster. Incarcerated person's temporarily located outside the area are temporarily excluded from the count. If a discrepancy occurs, the officer shall immediately notify the supervisor and/or Watch Commander and begin a recount. If the recount does not reconcile, the Watch Commander shall initiate an Emergency Count for the facility and initiate escape procedures.

#### (4) Supervision

(a) Available sworn personnel, including supervisors, may supplement officers in making the required Safety Checks but need to note their personal identifier as the one responsible for the check. The Supervising Correctional Officer shall directly supervise the performance of a minimum of one Safety Check in each housing area or booking area during each shift to insure quality and attention to duty (may supervise portions). More supervision is required for Special Management Inmates (C 510).

## Special Management Incarcerated Persons

### 504.1 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 Santa Cruz County Sheriff's Office.

#### 504.1.1 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.

### 504.2 POLICY

This office 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).

### 504.3 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.

#### **504.4 CIRCUMSTANCES REQUIRING IMMEDIATE SEPARATION**

Incarcerated persons will generally be assigned to separation through the classification process. The Facility Manager or the Sergeant 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 themselves 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 themselves, others, or the security of the facility.

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##### 504.4.1 REVIEW PROCESS

The Classification Unit 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 Classification Unit 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 incarcerated person population.

##### 504.5 PROTECTIVE CUSTODY

The corrections 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.

##### 504.6 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.

#### **504.7 REVIEW OF STATUS**

The Classification Unit 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 should occur weekly for all incarcerated people in separated status.. 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.

#### **504.8 LOG PROCEDURES**

Handwritten logs should be completed in ink. 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:

- 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 legible, 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.



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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 Facility Manager at midnight each day.

#### 504.8.1 LOG INSPECTION AND ARCHIVAL OF LOGS

The Watch Commander shall review and evaluate the logs and pass any significant incidents via the chain of command to the Bureau Chief for review.

The logs will be retained by the Office in accordance with established records retention schedules, but in no case for less than one year.

#### **504.9 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 inmate's attitude and outlook.

- (a) Unless medical attention is needed more frequently, each inmate in separation should receive a visit by medical staff three times per week. In addition to the scheduled weekly visits, other contacts with separation inmates made by medical may suffice as a documented visit. This may include but is not limited to medical screenings, sick call visits, 10-day exams, visits with the doctor, and other visits by a health care professional. A medical assessment should be documented in the inmate's medical file.
- (b) Unless mental health attention is needed more frequently, each inmate in separation should receive a visit by mental health staff three times per week. In addition to the scheduled weekly visits, other contacts with separation inmates made by mental health staff may suffice as a documented visit.

Where reasonably practical, a qualified health care professional should provide screening for suicide risk during the three days following admission to the separation unit.

# Management of Weapons and Control Devices

## 505.1 PURPOSE AND SCOPE

This policy will address the availability and control of weapons.

## 505.2 POLICY

It is the policy of the Santa Cruz County Sheriff's Office that the presence and the use of weapons in the correctional facility 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.

## 505.3 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 Facility Manager or authorized designee and under the direct supervision of a supervisor.

## 505.4 OTHER WEAPONS, TOOLS, AND CHEMICAL AGENTS

Office-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 office-authorized training and are qualified to use them.

Office-approved weapons, tools and chemical agents shall only be allowed inside the secure perimeter with the approval of the Facility Manager or the authorized designee.

## 505.5 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 Facility Manager and the Sergeant or the authorized designee. Only personnel who have received office-approved training in the maintenance of the stored equipment and who have been designated by the Facility Manager are authorized to be inside the armory.

The following equipment shall be stored and secured in the armory:

- (a) All office-approved weapons.

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- (b) All office-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 office-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.

#### 505.5.1 WEAPONS LOCKER

There should be a secure weapons locker located outside of the secure perimeter of the correctional facility.

#### 505.5.2 INVENTORY

The Facility Manager 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 sheet 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 sheet, 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 Sergeant and the Facility Manager 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.

#### 505.5.3 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.

## Classification

### 506.1 PURPOSE AND SCOPE

This policy describes the Santa Cruz 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).

#### 506.1.1 DEFINITIONS

Definitions related to this policy include:

**Civil detainee** - Any person held in custody for a reason other than for criminal matters.

### 506.2 POLICY

It is the policy of this office to process all arrestees and detainees entering this facility to determine whether they will be housed in the facility, 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 facility shall be properly classified according to security and health risks so that appropriate supervision, temporary holding, and housing assignments may be made.

### 506.3 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)).

### 506.4 CLASSIFICATION PLAN

The Facility Manager or the authorized designee should create and maintain a classification plan to guide staff in the processing of individuals brought into the facility.

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 in each incarcerated person's permanent file. 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 non-conforming (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 Office (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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##### 506.4.1 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.

##### **506.5 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 officer as soon as possible in the booking process. The intake officer shall complete the initial classification form. The initial classification form should include a place for the intake officer to make a housing recommendation. This recommendation should be based on the initial classification form, an assessment of the incarcerated person's condition, and the incarcerated person's interview.

The initial classification form shall be placed in the incarcerated person's file and provided to the classification officer, who will, within the limits of available resources, determine the appropriate temporary housing location.

##### **506.6 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 after the person's arrival at the facility, after which the person will be moved to more permanent housing.

##### 506.6.1 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 officer. 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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##### 506.6.2 OVERRIDE

The classification 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 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.

#### **506.7 REVIEWS AND APPEALS**

Once an incarcerated person is classified and housed, the person may appeal the decision of the classification officer. The appeal process shall begin at the first-line supervisor level. The decision by the supervisor may be appealed to the Facility Manager or the authorized designee. The decision by the Facility Manager or the authorized designee is final.

##### 506.7.1 PERIODIC CLASSIFICATION REVIEWS

An inmate who has been sentenced to more than 60 days may request a review of his/her classification plan no more often than 30 days from the prior review. The review should examine changes in the inmate'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).

##### 506.7.2 STAFF REQUESTED REVIEW

At any point during an incarcerated person's incarceration, a staff 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 permanent file. Nothing in this section shall prohibit staff from immediately moving an incarcerated person to another location in the facility based on exigent circumstances. Under such circumstances, the staff member moving the incarcerated person must immediately document the action and notify the classification officer.

##### 506.7.3 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).

#### **506.8 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, sentenced)
- Need for protection or separation
- Criminal sophistication
- Special problems or needs
- Behavior
- Any other criteria identified by the Watch Commander

**506.8.1 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.

**506.8.2 SPECIAL MANAGEMENT ISSUES AND ALERT CODES**

Incarcerated Persons who are identified as having Special Management Issues may require an Override, Alert Code or be housed in Specialized Housing. Alert codes should be removed when the condition is no longer valid. Special Management issues include but are not limited to the following:

**Suicide History:** This alert is used if the incarcerated person has made previous threats of suicide or attempted suicide while in custody, but the person has been evaluated and is no longer at risk for immediate self harm or crisis.

**Medical History:** This alert should be generally used under the following circumstances: the incarcerated person has been in the facility before and had medical conditions that are known to staff, the person will remain in custody and has specific medical conditions that staff should be aware, or the person has been evaluated by medical staff and is no longer an immediate Medical Risk.

**Medical Risk:** This alert should be used if the incarcerated person has an existing medical condition that leads staff to believe the person is at great risk while incarcerated. Whenever possible, people with this alert should be housed in the medical (O) unit. A JMS entry should support this alert. The Medical Risk alert does not prevent staff intervention if immediate medical care is required.

**Physical Impairment:** incarcerated person cannot care for him or herself due to a physical disability.

**Pregnant PC 3407 Restraint Limits:** Shall be applied to pregnant incarcerated person's while in correctional facility. Pregnant PC 3407 Restraint Limits alert should be applied when an person has been medically assessed and determined to be pregnant or in recovery after delivery. The alert should also be applied when it is reasonable to believe a person is pregnant, absent a medical evaluation.



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Restraints will not be used on incarcerated person 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 person, the staff or the public. Handcuffs may be applied to the wrists in front of the body should restraints be necessary. The restraints shall be the least restrictive available and the most reasonable under the circumstances. The on-call Lieutenant should be notified in the event a pregnant female is handcuffed.

In no event will an incarcerated person who is known to be pregnant be restrained by the use of leg restraints/irons, waist restraints/chains, or handcuffs behind the body (Penal Code § 3407).

Senior Alert applies to those incarcerated person 65 years of age or older. The purpose of the "Senior Alert" is to increase staff awareness for those inmates 65 years in age or older. A "Senior Alert" will be assigned by booking personnel to the incarcerated person upon initial intake. The housing officer should be advised of alert by booking personnel prior to placement into a housing unit. incarcerated person's with a "Senior Alert" should be placed and reside on a lower bunk.

Detox Protocol shall be applied to incarcerated person's actively detoxing from drugs and/or alcohol while in correctional facility. The Detox Protocol alert should be applied when an person has been medically assessed and assigned detoxification protocol by Medical. The alert applies to both alcohol and opiate withdrawal, and requires Jail Medical to complete incremental medical assessments of each person. These assessments include checking vital signs and depending on the inmate's treatment plan, may include delivery of medication. Depending on the risk level and type of withdrawal, the inmate will be seen by Jail Medical every 6 to 8 hours, or on an as needed basis.

#### **506.9 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 Facility Manager or the authorized designee should periodically meet with representatives of the classification officer to discuss the fixed resources (e.g., cells, dorms, dayrooms).

#### **506.10 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

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- Any other condition or status for single-occupancy housing

The classification supervisor shall notify the Facility Manager 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.

#### **506.11 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 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).

#### **506.12 EDUCATION, WORK, AND OTHER RELEASE**

Unless a person is incarcerated for an offense for which release is prohibited by law or otherwise prohibited by court order, an incarcerated person in the correctional facility may be released for a period reasonable and necessary for the following reasons:

- To seek or maintain employment
- To attend education classes
- To obtain medical treatment
- Any other reasonable purpose as determined by the Facility Manager or the authorized designee

Education and work-release incarcerated persons who leave the secure perimeter of the correctional facility to complete programs should be housed separately from incarcerated persons in general population.

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There should be no contact between the incarcerated persons in general population and those authorized for education, work, or other release. This is to minimize the risk of introducing contraband into the correctional facility and to maintain facility security.

#### **506.13 STAFF TRAINING IN CLASSIFICATION**

Classification corrections officers 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.

## Conducted Energy Device

### 507.1 PURPOSE AND SCOPE

This policy provides guidelines for the issuance and use of the electronic control device (ECD).

### 507.2 POLICY

The TASER is intended to control a violent or potentially violent incarcerated person where there is a risk of immediate danger or injury. It is anticipated that the appropriate use of such a device should result in fewer serious injuries to custody staff and incarcerated persons.

Staff members who have completed office-approved training may be issued a TASER for use during the current assignment. Staff members who have been issued a TASER shall only use the device consistent with this policy and the Use of Force Policy.

Staff shall only use the TASER and cartridges that have been issued by the office. The device may be carried as part of a uniformed correctional officer's equipment.

- (a) The TASER shall be maintained in a secure storage location (see the Management of Weapons and Control Devices Policy).
- (b) Each TASER shall be clearly and uniquely numbered.
- (c) Officers shall pass the device to the next officer assigned to their position. If the next officer does not accept it or is unavailable, the device shall be secured in the weapons locker by the officer who last used it. The officer will complete the log at that location.
- (d) Correctional officers shall be responsible for ensuring that their issued TASER is properly maintained and in good working order at all times. Correctional officers carrying a TASER should perform a spark test on the unit prior to every shift.
- (e) The TASER should be marked with a distinctive color or marking to distinguish it from firearms or any other device.
- (f) Officers should not hold both another weapon and the TASER at the same time.

### 507.3 VERBAL AND VISUAL WARNINGS

A verbal warning of the intended use of the ECD should precede its application, unless it would otherwise endanger the safety of staff or when it is not practicable due to the circumstances. The purpose of the warning is to:

- (a) Provide the incarcerated person with a reasonable opportunity to voluntarily comply.
- (b) Provide other staff and incarcerated persons with a warning that the ECD may be deployed.

If, after a verbal warning, an incarcerated person is unwilling 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, display the electrical arc (provided that a cartridge is loaded into the device) or the laser in a further attempt to gain compliance prior to the application of the ECD. The

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aiming laser should never be intentionally directed into the eyes of another as it may permanently impair a person's vision.

The fact that a verbal and/or other warning was given or the reasons it was not given shall be documented by the member deploying the device in the related report.

#### **507.4 USE OF THE ECD**

As with any correctional equipment, the TASER has limitations and restrictions requiring consideration before its use. The TASER should only be used when its operator can safely approach the subject within the operational range of the device.

Although the TASER is generally effective in controlling most individuals, officers should be aware that the device may not achieve the intended results and be prepared with other options.

##### **507.4.1 APPLICATION OF THE ECD**

Authorized personnel may use the ECD when circumstances perceived by the member at the time indicate that such application is reasonably necessary to control an incarcerated person in any of the following circumstances:

- (a) The incarcerated person is violent or is physically resisting.
- (b) The incarcerated person has demonstrated an intention to be violent or to physically resist and reasonably appears to have the potential to harm staff, themselves, or others.

##### **507.4.2 SPECIAL DEPLOYMENT CONSIDERATIONS**

The use of the ECD should generally be avoided on certain individuals 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 risk of using the device. Such individuals include:

- (a) Elderly incarcerated persons.
- (b) Incarcerated persons with obviously low body mass.
- (c) Incarcerated persons who are handcuffed or otherwise restrained.
- (d) Incarcerated persons who have been recently sprayed with a flammable chemical agent or who are otherwise in proximity to any combustible vapor or flammable material, including alcohol-based oleoresin capsicum (OC) spray.
- (e) Incarcerated persons whose position or activity may result in collateral injury (e.g., falls from height).

Because the application of the ECD in the drive-stun mode (i.e., direct contact without probes) relies primarily on pain compliance, the use of the drive-stun mode generally should be limited to supplementing the probe-mode to complete the circuit, or as a distraction technique to gain separation between staff and the subject, thereby giving staff time and distance to consider force options or actions.

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The ECD shall not be used to torture, psychologically torment, elicit statements from, or punish any incarcerated person.

#### 507.4.3 TARGETING CONSIDERATIONS

Reasonable efforts should be made to target lower center mass and avoid intentionally targeting the head, neck, chest, and groin. If the dynamics of a situation or officer safety do not permit the member to limit the application of the ECD probes to a precise target area, members should monitor the condition of the incarcerated person if one or more probes strikes the head, neck, chest, or groin until the incarcerated person is evaluated by qualified medical personnel.

#### 507.4.4 MULTIPLE APPLICATIONS OF THE ECD

Members should apply the ECD for only one standard cycle and then evaluate the situation before applying any subsequent cycles. Multiple applications of the ECD against a single individual are generally not recommended and should be avoided unless the member reasonably believes that the need to control the individual outweighs the potentially increased risk posed by multiple applications.

If the first application of the ECD appears to be ineffective in gaining control of an incarcerated person and if circumstances allow, the member should consider certain factors before additional applications of the device, including:

- (a) Whether the probes are making proper contact.
- (b) Whether the incarcerated person has the ability and has been given a reasonable opportunity to comply.
- (c) Whether verbal commands, other options, or tactics may be more effective.

Members should generally not intentionally apply more than one ECD at a time against a single subject.

#### 507.4.5 DOCUMENTATION

All ECD discharges shall be documented in the related incident report and on the ECD report form. Notification shall be made to a supervisor in compliance with the office Use of Force Policy. Unintentional discharges, pointing the device at a person, laser activation, and arcing of the ECD will also be documented on the ECD report form. Any report documenting the discharge of the ECD will include an explanation of the circumstances surrounding the discharge.

Following the discharge, the onboard ECD memory will be downloaded through the data port by a supervisor or Rangemaster and saved with the related incident report. Photographs of the probe and contact sites should be taken after the incarcerated person has been seen by qualified medical personnel. Confetti tags should be collected and the expended cartridge along with both probes and wires should be submitted into evidence for future reference by the member collecting the cartridge. The cartridge serial number should be noted and documented on the evidence paperwork. The evidence packaging should be marked "biohazard" if the probes penetrated the incarcerated person's skin.

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At a minimum the following should be documented:

- (a) Identification of all personnel firing ECDs
- (b) Cartridge serial number
- (c) Identification of all witnesses
- (d) Medical care provided to the incarcerated person
- (e) Observations of the incarcerated person's physical and physiological actions
- (f) Any known or suspected drug use, intoxication, or other medical problems

The Office should periodically analyze the report forms to identify trends, including deterrence and effectiveness. The Training Officer should also conduct audits of data downloads and reconcile ECD report forms with recorded activations. ECD information and statistics, with identifying information removed, should periodically be made available to the public.

#### 507.4.6 PREGNANT INCARCERATED PERSONS

Application of the ECD shall not be used on a pregnant incarcerated person (Penal Code § 4023.8).

#### 507.5 MEDICAL TREATMENT

Absent extenuating circumstances or unavailability, only qualified medical personnel should remove ECD probes from an incarcerated person's body. Used ECD probes shall be considered a sharps biohazard, similar to a used hypodermic needle, and handled properly. Universal precautions should be taken accordingly.

All incarcerated persons who have been struck by ECD probes or who have been subjected to the electric discharge of the device shall be medically assessed prior to continued processing or housing. Any incarcerated person who falls under any of the following categories should, as soon as practicable, be examined by qualified medical personnel:

- (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.
- (d) The ECD probes are lodged in a sensitive area (e.g., groin, breast, head, face, neck).
- (e) The person requests medical treatment.

Persons who exhibit extreme agitation, violent irrational behavior accompanied by profuse sweating, extraordinary strength beyond their physical characteristics and imperviousness to pain, or who require a protracted physical encounter with multiple staff to be brought under control, may be at an increased risk of sudden death and should be examined by qualified medical personnel as soon as practicable. Any individual exhibiting signs of distress after such an encounter shall be medically cleared.

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Any incarcerated person exhibiting signs of distress or who is exposed to multiple or prolonged applications (e.g., more than 15 seconds) shall be promptly examined by qualified medical personnel or medically evaluated.

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 recording is made of the contact or an interview with the individual, any refusal should be included, if possible.

#### **507.6 TRAINING**

Personnel who are authorized to carry the TASER shall be permitted to do so only after successfully completing the initial office-approved training. Any personnel who have not carried a TASER as a part of their assignment for a period of six months or more shall be recertified by the office-approved TASER instructor prior to again carrying or using the device.

Proficiency training for personnel who have been issued TASERs should occur every year. A reassessment of officer's knowledge and/or practical skill may be required at any time if deemed appropriate by the training Supervisor. All training and proficiency for TASERs will be documented in the officer's training file.

Command staff and supervisors should receive TASER training as appropriate for the investigations they conduct and review.

Officers who do not carry TASERs should receive training that is sufficient to familiarize them with the device and with officers working with who use the device.

The training Supervisor is responsible for ensuring that all members who carry TASERs have received initial and annual proficiency training. Periodic audits should be used for verification.

Application of TASERs during training could result in injury to personnel and should not be mandatory for certification.

The training Supervisor should ensure that all training includes:

- (a) A review of this policy.
- (b) A review of the Use of Force Policy.
- (c) Target area considerations, including techniques or options to reduce the unintentional application of probes near the head, neck, chest and groin.
- (d) Handcuffing a subject during the application of a TASER and transitioning to other force options.
- (e) Restraint techniques that do not impair respiration following the application of a TASER.
- (f) De-escalation techniques.



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##### 507.6.1 TESTING

All training delivered to the staff should include testing to document that the employee understands the subject matter presented.

## Control of Incarcerated Person Movement

### 508.1 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)).

### 508.2 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.

### 508.3 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

## Use of Force

### 509.1 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 office 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 Control Holds, Chemical Agents, Conducted Energy Device, Use of Restraints, and Electronic Restraints policies.

Retaliation prohibitions for reporting suspected violations are addressed in the Anti-Retaliation Policy.

#### 509.1.1 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 corrections 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 corrections officer at the time, including the conduct of the corrections officer and the individual leading up to the use of force (Penal Code § 835a).

### 509.2 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 Santa Cruz 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.

#### **509.2.1 FAIR AND UNBIASED USE OF FORCE**

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)).

#### **509.3 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 office. 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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##### 509.3.1 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 corrections 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).
- (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.

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##### 509.3.2 DUTY TO INTERCEDE

Any corrections 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 corrections 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 corrections 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)).

##### 509.3.3 ALTERNATIVE TACTICS - DE-ESCALATION

As time and circumstances reasonably permit, and when community and officer safety would not be compromised, officers should consider actions that may increase 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 officers before entering an unstable situation that does not reasonably appear to require immediate intervention.
- (c) Employing other tactics that do not unreasonably increase officer jeopardy.

In addition, when reasonable, officer should evaluate the totality of circumstances presented at the time in each situation and, when feasible, consider and utilize reasonably available alternative tactics and techniques 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)). Such alternatives may include but are not limited to:

- (a) Attempts to de-escalate a situation.
- (b) If reasonably available, the use of crisis intervention techniques by properly trained personnel.
- (c) If reasonably available, the use of medical staff to provide an assessment and evaluation of an individual.

##### 509.3.4 DUTY TO REPORT EXCESSIVE FORCE

Any corrections officer who observes a law enforcement officer or a member use force that potentially exceeds what the corrections 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.

##### 509.3.5 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

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successfully completed office-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.

#### 509.3.6 RESTRICTIONS ON THE USE OF A CAROTID CONTROL HOLD

Corrections officers of this office 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).

#### 509.3.7 RESTRICTIONS ON THE USE OF A CHOKE HOLD

Corrections officers of this office 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).

#### 509.3.8 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)).

#### 509.3.9 FAILURE TO INTERCEDE

A corrections 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 corrections officer who used force beyond that which is necessary (Government Code § 7286(b)).

#### 509.3.10 NOTIFICATION TO SUPERVISORS REGARDING USE OF FORCE

Any use of force by a corrections 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.

#### 509.3.11 ADDITIONAL RESTRICTIONS

Terms such as "positional asphyxia," and "restraint asphyxia" 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 corrections officer's use of reasonable control methods when attempting to restrain a combative individual, corrections

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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 controlled, the individual should be placed into a recovery position (e.g., supine or seated) and monitored for signs of medical distress (Government Code § 7286.5).

#### **509.4 USE OF OTHER WEAPONS, TOOLS, AND CHEMICAL AGENTS ON INCARCERATED PERSONS**

##### 509.4.1 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.

##### 509.4.2 ELECTRONIC CONTROL DEVICES

The use of Taser device shall be in accordance with the Office Conducted Energy Device Policy.

Other electronic control devices shall only be used in accordance with the law allowing such use. Prior judicial approval should be obtained for any other electronic control devices.

##### 509.4.3 CHEMICAL AGENTS

Chemical agents shall only be used in the facility as authorized by the Facility Manager or the authorized designee and in accordance with the office'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.
- (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.

##### 509.4.4 PEPPER PROJECTILE SYSTEMS

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. Although classified as a non-lethal weapon, the potential exists for the projectiles to inflict injury if they strike the head, neck, spine or groin. Therefore, personnel deploying the



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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 Pepperball systems (to include the air fill tank) will be inspected by the department's Pepperball Armorer at least quarterly to ensure proper working order and that it is in a state of readiness. Instructor/armorer must have certifications up to date in accordance with Pepperball standards. The use of the pepper projectile system is subject to the following requirements:

- (a) Corrections officers 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 the Use of Force Policy.
- (b) 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)
- (c) Pepper projectile systems also deliver a plastic sphere filled with inert powder. These spheres are known as, "Inert" and shall be used only as an impact projectile to gain incarcerated person's compliance.

The use of the Pepperball device 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 risk of using the device. This includes:

- (a) Individuals who are known to be pregnant.
- (b) Elderly individuals.
- (c) Individuals with obviously low body mass.
- (d) Individuals who are handcuffed or otherwise restrained.
- (e) Individuals whose position or activity may result in collateral injury (e.g., falls from height).

#### INJURIES AND DECONTAMINATION:

Any observable injuries to an individual caused by the Pepperball system shall be documented in the report and photographed.

Incarcerated persons who have been affected by the use of projectile 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) Corrections staff advise the incarcerated person how to decontaminate in the cell.

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- (b) Clean clothing will be provided if the incarcerated person's clothing was contaminated.
- (c) Clean bedding will be provided, if the incarcerated persons bedding was contaminated
- (d) Monitoring of the in-cell incarcerated person at least every 15 minutes, for a period of not less than 45 minutes, by jail medical and correctional staff. These checks should be documented on a "safety check sheet."

Anytime a projectile chemical agent is deployed on an incarcerated person, the incarcerated person shall be evaluated by trained medical staff.

If it is found the incarcerated person has been struck in the head, neck, spine or groin, the incarcerated person shall be transported to a hospital for further evaluation.

#### 509.4.5 IMPACT WEAPONS

The need to immediately incapacitate the inmate 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 corrections officer reasonably believes the inmate may cause serious bodily injury or death to the corrections officer or others.

#### 509.4.6 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.

#### 509.4.7 CHEMICAL AGENTS AND PREGNANT INCARCERATED PERSONS

Known pregnant incarcerated persons shall not be pepper sprayed or exposed to other chemical weapons (Penal Code § 4023.8).

### **509.5 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 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.

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A supervisor shall be present in any situation involving the calculated use of force. The supervisor shall notify the Facility Manager or the authorized designee for approval and consultation prior to any calculated use of force action.

#### **509.5.1 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) Office Records Section
- (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.

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.

#### **509.6 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:

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- (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 Facility Manager 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 Sergeant shall promptly notify the Facility Manager 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.

#### **509.6.1 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.

#### **509.7 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.

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- (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.
- (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.

#### **509.8 USE OF DEADLY FORCE**

Where feasible, corrections officers shall, prior to the use of deadly force, make reasonable efforts to identify themselves as a peace officer and to warn that deadly force may be used, unless a corrections officer has objectively reasonable grounds to believe the person is aware of those facts (Penal Code 835a).

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If an objectively reasonable corrections officer would consider it safe and feasible to do so under the totality of the circumstances, corrections 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, corrections 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 corrections officer reasonably believes it is necessary in the following circumstances (Penal Code § 835a):

- (a) A corrections officer may use deadly force for self-protection or to protect others from what the corrections officer reasonably believes is an imminent threat of death or serious bodily injury to the corrections officer or another person.
- (b) A corrections officer may use deadly force to stop an escaping incarcerated person, or stop a fleeing individual, when the corrections 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 corrections 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.

Corrections officers shall not use deadly force against an incarcerated person based on the danger that person poses to themselves, if an objectively reasonable corrections officer would believe the incarcerated person does not pose an imminent threat of death or serious bodily injury to the corrections 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 corrections 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 corrections officer or another person. A corrections 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).

#### **509.8.1 USE OF DEADLY FORCE-REPORTING**

An employee, who intentionally or accidentally uses deadly force, whether on- or off-duty, shall ensure that a supervisor is notified of the incident without delay.

The supervisor shall ensure that the chain of command is notified and all necessary health and safety, medical and security measures are initiated.

The Watch Commander shall promptly notify the Corrections Lieutenant of any incident involving a staff member employing deadly force, or any incident where a death or serious bodily injury may have been caused by a staff member.

#### **509.9 USE OF FORCE REVIEW**

The Sergeant shall review all related reports of use of force incidents occurring on the Sergeant's command. 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.

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The Sergeant 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.

#### **509.10 TRAINING**

The Facility Manager shall work with the Training Officer 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
  - 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 Officer is responsible for establishing a process to identify corrections officers who are restricted from training other corrections officers for the time period specified by law because of a sustained use of force complaint (Government Code § 7286(b)).

#### **509.10.1 TRAINING FOR CONTROL DEVICES**

The training supervisor 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

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knowledge of this policy after remedial training, the member may be subject to discipline.

#### **509.10.2 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 supervisor to be included in the member's training file.

#### **509.11 PUBLIC RECORDS REQUESTS**

Requests for public records involving an 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)).

#### **509.12 POLICY AVAILABILITY**

The Sheriff or the authorized designee should ensure this policy is accessible to the public (Government Code § 7286(c)).

#### **509.13 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)).

#### **509.14 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)).



## Civil Detainees

### 510.1 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.

#### 510.1.1 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.

### 510.2 POLICY

It is the policy of the Santa Cruz County Sheriff's Office that any confinement conditions placed on civil detainees are for legitimate, non-punitive purposes.

### 510.3 SCREENING

Civil detainees should undergo the same screening process as incarcerated persons, including attention to whether the person poses an enhanced security concern.

The Facility Manager or the authorized designee should review the screening documents to ensure any security concerns are appropriately addressed and are part of the detainee's record.

### 510.4 CONDITIONS OF CONFINEMENT IN HOUSING

All civil detainees should be housed separately from other incarcerated persons.

#### 510.4.1 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.

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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.

## Use of Restraints

### 511.1 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, safety chairs, wrap restraint system, 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 inmate for prolonged periods.

#### 511.1.1 DEFINITIONS

Definitions related to this policy include:

**Clinical restraints** - Restraints applied when an inmate'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) or a portable safety chair.

**Custody restraints** - Includes steel handcuffs, leg restraints, wrap restraint system, polyurethane or nylon soft restraints, waist restraints and chair restraints that are applied to control an inmate who is assaultive, engaging in self-injurious behavior or attempting to damage property.

**Therapeutic seclusion** - Isolation of an agitated, vulnerable and/or severely anxious inmate with a serious mental illness as part of his/her treatment when clinically indicated for preventive therapeutic purposes.

**Wrap Restraint System**- the Wrap upper and lower body restraint device and the Wrap cart.

### 511.2 POLICY

It is the policy of this office that restraints shall be used only to prevent self-injury, injury to others or property damage. Restraints may also be applied according to inmate classification, such as maximum security, to control the behavior of a high-risk inmate while he/she is being moved outside the cell or housing unit.

Restraints shall never be used for retaliation or as punishment. Restraints shall not be applied for more time than is necessary to control the inmate. Restraints are to be applied only when less restrictive methods of controlling the dangerous behavior of an inmate have failed or appear likely to fail (15 CCR 1029(a)(4)); 15 CCR 1058). Each incident where restraints are used shall be documented as an assessment within JMS and RMS when appropriate by the handling staff member prior to the end of their shift.

This policy does not apply to the temporary use of restraints, such as handcuffing or the use of leg irons, to control an inmate during movement and transportation inside or outside the facility.

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##### **511.3 USE OF RESTRAINTS - CONTROL**

Supervisors shall proactively oversee the use of restraints on any inmate. Whenever feasible the use of restraints other than routine use during transfer, shall require the approval of a Supervisor prior to application. In instances where prior approval is not feasible, the supervisor shall be apprised of the use of restraints as soon as practicable.

Restraint devices, such as safety chairs, or wrap restraint system, shall only be used on an inmate when it reasonably appears necessary to overcome resistance, prevent escape or bring an incident under control, thereby preventing injury to the inmate or others, or eliminating the possibility of property damage. The Wrap restraint system shall not be used on an inmate who expresses or demonstrates self-harm. Restraints shall not be applied for more time than is reasonably necessary to achieve the above goals. Approval to place an inmate in the safety chair or Wrap restraint system must come from the on duty supervisor. A supervisor shall oversee all safety chair and Wrap restraint system placements. Hydration (water or juices) shall be provided no less than once every two hours or upon request. Continued placement in the safety chair and Wrap restraint system shall be evaluated every hour by the supervisor and documented on the Observation Log as well as a JMS Chair Assessment. Inmates shall be removed from the safety chair and Wrap restraint system immediately after being declared no longer a threat to themselves or staff. Retaining an inmate in a safety chair or Wrap restraint system for longer than 6 hours requires Lieutenant approval. The Lieutenants approval shall be noted on the restraint log.

A qualified health care professional 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 inmate for adequate circulation.

The safety chair or Wrap restraint system will not be used on an inmate who has been sprayed with OC spray within 30 minutes prior to placement in the safety chair or Wrap restraint system. The only exception is if there is constant direct supervision by medical staff and a supervisor while the inmate remains restrained in the chair or Wrap restraint system to monitor the inmate's health. Direct supervision shall take place for at least 30 minutes after being exposed to OC spray, or longer if it is deemed necessary to insure the medical welfare of the inmate.

The use of restraints for purposes other than for the controlled movement or transportation of an inmate shall be documented on appropriate logs to include, at minimum, the type of restraint used, when it was applied, a detailed description of why the restraint was needed and when it was removed (15 CCR 1058).

The following provisions shall be followed when utilizing restraints to control an inmate:

- (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 inmates shall not be placed face down or in a position that inhibits breathing.

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- (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) Inmates in restraints shall be housed either alone or in an area designated for restrained inmates.
- (e) Restraints shall be applied for no longer than is reasonably necessary to protect the inmate or others from harm.
- (f) Staff members shall conduct direct face-to-face observation at least twice every 30 minutes to check the inmate's physical well-being and behavior. Restraints shall be checked to verify correct application and to insure 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 inmate's behavior. Any actions taken should also be noted in the log.
- (g) The specific reasons for the continued need for restraints shall be reviewed, documented and approved by the Lieutenant or Watch Commander at least every hour.
- (h) As soon as possible, but within one hour of placement in restraints, the inmate shall be medically assessed to determine whether he/she 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 and shall recur once every six hours of continued restraint thereafter.
- (i) As soon as possible, but within six hours of placement in restraints, the inmate must be evaluated by a mental health professional to assess whether the inmate needs immediate and/or long-term mental health treatment.
- (j) The Wrap restraint system shall not be used on an inmate who demonstrates or expresses self-harm.

#### 511.3.1 COURT APPROVAL

Prior judicial approval should be obtained for the use of restraints when the inmate is in court if the restraints will be visible to a jury.

#### **511.4 USE OF RESTRAINTS - CLINICAL**

Inmates 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 inmate or others at risk of physical harm, or when medical care is urgently required and the inmate is not considered competent to give or withhold consent.

Clinical restraints and/or therapeutic seclusion shall only be used when an inmate'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 Facility Manager 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 inmate, staff, or others.

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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 inmate exhibiting dangerous or destructive behavior, an inmate 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 are ineffective to prevent the inmate from causing property damage or serious injury to him/herself or 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 inmates and up to two hours for inmates age 17 or younger.
- (d) Within one hour of the application of restraints or therapeutic seclusion, a face-to-face observation of the inmate 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 for an adult or up to two hours for a person who is age 17 or younger.
- (f) Inmates 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) Inmates 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 inmate'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 inmate's medical file.
- (i) Except in the event of a medical emergency for the inmate, only a qualified health care professional shall determine when an inmate shall be released from clinical restraints or therapeutic seclusion.

#### **511.5 RANGE OF MOTION**

Inmates 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.

#### **511.6 FOOD, HYDRATION, AND SANITATION**

Inmates 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 inmate.

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Offering food and hydration to inmates will be documented to include the time, the name of the person offering the food or water/juices, and the inmate's response (receptive, rejected). Inmates shall be provided the opportunity to clean themselves or their clothing while they are in restraints.

#### **511.7 AVAILABILITY OF CARDIOPULMONARY RESUSCITATION EQUIPMENT**

Cardiopulmonary resuscitation (CPR) equipment shall be provided by the facility and located in close proximity to the location where inmates in restraints are held.

#### **511.8 RESTRAINED INMATE HOLDING**

Restrained inmates should be protected from abuse by other inmates. Under no circumstances will restrained inmates be housed with inmates who are not in restraints. In most instances, restrained inmates are housed alone or in an area designated for restrained inmates (15 CCR 1058).

#### **511.9 PREGNANT INMATES**

Restraints will not be used on inmates 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 inmate, the staff or the public. Should restraints be necessary, the restraints shall be the least restrictive available and the most reasonable under the circumstances.

In no event will an inmate who is known to be pregnant be restrained by the use of leg restraints/irons, waist restraints/chains, wrap restraint system, or handcuffs behind the body (Penal Code § 3407).

Known or suspected pregnant women will not be placed in the restraint chair or Wrap restraint system.

Upon confirmation of an inmate's pregnancy, she shall be advised, orally or in writing, of the standards and policies governing pregnant inmates, including, but not limited to, the provisions of this chapter, the relevant regulations, and the correctional facility policies (Penal Code § 3407 (e)).

##### **511.9.1 INMATES IN LABOR**

No inmate who is in labor, delivery, or recovery from a birth shall be restrained by the use of leg restraints/irons, waist restraints/chains, Wrap restraint system, or handcuffs behind the body (Penal Code § 3407; 15 CCR 1058.5).

No inmate 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 inmate, the staff of this or the medical facility, other inmates, 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.

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Restraints shall be removed when medical staff responsible for the medical care of the pregnant inmate determines that the removal of restraints is medically necessary (Penal Code § 3407).

The supervisor should, within 10 days, make written findings specifically describing the type of restraints used, the justification, and the underlying extraordinary circumstances.

#### **511.10 MEDICAL CLEARANCE FOR USE OF THE WRAP PRIOR TO INTAKE**

All persons who have been arrested in the field and restrained in the Wrap upper and lower body restraints, shall be medically assessed at an approved medical facility prior to acceptance into booking. Discharge documents shall accompany the arrestee. If deemed necessary, the subject can remain in the Wrap during intake. Once in intake, medical staff shall make a full vitals/medical assessment during the booking process. The subject will then be escorted into an appropriate holding room where the Wrap shall be removed by the arresting agency.



## Searches

### 512.1 PURPOSE AND SCOPE

The purpose of this policy is to provide clear direction on maintaining the safety and security of the facility by conducting searches, in balance with protecting the rights afforded by the United States Constitution.

The introduction of contraband, intoxicants, or weapons into the Santa Cruz County Sheriff's Office facility poses a serious risk to the safety and security of staff, incarcerated persons, volunteers, contractors, 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, other electronic security devices, or the physical plant itself seriously jeopardizes the safety and security of this facility. Carefully restricting the flow of contraband into the facility can only be achieved by thorough searches of incarcerated persons and their environment.

Nothing in this policy is intended to prohibit the otherwise lawful collection of trace evidence from an incarcerated person/arrestee.

#### 512.1.1 DEFINITIONS

Definitions related to this policy include:

**Contraband** - Anything unauthorized for incarcerated persons to possess or anything authorized to possess but in an unauthorized manner or quantity.

**Modified strip search** - A search that requires a person to remove or rearrange some of their clothing that does not include a visual inspection of the breasts, buttocks, or genitalia of the person but may include a thorough tactile search of an incarcerated person's partially unclothed body. This also includes searching the person's clothing once it has been removed.

**Pat-down search** - The normal type of search used by corrections officers within this facility to check an individual for weapons or contraband. It involves a thorough patting down of clothing to locate any weapons or dangerous items that could pose a danger to the corrections officer, the incarcerated person, or other incarcerated persons.

**Physical body cavity search** - A search that includes a visual inspection and may include a physical intrusion into a body cavity. Body cavity means the stomach, rectal cavity, or vagina.

**Strip search** - A search that requires a person to remove or rearrange some or all of their clothing to permit a visual inspection of the underclothing, breasts, buttocks, anus, or outer genitalia. This includes monitoring of a person showering or changing clothes where the person's underclothing, buttocks, genitalia, or breasts are visible to the monitoring employee.

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**512.2 POLICY**

It is the policy of this office to ensure the safety of staff, incarcerated persons, and visitors by conducting effective and appropriate searches of incarcerated persons and areas within the facility in accordance with applicable laws (15 CCR 1029(a)(6)).

Searches shall not be used for intimidation, harassment, punishment, or retaliation.

**512.3 PAT-DOWN SEARCHES**

Pat-down searches will be performed on all incarcerated persons/arrestees upon entering the secure booking area of the facility. Additionally, pat-down searches shall occur frequently within the facility. At a minimum, the staff shall conduct pat-down searches in circumstances that include:

- (a) When incarcerated persons leave their housing units to participate in activities elsewhere in the facility (e.g., exercise yard, medical, program, visiting) and when they return.
- (b) During physical plant searches of entire housing units.
- (c) When incarcerated persons come into contact with other incarcerated persons housed outside of their housing units, such as work details.
- (d) Any time the staff believes the incarcerated persons may have contraband on their persons.

Except in emergencies, staff members may not conduct a pat-down search on an incarcerated person of the opposite gender. Absent the availability of a same gender staff member, it is recommended that a witnessing staff member be present during any pat-down search of an individual of the opposite gender. All cross-gender pat-down searches shall be documented (28 CFR 115.15).

**512.4 MODIFIED STRIP SEARCHES, STRIP SEARCHES, AND PHYSICAL BODY CAVITY SEARCHES**

Corrections officers will generally consider the reason for the search, the scope, intrusion, manner, and location of the search, and will utilize the least invasive search method to meet the need for the search.

**512.4.1 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 has a health condition requiring immediate medical attention or is concealing a weapon or 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 a weapon or contraband and cannot be safely retrieved without a modified strip search or strip search.

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2. Circumstances of a current arrest that specifically indicate the person may be concealing a weapon or contraband. A felony 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 staff, escape attempts).
  4. The person's actions or demeanor, such as refusal to submit to a pat-down search.
  5. Criminal history (e.g., level of experience in a custody setting, including convictions for escape, possession of drugs or weapons, crimes of violence, or being a fugitive or detainee for any of those offenses).
  6. An alert by a metal detector or drug detection device.
  7. Other reliable information that the person possesses drugs, weapons, or contraband.
- (b) Except in the case of a medical emergency, no modified strip search or strip search of an incarcerated person shall be conducted prior to admittance to a housing unit without prior written authorization from the Sergeant.
- (c) The staff member conducting the modified strip search or strip search shall:
1. Document the name and gender of the person subjected to the strip search.
  2. Document the facts that led to the decision to perform a strip search.
  3. Document the reasons less intrusive methods of searching were not used or were insufficient.
  4. Document the supervisor's approval.
  5. Document the time, date, and location of the search.
  6. Document the names, gender, and roles of any staff present.
  7. Itemize in writing all contraband and weapons discovered by the search.
  8. Process all contraband and weapons in accordance with the office's current evidence procedures.
  9. If appropriate, complete a crime report and/or disciplinary report.
  10. Ensure the 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.

#### 512.4.2 STRIP SEARCHES FOR PERSONS TO BE PLACED IN A HOUSING UNIT

Strip searches will be conducted on all incarcerated persons once it is reasonably believed they will be housed. Arrestees who are arranging bail shall be permitted a reasonable period of time, not less than 3 hours, before being placed into a housing unit (Penal Code § 4030). In these instances, no supervisor approval is needed prior to a strip search.

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Arrestees who are eligible for release or who will be released when they are no longer intoxicated will not be placed into a housing unit or have unmonitored or unsupervised contact with previously housed incarcerated persons.

### 512.4.3 MODIFIED STRIP SEARCHES AND STRIP SEARCHES OF INCARCERATED PERSONS IN A HOUSING UNIT

A strip search of an incarcerated person in a housing unit should be conducted when the person has entered an environment where contraband or weapons may be accessed. This includes but is not limited to the following:

- (a) Upon return from contact visits
- (b) Upon leaving the kitchen, shop, or farm
- (c) Upon leaving leaving the facility to court and returning from court
- (d) Upon return to the housing unit from outside the confines of the facility (e.g., court, work-release, work detail, medical visits)

Incarcerated persons returning from court with release orders shall not be subject to modified strip searches or strip searches unless the reasonable suspicion exists based on specific and articulable facts that the person is concealing a weapon or contraband. The incarcerated person should not be returned to the housing unit, except to retrieve their personal property under the direct visual supervision of staff.

Staff members may conduct modified strip searches and strip searches of incarcerated persons outside the above listed circumstances only with supervisor approval. Staff members and supervisors must make a determination to conduct a strip search by balancing the scope of the particular search, intrusion, the manner in which it is conducted, the justification for initiating it, and the place in which it is conducted. Less invasive searches should be used if they would meet the need for the search. For example, a pat-down or modified strip search may be sufficient as an initial effort to locate a larger item, such as a cell phone.

The staff member conducting a modified strip or strip search outside the above listed circumstances shall:

- Document in writing the facts that led to the decision to perform a strip search of the incarcerated person.
- Document the reasons less intrusive methods of searching were not used or were insufficient.
- Document the supervisor's approval.
- Document the time, date, and location of the search.
- Document the names of staff present, their gender, and their roles.
- Itemize in writing all contraband and weapons discovered by the search.
- Process all contraband and weapons in accordance with the office's current evidence procedures.

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- If appropriate, complete a crime report and/or disciplinary report.
- 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.

#### 512.4.4 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 of privacy so that the search cannot be observed by persons not participating in the search.

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 staff 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 staff member of the same gender should be present during the search for security purposes and to witness the discovery of evidence.

The staff member conducting a strip search shall not touch the breasts, buttocks, or genitalia of the person being searched. These areas may be touched through the clothing during a modified strip search.

- (a) The searching staff member will instruct the incarcerated person to:
  1. Remove 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 first to the left and then to the right so the searching corrections 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 corrections 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 corrections officer can check the bottom of each foot.
  7. For a visual cavity search, 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 their street clothes, or correctional facility-supplied clothing, as appropriate.

#### 512.4.5 PHYSICAL BODY CAVITY SEARCH

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 Facility Manager or the authorized designee and only with the issuance of a search warrant. A copy of any search warrant and the results of the physical body cavity

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search shall be included with the related reports and made available, upon request, to the incarcerated person or authorized representative (except for those portions of the warrant ordered sealed by a court).

- (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 the necessary staff needed to maintain the safety and security of the medical personnel shall be present (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 Facility Manager'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, gender, and roles of any staff present.
  - 8. Any contraband or weapons discovered by the search.
- (f) Completed documentation should be 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.
- (g) All contraband and weapons should be processed in accordance with the office's current evidence procedures.
- (h) If appropriate, the staff member shall complete a crime report and/or disciplinary report.

#### 512.4.6 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 sex as the person being scanned, except for physicians or licensed medical personnel.
- (b) Should ask female incarcerated persons if they are pregnant prior to a body scan and should not knowingly use a body scanner on a woman who is pregnant.

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- (c) Training officers should not directly observe the body scanned image if the person being scanned is a different sex.

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.

#### **512.5 TRANSGENDER SEARCHES**

Staff 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).

#### **512.6 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 searched by staff.
- (b) Incarcerated persons should be escorted to a separate holding area, such as the recreation yard.
- (c) Staff shall search the living areas of the incarcerated persons, including bedding, personal storage areas, bunks, and other areas with incarcerated person access.
- (d) Any weapons or contraband located shall be processed in accordance with the current evidence procedures.
- (e) The staff shall attempt to identify the incarcerated person who possessed the contraband and file appropriate person discipline and/or crime reports.
- (f) Any alcoholic beverage possessed by incarcerated persons shall be seized and the appropriate person disciplined and/or criminal charges filed.
- (g) Any authorized item found in excess of the limited quantity (e.g., food items, newspapers) shall be seized and discarded.

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.

#### **512.7 PHYSICAL PLANT SEARCHES**

The following areas of this facility shall be periodically searched for contraband:

- (a) Exercise yards shall be searched for contraband prior to and after each incarcerated person group occupies the yard.

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- (b) Holding cells shall be searched prior to and after each incarcerated person occupies the cell.
- (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 each incarcerated person group occupies the area.
- (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 for contraband.
- (g) The facility perimeter shall be searched at least once each shift for contraband.

#### 512.7.1 CANINE-ASSISTED SEARCHES

It is the policy of this facility to use canines to assist the staff in searching for contraband. Such searches shall occur only with the approval of a supervisor. Only canines trained in the detection of contraband, such as drugs, alcohol, and weapons, will be allowed within the secure perimeter of the facility. Canines trained solely in crowd control or to assist in physically subduing individuals will not be used in the facility.

Canines will generally be used to assist the staff in general physical plant or living area searches. Contact between incarcerated persons and canines should be kept to a minimum (see the Canines Policy).

#### 512.8 CRIMINAL EVIDENCE SEARCHES

The Facility Manager or the authorized designee shall be notified, as soon as practicable, any time it is suspected that a crime has been committed in the facility or other area controlled by the facility staff, and there is a need to search for evidence related to the crime.

Any evidence collected in connection with an alleged crime shall be reported, documented and stored to protect it from contamination, loss or tampering, and to establish the appropriate chain of custody. A search for evidence may be conducted by staff whenever there is a need for such action.

#### 512.9 TRAINING

The Training Officer shall provide training for staff in 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 facility security needs. This training shall include cross-gender pat downs and searches, as well as searches of transgender and intersex incarcerated persons (28 CFR 115.15).



## Reporting In-Custody Deaths

### 513.1 PURPOSE AND SCOPE

This policy provides direction for notifications, reporting, and review of in-custody deaths (15 CCR 1046).

#### 513.1.1 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 office (Penal Code § 832.10).

### 513.2 POLICY

It is the policy of this office to follow state and local guidelines regarding notifications and reporting in-custody deaths.

### 513.3 MANDATORY REPORTING

All in-custody deaths shall be reported within 10 days of the death to the state Attorney General's office, in accordance with reporting guidelines and statutory requirements (Government Code § 12525).

If the decedent is a boarder for another agency, the Facility Manager 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 Facility Manager 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 report provided to the state Attorney General's office shall be submitted to the Board of State and Community Corrections (BSCC) within 10 days of the death (15 CCR 1046(b)(1)).

### 513.4 PROCEDURE

Upon determining that a death of any person has occurred while in the custody of this office, the Sergeant 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 Sergeant shall also promptly notify the Facility Manager and make any other notifications required by policy or direction. The Facility Manager shall observe all pertinent laws and allow appropriate investigating agencies full access to all facts surrounding the death.

The Office shall establish policies and procedures for the investigation of any in-custody death.

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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. Corrections officers shall not make a public comment.

#### **513.5 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(a); 15 CCR 1030):

- (a) Sheriff and/or the Facility Manager
- (b) County Counsel
- (c) Investigative staff
- (d) 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 but no later than 30 days after the incident. 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(a)).

#### **513.5.1 BOARD OF STATE AND COMMUNITY CORRECTIONS 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 Office will implement and the anticipated cost and timeline of implementation.
- (b) Identify the recommendations that the Office cannot or will not implement and provide an explanation.

The Office shall make the recommendations and responses available to the public with appropriate redactions as permitted by law (Penal Code § 6034).

#### **513.6 RECORD RELEASE REQUIREMENTS**

Records defined in Penal Code § 832.10 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).

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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.

##### 513.6.1 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 Office is informed of the district attorney's charging decision, whichever is first.
- (b) The Office 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 Office determines whether a policy or law was violated related to the death.

The Office 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.

##### 513.6.2 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.

##### 513.6.3 REDACTION

The Office 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.

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- (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 Office 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).

**513.7 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 office's website as prescribed and within the time frames provided in Penal Code § 10008.

## Staff and Incarcerated Person Contact

### 514.1 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.

### 514.2 POLICY

The Facility Manager 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.

### 514.3 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 Office 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.

### 514.4 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 Facility Manager.

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.

#### 514.4.1 EXCEPTIONS

The Facility Manager 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 Facility Manager 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.

#### 514.5 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 Facility Manager 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.

#### **514.6 INCARCERATED PERSON CONTACTS IN HOUSING UNITS**

Officer's shall announce themselves over the jail radio and at the dayroom door prior to entering any unit.

An officer shall not enter the cell of an incarcerated person alone except for emergencies.

An officer may enter the dayroom area of incarcerated persons of either sex without being in the company of an officer of the same sex as the incarcerated persons. An officer may visually inspect a cell without being in the company of an employee of the same sex as the incarcerated person when performing functions involving the safety of the incarcerated persons and the security of the facility, including, but not limited to headcount, safety checks, security checks, and medical checks. Such visual inspection should only last as long as necessary to complete the authorized purpose. Any visual inspection of an incarcerated person's cell should not be extended unnecessarily or for any lascivious purpose.

In the event of an emergency when any delay may result in injury to any person, an officer may enter any housing unit or cell to respond to the emergency.

# Transportation of Incarcerated Persons Outside the Secure Facility

## 515.1 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.

## 515.2 POLICY

It is the policy of the Santa Cruz County Sheriff's Office to provide safe, secure, and humane transportation for all incarcerated persons and other persons as required by law.

This office shall transfer all incarcerated persons from the correctional facility 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.

## 515.3 PROCEDURES

Only staff members who have completed office-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 Watch Commander or appropriate 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 leg restraints or 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.
- (f) Provide Santa Cruz Regional 911 (Netcom) with the following by phone and not over the air;
  1. Request the initiation of a transport detail in CAD.
  2. Name and date of birth of the incarcerated person to be transported.
  3. Location where the incarcerated person will be transported.
  4. Name and contact information of the transporting officer(s)
  5. This detail will be closed with SCR-911 by the officer(s) once the transportation has been concluded.
  6. If the incarcerated person requires a length of stay at a medical facility, SCR-911 shall be contacted and provided an update to include contact information for whom is providing hospital security.
  7. Transport back to a Correctional facility shall be initiated with SCR-911 using the steps above.

#### 515.3.1 CLASSIFICATION OF INCARCERATED PERSONS

There are four levels of classification for the purposes of inmate transportation and hospital security.

1. **Minimum Security:** Incarcerated persons classified as minimum security may be transported and guarded by a correctional officer. Such Incarcerated persons may be guarded by private security.
2. **Medium Security:** Incarcerated persons classified as medium security may be transported and guarded by a deputy sheriff or a correctional officer. Such Incarcerated persons may be suitable for guard by private security with approval of the Watch Commander.
3. **Maximum Security Over-ride:** Incarcerated persons classified as Maximum Security Over-ride will be treated as a Maximum Security Incarcerated person for transportation purposes.
4. **Maximum Security:** Incarcerated persons classified as maximum security shall be transported by a deputy sheriff. Such Incarcerated persons shall be guarded by a

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deputy sheriff unless the Facility Manager determines the Incarcerated persons may be guarded by private security.

5. High Risk Inmate: Incarcerated persons who are determined to be high risk for assault or escape shall be transported minimally by two deputy sheriffs. Such Incarcerated persons shall be guarded by two deputy sheriffs unless the Facility Manager determines the Incarcerated person may be guarded by private security.

Additional security measures may be necessary with any Incarcerated person depending on such factors as the Incarcerated person's criminal and institutional history, criminal sophistication, prior escape attempts, intelligence gathered about future escape attempts or other risks. The Sergeant shall make a determination if additional security measures are needed and advise the Facility Manager.

In a medical emergency, two correctional officers may escort an Incarcerated persons classified as High Risk or Maximum Security in an ambulance. The patrol supervisor shall be notified an emergency exists which requires immediate response by a deputy sheriff. As soon as possible, the Incarcerated person shall be guarded consistent with the Incarcerated person classification level described above.

#### **515.4 OTHER TYPES OF TRANSPORTS**

1. Inter-facility: Transfer of inmate(s) between different Sheriff's Office Correctional Facilities. Transport may be conducted by a correctional officer or a deputy sheriff.
2. Out of County Jail/Prison: Transport of incarcerated persons to an out of county jail or prison. Transport shall be conducted by two deputy sheriffs.
3. Court: Transport of incarcerated persons to/from Santa Cruz County Court facilities. Transport shall be conducted by a deputy sheriff.
4. Routine Medical: Transport of incarcerated persons to a scheduled medical appointment. Transport shall be conducted by a deputy sheriff. If the inmate is classified as high risk, two deputy sheriffs shall be used to conduct the transport.
5. Release: Transport of former incarcerated persons after release (e.g. to the bus station). Transport will be at the discretion of the Watch Commander, dependent on facility staffing levels.

Other types of transports do not require a transport plan, but should have a CAD incident started with Netcom.

#### **515.6 TRAINING**

The Training Officer 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.

## Safety and Sobering Cells

### 516.1 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.

#### 516.1.1 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 an intent to cause physical harm to themselves or others or to destroy property.

**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.

### 516.2 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 Facility Manager or the authorized designee shall review this policy annually with the Responsible Physician.

### 516.3 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 Sergeant 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 office 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.
- (d) Incarcerated persons should be permitted to remain normally clothed or should be provided a safety suit, except when the person has been deemed to be deemed

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to be Level 1 on Suicide Watch. 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. Corrections 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 Sergeant 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. A qualified healthcare professional should assess the incarcerated person based upon their policy and minimum Title 15 standards (15 CCR 1055). 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.
- (j) A mental health professional and Watch Commander should see the incarcerated person twice every 24 hours.
- (k) The Facility Manager, or their designee, should be notified of any persons in a safety cell longer than 24 hours. Additionally, they should be notified every 24 hours thereafter until the incarcerated person has been cleared by a mental health professional.

#### **516.4 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 office 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.

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- (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.
- (d) At 12 hours from the time of placement, all persons must receive an evaluation by responsible health care staff.
- (e) 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.
- (f) Incarcerated persons will be detained in separate sobering cells based on the individuals' actual or perceived gender identity or gender expression.

## Biological Samples

### 517.1 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.

### 517.2 POLICY

The Santa Cruz 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.

### 517.3 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.

### 517.4 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.

#### 517.4.1 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.

### 517.5 CALCULATED USE OF FORCE TO OBTAIN SAMPLES

If an incarcerated person refuses to cooperate with the sample collection process, corrections 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 Sergeant. 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 Sergeant shall review and approve any calculated use of force. The supervisor shall be present to supervise and document the calculated use of force.

#### 517.5.1 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 office'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).

#### 517.6 LEGAL MANDATES AND RELEVANT LAWS

California law provides for the following:

##### 517.6.1 DOCUMENTATION RELATED TO FORCE

The Sergeant 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.

##### 517.6.2 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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##### 517.6.3 LITIGATION

The Sheriff or the authorized designee should notify the California DOJ's DNA Legal Unit in the event this office is named in a lawsuit involving the DNA Data Bank.

##### 517.6.4 STATE MANDATES

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).



## End of Term Release

### 518.1 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).

### 518.2 POLICY

It will be the policy of the Santa Cruz County Sheriff's Office to provide for the timely, efficient and legal release of incarcerated persons.

### 518.3 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 30 minutes prior to their scheduled release time.

The Sergeant 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 staff prior to being released from the facility. Incarcerated person identities should be verified using intake records bearing the incarcerated person's name, photograph, and facility identification number or a single digit fingerprint match system, if available.

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.

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If any agency has outstanding charges against the incarcerated person, the staff shall notify the agency that the incarcerated person is available for release.

- (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 Sergeant.
- (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 Sergeant. The incarcerated person shall remain in custody until the Sergeant 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 housing sheet, release log, and daily census log shall be updated accordingly after the incarcerated person's release. The Sergeant shall ensure all release documents are complete and properly signed by the incarcerated person and the staff where required.

#### 518.3.1 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 the incarcerated person's consent and be released as soon as possible and practicable (Penal Code § 4024).

#### 518.3.2 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 Section 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).

#### 518.3.3 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 correctional facility shall display the required signage that complies with Penal Code § 851.91 advising an arrestee of the right to obtain the Judicial Council forms.

#### 518.3.4 DISCHARGE OF SEX OFFENDER REGISTRANTS

The Records Section 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 correctional facility within 15 days of release (Penal Code § 290.013).

## Over-Detention and Inadvertent Releases

### 519.1 PURPOSE AND SCOPE

This policy is intended to provide guidance to staff and management in the event of over-detention or inadvertent release.

#### 519.1.1 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.

### 519.2 POLICY

It is the policy of this office to reasonably ensure that over-detention and inadvertent releases do not occur.

### 519.3 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 Sergeant (see the Grievances Policy).

The Sergeant should direct the jail records unit to immediately conduct an investigation to determine the correct release date of the incarcerated person and to report the findings to the Sergeant.

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 Sergeant shall ensure that the Facility Manager is notified, an entry is made to the daily activity log, and that a report is completed.

#### 519.3.1 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 Sergeant as soon as practicable.

The Sergeant receiving a grievance regarding an over-detention should direct the jail records unit to immediately conduct an investigation to determine the correct release date of the incarcerated person and to report the findings to the Sergeant.

If the Sergeant decides not to release the incarcerated person, the Sergeant 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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##### **519.4 INADVERTENT RELEASE**

Whenever an inadvertent release is discovered, the custody staff member making the discovery shall immediately notify the Sergeant. The notification shall be documented in the daily activity log.

##### **519.4.1 INADVERTENT RELEASE INVESTIGATION**

The Sergeant should direct the jail records unit to immediately conduct an investigation to determine the cause of the inadvertent release.

The Sergeant 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 Sergeant should immediately notify the Facility Manager and ensure a report is completed. The Facility Manager 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.

##### **519.4.2 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.

## Body Scanner

### 520.1 PURPOSE AND SCOPE

The Tek 84 Intercept body scanner will be used to deter and prevent illegal contraband such as drugs and weapons, from entering or remaining within Santa Cruz County Jail facilities. The body scanner may be used to scan recent arrestees, housed inmates, and/or their property.

#### 520.1.1 DEFINITIONS

Definitions related to this policy include:

- **Body Scan:** X-ray technology used to produce an image revealing the presence of contraband concealed on or inside of a person.
- **Body Scan Device:** A stationary system for obtaining full height, radiographic images of a person to detect weapons, explosives, drugs, and contraband concealed under the clothes, swallowed, or hidden in anatomical cavities of the human body without causing harm to the scanned person.
- **X-ray:** Also referred to as X-radiation, is a form of electromagnetic radiation similar to light but of shorter wavelength and capable of penetrating solids.
- **Radiation:** Radiation is the process in which energetic particles or waves travel through a medium or space. There are two distinct types of radiation; ionizing and non-ionizing. X-radiation is an ionizing radiation.
- **Radiation Survey:** Measurement of the X-Radiation.
- **Exposure:** A term defining the amount of ionizing radiation that strikes living or inanimate material. The Federal Drug Administration definition is found at 21 CFR 1020.40(b)(5).
- **Dose:** The quantity of radiation absorbed.
- **RSO:** Radiation Safety Officer

### 520.2 POLICY

It is the policy of this office to utilize a Tek 84 Intercept body scanner in the Santa Cruz County Corrections Bureau to reduce the introduction of contraband, intoxicants, drugs, and weapons in to the Santa Cruz County Jail. These items pose a significant risk to the safety and security of staff, inmates, volunteers, contractors, and the public. The Tek 84 Intercept Body Scanner is a tool to help maintain the safety of our staff, inmates, the public, and the security of our facility. It may be used to scan inmates' persons and/or inmates' property for contraband.

### 520.3 REQUIREMENTS

The following requirements apply to use of the Tek 84 Intercept Body Scanner:

- (a) Only authorized personnel may view the body scan monitors or images produced by the body scanner. The monitors shall not be in an area viewable to inmates. Arresting officers may view the scan if the arrestee is suspected of concealing contraband and is medically refused.

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- (b) Whenever possible, all persons conducting or otherwise present in the monitor viewing area shall be of the same sex as the person being scanned. Exceptions may include preference accommodations or identifying an anomaly, training, or emergency.
- (c) Body scans shall never be used as a punitive measure against an inmate.
- (d) Body scans do not take the place of pat down searches or custodial searches when facts exist to warrant a custodial search.

#### 520.3.1 PACEMAKERS AND MEDICAL DEVICES

There is no FDA published material indicating the use of the body scanner will adversely affect implanted medical devices, such as a pacemaker. A person who claims to have such a device should first be examined by medical staff prior to a scan. However, the presence of such a device should not preclude the use of the scanner, unless other circumstances known to medical staff or jail staff indicate otherwise.

#### 520.3.2 PROHIBITED OR RESTRICTED USE

The following people should not be scanned without Lieutenant or Chief Deputy approval:

- **Cancer Patients:** Inmates who are being treated for cancer with Radiation Therapy will not be scanned.
- **Disabled Inmates:** Persons who have a disability that prevents the use of the Scanner shall be afforded reasonable accommodation. Searches shall be thorough and professional, with safety and security being the paramount concern.
- **Pregnant Inmates:** The Body Scan devices shall not be used to scan arrestees or inmates who are known or alleged to be pregnant under any circumstances. A statement by the arrested person or inmate that she is pregnant is sufficient for officers to assume the subject is exempt from the body scan. Prior to scanning a female arrestee or inmate, the officer performing the scan shall ask the arrestee/inmate if they are pregnant. If pregnancy is not obvious and there is a suspicion the inmate is alleging pregnancy to avoid being scanned, the pregnancy can be verified by Medical personnel. Pregnancy tests will be completed by Medical staff. If Medical staff advise the female is not pregnant, the arrestee may be scanned with the body scanner. This will only occur if the negative test result is revealed before the female is housed.

#### 520.4 USE OF BODY SCANNER

Inmates that have been housed into the inmate population may be scanned any time there is a belief they may have concealed weapons, drugs, or contraband on or in their body, as long as they do not meet one of the above listed exceptions.

The scanner may be used to scan any item belonging to an arrestee or inmate who is booked into or housed within the Santa Cruz County Jail. Scanning an arrestee's property may be conducted when articulable facts exist to believe the contents of the property may pose a risk to the safety or security of the facility. Use of the scanner to inspect the contents of packages or articles not belonging to an arrestee or items that will not be stored inside the jail property room will not be conducted absent clear legal authority to do so. The purpose of the scanner is to prevent

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contraband from entering the facility and to detect weapons, drugs, and contraband possessed by inmates within the facility or hidden within their property.

The body scanner does not take the place of a pat search or custodial search when facts exist to warrant a strip search.

#### 520.4.1 INTOXICATED ARRESTEES

Care should be exercised when scanning persons who demonstrate an acute level of intoxication to such an extent that standing or remaining still for the duration of the scan might not be possible. If the person demonstrates objective symptoms of intoxication to an extent that their safety may be compromised by standing, the scan should be delayed to a later time or deferred completely if the person will be released when sober.

#### 520.5 INTAKE SCAN PROCEDURES

All arrestee intakes will be scanned using the following procedures:

- (a) The arrestee will be subject to a pat search followed by removal of all property from their clothing.
- (b) The officer or arrestee will remove their property from clothing, including belts, items in pockets, and shoes.
- (c) Following removal of all property, the arrestee will be escorted through the metal detector.
- (d) Once the arrestee has successfully passed the metal detector he/she will be instructed to stand in the body scanner.
- (e) If the arrestee is suspected of concealing contraband in his/her shoes, the officer should scan the shoes separately to avoid potential use of a weapon or destruction of evidence.
- (f) The arrestee will be scanned by the body scanner.
- (g) The scan will be assigned to that arrestee on the Tek84 Intercept Scanner software..
- (h) The intake process will continue if no anomalies are detected.
- (i) If it appears the arrestee might be trying to conceal contraband, the scan will be marked "Suspect".

#### 520.5.1 DETECTION OF CONTRABAND

If a scan reveals an object that is clearly identifiable or suspected to be a weapon, drugs, or contraband, the following procedures shall be followed:,

- (a) The arrestee will be secured in restraints and placed under constant supervision.
- (b) The Watch Commander or Supervisor shall be notified.
- (c) The arrestee will be pat searched again with special attention placed on searching the clothing around the detected item.



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- (d) If the clothing search is unsuccessful, a custodial search may be authorized by the Watch Commander, based on the totality of the facts known (refer to Corrections Policy 512).
- (e) If the object appears to be in a body cavity, the arrestee will be asked to remove the object. If the arrestee agrees to remove the item, a private room or area will be utilized. Any evidence removed will be provided to the arresting agency.
- (f) If the arrestee refuses to remove the object, or the object appears to be in a location where an intrusive medical procedure would be required, Jail Medical staff will be notified to evaluate the body scan image.
- (g) If determined by Jail Medical staff that the object presents a medical threat to the health or welfare of the inmate or can't be removed without intrusive medical procedures, the arrestee will not be accepted for booking. The arrestee will be released back to the arresting agency.
- (h) If Jail Medical does not deem the item to be a medical threat, the Watch Commander may still reserve the right to refuse the arrestee.
- (i) Jail staff will provide a copy of the image to the arresting officer. The arresting officer will be required to obtain a medical clearance before accepting the arrestee.
- (j) Nothing in this policy prevents staff from conducting more than one scan of an inmate or arrestee to ensure all possible contraband has been detected.

If evidence is located as a result of the body scan, the officer that conducted the scan should:

- (a) For an outside agency (not the Sheriff's Office):
  - 1. Provide the evidence to the arresting officer
  - 2. Author a RMS report with at minimum the following information:
    - (a) The name of the arrestee.
    - (b) The agency that brought the suspect and their case number.
    - (c) A description of the scan and why it was suspicious.
    - (d) Include a copy of the scan either as a multimedia attachment to the RMS report or book a copy of the scan into Evidence.
  - 3. Provide the arresting agency with the name of the officer that conducted the scan and the RMS case number.
- (b) For the Sheriff's Office:
  - 1. Provide the evidence to the arresting officer
  - 2. Author a Supplemental RMS report with at minimum the following information:
    - (a) The name of the arrestee
    - (b) A description of the scan and why it was suspicious
    - (c) Include a copy of the scan either as a multimedia attachment to the RMS report or book a copy of the scan into Evidence.

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##### 520.5.2 DOCUMENTATION

If an arrestee is refused admittance, the officer who performed the scan shall initiate an incident report in JMS. The report shall at minimum document:

- (a) The reason for the refusal.
- (b) A description of the suspected contraband.
- (c) An approximate area where the suspected item appeared to be located.
- (d) The scan number associated to the scan.

##### 520.5.3 SELF-SURRENDERS

Inmates who have turned themselves in on a commitment may be scanned in the same manner as a fresh arrestee.

##### 520.5.4 HOUSED INMATES

Unless prohibited or restricted as noted in section 520.3.2 of this policy, all inmates may be scanned any time there is a belief they may have concealed weapons, drugs, or contraband on or in their body.

Considerations that may warrant use of the scanner for housed inmates:

- (a) Inmates returning from court, outside medical appointments, third party contacts, inmates "rolling up" from housing units, inmates requesting transfer to other housing units, inmate transfers to other institutions where inmates may have had access to weapons, drugs, or contraband.
- (b) Inmates within housing units that demonstrate signs or symptoms of drug intoxication.
- (c) Housed inmates who are the subject of a jail or criminal investigation involving weapons, drugs, or contraband.
- (d) Confidential Informant information that indicates a specific inmate is concealing weapons, drugs, or contraband.
- (e) Other information known to any staff member that would indicate an inmate, or group of inmates, may be in possession of weapons, drugs, or contraband.

To maintain the integrity of the Santa Cruz County Jail facilities and to control the spread of contraband, we encourage jail staff to randomly scan inmates of different classifications.

If contraband is detected, please refer to section 520.5.1.

##### 520.5.5 COMBATIVE ARRESTEES OR INMATES

Arrestees or inmates who refuse to cooperate with the scanning process will be at a minimum, placed into an observation cell where their activities can be monitored. If the arrestee's charges, history or behavior would otherwise qualify him/her for a custodial search, a custodial search may be performed.

If the arrestee would not otherwise qualify for a custodial search, their refusal to submit to a scan may be considered with other factors such as charges, behavior, symptoms of drug use, or

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observations that would seem to indicate an attempt to conceal contraband. The shift supervisors will make this determination based on the totality of the circumstances.

At the Watch Commander's discretion, the arrestee may be accepted into custody and booked but will remain in the observation cell until they have been scanned or a custodial search conducted for weapons, drugs, or contraband.

If an inmate is housed in an observation cell due to a refusal to submit to a scan, medical staff will be notified and an Observation Log started consistent with existing policy.

**520.6 PRESERVATION OF IMAGES**

In the event weapons, drugs or contraband items are detected, the image will be flagged as "suspect" and noted in the log book maintained at the operator station. The shift supervisor will be notified of the detection and appropriate steps will be taken to preserve the image if needed as evidence for a criminal prosecution. Sheriff's Office protocols for booking evidence will be utilized for criminal cases handled by the Sheriff's Office. If the evidence is being provided to another agency, that agency will be responsible for documenting chain of custody and preservation of the image (digital or print).

When contraband is recovered as a result of the scanner, an RMS report will be generated and the scan number shall be notated in the incident report.

**520.7 INMATE PROPERTY**

Notwithstanding language regarding the property of fresh arrestees or persons not housed in the jail facility, any property located in inmate housing may be scanned at any time, and for any reason.

Inmate property located in a jail property bag may be scanned when staff has information to believe articles within the property bag may contain contraband that would pose a risk to this facility if not recovered, a risk to another institution if the inmate is transferred, or a risk to the general safety of the public if the inmate is released.

**520.8 TEK 84 INTERCEPT BODY SCANNER SYSTEM SAFETY AND OPERATING PARAMETERS**

The following provisions shall be adhered to by all staff:

- (a) Only trained operators shall use the scanner.
- (b) No staff member should remove any access panel or cover during operation or when the system is powered.
  - 1. The radiation levels produced by the Tek 84 Intercept are extremely small. However, higher levels of radiation and other hazards are present inside of the equipment. Under no circumstances should untrained persons remove access panels on the system.
- (c) All panels and covers must be in place before the system is connected to power.
- (d) No covers or panels shall be removed or opened except by Tek84 approved personnel.

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- (e) If liquids are spilled on the unit, the machine should be powered off, the spill should be cleaned, and staff should call for assistance from Tek84 approved personnel.

#### 520.8.1 FAILURE OF SAFETY FEATURES

The safety features referenced in section 520.8 are required to operate the system. Should any of these features become inoperable, the operator of the body scan device shall:

- (a) Shut down the body scan device and unplug the machine.
- (b) Immediately notify his/her supervisor.
- (c) The supervisor will notify the Radiation Safety Officer (RSO) and Jail Administration. The Radiation Safety Officer or Watch Commander will contact a contracted vendor to make any repairs as necessary.

#### 520.8.2 ANNUAL SERVICING AND SURVEY OF BODY SCAN DEVICES

The calibration and annual maintenance of the body scanner and radiation survey will be performed only by persons and contractors authorized to perform such services. Refer to the Tek 84 Interceptor Operations Manual for detailed service tasks.

The device shall be serviced at least once every year which shall include a radiation survey. Records of these inspections shall be maintained by the Radiation Safety Officer.

#### 520.8.3 RADIATION SURVEY

An annual radiation survey shall be performed on the Tek 84 Intercept:

- (a) Upon installation of a new body scanner;
- (b) At intervals not exceeding one year;
- (c) Upon relocation of an existing unit;
- (d) Immediately following any service that could potentially increase the system output.

This survey shall only be performed by persons or contractors authorized to perform this service.

#### 520.8.4 SAFETY OF THE PERSONS SCANNED

The inspected person dose rate per inspection should not exceed the contracted value of 0.1 - 3.0  $\mu$ Sv.

Staff who may be pregnant or have confirmation of pregnancy shall not operate or be in the proximity of the Tek 84 Intercept body scanner during use.

#### 520.8.5 SAFETY OF BYSTANDERS

Bystanders who may be pregnant or have confirmation of pregnancy shall not be in the proximity of the Tek 84 Intercept Body Scanner during its use.

### 520.9 STAFF TRAINING

Body scan device operator training shall minimally consist of:

- (a) Radiation Safety: Types of radiation; sources and magnitudes of common exposures; units of measurement; time, distance, and shielding; concept of "As Low as

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Reasonably Achievable (ALARA)"; and biological effects of radiation and radiation risks.

- (b) Product Operation: Transmission imaging concept; location and use of controls and indicators; starting and shutting down the system; positioning subjects; awareness and control of inspection zones; and interpreting images.
- (c) Emergency and Safety Procedures: Physical security to prevent unauthorized use; the danger of disassembling or modifying the apparatus; and procedures if the product malfunctions.
- (d) Dealing with Subjects: Information to be provided to each subject; locally determined protocols for examining subjects.
- (e) Supervised Practical Operation: Proficiency shall be demonstrated at the conclusion of the training. Refresher training shall be provided at least once every twelve months.

**Note:** No employee shall operate a body scan device without first successfully completing proper training.

#### **520.10 DUTIES OF THE RADIATION SAFETY OFFICER**

The Administrative Supervising Correctional Officers shall serve as the Corrections Bureau Radiation Safety Officer (RSO).

The Radiation Safety Officer (RSO) will:

- (a) Maintain and coordinate the safe operation of x-ray based body scan devices in compliance with applicable state and federal regulations.
- (b) Ensure all new or relocated body scan equipment operated by the Sheriff's Office within the Corrections Bureau is registered with the Radiologic Health Branch of the California Department of Public Health (form number RH-2261).
- (c) Ensure all radiation sourcing equipment operated by the Santa Cruz County Sheriff's Office within the Corrections Bureau is maintained and serviced in compliance with applicable state and federal requirements.
- (d) Arrange and schedule any needed repair or service for a body scan device upon being advised of any damage or malfunction.
- (e) Retain any survey, service, inspection, and instrument calibration records for the lifetime of each body scan device.
- (f) Ensure that the annual fee for each body scan device is paid to the Radiologic Health Branch of the California Department of Public Health prior to the anniversary of the effective date of the license.

**Note:** Title 17 of the California Code of Regulations, Section 30231, requires the above payment and mandates that failure to do so requires all usage of the body scan device to immediately cease until such time that the fee and any late fees have been paid.

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##### 520.10.1 DUTIES OF THE SHIFT SUPERVISOR

In each facility containing a body scan device, the shift supervisor, with the assistance and coordination of the Radiation Safety Officer, will:

- (a) Receive authorization from the RSO prior to allowing staff to operate any new body scan equipment.
- (b) Notify the RSO upon becoming aware of any maintenance issue related to a body scan device.
- (c) Notify the RSO immediately upon becoming aware of any safety issue related to a body scan device.

##### 520.11 SYSTEM CHECK

A weekly equipment and safety check of each body scanner shall be performed and logged.

Staff completing the equipment and safety check will:

- (a) Inspect the device for obvious damage.
- (b) Ensure all access panels are securely in place.
- (c) Ensure all accessible (external) cable connections are secure.
- (d) If the system is not already on, turn it on using the key switch (clockwise);

If any damage or malfunction is found during a system check, staff will:

- (a) Power the unit off.
- (b) Notify their immediate supervisor.

The shift supervisor will:

- (a) Advise the RSO the scanner may need service or repair.
- (b) Ensure the scanner is not operated until appropriate service or repairs have been completed or it has been deemed safe to operate.
- (c) If it is believed that the damage or malfunction may compromise the safety of any persons in the immediate vicinity of the device, the emergency procedures outlined within section 520.12 will be followed.

##### 520.12 EMERGENCY PROCEDURES

If an emergency situation occurs, the body scan device shall be powered off and the appropriate personnel shall be notified in accordance with the system check requirements.

**NOTE:** If the control panel is not accessible or functioning, the main power breaker for the system must be shut off and/or the unit should be unplugged immediately.

If a situation occurs in which staff suspect possible exposure to excessive or dangerous levels of radiation while operating the body scan device, the operator will immediately notify the shift supervisor. The shift supervisor will assess the situation and circumstances. If a risk exists, the shift supervisor will see that the scanner is shut down appropriately and will notify the RSO.

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If it is suspected that there was a potential exposure to excessive or dangerous levels of radiation, the shift supervisor will ensure that the use of the body scan device is immediately discontinued and notify the RSO and Jail Administration. The RSO will:

- (a) Schedule any needed service and a radiation survey on the identified body scan device.
- (b) If it is deemed safe to do so, ensure that the body scan device is surveyed in the condition it was when it became suspect.
- (c) Only clear the body scan device to return to normal operations if it is determined to be safe to do so by a Tek84 Intercept service engineer or other qualified service contractor.

If it is believed a radiation leak has occurred, the RSO will ensure that a service engineer from Tek84 or other qualified service contractor will calculate the approximate exposure (radiation intensity) of the person(s) possibly exposed.

## Canines

### 521.1 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 Office.

### 521.2 POLICY

The Santa Cruz 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 office policies and procedures.

### 521.3 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.

#### 521.3.1 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 Facility Manager before going off-duty.

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.



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##### 521.3.2 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.

##### 521.4 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.

##### 521.4.1 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 Officer 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 office canines.

##### 521.4.2 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 office'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 Santa Cruz County Sheriff's Office.
- (d) All canine training shall be conducted while on-duty unless otherwise approved by the canine program supervisor.

##### 521.4.3 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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##### 521.4.4 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 Officer and retained pursuant to the Santa Cruz County Sheriff's Office's established records retention schedules.

##### **521.5 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 should have:

- (a) Three years experience as a corrections officer in the Santa Cruz County Sheriff's Office.
- (b) Performance evaluations of satisfactory or better.
- (c) Demonstrated ability to communicate well with inmates.
- (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 1 hour travel time from Santa Cruz County.
- (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 be comprised of one person who is a member of an outside organization that has a canine program, and two members who shall be chosen by the Facility Manager.

The canine handler shall receive all necessary training with his/her canine before being utilized in this facility. All training records for canine handlers will be maintained by the Training Officer.

##### **521.6 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.

###### 521.6.1 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.

###### 521.6.2 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.

### **521.6.3 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.

### **521.7 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 Office, unless authorized by the canine program supervisor.
- (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.

### **521.8 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.

### **521.9 CANINE HANDLER RESPONSIBILITIES**

#### **521.9.1 AVAILABILITY**

The handler shall be available for call-out under conditions specified by the canine program supervisor.

#### **521.9.2 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 office equipment under their control in a clean and serviceable condition.
- (c) Permitting the canine program supervisor to conduct spontaneous on-site inspections of any area of the residence that is used for the canine.

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- (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 Office 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.

#### 521.9.3 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.

#### 521.9.4 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).

#### 521.10 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. Corrections 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).

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

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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.

#### **521.11 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.

## Electronic Tablets

### 522.1 POLICY

It is the policy of this office to provide eligible incarcerated persons with use of electronic tablets for education and rehabilitative programs, activities and services. Electronic tablet use are subject to availability and may be canceled at any time due to the safety and security of the facility, disciplinary action or at the discretion of the facility commander.

### 522.2 PURPOSE AND SCOPE

The Santa Cruz County Sheriff's Office has implemented an Electronic Tablet Program that offers tablet use by the incarcerated person population for the purposes of providing services and general information. The services and information provided on the tablets may include but is not limited to jail rules and regulations (i.e Incarcerated Person Handbook), law library services and Prison Rape Elimination Act (PREA) information and reporting. The purpose of this policy is to provide guidelines and procedures for use, management, data retention and the security of electronic tablets issued to incarcerated persons.

### 522.3 RESPONSIBILITY

It is the responsibility of jail staff to ensure that electronic tablets are properly maintained which includes total quantity accounting, charging of tablets and inspection of all tablets for any software issues and or visible damage. Jail staff shall immediately report to the facility Watch Commander or Supervisor any unresolvable issues, including the discovery of missing tablets.

#### 522.3.1 REPORTING

Jail staff shall immediately report to the facility Watch Commander or supervisors any unresolvable issues, including the discovery of missing tablets. Any missing tablet(s) or visible damage to any tablet will require a written JMS report and notification to the Compliance unit. It is the responsibility of the Compliance unit to identify the nature of the issue once a tablet has been deemed inoperable, damaged or missing. Any inoperable tablet will be returned to the Compliance unit.

### 522.4 ACCESS, DISTRIBUTION AND COLLECTION OF TABLETS

Jail staff will ensure tablets are made available in the housing units unless the tablet program has been suspended or canceled due to safety, security or discipline. Jail staff is responsible for assisting with the equitable distribution of tablets to ensure access to those eligible. When tablets are collected and removed from housing units or cells they should be inspected for physical damage, missing parts, cracked screens, graffiti, etc. Jail staff will ensure tablets are stored correctly and receive adequate charging on a daily basis.

#### 522.4.1 ACCESS TO TABLETS

Information on how to use and operate the tablet should be included in the Incarcerated Persons Handbook as a reference for those using the tablet system. Rules and regulations regarding tablet use should be included in the Incarcerated Persons Handbook available to users. An incarcerated

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person may only possess one tablet at a time. The incarcerated persons using a tablet shall not use another persons PIN to access a tablet for any purpose, including sharing of entertainment subscription content.

#### 522.4.2 DISTRIBUTION AND COLLECTION

Jail staff shall develop a procedure to distribute and account for all tablets assigned to housing units and individual users.

#### 522.5 ADMINISTRATIVE OR DISCIPLINARY SUSPENSION

**Temporary Suspension-** Incarcerated person access to tablets is a privilege and may be suspended, limited or revoked. Jail staff may suspend, limit or revoke an incarcerated person's tablet access without formal disciplinary action if jail staff believe that continued use of the tablet will compromise the safety and security of the facility, disruption to the housing unit or is in gross violation of rules and procedures. If such action is taken, the incident surrounding the decision must be reported to the facility Watch Commander and documented in a JMS incident report.

**Disciplinary Suspension-** Formal disciplinary suspension shall be documented on a jail incident report and the appropriate Notice of Disciplinary form will be generated. The disciplinary process will be followed in accordance with Policy 600- Discipline.

#### 522.6 DAMAGE, DESTRUCTION AND INVENTORY

Prior to the end and/or start of each shift, housing officers shall be responsible for ensuring all tablets are accounted for. Housing officers will examine all tablets and ensure they are undamaged and in working order. Any missing tablet(s) or visible damage to any tablet or charging station will require a written Jail Incident Report, notation on the housing officer log and reported to the Watch Commander. If the damage is believed to be intentional, the officer shall author a RMS report and forward to Investigations for the review of criminal charges.

#### 522.7 DATA MONITORING

The electronic tablets provided to the incarcerated population records the individual tablet activity, which may be monitored to assess safety and security issues within the correctional facilities. The monitoring of messaging, images, video visits and other content shall strictly be used to assess risk to the correctional facilities based on information shared by incarcerated persons during messaging that could indicate security violations, introduction of contraband, escape plans, intentions to attack staff or others, attempts to direct, control or participate in criminal behavior, or plans to adversely impact the correctional facilities operation. In addition, messaging and other content can be monitored for the prevention of self-harm.

Monitoring of tablets shall not be use to harass, intimidate or discriminate against incarcerated person. Sheriff's Office staff shall not listen to, read, or record a communication known by the listener, reader, or recorder to be privileged. Any inadvertent recording of privileged communications shall be reported and processed in accordance with Policy 612- Privileged Communication.

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**522.7.1 MONITORING NOTIFICATION**

A Monitoring/Recording notice shall be prominently displayed on the tablets advising incarcerated persons that their tablet usage is being monitored or recorded.

**522.8 DATA COLLECTION**

It shall be permissible for the following data to be retained and retrievable through the electronic tablet vendor related to individual tablet use:

(a) **Monthly Usage Reports by Incarcerated Person or Facility**

- Courses completed
- Certificates Issue
- Peak Usage Times

(b) **Incarcerated Person Individual Data**

- Content Viewed
- Progress on educational components
- Aggregate tablet usage information
- Duration of content of call or messaging
- Numbers/visitors initiated by user
- Exact tablet the data was generated from
- Submission details and tracking for Grievances, Requests and Commissary Orders
- Actions taken by Sheriff's Office administrative users to limit or restrict inmate access
- Non privileged mail
- Photographs/images
- Video visitation
- Non privileged messages
- Commissary

**522.8.1 DATA ACCESS**

It is permissible for Sheriff's Office staff conducting criminal investigations to review, monitor and obtain non-privileged data as evidence to support a criminal or administrative investigations. Access to the electronic tablet system data shall be limited to authorized Sheriff's Office personnel approved by the Compliance lieutenant.

All outside agency request for data and access shall be approved by the Compliance unit lieutenant. A formal request for access containing the below information shall be submitted to the Compliance lieutenant for review and approval.

1. Date



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2. Requesting Agency
3. Name of Requesting Officer
4. Associated Case Number
5. Name of Incarcerated Person and S-number
6. Specific Item/Data Being Requested
7. Range of Dates to Search
8. Receiving Party's Telephone Number(s)
9. Reason for Request

**It shall be permissible for data to be shared with only the following:**

1. District Attorney's Office for use as evidence to aid in prosecution, in accordance with laws governing evidence
2. Public Defender's Office or criminal defense attorney via the District Attorney's Office pursuant to California discovery laws
3. Other law enforcement offices as part of a specific criminal or administrative investigation
4. Parties to civil litigation involving the County, in response to a subpoena or civil discovery
5. Professional Standards Unit
6. Other third parties, pursuant to a court order

#### 522.8.2 SCHEDULED ACCESS/DATA REVIEW

The Compliance unit shall schedule access and data reviews every 180-days (6-months) to ensure that all users have the correct permissions and the need to access data still exists.

#### 522.8.3 DATA RETENTION

The electronic tablet system contractor shall maintain all electronic messages for a period of a seven (7) years from the time the message was sent. The contractor shall also maintain a record of all parties of video visitation system for a period of seven (7) years. All other electronic data shall be maintained by the contracted vendor for a period of seven (7) years.

#### 522.8.4 DATA PROTECTION

The contractor shall require that data from the electronic tablet system shall be maintained securely. The contractor shall also utilize a deny-by-default policy on all traffic, so no data or breaches traverse the secured network unless specifically allowed or enabled.

#### 522.9 PUBLIC ACCESS

Data from the electronic tablet system shall not be released to the general public absent qualified exceptions to a public records release pursuant to the Government code and Sheriff's Office Policy

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804- Records Maintenance and Release. Data utilized as evidence in a criminal case may be made public during the course of a public jury trial or pursuant to a Court Order.

#### **522.10 TRAINING**

Training on the electronic tablet system should be provided to Sheriff's Office Corrections staff and Investigations. The training should be provided by the contracted vendor and/or the Corrections training unit. New members should receive introductory training during their initial training period.

#### **522.11 OVERSIGHT AND MANAGEMENT**

The Compliance lieutenant shall ensure that the electronic tablet system is used in compliance with this policy. The compliance unit shall manage the operational functions and daily management of the system to ensure that the tablets are equitably distributed, are in working order, request and grievances are processed and routine communication is occurring between the Sheriff's Office and the contracted vendor related to maintenance, software, troubleshooting and other items covered in this policy.

#### **522.12 ELECTRONIC GRIEVANCES**

Incarcerated persons have access to file electronic grievances via the tablet system pursuant to Policy 609- Grievances. The electronic grievances shall be monitored the facility Watch Commander and Compliance unit in order to respond appropriately to a grievance that could pose a risk to the incarcerated person(s) or facility. The Watch Commander shall make a notation on the daily log indicating the review of electronic grievances.

This process does not eliminate the ability and option for an incarcerated person to file a paper grievance, both forms will be accepted pursuant to Policy 609.

## **Chapter 6 - Inmate Due Process**

## 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 office 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 may be referred to the appropriate criminal agency.

### 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 Facility Manager 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 Facility Manager 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 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 of the reporting officer.
- Date and time of the report.

A supervisor shall review all rule violation reports to ensure the investigating officer's report is complete and contains necessary information to establish a violation.

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#### 600.3.3 POSTING

The Facility Manager 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.

#### **600.4 RULE VIOLATION PROCEDURES**

Minor acts of non-conformance to the rules may be handled informally by any corrections officer (15 CCR 1081).

A violation of rules observed by general service employees, volunteers, or contractors will be reported to a corrections officer for further action. Corrections 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. A supervisor shall be notified prior to any loss of privileges to an incarcerated person.

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, including

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immediate notification of a supervisor. The supervisor shall assess the situation and initiate any emergency action, if necessary, and notify the Watch Commander.

The staff member who learned of the rule violation shall write and submit a disciplinary report, along with all relevant evidence, to the appropriate supervisor prior to the end of the shift (15 CCR 1081).

**600.4.3 ADMINISTRATIVE SEPARATION HOUSING**

Incarcerated persons who are accused of a major rule violation may be moved to administrative separation 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 Facility Manager 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 separation housing is appropriate.

**600.5 INVESTIGATIONS**

Investigations involving major rule violations should be 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 upon completion of the investigation, the investigating officer finds insufficient evidence to support a major rule violation, the investigating officer 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 officer determines that sufficient evidence exists to support a major rule violation, the investigating officer 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.
- 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. 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 Facility Manager 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

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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 Facility Manager.

Hearings may be postponed or continued for a reasonable period of time for good cause. Reasons for postponement or continuance shall be documented on the disciplinary action hearing form and forwarded to the Classification Lieutenant. (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.

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.



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##### 600.8.2 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.

##### 600.8.3 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.

##### 600.8.4 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)).

##### 600.8.5 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 Facility Manager or the authorized designee soon after the final disposition (15 CCR 1081).

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##### 600.8.6 TIME OF HEARING

Unless declined by the inmate, a hearing shall be provided no sooner than 24 hours and no later than 72 hours after the report has been submitted to the hearing officer and the inmate has been informed of the charges in writing (15 CCR 1081).

##### 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 Facility Manager 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. 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 corporate 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 Facility Manager (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).

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- 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)).
- 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

Incarcerated persons 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 Facility Manager or the authorized designee is responsible for ensuring that a wide range of training and disciplinary tools are available to aid staff and that preprinted forms are available for documenting rule violations in a consistent and thorough manner.

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The Training Officer 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.

## 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 correctional facility 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 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 office Discipline Policy. The hearing officer shall impose discipline in accordance with the discipline schedule established by the Facility Manager. 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 Facility Manager 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)).

### 601.3 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 them in the supervision of incarcerated persons held in disciplinary separation or classified as requiring special management needs.

#### 601.3.1 MEDICATION, CLOTHING, AND PERSONAL ITEMS

Incarcerated persons placed in disciplinary separation are considered special management incarcerated persons and shall not be denied prescribed medication.

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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 Facility Manager or the authorized designee and reviewed every 24 hours.

#### 601.3.2 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 disciplinary separation unit log.

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 on the unit log.

#### 601.3.3 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 corrections officer taking such action shall prepare a report describing the circumstances that necessitated the need to restrict personal items or activities. The report shall be submitted to a supervisor for review, who will then forward it to the Facility Manager. A copy of the report shall be placed in the incarcerated person's file.

#### 601.3.4 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

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incarcerated persons violated correspondence regulations. In such cases, mail privilege may be suspended. The Facility Manager 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)).

#### 601.3.5 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.

#### 601.3.6 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 unit log. Access to courts and legal counsel shall not be suspended as a disciplinary measure (15 CCR 1083(g)).

#### 601.3.7 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.

#### 601.3.8 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 Facility Manager

All telephone access based on the above exceptions shall be documented on the unit log.

#### 601.3.9 BEDDING AND CLOTHING

Incarcerated persons in disciplinary separation shall not be deprived of bedding or clothing except in cases where the person destroys such articles or uses them for self-harm or to harm others 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 Facility Manager or the authorized designee and reviewed at least every eight hours. This review shall be documented and placed into the incarcerated person's file.

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##### **601.4 DIET**

Under no circumstances will an incarcerated person be denied food as a means of punishment (15 CCR 1083(e)).

##### **601.5 MENTAL 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) A qualified health care professional should visit each incarcerated person a minimum of once a day 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 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.

Handwritten logs should be completed in ink. 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



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(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 Sergeant or the Facility Manager at midnight each day.

#### 601.6.1 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 Facility Manager for review.

The logs will be retained by the Office in accordance with established records retention schedules but in no case less than one year.

# Incarcerated Persons with Disabilities

## 602.1 PURPOSE AND SCOPE

This policy provides guidelines for addressing the needs and rights of incarcerated persons detained by this office in accordance with the Americans with Disabilities Act (ADA).

### 602.1.1 DEFINITIONS

Definitions related to this policy include:

**Disability** - The ADA defines a disability as a physical or mental impairment that limits one or more major life activities. These include, but are not limited to, any disability that would substantially limit the mobility of an individual or an impairment of vision and/or hearing, speaking or performing manual tasks that require some level of dexterity.

## 602.2 POLICY

This office will take all reasonable steps to accommodate incarcerated persons with disabilities while they are in custody and will comply with the ADA and any related state laws. Discrimination on the basis of disability is prohibited.

## 602.3 FACILITY MANAGER RESPONSIBILITIES

The Facility Manager, in coordination with the Responsible Physician and the ADA Coordinator (see the Accessibility - Facility and Equipment Policy), will establish written procedures to assess and reasonably accommodate disabilities of incarcerated persons. The procedures will include but are not limited to:

- (a) Establishing housing areas that are equipped to meet the physical needs of disabled incarcerated persons, including areas that allow for personal care and hygiene in a reasonably private setting and for reasonable interaction with incarcerated persons.
- (b) Establishing classification criteria to make housing assignments to incarcerated persons with disabilities.
- (c) Assigning individuals with adequate training to assist disabled incarcerated persons with basic life functions, as needed.
- (d) Establishing transportation procedures for moving incarcerated persons with limited mobility.
- (e) Establishing guidelines for services, programs, and activities for the disabled and ensuring that incarcerated persons with disabilities have an equal opportunity to participate in or benefit from all aspects of the facility's efforts to prevent, detect, and respond to sexual abuse and sexual harassment (28 CFR 115.16).
- (f) Enlisting or contracting for trained service personnel who have experience working with people with disabilities.
- (g) Establishing procedures for the request and review of accommodations.

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- (h) Establishing guidelines for the accommodation of individuals who are deaf or hard of hearing, have common disabilities such as sight and mobility impairments and developmental disabilities, or have common medical issues, such as epilepsy.
- (i) Identifying and evaluating all incarcerated persons with developmental disabilities, including contacting the regional center to assist with diagnosis and/or treatment within 24 hours of identification, excluding holidays and weekends (15 CCR 1057).

The Facility Manager is responsible for ensuring the Santa Cruz County Sheriff's Office correctional facility is designed or adapted to reasonably accommodate incarcerated persons with disabilities. At a minimum this includes:

- Access to telephones equipped with a telecommunications device for the deaf (TDD) for incarcerated persons who are deaf, are hard of hearing, or have a speech impairment.
- If orientation videos are used to explain facility rules to newly admitted incarcerated persons, subtitles may be displayed on the video presentation to assist incarcerated persons who have impaired hearing.
- Some cells and dormitories should be equipped with wheelchair-accessible toilet and shower facilities. Incarcerated persons with physical disabilities should be allowed to perform personal care in a reasonably private environment.
- Tables designed for eating should be accessible to those in wheelchairs.

#### **602.4 CORRECTIONS OFFICERS' RESPONSIBILITIES**

Corrections officers should work with qualified health care professionals to aid in making accommodations for those with physical disabilities.

Corrections officers who work in the classification process should be aware of incarcerated persons with disabilities before making housing decisions. For example, persons with mobility issues may require a lower bunk and accessible toilet and shower facilities. When necessary or required, a supervisor of the classification corrections officer should consult with the qualified health care professional or the Responsible Physician regarding housing location.

Corrections officers should assist an incarcerated person with a disability by accommodating the incarcerated person consistent with any guidelines related to the incarcerated person's disability. If there are no current guidelines in place, corrections officers receiving an incarcerated person request for accommodation of a disability 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 but during the corrections officer's current shift. Generally, requests should be accommodated if the accommodation would not raise a safety concern or affect the orderly function of the correctional facility. The formal written request should still be submitted to the on-duty supervisor.

Requests that are minor and do not reasonably appear related to a significant or ongoing need may be addressed informally, such as providing extra tissue to an incarcerated person with a cold. Such requests need not be made in writing.

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##### **602.5 ACCOMMODATION REQUESTS**

Incarcerated persons shall be asked to reveal any accommodation requests during the intake classification process. Any such request will be addressed according to the classification process.

Requests for accommodation after initial entry into the facility should be made through the standard facility request process and should be reviewed by a supervisor within 24 hours of the request being made. The reviewing supervisor should evaluate the request and, if approved, notify the Facility Manager, ADA Coordinator (see the Accessibility - Facility and Equipment Policy) and any other staff as necessary to meet the accommodation. The supervisor should make a record of the accommodation in the incarcerated person's file.

A supervisor who does not grant the accommodation, either in part or in full, should forward the request to the Facility Manager and the ADA Coordinator within 48 hours of the request being made. The Facility Manager, with the assistance of the ADA Coordinator and/or legal counsel, should make a determination regarding the request within five days of the request being made.

##### **602.6 TRAINING**

The ADA Coordinator should work with the Training Officer to provide periodic training on such topics as:

- (a) Policies, procedures, forms, and available resources for incarcerated persons with developmental disabilities.
- (b) Working effectively with interpreters, telephone interpretive services and related equipment.
- (c) Training for management staff, even if they may not interact regularly with disabled individuals, so that they remain fully aware of and understand this policy and can reinforce its importance and ensure its implementation.

## Inmate Access to Courts and Counsel

### 603.1 PURPOSE AND SCOPE

The purpose of this policy is to protect the constitutional rights of inmates to access the courts and legal counsel, while holding inmates accountable to the rules and regulations that govern conduct in this facility. The staff at every level is reminded the fundamental constitutional right of access to courts does not end when a person is incarcerated.

### 603.2 POLICY

It is the policy of this office that all inmates will have access to the courts and the ability to consult with legal counsel (15 CCR 1068).

### 603.3 INMATE ACCESS

Staff should not unreasonably interfere with inmates' attempts to seek counsel and where appropriate should assist inmates 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 inmate 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 inmates 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 inmates for legal communications and correspondence.

The Facility Manager 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 inmate handbook, that is provided during inmate orientation.

### 603.4 CONFIDENTIALITY

All communication between inmates 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 the staff, who have received special training in inspecting confidential documents and who are accountable for maintaining

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confidentiality. Incoming legal correspondence shall be opened and inspected for contraband in the presence of the recipient inmate.

Inmates may seek the assistance of other inmates in writing writs and other legal correspondence to the courts, when needed subject to the security and safety needs of the inmates, staff and the facility.

**603.5 INMATE REQUEST FOR ASSISTANCE**

Written materials addressing how an inmate can access local attorneys and key legal documents shall be available in each housing unit. Staff shall provide these materials to any inmate upon request. However, staff shall not provide legal advice or assist any inmate in the completion of any legal document.

Habeas corpus forms shall be made available to any inmate by the staff upon request.

Legal forms filled out by the inmate shall be forwarded to court administration directly or via an appointed legal assistant.

**603.6 VISITATION RELATED TO LEGAL DEFENSE**

Visits with inmates 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 assure confidentiality (15 CCR 1068(b)). Contact visits may be approved by the Facility Manager for special circumstances.

- (a) Visits shall be of a reasonable length of time to discourage any allegation the defense of the inmate 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 Sergeant for logging and distribution.

**603.7 MAIL**

Legal mail shall be handled in accordance with the Inmate Mail Policy.

**603.8 IN PROPRIA PERSONA (PRO PER) INMATES**

Inmates may be granted pro per status by court order only. Any time a court order is received designating an inmate 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 inmate's file in accordance with established records retention schedules.

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The court may, but is not required to, appoint to an inmate who is designated pro per a back-up attorney, paralegal or other person to assist the inmate 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.

#### 603.8.1 PRO PER STATUS MISUSE

Any inmate 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 Facility Manager. The Facility Manager may recommend the suspension or a limitation of the inmate's pro per privileges if they adversely affect the safety and security of the correctional facility.

The inmate may petition the court if he/she is dissatisfied with the action taken.

#### 603.8.2 PRO PER STATUS - MATERIALS AND SUPPLIES

The facility may provide the following materials and supplies to a pro per inmate. These items may be retained by the inmate 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) facility authorized writing implements.
- 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 Office 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 Sergeant or the authorized designee. Supplies provided by a court legal liaison will be received and distributed by the Sergeant or the authorized designee. All supplies distributed to the inmate will be recorded in the inmate's pro per activities record. Supplies not listed in this policy are subject to approval by the Facility Manager 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 inmate immediately after its use.

Copies of an inmate's final legal (criminal case) work product, upon the inmate's request, may be provided subject to arrangements with the court.

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Inmates 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 inmate's possession. Personal books must be marked with the inmate's name and booking number.

Any books or materials found in the inmate's possession beyond what is authorized will be returned or placed in the inmate's property.

#### 603.8.3 PRO PER INMATES INTERVIEWING WITNESSES

A pro per inmate 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 inmates 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 inmate 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 office or otherwise detained by a government agency, except upon a specific court order.

#### 603.8.4 TELEPHONE USAGE

Pro per inmates 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 inmate in accordance with the orders of the court (see the Inmate Telephone Access Policy).



## 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.

### 604.2 POLICY

The Santa Cruz County Sheriff's Office Correctional Facility will treat foreign diplomatic and consular personnel with due regard for the privileges and immunities to which they are entitled under international law. The Office will investigate all claims of immunity and accept custody of the person when appropriate.

The Santa Cruz County Sheriff's Office Correctional Facility 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 Sergeant 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 office 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 Santa Cruz County Sheriff's Office Correctional Facility the receiving corrections officer shall first inform the Sergeant and then generally proceed as follows:

- (a) Do not accept custody of the person from the transporting corrections officer. The person should not be brought inside the Santa Cruz County Sheriff's Office Correctional Facility unless doing so would facilitate the investigation of his/her 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 he/she will be detained until his/her 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 Sergeant to communicate the claim of immunity to the on-duty supervisor of the arresting office (if not the Santa Cruz County Sheriff's Office). The Sergeant may assist another agency in determining the person's immunity status.

The Sergeant 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 Sergeant 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 Facility Manager will ensure that the U.S. Department of State's list of countries and jurisdictions that require mandatory notification is readily available to office 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 inmates of rights related to consular notification should also be posted.

##### 604.4.2 CONSULAR NOTIFICATION ON BOOKING

Office members assigned to book inmates shall:

- (a) Inform the foreign national, without delay, that he/she may have his/her 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 his/her 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 his/her consular officers without delay.

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- (d) If the foreign national's country is on the list for mandatory notification, then:
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 him/her without delay that he/she may communicate with his/her consular officers.
  3. Forward any communication from the foreign national to his/her consular officers without delay.
  4. Document all notifications to the embassy or consulate and retain the faxed notification and any fax confirmation for the inmate's file.

Members should never discuss anything with consulate personnel beyond the required notifications, such as whether the inmate is requesting asylum. Requests for asylum should be forwarded to the Sergeant.

# 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, physical punishment, harassment, intimidation, and theft or loss of other property.

## 605.2 POLICY

It is the policy of this office to make every reasonable effort to protect incarcerated persons from abuse, physical punishment, injury, harassment, intimidation, or loss or damage to personal property by other incarcerated persons or staff. Staff shall take reasonable actions to safeguard vulnerable persons from others and shall use the classification policies and procedures to make housing decisions that will provide for incarcerated person safety. Abuse of incarcerated persons by staff or other incarcerated persons will not be tolerated.

## 605.3 RESPONSIBILITY

It shall be the responsibility of all facility staff to adhere to policies, procedures, and practices to protect incarcerated persons. 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 Facility Manager.
- Referring sick or injured incarcerated persons to a qualified health care professional without unnecessary delay.
- Maintaining high standards of cleanliness throughout the correctional facility.
- Documenting all abuse protection efforts in facility logs and incident reports as applicable.

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##### **605.4 TRAINING**

The Training Officer shall be responsible for developing and delivering a training curriculum to all staff on the topic of protecting incarcerated persons from abuse. A roster of attendees shall be maintained from each class. Training completion documents shall be filed in each employee's training file.

# 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 inmate 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 inmate, 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 his/her uncovered genitalia, buttocks, or breast in the presence of an inmate, 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 inmate, detainee, or resident that are directed toward another; repeated verbal comments or gestures of a sexual nature to an inmate, 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 office has zero tolerance with regard to sexual abuse and sexual harassment in this facility. This office will take appropriate affirmative measures to protect all inmates from sexual abuse and harassment, and promptly and thoroughly investigate all allegations of sexual abuse and sexual harassment.

#### **606.3 PREA COORDINATOR**

The Bureau Chief shall appoint an upper-level manager with sufficient time and authority to develop, implement, and oversee office efforts to comply with PREA standards. The PREA coordinator shall review facility policies and practices, and make appropriate compliance recommendations to the Bureau Chief (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 office's approach to identifying imminent sexual abuse toward inmates 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, inmates 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 office's policies and procedures for responding to such incidents (28 CFR 115.33).
- (c) Developing a staffing plan to provide adequate levels of staffing and video monitoring, where applicable, in order 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.

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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 inmates may be isolated.
  6. The composition of the inmate 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 office's ability to protect inmates from sexual abuse (28 CFR 115.18).
- (e) Ensuring that any contract for the confinement of office detainees or inmates 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 office 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 inmates with confidential, emotional support services related to sexual abuse. The facility shall provide inmates with access to outside victim advocates for emotional support services related to sexual abuse by giving inmates mailing addresses and telephone numbers, including toll-free hotline numbers where available, of local, state, or national victim advocacy or rape crisis organizations. Persons detained solely for civil immigration purposes shall be given contact information for immigrant services agencies. The facility shall enable reasonable communication between inmates and these organizations and agencies in as confidential a manner as possible. The facility shall inform inmates, 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).
- (g) Ensuring the protocol describing the responsibilities of the Office 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 inmates may report sexual abuse and sexual harassment to a public/private entity or an office that is not part of the office, and that the outside entity or office is able to receive and immediately forward inmate reports



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of sexual abuse and sexual harassment to the Bureau Chief, allowing the inmate 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 office, using a standardized instrument and set of definitions. Upon request, the Office 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 office's website or by other means, if no website exists:
  - (a) Office 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)
  - (b) Information on how to report sexual abuse and sexual harassment on behalf of an inmate (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 Santa Cruz County Sheriff's Office informed of the progress of the investigation (28 CFR 115.71).
- (o) Ensuring that information for uninvolved inmates, family, community members, and other interested third parties to report sexual abuse or sexual harassment is publicly posted at the facility (15 CCR 1029).
- (p) Ensuring the Office conducts follow-up criminal background records checks at least once every five years on members or contractors who may have contact with inmates or has in place a system for otherwise capturing such information (28 CFR 115.17).

#### **606.4 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 inmates or staff shall immediately notify

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a supervisor (28 CFR 115.61). Staff may also privately report sexual abuse and sexual harassment of inmates (e.g., report to the Bureau Chief) (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).

Inmates may report incidents anonymously or to any staff member they choose. Staff shall accommodate all inmate requests to report allegations. 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, sexual harassment, or retaliation, regardless of the source, shall be documented and referred for investigation. 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).

#### 606.4.1 REPORTING TO OTHER FACILITIES

If there is an allegation that an inmate was sexually abused while he/she was confined at another facility, the Bureau Chief shall notify the head of that facility as soon as possible but not later than 72 hours after receiving the allegation. The Bureau Chief shall ensure that the notification has been documented (28 CFR 115.63).

#### 606.5 RETALIATION

All inmates 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 inmates or staff who fear retaliation, shall be utilized (28 CFR 115.67; 15 CCR 1029).

The Bureau Chief or the authorized designee shall assign a supervisor to monitor, for at least 90 days, the conduct and treatment of inmates or staff who report sexual abuse or sexual harassment, as well as inmates who were reported to have suffered sexual abuse, to determine if there is any possible retaliation. The supervisor shall act promptly to remedy any such retaliation. The assigned supervisor should consider inmate disciplinary reports, housing or program changes, negative staff performance reviews, or reassignment of staff members. Monitoring may continue beyond 90 days if needed. Inmate monitoring shall also include periodic status checks. The Bureau Chief 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).

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##### 606.5.1 REPORTS BY INMATES

Inmates may report sexual assault or abuse incidents anonymously or to any staff member they choose and shall not be required to use their normal point of contact. Staff shall accommodate all inmate requests to report allegations of sexual abuse and assaults.

Retaliation against an inmate by any staff member for filing a sexual abuse, assault or harassment incident will not be tolerated.

##### **606.6 FIRST RESPONDERS**

If an allegation of inmate sexual abuse is made, the first 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 an officer, the responder shall request the alleged victim to refrain from any actions that could destroy physical evidence and then immediately notify an officer.

Should an investigation involve inmates who have disabilities or who have limited English proficiency, the first responder shall not rely on inmate interpreters, inmate readers or other types of inmate assistants, except in limited circumstances where an extended delay in obtaining an interpreter could compromise inmate safety, the performance of first responder duties or the investigation of sexual abuse or sexual harassment allegations (28 CFR 115.16).

##### **606.7 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 office-approved

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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 sex 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 inmate's sexual orientation, sex, or gender identity. Investigators should not assume that any sexual activity among inmates is consensual.

The departure of the alleged abuser or victim from the employment or control of the Santa Cruz County Sheriff's Office or office shall not provide a basis for terminating an investigation (28 CFR 115.71).

If the investigation is referred to another agency for investigation, the office 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 Office 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/Adolescents," or similarly comprehensive and authoritative protocols developed after 2011 (28 CFR 115.21).

Inmates 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 is 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).

#### 606.7.1 INVESTIGATIVE FINDINGS

All completed investigations shall be forwarded to the Bureau Chief or, if the allegations may reasonably involve the Bureau Chief, to the Sheriff. The Bureau Chief 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 sanctions, up to and including termination, for violating this policy. Termination shall be the presumptive disciplinary sanction 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 sanctions 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

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enforcement agency that would handle any related investigation and to any relevant licensing bodies (28 CFR 115.76).

#### 606.7.2 REPORTING TO INMATES

The Bureau Chief or the authorized designee shall inform a victim inmate whether an allegation has been substantiated, unsubstantiated or unfounded. If the Office did not conduct the investigation, the Office shall request relevant information from the investigative agency in order to inform the inmate.

If a staff member is the accused (unless the Office has determined that the allegation is unfounded), the inmate shall also be informed whenever:

- (a) The staff member is no longer assigned to the inmate's unit or employed at the facility.
- (b) The Office learns that the staff member has been indicted or convicted on a charge related to sexual abuse within the facility.

If another inmate is the accused, the alleged victim shall be notified whenever the Office learns that the alleged abuser has been indicted or convicted on a charge related to sexual abuse within the facility.

All notifications or attempted notifications shall be documented. When notification is made while the inmate is in custody, the inmate will sign a copy of the notification letter. The letter will be added to the case file (28 CFR 115.73).

#### **606.8 SEXUAL ABUSE AND SEXUAL HARASSMENT BETWEEN STAFF AND INMATES**

Sexual abuse and sexual harassment between staff, volunteers or contract personnel and inmates is strictly prohibited. The fact that an inmate 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-inmate sexual abuse or sexual harassment shall be referred to the Professional Standards and Conduct Unit for investigation.

#### 606.8.1 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 inmates. He/she 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).

#### **606.9 SEXUAL ABUSE VICTIMS**

Inmates 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 inmate and the public, and to prevent escape.

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A victim advocate from a rape crisis center should be made available to the victim. If a rape crisis center is not available, the Office shall make available a qualified member of a community-based organization, or a qualified health care or mental health professional from the Office, 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 (b)(2)(C), 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).

#### **606.10 EXAMINATION, TESTING, AND TREATMENT**

Examination, testing, and treatment shall include the following (15 CCR 1206):

- (a) Forensic medical examinations shall be performed as evidentiary 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 Office shall document its efforts to provide SAFEs or SANEs (28 CFR 115.21).
- (b) If requested by the victim, a victim advocate, a qualified office 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.
- (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).

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- (i) The health authority or mental health staff shall obtain informed consent from inmates before reporting information to Santa Cruz County Sheriff's Office staff about prior sexual victimization that occurred somewhere other than an institutional setting, unless the inmate 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 Santa Cruz County Sheriff's Office staff about security or management decisions (28 CFR 115.81).

#### **606.11 PROTECTIVE CUSTODY**

Inmates 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. Inmates 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 Bureau Chief shall clearly document the basis for the concern for the inmate's safety and the reasons why no alternative means of separation can be arranged (28 CFR 115.43).

The facility shall assign these inmates to involuntary protective custody only until an alternative means of separation from likely abusers can be arranged, not ordinarily in excess of 30 days.

Inmates 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 Bureau Chief 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 Bureau Chief shall afford each such inmate a review to determine whether there is a continuing need for protective custody (28 CFR 115.43).

#### **606.12 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.

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- (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 Bureau Chief or the authorized designee shall implement the recommendations for improvement or document the reasons for not doing so.

#### **606.13 DATA REVIEWS**

This office 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 office's progress in addressing sexual abuse.

The reports shall be approved by the Bureau Chief and made available through the office 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).

All aggregated sexual abuse data from Santa Cruz County Sheriff's Office facilities and private facilities with which it contracts shall be made available to the public at least annually through the office website. Before making aggregated sexual abuse data publicly available, all personal identifiers shall be removed (28 CFR 115.89).

#### **606.14 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 and County records retention policy.

#### **606.15 PRESERVATION OF ABILITY TO PROTECT INMATES**

The Office shall not enter into or renew any collective bargaining agreement or other agreement that limits the office's ability to remove alleged staff sexual abusers from contact with any inmates



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pending the outcome of an investigation or of a determination of whether and to what extent discipline is warranted (28 CFR 115.66).

## 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 Facility Manager 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 Facility Manager 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 themselves 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 themselves 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 SHOWERING**

Inmates shall be permitted to shower upon assignment to a housing unit, at least every other day thereafter and more often if practicable (15 CCR 1266).

#### **607.8 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.).

## 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 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 Facility Manager 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.

#### 608.3.1 HANDLING COMPLAINTS OF DISCRIMINATION

Staff shall promptly forward all written allegations of discrimination by incarcerated persons to the Sergeant. 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 Facility Manager, Sheriff, or other official, the Sergeant shall review the complaint and attempt to resolve the issue. In any case, the Sergeant shall document 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 Facility Manager 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

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##### **608.4 DISCRIMINATION COMPLAINT AUDITS**

The Facility Manager should perform an annual audit of all incarcerated person discrimination complaints to evaluate whether any policy or procedure changes or training are indicated. The Facility Manager 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 Facility Manager should promptly notify the Sheriff.

Any training issues identified as a result of this audit should be forwarded to the Training Officer, who shall be responsible for ensuring all necessary and required training is scheduled and completed.

##### **608.5 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 Facility Manager should periodically conduct interviews with incarcerated persons and staff members to identify and resolve potential problem areas related to discrimination before they occur.

## 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.

### 609.2 POLICY

It is the policy of this office 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 (15 CCR 1073).

Grievances will not be accepted if they are challenging the rules and policies themselves, state or local laws, court decisions, or probation/parole actions.

Retaliation for use of the grievance system is prohibited.

#### 609.2.1 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 person's 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) and (b)):

- A grievance form or instructions for registering a grievance.
- Instructions for the resolution of the grievance at the lowest appropriate staff level.
- The appeal process to the next level of review.
- Written reasons for denial of a grievance at each level of review.
- A provision of required timeframes for responses.
- A provision for resolving questions of jurisdiction within the facility.
- Consequences for abusing the grievance system.

### 609.3 INMATE GRIEVANCE PROCEDURES

Staff shall attempt to informally resolve all grievances at the lowest level. If there is no resolution at this level, the incarcerated person may submit a grievance. Grievances may be filed electronically using a tablet or in paper form.

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A grievance must be filed by an incarcerated person within (14) fourteen days of the complaint or issue. Grievances filed after (14) fourteen days will not be accepted unless extenuating circumstances exist.

Incarcerated persons cannot file a grievance on behalf of another 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.

Anonymous grievances may be submitted in paper form.

Upon receiving a paper grievance form, staff shall acknowledge receipt of the grievance by signing the form and giving a copy to the incarcerated person. The staff member receiving the form shall gather all associated paperwork and reports and immediately forward it to a supervisor. Electronic grievances are automatically logged in the Smart Eco System Dashboard. The staff member assigned to investigate and respond to a grievance should have (14) fourteen days for an initial, non-automated response.

#### 609.3.1 EXCEPTION TO INITIAL GRIEVANCE FILING

Incarcerated persons may request to submit the grievance directly to a supervisor or mail it directly to the Facility Manager 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. Incarcerated persons who are indigent may request a free envelope.

#### 609.3.2 TIMELY RESOLUTION OF GRIEVANCES

Upon receiving a completed grievance, the staff member assigned to investigate and respond to the grievance should have (14) days for an initial, non-automated response and make attempts to resolve the issue withing the same time frame.

Grievances related to medical care shall be investigated by the medical manager. The findings of that investigation, along with any recommendations, shall be noted in the Smart Eco System.

Grievances related food services shall be investigated by the food services manager. The findings of that investigation, along with any recommendations, shall be noted in the Smart Eco System.

Grievances relating to programs shall be investigated by the program manager. Findings relating to the investigation shall be noted in the Smart Eco System.

Grievances relating to other services provided by the Office shall be investigated by the manager in charge of those services. Findings relating to the investigation shall be noted in the Smart Eco System.

#### 609.3.3 APPEALS TO GRIEVANCE FINDINGS

First Level:

Incarcerated persons may appeal the finding of a grievance by filing a first level of appeal to the Facility Manager within (5) five days of receiving the findings of the original grievance. The Facility

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Manager will have (14) fourteen days to review the grievance and either confirm or deny it. If the Facility Manager confirms the grievance, corrective actions will be initiated. In either case, the incarcerated person shall receive a written response to the appeal.

#### Second Level:

Incarcerated persons may appeal the finding of a first level appeal by filing a second level appeal to the Chief Deputy within (5) five days of receiving the findings of the first level appeal. The Chief Deputy will have (14) fourteen days to review the grievance and either confirm or deny it. If the Chief Deputy confirms the grievance, corrective actions will be initiated. In either case, the incarcerated person shall receive a written response to the appeal.

#### **609.3.4 RECORDING GRIEVANCES**

The Facility Manager should maintain a grievance log in a central location accessible to all supervisors. The supervisor who originally receives a grievance shall record the grievance, along with its finding, on the grievance log with the assistance of the Compliance Officer. Periodic reviews of the log should be made by the Facility Manager or the authorized designee to ensure that grievances are being handled properly and in a timely manner. A copy of each grievance should be filed in the incarcerated persons' official record and maintained throughout the incarcerated person's period of incarceration.

The original grievance should be retained in a file maintained by the Facility Manager or the authorized designee, and shall be retained in accordance with established records retention schedules.

#### **609.3.5 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 GRIEVANCE AUDITS**

The Facility Manager should perform an annual audit of all incarcerated person grievances and complaints filed the previous calendar year. The Facility Manager should forward a memorandum to the Sheriff detailing the findings, including recommendations regarding any changes to policy or 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 Officer, who will be responsible for ensuring all necessary and required training is scheduled and completed.



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#### **609.5 TRAINING**

The Training Officer Supervisor shall ensure that all custody staff receive initial and periodic training regarding all aspects of this policy. All training delivered should include testing to document that the employee understands the subject matter.

## 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 Office will assist incarcerated persons who wish to vote in an election.

### **610.3 PROCEDURES**

Prior to each election, the Program Coordinator for each facility coordinates with the local Registrar of Voters. The Program Coordinator will be responsible for assisting inmates who are eligible to vote.

#### **610.3.1 REGISTERING TO VOTE**

The Program Coordinator does outreach in every unit within the Corrections Bureau to inform inmates of their eligibility to vote. Based on eligibility, all inmates who are interested in registering to vote or changing their voter registration will be provided the opportunity to do so. The Program Coordinator is responsible for collection and delivery of all applications to the registrar of voters.

#### **610.3.2 REQUESTING A VOTE BY MAIL BALLOT**

An inmate who will be in custody during an election and requests to vote should complete an application. The completed application should be submitted to the Program Coordinator who will forward the application to the local election official.

#### **610.3.3 VOTING**

All ballots received shall be delivered to inmates in a timely manner to ensure compliance with the inmate's right to vote. The Program Coordinator notifies inmates of the deadline to return the ballot in order to be submitted. It is the responsibility of the inmate to complete their ballot by the deadline provided. It is the Program Coordinator's responsibility to collect all completed ballots and deliver them to the registrar of voters by the deadline.

# Incarcerated Person Telephone Monitoring

## 611.1 POLICY

The Incarcerated Person Telephone system records incarcerated person telephone conversations. When permissible, jail staff can monitor live and recorded phone calls made by the incarcerated person. The system should be used to assist the Sheriff's Office with assessing risk to the Correctional Facilities.

## 611.2 MONITORING NOTIFICATION

Signs shall be prominently posted on site in incarcerated person phone areas and non-contact visiting areas where a phone is being used advising the their telephone conversation may be monitored or recorded. A pre-recorded admonishment shall be provided at the start of each phone call indicating that the phone call is may be monitored or recorded.

## 611.3 AUTHORIZED MONITORING AND RECORDING

Authorized uses of the Incarcerated Person Telephone system shall include the following:

1. **Housing Unit/Intake Booking Phones**
  - (a) Listening to or monitoring in-progress phone calls
  - (b) Reviewing recorded phone calls
  - (c) Evidence collection
2. **Non-Contact Visiting Rooms**
  - (a) Listening to or monitoring in-progress calls
  - (b) Reviewing recorded phone calls
  - (c) Evidence collection

All uses not authorized above shall be prohibited. The Incarcerated Person Telephone system shall not be used for personal or non-official purposes. It shall be used in a legal manner, and shall not be used to harass, intimidate, or discriminate against any individual or group.

### 611.3.1 PRIVILEGED COMMUNICATION

The Sheriff's Office shall not listen to or record communication known by the listener or recorder to be privileged. Privileged communication shall be defined as attorney-client communication, physician-patient communication, and clergy penitent communication.

### 611.3.2 INADVERTENT RECORDING OF PRIVILEGED COMMUNICATION

If at any time it is discovered that privileged communications have been, or is currently being inadvertently recorded, staff shall immediately take efforts to cease the recording. A procedure shall be in place to notify the phone service provider to ensure that the recordings are restricted and all associated numbers are categorized correctly as a privileged caller. In accordance with Policy 612- Inadvertent Recording of Privileged Communication.

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##### **611.4 DATA COLLECTION, ACCESS AND REVIEW**

It shall be permissible for the following data to be monitored through the Incarcerated Person Telephone system

1. Housing Unit/Intake Booking Phones
  - (a) Audio recording
  - (b) Incarcerated person's S-number number
  - (c) Date and time of call
  - (d) Number dialed by the incarcerated person
  - (e) Exact phone the call was placed on
2. Non-Contact Visiting Phones
  - (a) Audio recording
  - (b) Incarcerated persons S-number
  - (c) Date and time of call
  - (d) Number dialed by the incarcerated person
  - (e) Duration of the call
  - (f) Exact phone the call was placed on
  - (g) Non-Contact legal visits shall not be recorded or monitored

##### **611.5 DATA ACCESS**

Access to the Incarcerated Person Telephone system and audio recordings shall be limited to authorized Sheriff's Office personnel. It is permissible for authorized law enforcement personnel to access the telephone system and audio recordings to conduct criminal investigations. Access shall be reviewed and approved by a Corrections Bureau lieutenant.

All outside agency request for data and access shall be submitted to the assigned Corrections lieutenant for review. All request shall be maintained and archived by the Compliance unit. The formal request for access and data shall include the below information:

- (a) Date of request
- (b) Requesting agency
- (c) Requesting officer
- (d) Associated case number
- (e) Name of incarcerated person
- (f) Specific phone call/data being requested
- (g) Date range to search
- (h) Receiving party's telephone number(s)
- (i) Reason for request (i.e. investigative follow-up, on-going criminal investigation etc.

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**It shall be permissible for recorded phone calls and data to be shared with only the following:**

1. District Attorney's Office for use as evidence to aid in prosecution, in accordance with laws governing evidence.
2. Public Defender's Officer or criminal defense attorney via the District Attorney's Office pursuant to California discovery laws
3. Other law enforcement offices as part of a specific criminal or administrative investigation
4. Parties to civil litigation involving the County, in response to a subpoena or civil discovery
5. Professional Standards Unit
6. Other third parties, pursuant to a court order

#### **611.5.1 SCHEDULED ACCESS REVIEW**

The Compliance unit shall schedule access and data reviews every 90 days to ensure that all users have the correct permissions and the need to access data still exists.

#### **611.6 RETENTION**

The system contractor shall maintain all call detail records and recordings in a safe and secure location to avoid any possible loss of data. All call detail records including, attempts, completed and visitation calls shall be retained for a minimum period of three (3) years. The Sheriff's Office and authorized users will have access to all call detail records and recordings from all workstations and remote access computers, based upon the users access level.

The system contractor shall comprehensively record all calls non-privileged calls including visitations. All recordings shall be stored offline for a minimum period of three (3) years by the contractor

#### **611.7 PUBLIC ACCESS**

Incarcerated phone call recordings shall not be released to the general public. Recordings utilized as evidence in a criminal case may be made public during the course of a public jury trial or pursuant to a Court Order, but shall otherwise not be released.

# INADVERTENT RECORDING OF PRIVILEGED COMMUNICATION

## 612.1 POLICY

The Sheriff's Office will not record privileged communication. In the event the Sheriff's Office becomes aware of an inadvertent recording, immediate steps shall be taken to stop the recording, restrict access and prevent further recurrence.

## 612.2 INADVERTENT RECORDING

If at any time it is discovered that privileged communications have been, or is currently being inadvertently recorded, staff shall immediately take efforts to cease the recording.

### 1. Phone calls and non-contact visits

- (a) The phone service provider shall be notified immediately to ensure that the recording is restricted and categorized as privileged/confidential and not accessible.
- (b) The phone service provider shall be directed to restrict the phone number of the attorney to ensure no further instances occur.

### 2. Tablet Messages

- (a) The incarcerated persons tablet system contractor shall be notified immediately to ensure that the message is restricted and categorized as privileged.
- (b) The contractor shall be directed to restrict the name, number and email address of the attorney to ensure further instances occur.

## 612.3 NOTIFICATIONS

**In the event that a privileged communication is inadvertently recorded the following notifications shall be made:**

- (a) Bureau Chief
- (b) Compliance Lieutenant
- (c) Attorney of record (private, appointed, Public Defender)

**The following information shall be provided during notification:**

1. Name of incarcerated person
2. Date, time and location of the communication inadvertently recorded
3. Means of communication (i.e. phone, in-person, tablet etc.)
4. Disposition of recording (i.e. deleted, restricted, etc.)
5. Names of those who had access to or listened to the recording

## **Chapter 7 - Medical-Mental Health**

## Access to Health Care

### 700.1 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.

### 700.2 POLICY

It is the policy of this office 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 Santa Cruz 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).

#### 700.2.1 CONTRACT HEALTH PROVIDER

Medical and dental services may be provided by a contracted authority. Policies and procedures regarding all care related to health services are retained in the Medical Unit and shall comply with Title 15 Regulations and other laws as applicable. The Program Manager and Responsible Physician from the contracted authority shall be responsible for compliance and quality assurance.

### 700.3 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.



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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 Sergeant.

#### **700.4 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 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 Facility Manager, 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.

#### **700.5 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.

## Health Care for Pregnant Inmates

### 702.1 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.

### 702.2 POLICY

It is the policy of this office 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).

### 702.3 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 correctional facility and administered by medical or nursing personnel (Penal Code § 4023.8(a)).
  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 correctional facility, 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:

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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.
- (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.

#### **702.4 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.

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#### **702.5 COUNSELING AND TREATMENT REGARDING PROPER CARE**

The Office 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 Facility Manager and Responsible Physician shall develop a process by which perceived conflicts between medical orders/recommendations and safety and security interests of the correctional facility can be discussed and resolved. Ultimately, the correctional facility 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 health-trained 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)
  - 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 Facility Manager 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 and to the receipt of such services from the medical professional of the person's choice. Expenses incurred by the services not provided by the Correctional Facility shall be borne by the incarcerated person (Penal Code § 4023.6). The Facility Manager may adopt reasonable rules and regulations

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with regard to the conduct of examinations to effectuate the determination (Penal Code § 4023.6).

#### **702.6 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.

##### **702.6.1 REQUIRED PROCEDURES**

The health authority shall, in cooperation with the Facility Manager, 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).

#### **702.7 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, Penal Code 4028, and 15 CCR 1200. The correctional facility 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. Staff members objections to facilitating an abortion shall not preclude an incarcerated person from receiving an abortion.

##### **702.7.1 STATE REQUIREMENTS FOR ABORTION**

The Correctional Facility 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)

Any inmate that is requesting an abortion should be referred to medical staff. Medical staff will consult with the inmate and arrange an abortion, consistent with the incarcerated person's legal rights.

The County of Santa Cruz has an obligation to provide emergency and basic healthcare services to all incarcerated persons, to include abortions. Incarcerated persons may only be charged fees for medical services if they are financially able to pay.

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##### 702.7.2 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.

##### **702.8 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)).

##### **702.9 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 correctional facility (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 correctional facility, 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).

##### 702.9.1 INCARCERATED PERSON ACCESS TO NEWBORN CARE

The Responsible Physician should ensure that 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)).

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##### 702.9.2 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)).

##### 702.10 BIRTH CONTROL

Incarcerated persons that arrive to custody on prescribed birth control shall, upon request, be allowed to continue birth control measures as prescribed by a physician, nurse practitioner, certified nurse midwife, or physician assistant (Penal Code 4023.5(a)).

Pursuant to Penal Code 4023.5(b) and 4023.5(c), incarcerated persons shall be furnished by the County with information and education regarding the availability of family planning services. Family planning services shall be offered to each and every incarcerated person at least 60 days prior to a scheduled release date. Upon request, any incarcerated person shall be furnished by the county with the services of a licensed physician or they shall be furnished by the county or by any other agency which contracts with the county with the services necessary to meet their family planning needs at the time of their release.

## Health Authority

### 703.1 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).

### 703.2 POLICY

The health authority is responsible and accountable for all levels of health care and has the final authority regarding clinical issues within the Santa Cruz Sheriff's Office Correctional Facilities. 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.

### 703.3 SELECTION PROCESS

The Sheriff or the authorized designee shall select a health authority using an existing office 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 Office 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.



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#### *Health Authority*

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- (g) A written plan for coordinating medical care from multiple health care services.
- (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)).

#### **703.4 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 Facility Manager 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 office 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).

#### **703.5 LACTATION PROGRAM**

The health authority, in cooperation with the Facility Manager, 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).

## Mental Health Services

### 704.1 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.

#### 704.1.1 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.

### 704.2 POLICY

It is the policy of this office 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).

### 704.3 MENTAL HEALTH SERVICES

The Facility Manager 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 Facility Manager, 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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#### *Mental Health Services*

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#### **704.4 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 correctional facility 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 Facility Manager 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.

## Mental Health Screening and Evaluation

### 705.1 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 or health-trained custody 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.

### 705.2 POLICY

It is the policy of this office that all individuals booked into the facility shall receive an initial mental health screening by a qualified mental health professional, qualified mental health staff, or health-trained custody 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)).

### 705.3 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.

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#### *Mental Health Screening and Evaluation*

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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.

#### **705.4 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)

#### **705.5 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.

## Communicable Diseases

### 706.1 POLICY

It is the policy of this office 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 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)).

#### 706.1.1 EXPOSURE CONTROL OFFICER

The Facility Manager 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 Facility Manager 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.

#### 706.1.2 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.

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- (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.
- (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 office 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 office website (Health and Safety Code § 1797.188).

#### **706.2 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 corrections officer.
- (c) An incarcerated person may access sick call if the person believes there is a problem with lice/scabies.



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- (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.
  - 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.

#### **706.3 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,

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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.

#### 706.3.1 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.

#### 706.3.2 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
- 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.

#### 706.3.3 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.

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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.

#### **706.3.4 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.

#### **706.3.5 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.

#### **706.3.6 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.

#### **706.4 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

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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.

#### **706.5 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.

##### **706.5.1 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)).

##### **706.5.2 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.

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##### 706.5.3 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 Office'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.
- 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.

##### 706.5.4 COUNSELING

The Office shall provide the exposed employee (and the employee's family if necessary) the opportunity for counseling and consultation.

##### 706.5.5 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 Office'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)).

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##### 706.5.6 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. 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 Santa Cruz County Sheriff's Office qualifies as a crime victim.

##### 706.5.7 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.

##### 706.5.8 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:

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- (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.

## Aids to Impairment

### 707.1 PURPOSE AND SCOPE

This policy acknowledges the high priority of incarcerated person health and recognizes that some incarcerated persons will require adaptive devices to assist them with daily living activities on a temporary or permanent basis.

The Santa Cruz County Sheriff's Office has established this policy for physicians and dentists to review and evaluate the need for adaptive devices, while considering facility security concerns regarding the use of such items.

When a physician or dentist determines that the medical condition of an incarcerated person indicates that an adaptive device is clinically appropriate, the parameters of this policy will determine if authorization for the use of such items during incarceration should be granted, and if any equipment modifications are indicated for safety or security purposes.

#### 707.1.1 DEFINITIONS

Definitions related to this policy include:

**Adaptive device** - Any orthotic, prosthetic, or aid to impairment that is designed to assist an incarcerated person with the activities of daily living or that is clinically appropriate for health, as determined by the Responsible Physician or dentist.

**Aids to impairment** - Includes but is not limited to eyeglasses, hearing aids, pacemakers, canes, crutches, walkers, and wheelchairs.

**Orthoses** - Specialized mechanical devices such as braces, shoe inserts, or hand splints that are used to support or supplement weakened or abnormal joints, limbs, and/or soft tissue.

**Prostheses** - Artificial devices designed and used to replace missing body parts, such as limbs, teeth, or eyes.

### 707.2 POLICY

It is the policy of the Office that, in accordance with security and safety concerns, medical and dental orthoses or prostheses and other adaptive devices should be permitted or supplied in a timely manner when the health of the incarcerated person would otherwise be adversely affected or when such devices are necessary to reasonably accommodate a disability recognized under the American with Disabilities Act (ADA) (42 USC § 12101 et seq.), as determined by the Responsible Physician or dentist (15 CCR 1206(d); 15 CCR 1207).

### 707.3 MEDICAL OR DENTAL ORTHOSES, PROSTHESES, OR ADAPTIVE DEVICES

The following applies to incarcerated persons with any orthopedic or prosthetic devices (Penal Code § 2656):

- (a) An incarcerated person shall not be deprived of the possession or use of any orthopedic, orthodontic, or prosthetic device that has been prescribed or recommended and fitted by a physician or dentist (see the following exception).



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- (b) Any such device that may constitute an immediate risk of bodily harm to any person in the facility or that threatens the security of the facility should be brought to the attention of the Facility Manager. If the Facility Manager has probable cause to believe such a device constitutes an immediate risk of bodily harm to any person in the facility or threatens the security of the facility, the Facility Manager may remove the device and place it in the person's property.
- (c) The Facility Manager shall return the device to the incarcerated person if circumstances change and the cause for removal no longer exists.
- (d) The Facility Manager shall have the incarcerated person examined by a physician within 24 hours after a device is removed.
- (e) The Facility Manager should review the facts with the ADA Coordinator and shall address the issue in conjunction with the Incarcerated Persons with Disabilities Policy.
- (f) The physician shall inform the incarcerated person and the Facility Manager if the removal is or will be injurious to the health or safety of the person. When the Facility Manager is so informed but still does not return the device, the Facility Manager shall inform the physician and the person of the reasons and promptly provide the person with a form, as specified in Penal Code § 2656, by which the person may petition the Superior Court for return of the appliance. The Facility Manager shall promptly file the form with the Superior Court after it is signed by the incarcerated person. The Facility Manager should consider the following alternatives to removal of the device:
  - 1. Reclassifying the incarcerated person to another housing unit or administratively separating the person from the general population.
  - 2. With physician or dentist approval, modify the adaptive device to meet the medical needs of the incarcerated person and the safety and security needs of the facility.

Once an adaptive device has been approved for use, the qualified health care professional shall enter the authorization into the incarcerated person's health file. If the person requires special housing, the qualified health care professional shall document this in writing and notify custody or classification personnel appropriately. The qualified health care professional shall document the general condition of the prosthesis and have the person sign in the medical record that they received the prosthesis.

Any prostheses that are brought to the facility by family members or others after the person has been incarcerated shall be subject to a security check. The facility shall accept no responsibility for loss or damage to any adaptive device.

#### **707.4 REQUESTS FOR MEDICAL AND DENTAL PROSTHESES**

All requests for new or replacement medical or dental prostheses shall be individually evaluated by the Responsible Physician or dentist and reviewed for approval by the Facility Manager. Considerations for approval shall be based upon:

- Medical needs of the incarcerated person.
- The anticipated length of incarceration.

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- The safety and security of the facility.

# Suicide Prevention and Intervention

## 708.1 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 inmates who present a suicide risk while incarcerated at the Santa Cruz County Sheriff's Office Correctional 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 inmate's unspoken indications that suicide is being considered. The three key components of this plan are evaluation, training, and screening with intervention.

## 708.2 POLICY

It is the policy of this office to minimize the incidence of suicide by establishing and maintaining a comprehensive suicide prevention and intervention program designed to identify inmates who are at risk of suicide and to intervene appropriately whenever possible. The program shall be developed by the Main Jail Lieutenant and the Medical Health Services Administrator, and reviewed annually by the Bureau Chief. A copy of this policy shall be maintained in each unit of the facility where it can be easily accessed by all staff members (15 CCR 1029(a)(8); 15 CCR 1030).

## 708.3 SUICIDE PREVENTION TEAM

The Main Jail Lieutenant in cooperation with the Medical Health Services Administrator 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 Main Jail Lieutenant 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 inmate 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 inmate/management team meetings. If physical modifications are recommended, the team shall ensure the Main Jail Lieutenant is promptly notified.

It shall also be the responsibility of the suicide prevention team to coordinate with the Training Officer to ensure that suicide prevention training is provided in compliance with applicable statutes and standards.

## 708.4 STAFF TRAINING

All facility staff members who are responsible for supervising inmates shall receive initial and annual training on suicide risk identification, prevention, and intervention, to include, at minimum (15 CCR 1030):

- The provisions of this policy.

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- 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 inmates.
- Communication between corrections and health care personnel.
- Using referral procedures.
- Housing observation and suicide watch-level procedures.
- Follow-up monitoring of inmates who attempt suicide.
- Communication between members and arresting/transporting corrections officers.

Recommendations for modification to suicide training should be directed to the Main Jail Lieutenant, who shall review the recommendations and approve, if appropriate.

#### **708.5 SCREENING AND INTERVENTION**

All inmates 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 inmates at risk for suicide. Upon an inmate entering the facility, he/she should be assessed by custody staff for the ability to answer medical and mental health screening questions.

Any inmate 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. Inmates 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 inmate who is at risk for suicide to classification, health services, and mental health services. The inmate shall remain under direct and constant observation in a safe setting until designated staff makes appropriate health care and housing decisions (15 CCR 1030).

#### **708.6 SUICIDE WATCH**

Inmates should only be housed on suicide watch with the approval of a qualified health care professional and the Sergeant. If a qualified health care professional is not present in the correctional facility, the Sergeant may make the decision to place an inmate on suicide watch but should notify a qualified health care professional as soon as practicable. Inmates 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 inmate, the staff should carefully inspect the cell for objects that may pose a threat to the inmate's safety.

Qualified health care professionals are primarily responsible for the treatment of inmates on suicide watch. Corrections officers and general employees are responsible for the physical safety

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of inmates. All staff members should coordinate their efforts to ensure that inmates do not have the means or the opportunity to injure themselves.

An observation log shall be maintained for each inmate on suicide watch. A staff member shall be designated to make a direct visual observation of the inmate twice every 30 minutes at approximately 15-minute intervals. A Sergeant and a qualified health care professional, if available, must observe the inmate at least once every five hours. Each staff member who is required to observe the inmate shall make notations in the observation log documenting the time of observation and a brief description of the inmate's behavior.

An inmate classified as actively suicidal must be continuously monitored by direct visual observation of a corrections officer. While monitoring may be supplemented by video monitoring, it may never be a substitute for direct visual monitoring.

The status of suicidal inmates should be readily identifiable in a manner discernible by staff. When standard-issue clothing presents a security or medical risk to the inmate or others, the inmate shall be supplied with a security garment that is designed to promote inmate safety and not cause unnecessary humiliation and degradation. Use of the security garment shall be documented in the inmate's health record. Suicidal inmates 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, or sheets). Inmates 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.

Inmates 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. Inmates should be cleared by CIT staff prior to being moved to general population.

#### 708.6.1 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 inmate to injure him/herself, and should consider establishing and maintaining a non-threatening conversation with the inmate while awaiting assistance. If a qualified health care professional is not immediately available, the inmate 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

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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).

#### **708.6.2 NOTIFICATION**

In the event of an attempted or completed suicide, the Main Jail Lieutenant or on-call Lieutenant, should be promptly notified. The Lieutenant should notify the Bureau Chief and Sheriff.

The location where a suicide or attempted suicide has occurred should be treated as a crime scene after the inmate 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 inmate injury report (15 CCR 1030).

All in-custody deaths, including those resulting from suicide, should be investigated by a detective and documented in accordance with the Reporting In-Custody Deaths Policy (15 CCR 1030).

#### **708.7 FOLLOW-UP**

Qualified health care professionals should evaluate any inmate 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 inmate on suicide watch. Only a qualified health care professional may remove an inmate from suicide watch.

All changes in inmate status should be reported to the qualified health care professional to ensure the inmate receives appropriate care. The inmate'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 inmates after release must also be considered. Inmates who are at risk for suicide should work with local or area mental health resources and inmate families after release. A trained staff member should complete the necessary application, documenting the reasons why the inmate is believed to be suicidal. The completed application should accompany the released inmate to the designated facility.

#### **708.7.1 DEBRIEFING**

Any suicide attempt or death of an inmate or on-site staff member requires a staff debriefing. Information will be communicated to the oncoming Sergeant 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.

#### **708.8 TRANSPORTATION**

Inmates 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 inmates whenever they are transported or held in any cell that is not designated as a suicide-

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watch cell. All additional security and monitoring measures implemented by the staff should be documented in the inmate's record. Correctional staff should ensure that the suicide threat or other danger is communicated to the transportation deputy, or the court security staff.

## Forensic Evidence

### 709.1 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.

#### 709.1.1 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.

### 709.2 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.



## Privacy of Care

### 710.1 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.

#### 710.1.1 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.

### 710.2 POLICY

It is the policy of this office 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.

### 710.3 REPORTING INAPPROPRIATE ACCESS OF MEDICAL INFORMATION

The Facility Manager 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.

### 710.4 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 Officer shall be responsible for scheduling such training and for maintaining training records that show the employee attended, in accordance with established records retention schedules.

## **Chapter 8 - Environmental Health**

## Sanitation Inspections

### 800.1 PURPOSE AND SCOPE

The Santa Cruz County Sheriff's Office has established a plan to promote and inspect 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 RESPONSIBILITIES

The Facility Manager 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 Office 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. Sergeants will conduct cleaning inspections on a daily basis. The Facility Manager or the authorized designee will conduct weekly safety and sanitation inspections of the facility.

### 800.3 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 Facility Manager will designate a staff person to receive these work orders and take appropriate action to ensure the repairs are made or

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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 Facility Manager.

#### **800.4 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 Facility Manager 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.

##### **800.4.1 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.

##### **800.4.2 MSDS DOCUMENTATION MAINTENANCE**

Changes in MSDS information occur often and without general notice. Any person accepting a delivery, addition or replacement hazardous material shall review the accompanying MSDS. If additions or changes have occurred, the revised MSDS shall be incorporated into the file and a notation shall be made in the MSDS revision log.

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Supervisors shall review MSDS information in their work areas semi-annually to determine if the information is up-to-date and that appropriate training has been completed. Upon review, a copy of the MSDS file and all logs shall be forwarded to the Maintenance Supervisor or the authorized designee.

#### 800.4.3 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)).

# 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 Office 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 RESPONSIBILITIES

The Facility Manager 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.

## 801.3 SAFETY EQUIPMENT

The Facility Manager 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.

## 801.4 TRAINING

The Training Officer 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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##### **801.5 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 Facility Manager in the event of an exposure to staff, incarcerated persons, or visitors.

##### **801.6 POLICY**

It is the policy of this office 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.

##### **801.7 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.

The institution's use of the private system must be discontinued, and the private system must be properly abandoned when public sewerage becomes available.

##### **801.8 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.

## 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 RESPONSIBILITIES

The Facility Manager 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.

### 802.3 SANITATION SCHEDULE

A daily, weekly, and monthly cleaning schedule will be established by the housing unit supervisor. The facility staff should implement a site-specific plan for cleaning and maintenance of each area of the correctional facility (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:

- (a) Daily cleaning:
  - 1. Sweep and then wet mop the entire jail floor
  - 2. Clean all cell block areas



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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

**802.4 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.

**802.5 INSPECTION CHECKLIST**

The Facility Manager 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 Facility Manager or the authorized designee for annual review, filing and retention as required by the established records retention schedule.

**802.6 POLICY**

It is the policy of this office to maintain a sanitation and preventive maintenance schedule to keep the facility clean and in good repair.

## 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 office 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 Facility Manager shall be responsible for establishing and monitoring the facility maintenance schedule, the inspection schedules of the Sergeants and corrections 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 Facility Manager or the authorized designee. The Facility Manager 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 office 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.

## Vermin and Pest Control

### 804.1 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.

### 804.2 POLICY

It is the policy of this office that vermin and pests be controlled within the facility. The Facility Manager 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).

### 804.3 PEST CONTROL SERVICES

The Facility Manager 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.

### 804.4 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.

#### **804.5 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.

## **Incarcerated Person Safety**

### **805.1 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.

### **805.2 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.

### **805.3 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.

### **805.4 INVESTIGATION REPORTS**

The Sergeant 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

### **805.5 POLICY**

It is the policy of the Santa Cruz 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.

# Incarcerated Person Hygiene

## 806.1 PURPOSE AND SCOPE

This policy outlines the procedures that will be taken to ensure the personal hygiene of every incarcerated person in the Santa Cruz County Sheriff's Office correctional facility is maintained. The Santa Cruz 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.

## 806.2 POLICY

It is the policy of the Santa Cruz 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.

## 806.3 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 Facility Manager should be notified if additional storage space is needed.

### 806.3.1 BEDDING ISSUE

Upon entering a living area of the Santa Cruz County Sheriff's Office correctional facility, 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.).
  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.

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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.
1. Two blankets or a sleep bag may be issued in place of one mattress cover or one sheet at the request of the incarcerated person.
- (d) One clean washcloth, hand towel, and bath towel.
- (e) One pillow and pillowcase.

Linen exchange, including towels, shall occur at least weekly and shall be documented in the daily activity log (15 CCR 1271). The Sergeant shall review the daily activity log at least once per shift.

The Facility Manager 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.

#### 806.3.2 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.

Incarcerated persons who are issued a change of clothing upon admission to the facility may have their personal clothing returned after laundering, at the discretion of the Facility Manager.

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 Sergeant 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



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for the institutional undergarments and footwear, provided there is a legitimate medical necessity for the items and they are approved by the medical staff.

Each incarcerated person assigned to a special work area, such as food services, medical, farm, sanitation, mechanical, 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 Facility Manager 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 Facility Manager 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.

#### **806.4 LAUNDRY SERVICES**

Laundry services shall be managed so that daily clothing, linen and bedding needs are met.

#### **806.5 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.

#### **806.6 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

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## Santa Cruz County Sheriff's Office Correction's Policy Manual

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#### *Incarcerated Person Hygiene*

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- Shaving implements

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.

Menstrual products for women, including but not limited to sanitary pads and tampons, will be provided free of cost to the incarcerated person at any point during the incarcerated person's incarceration.

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 Facility Manager or the authorized designee may suspend this requirement for any incarcerated person who is considered a danger to others.

#### **806.7 BARBER AND COSMETOLOGY SERVICES**

The Facility Manager 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 Facility Manager shall ensure that the rules are included in the incarcerated person handbook.

##### **806.7.1 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.

##### **806.7.2 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.

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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.

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.

**806.8 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).

**806.9 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 Facility Manager 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).

**806.10 DELOUSING MATERIALS**

Delousing materials and procedures shall be approved through consultation with the Responsible Physician or qualified health care professionals.

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##### **806.11 RESPONSIBILITIES**

The Facility Manager 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.

##### **806.12 SECTION TITLE**

## **Chapter 9 - Food Services**

## Food Services

### 900.1 PURPOSE AND SCOPE

The Office recognizes the importance of providing nutritious food and services to incarcerated persons to promote good health, to reduce tension in the correctional facility, and ultimately support the safety and security of the correctional facility. 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 office 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 MANAGER

The food services manager 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 Facility Manager.

### 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 manager in consultation with the Facility Manager, 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 manager 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, but shall be checked and recorded at least once daily. 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 manager 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 manager, 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 corrections 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 Sergeant 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 manager 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 Facility Manager 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 manager shall assign a registered dietician to ensure that minimum nutritional and caloric requirements are met (15 CCR 1242). The Facility Manager 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 Facility Manager 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.

# Food Services Workers' Health, Safety, and Supervision

## 901.1 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.

## 901.2 POLICY

The Santa Cruz 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)).

## 901.3 FOOD SERVICES MANAGER RESPONSIBILITIES

The food services manager 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 manager 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 manager or the authorized designee shall post daily, weekly, and monthly cleaning schedules for the equipment and food preparation area.

## 901.4 MEDICAL SCREENING

The food services manager 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.

#### **901.5 TRAINING REQUIREMENTS FOR FOOD SERVICES WORKERS**

The food services manager 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 person 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 manager (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

#### **901.6 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 Facility Manager 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.

#### **901.7 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 breach 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 manager as soon as practicable.

## Food Preparation Areas

### 902.1 PURPOSE AND SCOPE

This policy is intended to ensure the proper design and maintenance of the food preparation area.

### 902.2 POLICY

It is the policy of this office to comply with all federal, state and local laws and regulations concerning the institutional preparation of food.

### 902.3 COMPLIANCE WITH CODES

The Facility Manager 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).

### 902.4 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.

#### **902.5 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 manager 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.

## Inspection of Food Products

### 903.1 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 correctional facility system.

### 903.2 POLICY

The Santa Cruz 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.

### 903.3 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.

### 903.4 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.



## Food Services Facilities Inspection

### 904.1 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 inmates.

### 904.2 POLICY

It is the policy of the Santa Cruz 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 (15 CCR 1245(a)).

### 904.3 CLEANING AND INSPECTIONS BY STAFF

The food services manager shall ensure the dining and food preparation areas and all equipment in the food services area are inspected weekly. Adequate hot and cold water should be available in the kitchen. Water temperature of all fixtures, including washing equipment, 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
- Semi-annually
- 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 Facility Manager or the authorized designee, the food services manager shall take prompt action to correct any identified problems.

#### 904.3.1 SAFETY INSPECTION CHECKLIST

The following items should be part of the weekly inspection:

- Lighting is adequate and functioning properly.
- Ample working space is available.

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- Equipment is securely anchored.
- 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, ware washing sinks and dishwashing machines meet minimum acceptable temperatures.
- All hand-washing stations have free access, soap, hot and cold running water under pressure and a method to dry hands.
- 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.

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#### *Food Services Facilities Inspection*

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#### **904.4 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.

The Facility Manager 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 Facility Manager 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 vermin infestation.
  7. All equipment is in good and sanitary condition and is certified by one of the American National Standards Institute certification agencies e.g., Underwriters Laboratories, or Extract, Transform and Load, and the National Science Foundation product certification marks.
  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 ware washing area is clean and supplied with proper chemicals and Material Safety Data Sheets.

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11. The food is properly stored, labeled and rotated according to first-in first-out procedures.
12. The food services staff and inmate 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.
14. There are ample hand-washing stations supplied with warm water under pressure, soap, a method to dry hands, a waste container and employee hand-washing signs.

Any deficiencies should be noted by the inspector in his/her 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 Facility Manager with a plan to implement the recommended corrections in a timely manner and schedule a post-correction inspection with the original independent inspector.

## Food Storage

### 905.1 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.

### 905.2 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)).

### 905.3 PROCEDURES

The food services manager 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 manager 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.

### 905.4 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.

#### **905.4.1 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)).

#### **905.5 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.

#### **905.5.1 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)).

#### **905.5.2 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.

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##### **905.6 WASTE MANAGEMENT**

The food services manager 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 the waste of edible food and to dispose of non-edible or waste food material without utilizing a landfill.

## Prescribed Therapeutic Diets

### 906.1 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.

### 906.2 PROCEDURES

The Responsible Physician, in consultation with the food services manager, 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 Facility Manager shall comply with any therapeutic diet prescribed for an incarcerated person.
- (d) The Facility Manager 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).

### 906.3 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

Any time incarcerated persons are assigned to a different housing area, custody staff must notify the food services personnel immediately.



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#### *Prescribed Therapeutic Diets*

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#### **906.4 PREPARATION AND DELIVERY OF MEALS**

The food services manager 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 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.

#### **906.5 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
- (d) Housing location or dining location where the meals will be delivered
- (e) Incarcerated person's therapeutic diet type

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#### *Prescribed Therapeutic Diets*

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- (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.

#### **906.6 POLICY**

It is the policy of this office to provide therapeutic diet meals as prescribed by qualified health care professionals.

## **Chapter 10 - Inmate Programs**

## Incarcerated Person Welfare Fund

### 1000.1 PURPOSE AND SCOPE

The Office 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.

### 1000.2 INCARCERATED PERSON WELFARE FUND

The Programs Coordinator, in cooperation with the Auditor's Office, 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).

### 1000.3 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

### 1000.4 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:
  - 1. Recreational equipment, games, and sporting goods
  - 2. Televisions and cable/satellite subscriptions, video players, and content media
  - 3. Library books

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#### *Incarcerated Person Welfare Fund*

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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) Office 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

#### 1000.4.1 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

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#### *Incarcerated Person Welfare Fund*

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- (d) Maintenance and upkeep of office 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 Office

#### 1000.4.2 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 programs include work placement, counseling, obtaining proper identification, education, and housing (Penal Code § 4025.5).

#### **1000.5 FINANCIAL ACCOUNTING OF INCARCERATED PERSON WELFARE FUNDS**

The Programs Coordinator in cooperation with the Auditor's Office shall maintain an accounting system to be used for purchasing goods, supplies, and services that support incarcerated person programs (see the Financial Practices Policy).

#### 1000.5.1 ANNUAL REPORTING

The Facility Manager 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).

#### **1000.6 POLICY**

It is the policy of this office to maintain and administer an Incarcerated Person Welfare Fund that supports incarcerated person programs.

## Counseling Services

### 1001.1 PURPOSE AND SCOPE

The purpose of this policy is to establish a process for providing counseling and crisis intervention services to inmates.

### 1001.2 POLICY

This office will provide counseling and crisis intervention services to any inmate who either requests services or is determined by a health provider to be in need of counseling or crisis intervention services. These services may be provided by:

- (a) Medical/mental health staff assigned to the facility.
- (b) Faith-based counseling by the chaplain or religious volunteers (see the Religious Programs Policy).
- (c) Corrections officers assigned to the facility who have specific training and expertise in this area.

The Facility Manager shall coordinate with the Responsible Physician to develop and confidentially maintain records of counseling and crisis intervention services provided to inmates and to ensure that those records are retained in accordance with established records retention schedules.

The Facility Manager shall ensure that request forms are available and provided to inmates who request counseling services. All inmate requests for counseling shall be forwarded to the Sergeant. If an inmate displays behavior indicating a need for counseling or crisis intervention services, the facility employee shall notify the Sergeant. The Sergeant shall assess the need and area of counseling and make a reasonable effort to provide the inmate with the requested counseling as soon as reasonably practicable with consideration given to facility security, scheduling and available resources. Inmates 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).

## Commissary Services

### 1002.1 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.

### 1002.2 POLICY

It is the policy of this office 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 Facility Manager (Penal Code § 4025).

### 1002.3 COMMISSARY MANAGER RESPONSIBILITIES

The Facility Manager 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 Facility Manager.
- 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.

### 1002.4 COMMISSARY ACCOUNTING

The Sergeant 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 Facility Manager shall be notified and the Facility Manager will resolve the discrepancy.

**1002.5 INCARCERATED PERSON WELFARE PACKS**

The Facility Manager 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)).

**1002.6 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 Facility Manager.

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)).

## Library Services

### 1003.1 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.

### 1003.2 RESPONSIBILITIES

The Facility Manager 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.

### 1003.3 LIBRARY FUNDING AND MAINTENANCE

The Facility Manager should ensure that funding is available to operate the library. The Facility Manager 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 Office 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.

### 1003.4 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.

### 1003.5 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:

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- 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 to the housing corrections officer. Only one request per incarcerated person per week is allowed unless the incarcerated person is a court-ordered pro per.

The housing corrections officer will collect completed request forms and deliver them to the librarian. Upon receipt the librarian will time stamp, log, and number the request and arrange for the incarcerated person to have access to the library or to legal research services if they are available and do not conflict with scheduling or security concerns. Records of access to legal materials and whether the requests were fulfilled or denied should be documented each day and maintained in the incarcerated person's file in accordance with established records retention schedules.

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.

#### **1003.6 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).

#### **1003.7 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.

## Mail

### 1004.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the receipt, rejection, inspection, and sending of incarcerated person mail.

### 1004.2 POLICY

This office will provide ample opportunity for incarcerated persons to send and receive mail, subject to restriction only when there is a legitimate government interest.

### 1004.3 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 staff, visitors, or other inmates, or pose an unreasonable disruption to the orderly operation of the facility.

Due to safety hazards, incarcerated persons are only allowed to store a limited number of legal documents in their cells as determined by the Bureau Commander. Excess documents will be stored with the incarcerated person's personal property and returned at his/her release/request for review.

For the purposes of this policy, "routine mail" means all regular incoming correspondence between incarcerated person's family and friends and excludes all legal mail, packages, books, magazines, periodicals, checks/money orders, and religious mail.

To maintain security and safety of incarcerated persons and staff, all incarcerated person's routine mail must be sent to the following address:

**Smart Communications – Santa Cruz County Sheriff's Office Attention To: (insert INCARCERATED PERSON'S NAME-ID NUMBER)**

**P.O. Box 9143**

**Seminole, FL 33775-9143**

The incarcerated person Name and ID Number must be clearly PRINTED on the outside of the envelope or postcard, to ensure the mail is posted to the correct account. Mail not containing the ID Number and the Name will be "Returned to Sender"

All regular postal mail (Postcards, Letters, Greeting Cards, etc.) will be scanned into the system and available to the incarcerated person to view via the kiosk/tablets.

When a routine piece of mail is mailed to the above address, the original document(s) will be destroyed. Concerning important documents like marriage certificates, birth certificates, social security cards and pictures, please do not mail original documents. Only mail copies of these documents or pictures. These will be scanned into the electronic system and destroyed after 30 days.

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Upon release, incarcerated persons can login to the public website at: <https://www.smartjail.com> and enter their incarcerated person ID number and password and download their photos, messages, and postal mail for free. The digital content will be available for a period of 30 days from release.

#### **1004.4 CONFIDENTIAL CORRESPONDENCE**

Incarcerated persons may correspond confidentiality with courts, legal counsel, officials of this office, elected officials, the Department of Corrections, jail inspectors, government officials (IE: Family and Children Services, DMV, Animal Control Services), or officers of the court. This facility will also accept and deliver a fax or interoffice mail from these entities. Foreign Nationals shall have access to the diplomatic representative of their country of citizenship. Staff shall assist in this process on request.

Designated staff may inspect incoming or outgoing confidential or "legal" correspondence only to search for contraband, cash, checks, or money orders, provided the inspection is completed in the presence of the incarcerated person. When confidential correspondence is inspected, staff shall limit the inspection to a search for physical items that may be included in addition to the correspondence and shall not read the contents of the correspondence itself. Body worn cameras (BWC) shall be activated prior to opening confidential or legal mail (15 CCR 1063(c).)

All incoming confidential correspondence should be sent to the main jail, or it can be uploaded directly via the Smart Communications portal by attorneys with authorized and approved accounts. All incoming confidential correspondence will be treated as such only if it is clearly marked with a recognizable and legitimate name, address, and the title of the legal firm or government entity. Legal advertisements will not be considered confidential correspondence and will be treated as routine mail.

For the safety of incarcerated persons and staff, to prevent drugs and/or contraband being smuggled or introduced into the facility, all original confidential correspondence will be digitized. The digitization process will be conducted in the presence of the incarcerated person. The digitizing process will consist of confidential correspondence being scanned in a document scanner and sending an electronic copy to the incarcerated person's tablet account. Incarcerated persons can then access the documents on their Smart Communication tablet account. The documents are only viewable by the incarcerated person to ensure confidentiality.

A printed copy of the scanned document will be optional and available upon request and the decision to receive a printed copy or not will be documented with an electronic signature from the incarcerated person on the Guardian RFID.

The originals documents will be stored in the incarcerated person's personal property in the property room, or the documents can be destroyed by shredding them in the presence of the incarcerated person. The decision to store or destroy the documents should be documented in the Guardian RFID. Stored confidential correspondence will be placed in original envelope and taped closed. The date and initials of the officer sealing the envelope shall be written on the seal to ensure confidentiality and to prevent tampering. The sealed confidential correspondence shall

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be placed in the incarcerated person's property. Once sealed and stored, the incarcerated person may not have access to the original documents unless extenuating circumstances exist, by order of the court, or upon release.

**1004.5 SUSPENSION/RESTRICTION OF MAIL PRIVILEGES**

Mail privileges may be suspended or restricted upon approval of the Facility Manager whenever staff becomes aware of mail sent by an incarcerated person that involves (15 CCR 1083(f)):

- (a) Threats of violence against any member of the government, judiciary, legal representatives, victims, or witnesses.
- (b) Incoming or outgoing mail representing a threat to the security of the facility, staff, or the public.

The District Attorney or County Counsel should be consulted in cases where criminal charges are considered against an incarcerated person or there is an apparent liability risk to the Office that relates to suspension or restriction of mail privileges.

**1004.6 PROCESSING AND INSPECTION OF MAIL BY STAFF**

Staff should process incoming and outgoing mail as expeditiously as reasonably possible. All 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.

Assigned corrections officers should open and inspect all incoming and outgoing general mail of current incarcerated persons. The incoming correspondence may be read as frequently as deemed necessary to maintain security or monitor a particular problem. Mail for incarcerated persons no longer in custody should not be opened.

Outgoing general mail may not be sealed by the incarcerated person and may be read by staff when:

- (a) There is reason to believe the mail would:
  - 1. Interfere with the orderly operation of the facility.
  - 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.

When mail is found to be inappropriate in accordance with the provisions of this policy or when an incarcerated person is sent material that is not prohibited by law but is considered contraband by the facility, the material may be returned to the sender or held in the incarcerated person's property to be given to the incarcerated person upon release. (Electronic or scanned routine mail or photos will be rejected through the Smart Communications portal.)

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Incarcerated persons are allowed to correspond with other incarcerated persons in this correctional facility, as well as other jails or correctional institutions, as long as they pay for the mailing and the mailing is sent and received through the U.S. Postal Service.

Incarcerated persons shall be notified in writing whenever their mail is held or returned to the sender. 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. Electronic or scanned routine mail or photos that are rejected in accordance with the provisions of this policy will receive a notification for the reason of the rejection via the tablet.

Cash, government checks, and money orders contained in incoming incarcerated person mail shall be removed and credited to the incarcerated person's account. Personal checks may be returned to the sender or held in the incarcerated person's property to be given to the incarcerated person upon release.

#### 1004.6.1 DESIGNATION OF STAFF AUTHORIZED TO READ MAIL

Only staff members designated by the Facility Manager are authorized to read incoming and outgoing non-confidential mail. These staff members should receive training on legitimate government interests for reading and censoring mail and related legal requirements (15 CCR 1063).

#### 1004.6.2 CENSORSHIP OF OUTGOING NON-CONFIDENTIAL CORRESPONDENCE

Outgoing non-confidential correspondence shall only be censored to further a substantial government interest, and only when it is necessary or essential to address the particular government interest. Government interests that would justify confiscation of outgoing mail include:

- (a) Maintaining facility security.
- (b) Preventing dangerous conduct, such as an escape plan.
- (c) Preventing ongoing criminal activity, such as threats of blackmail or extortion, or other similar conduct.
- (d) Preventing harassment of those who have requested that no mail be sent to them by the incarcerated person.

Correspondence and material identified for censorship shall be delivered to the Watch Commander, who shall make the decision if such mail will be censored.

#### 1004.6.3 DOCUMENTING REJECTED OR CENSORED CORRESPONDENCE

In each case where it is necessary to remove any item, or reject or censor correspondence, a written record must be made of such action, to include:

- (a) The incarcerated person name and number.
- (b) A description of the mail in question.
- (c) A description of the action taken and the reason for such action.

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- (d) The disposition of the item involved.
- (e) Signature of the corrections officer.
- (f) Notification to the incarcerated person and sender (unless such notification jeopardizes any investigation or the security of the facility).

For electronic or scanned routine mail or photos, a notification for the reason of the rejection will be delivered via the tablet. A notice may be sent to the sender of censored correspondence such as books, periodicals or magazines even when the sender is the editor or publisher. A single notification may be sent if the publications is received by multiple incarcerated people.

**1004.7 BOOKS, MAGAZINES, NEWSPAPERS, CHECKS, MONEY ORDERS AND PERIODICALS**

All books, magazines, periodicals, legal mail, checks, and money orders will continue to be mailed to the following address:

Main Jail: 259 Water St, Santa Cruz, Ca, 95060

Rountree Facilities: 90 Rountree Ln., Watsonville, Ca, 95076

All checks or money orders must be clearly marked "Fiscal."

Unless otherwise in conflict with this policy and prohibited by the Bureau Commander, incarcerated persons are permitted to purchase, receive and read any soft cover book, non-hard, non-leather bound book, newspaper, periodical or writing accepted for distribution by the U. S. Postal Service (15 CCR 1066(a)).

Publications, books, magazines, or newspapers shall be accepted only if they are mailed directly from the publisher to a named incarcerated person. A local daily newspaper in general circulation, including a non-English publication shall be made available to interested incarcerated persons (15 CCR 1066(b)).

Religious texts not supplied by facility-authorized entities may be accepted by the Programs Manager or other religious volunteer who has received training on facility rules involving contraband, and who has been approved by a supervisor to review such documents for distribution.

The number of books, magazines, or periodicals an incarcerated person is allowed to possess is outlined in the incarcerated person orientation handout.

**1004.8 REJECTION OF BOOKS, MAGAZINES, ROUTINE MAIL, PHOTOS AND PERIODICALS**

The Office may reject routine mail, photos, books, magazines, periodicals, and other materials that may inhibit the reasonable safety, security, and discipline in the daily operation of this facility. Generally, books, newspapers, and magazines are accepted only if they are sent directly by the publisher. Materials that may be rejected include but are not limited to (15 CCR 1066(a)):

- Materials that advocate violence or a security breach.



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- Literature that could incite racial unrest.
- Sexually explicit material, including pornographic magazines, nude pictures, or pictures or descriptions of sexually explicit activities.
- Obscene publications or writings or mail containing information concerning where or how such matter may be obtained; any material that would have a tendency to incite murder, arson, riot, violent racism, or any other form of violence; any material that would have a tendency to incite crimes against children; any material concerning unlawful gambling or an unlawful lottery; any material containing information on the manufacture or use of weapons, narcotics, or explosives or any other unlawful activity.
- Material that could lead to sexual aggression or an offensive environment for incarcerated persons.
- Material that could create a hostile or offensive work environment.
- Any material with content that could reasonably demonstrate a legitimate government interest in rejecting the material.

Staff shall notify the Watch Commander whenever a decision is made to reject books, magazines, or periodicals. The Facility Manager or the authorized designee will be responsible for making the final decision as to the specific magazines, periodicals, and other materials that will be prohibited within this facility.

**1004.9 FORWARDING OF MAIL**

Any confidential or routine mail received by Smart Communications for an incarcerated person who was released or no longer in custody can login to the public website at: <https://www.smartjail.com> and enter their incarcerated person ID number and password and download their photos, messages, and postal mail for free. The digital content will be available for a period of 30 days from release. Legal mail for any person not in custody should be returned to the sender.

**1004.10 INDIGENT INCARCERATED PERSONS REQUESTS FOR WRITING MATERIALS**

Indigent incarcerated persons shall receive writing materials on a weekly basis, as provided by an approved schedule established by the Facility Manager. Writing materials should include the following (15 CCR 1063):

- (a) At least four pre-stamped envelopes for correspondence with family and friends
- (b) At least eight sheets of writing paper
- (c) One pen

Indigent incarcerated persons shall receive an amount of pre-stamped envelopes and writing paper sufficient to maintain communication with courts, legal counsel, officials of this office, elected officials, jail inspectors, government officials, and officials of the Board of State and Community Corrections. 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 (15 CCR 1063(e)).

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Requests shall be screened and granted based on need by the Programs Coordinator. Incarcerated persons should not be permitted to maintain an excess supply of writing materials without the approval of a supervisor.

## Telephone Access

### 1005.1 PURPOSE AND SCOPE

This policy establishes guidelines for permitting incarcerated persons to access and use telephones.

### 1005.2 POLICY

The Correctional Facility will provide access to telephones for use by incarcerated persons consistent with federal and state law. The Facility Manager 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.

### 1005.3 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 Facility Manager 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 Facility Manager, 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 to persons 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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#### **1005.4 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.

#### **1005.5 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. Calls placed from a facility telephone should be dialed by a staff member. 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.

#### **1005.6 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 the person at no charge to either the attorney or to the incarcerated person, in accordance with the Access to Courts and Counsel Policy.

#### **1005.7 TELEPHONE CONTRACTS AND CHARGES**

The Facility Manager 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.

## Visitation

### 1006.1 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.

### 1006.2 POLICY

It is the policy of the Santa Cruz County Sheriff's Office to allow incarcerated person visitation, including video visitation when applicable, as required by law.

### 1006.3 PROCEDURES

The Office 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 Facility Manager 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. 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.

#### 1006.3.1 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:

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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.

**1006.4 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)).

**1006.5 VISITING SCHEDULE**

The Facility Manager 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.

**1006.6 DENIAL OR TERMINATION OF VISITING PRIVILEGES**

The Facility Manager or the authorized designee is responsible for defining, in writing, the conditions under which visits may be denied.

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

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documentation will be placed into the incarcerated person's file and another copy will be forwarded to the Facility Manager (15 CCR 1062).

#### **1006.7 GENERAL VISITATION RULES**

All visitors and incarcerated persons will be required to observe the following general rules during visitation:

- (a) Each visit may include up to two (2) adults or one (1) adult and up to two (2) minors. The number of visitor's allowed per visit is determined by the Sheriff's Office in accordance with current County health and safety regulations and facility need. 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 facility.
- (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 facility 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 facility is not responsible for lost or stolen items.
- (h) Food or drink is not permitted in the visitor's area.
- (i) Incarcerated persons will be permitted to sign legal documents, vehicle release forms, or any other items authorized by the Sergeant. Transactions of this nature will not constitute a regular visit.

#### **1006.8 SPECIAL VISITS**

The Sergeant 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

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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.

**1006.9 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 facility is compromised (see the Incarcerated Person Access to Courts and Counsel Policy).

**1006.10**



## Religious Services Coordinator

### 1007.1 PURPOSE AND SCOPE

This policy provides guidance regarding the right of inmates to exercise their religion and for evaluating accommodation requests for faith-based religious practices of inmates (15 CCR 1072).

#### 1007.1.1 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 Office, 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 Office 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 inmate'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 Office that places an inmate in a position of having to choose between following the precepts of his/her religion and forfeiting benefits otherwise generally available to other inmates, or having to abandon one of the precepts of his/her religion in order to receive a benefit.
- The Office puts considerable pressure on an inmate to substantially modify his/her behavior in violation of his/her beliefs.

### 1007.2 POLICY

This office permits inmates to engage in the lawful practices and observances of their sincerely held religious beliefs consistent with the legitimate penological objectives of the facility. Facility staff will not allow their personal religious beliefs to influence them in the daily management of the inmate population, particularly as it relates to religious practices. This office shall not show favoritism or preference to any religion and will not discriminate or retaliate against any inmate for participating or not participating in any religion or religious practice. Inmates are not required to participate in religious programs or activities.

### 1007.3 PASTORAL CARE AND SPIRITUAL SUPPORT

The Sheriff's Office through the Division of Reentry oversees a team of volunteer Pastoral Care providers comprised of ordained individuals from a variety of faiths. The Program Coordinator for each facility schedules individual meetings with Pastors upon inmate request. Pastoral Care

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services are considered brief in duration for the purpose of addressing spiritual crisis and are not intended to be an on-going individual service. The Program Coordinator for each facility also assures that non-denominational Spiritual Support Service groups are available to inmates in each facility. These are groups that are open to any inmate that chooses to attend. The program coordinator may be responsible for duties including, but not limited to:

- (a) Coordination of religious services.
- (b) Maintaining a list of accepted religious practices that have been approved by the Facility Manager and ensuring the current list is available to the staff.
- (c) Reviewing requests for religious accommodations.
- (d) Approval and coordination of training lay clergy and religious volunteers.
- (e) Providing or arranging for grief counseling for inmates.
- (f) Distribution of a variety of religious texts.
- (g) Developing and maintaining liaison with a variety of religious faiths in the community.
- (h) Making reasonable efforts to enlist religious leaders from outside the community as necessary.
- (i) Seeking donations for religious programs from the community, when appropriate.
- (j) Working with inmate families when requested.
- (k) Providing guidance to the Sheriff and Facility Manager on issues related to religious observance.

#### **1007.4 DIETS AND MEAL SERVICE**

The Facility Manager should provide inmates requesting a religious diet, including fasting and/or alternative hours 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 inmates authorized to receive religious diets to the food services manager. The food services manager shall establish a process for managing religious meal accommodations.

##### **1007.4.1 PROHIBITION ON USE OF ALCOHOL OR DRUGS FOR RELIGIOUS OBSERVANCE**

Illegal substances are prohibited from use in religious services under RLUIPA. Otherwise legal substances, such as alcohol, may be permitted in religious rituals provided that:

- There is a recognized legitimate religious practice of which the consumption of a substance is an essential aspect of the religious practice.
- No reasonable alternative (such as non-alcoholic) means exists to exercise such an essential aspect of an inmate's faith and this imposes a substantial burden on an inmate's faith.
- The quantity of the substance consumed as part of the ritual will not intoxicate or impair the inmate.

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- Adequate controls on the substance and limits upon the quantity are provided by the chaplain and approved by the Facility Manager.
- The activity will not otherwise disrupt facility safety or control interests.

Limited exceptions may be made in writing by the Facility Manager based upon the Program Manager's recommendation that there is significant compelling reason to permit ceremonial consumption.

#### **1007.5 HAIRSTYLES AND GROOMING**

Unless it is necessary for the health and sanitation of the facility, inmates 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.

Any inmate whose appearance is substantially altered due to changes in facial hair or hair length may be required to submit to additional identification photographs.

#### **1007.6 RELIGIOUS TEXTS**

Religious texts should be provided to the requesting inmate, if the texts available do not pose a threat to the safety, security and orderly management of the facility.

#### **1007.7 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

#### **1007.8 GROUP RELIGIOUS SERVICES**

Group religious services may be allowed after due consideration of the inmate'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.

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- Access to pastoral care providers.

**1007.9 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).

**1007.10 RELIGIOUS GARMENTS AND CLOTHING**

Inmates 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 inmates and maintain security.

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 office-supplied head coverings when available and appropriate.

Inmates wearing headscarves or other approved coverings shall not be required to remove them while in the presence of or while visible to the opposite sex, if they so desire. Religious garments that substantially cover the inmate'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 inmate's need for religious attire, while meeting the security needs of the facility.

**1007.11 FAITH- AND MORALS-BASED COUNSELING**

The Facility Manager shall be responsible for establishing a plan for inmates to receive faith- and morals-based counseling from the pastoral care providers. Inmates 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 inmate shall be required to participate in any such program.

**1007.12 TRAINING**

The Office shall provide training to facility staff on the requirements of this policy.

The Office shall also provide training in safety and security to the chaplain. The chaplain shall approve and train lay and clergy volunteers from the faiths represented in the inmate population. This includes the preparation of a training curriculum, as well as the development and maintenance of training records.

**1007.13 STAFF RESPONSIBILITIES**

Members shall not show favoritism or preference to any religion and will not discriminate or retaliate against any inmate for participating or not participating in any religion or religious practice. Inmates 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 inmate population, particularly as it relates to religious practices.

## Exercise and Out of Cell Time

### 1008.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines and procedures ensuring that the Santa Cruz 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.

#### 1008.1.1 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.

### 1008.2 RESPONSIBILITIES

The Facility Manager 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).

### 1008.3 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.

Daily log sheets should be collected monthly and forwarded to the Facility Manager. Log sheets shall be maintained in accordance with established records retention schedules.

### 1008.4 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 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.

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#### *Exercise and Out of Cell Time*

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##### **1008.5 SECURITY AND SUPERVISION**

Staff shall be responsible for inspecting exercise and recreational 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.

Corrections 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 is involuntarily terminated, the staff will document the incident and rationale for terminating the recreational or out of cell time period. Staff will complete the appropriate rule violation report and citation if recreation or out of cell time is involuntarily terminated for minor disciplinary actions. The Supervisor will be notified if an incarcerated person recreational or out of cell time is involuntarily terminated.

##### **1008.6 POLICY**

It is the policy of this office to provide incarcerated persons with access to exercise opportunities, exercise equipment, and out of cell time activities in accordance with state laws or requirements.

## Individual/Family Services Programs

### 1009.1 PURPOSE AND SCOPE

This policy provides guidance regarding the right of inmates to access individual, group and/or family counseling services including in-custody services as well as referrals to community-based resources.

### 1009.2 POLICY

The Program Coordinators for each facility are responsible for recruiting and retaining skilled practitioners to provide services in the following areas:

- Individual, group, and/or family counseling
- Drug and alcohol abuse counseling
- Cognitive behavioral interventions
- Vocational testing and counseling
- Employment counseling

Each Program Coordinator is responsible for maintaining an active and accurate Program Inventory that outlines the programming offered in that facility, whether the program is offered in Spanish, and if it is offered in the community.

Program Coordinators are responsible for assisting inmates to move to the least restrictive environment and engage in programming that addresses their needs and risks.

The Division of Reentry Case Managers work with individuals to assess their treatment needs, assist them in being successful in-custody, develop reentry plans, and refer them to community-based resources.

Program Coordinators shall develop programming plans which shall include voluntary academic and/or vocational education. An inmate maybe excluded or removed based on sound security practices or failure to abide by facility rules and regulations.



## **Chapter 11 - Facility Design**

## 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 correctional facility 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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#### *Space and Environmental Requirements*

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Other than an emergency situation, incarcerated persons or correctional facility 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 Facility Manager.

#### **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.

#### **1100.4 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 with a minimum-security classification status shall be allowed access to the janitor closets, and then only under the supervision of staff.

#### **1100.5 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.

#### **1100.6 POLICY**

It is the policy of this office 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.

## 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 Santa Cruz 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, nicotine 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 Santa Cruz 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 Office and its members. Therefore, smoking and tobacco use are prohibited by members, incarcerated persons, and visitors in all office facilities, building, 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 Office.

Smoking and the use of other tobacco products is not permitted inside office facilities or any office vehicle, or any other county building (Labor Code § 6404.05).

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 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 office 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.).

## Crowding

### 1102.1 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 correctional facility 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.

### 1102.2 POLICY

It is the policy of the Santa Cruz 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.

### 1102.3 FACILITY NEEDS ASSESSMENT

In the event that the correctional facility maintains an average 80 percent occupancy rate consistently for one year, the Office 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.

### 1102.4 DAILY INCARCERATED PERSON POPULATION REPORT

The Facility Manager 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 Facility Manager (see the Population Management Policy). The Facility Manager 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).

### 1102.5 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 Office 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

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and all methods to ensure that the facility population is reduced and remains within the approved bed capacity.

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## Attachments





## **INDEX / TOPICS**