

	MARICOPA COUNTY SHERIFF'S OFFICE POLICY AND PROCEDURES	
	Subject PRO PER INMATES	Policy Number DI-5
		Effective Date 08-02-23
Related Information DK-1, <i>Inmate Mail</i> DK-2, <i>Inmate Telephone System</i> DP-6, <i>Inmate Legal Services</i> GE-3, <i>Property Management and Evidence Control</i> <i>Guidelines for the Pro Per Inmate</i>		Supersedes DI-5 (06-11-14)

PURPOSE

The purpose of this Office Policy is to establish guidelines and procedures for Office personnel regarding the management of *In Propria Persona* (Pro Per) inmate's additional privileges and requests to ensure their rights are protected.

POLICY

It is the policy of the Office to allow pro per inmate's additional privileges not normally afforded to other inmates, to prepare a defense and adequately represent themselves in court. Pro per inmates may be housed alone, if adequate space and personnel are available, to collect, prepare, and maintain legal documents. When necessary, safety, order, and security concerns shall supersede any pro per arrangements.

DEFINITIONS

Branding: An automated announcement at the beginning of a phone call indicating the call shall be monitored and recorded. The announcement also contains information regarding the origin of the call and a phone number for questions about billing rates, terms, and options.

Court of Record: A court in which all proceedings are permanently recorded according to law. Courts of record include Superior Courts or higher, as defined in the Arizona State Constitution, Article 6, Section 30. Justice Courts and Municipal Courts are not courts of record.

File Box: A cardboard box with a lid specifically intended for the storage of documents, also generally known as a banker's box. These boxes must be Bankers Box® Stor/File™ Basic Strength 60% Recycled Storage Boxes, 10"H x 12"W x 15"D.

Indigent Inmate (Pro Per): An inmate who has one dollar or less in their inmate funds account for at least 14 consecutive days.

Inmate: A person who has been accepted for confinement into an Office jail facility.

Inmate Personal Identification Number (IPIN): The inmate's booking number, which must be entered to place a call using the Inmate Telephone System (ITS). Inmates in booking areas are not required to use an IPIN to access the ITS.

Inmate Tablet: A handheld computerized electronic device which uses a touch screen interface. The inmate tablet is provided and maintained by a contracted vendor. Inmate tablets are battery operated and must be returned to the charging station on a regular basis in order to be charged.

Inmate Telephone System (ITS): A computerized telephone system, administered by a contracted Office vendor which is used to process an inmate's personal/non-legal and legal telephone calls. All inmate phone calls made on a wall phone inside an inmate housing unit or on the inmate tablet profile Phone Dialer are processed through this system and are recognized as the same.

In Propria Persona (Pro Per) Inmate: An inmate who has elected to represent themselves in their criminal case, has been issued a valid court order or minute entry stating that they may represent themselves, and in a criminal case has been assigned advisory counsel. For the purpose of this Office Policy, self-representation in a civil matter only applies to a civil rights action, any civil suit relating to the conditions of confinement, habeas corpus matters, or any civil suit being filed against a government entity or in which a government entity has been named as a defendant.

Legal Calls: Collect and non-collect outgoing calls to legal representatives. Legal calls may only be recorded by court order.

Legal Mail: Mail that inmates send to, or receive from, their attorney of record or with whom an attorney-client relationship has been established, including court approved or appointed defense team members, private investigators, and mitigation specialists. For the purpose of this Office policy, the term legal mail is synonymous with privileged mail. Whenever an inmate receives mail from an attorney, it shall be presumed that an attorney-client relationship exists.

Officers of the Court: Professionals authorized to have privileged visits with inmates. They include, but are not limited to, the following:

1. Attorneys and probation officers;
2. Legal assistants, paralegals, mitigation specialists, and investigators with valid Maricopa County employee identification;
3. Private mitigation specialists with a valid *Letter of Introduction for Legal Privileged Visitor Status*;
4. Licensed private investigators must be assigned by the court and/or the Public Defender's Office, Office of the Legal Advocate, or Office of Court Appointed Counsel, or any other government legal defense entity. Private investigators shall present a valid *Letter of Introduction for Legal Privileged Visitor Status*;
5. Doctors, psychiatrists, psychologists, or counselors with current Maricopa County employee identification; and
6. Court reporters, paralegals, and legal assistants from private law firms, and court-appointed interpreters when accompanied by an attorney.

Restrictive Housing: Any type of detention that involves removal from the general inmate population, whether voluntary or involuntary; placement in a locked room or cell, whether alone or with another inmate; and the inability to leave the room or cell for the vast majority of the day, typically 22 hours or more.

Safekeeping Property: Non-evidentiary property that is placed in the custody of the Office for temporary protection on behalf of the owner and is available for immediate release to the rightful owner. Safekeeping property is disposed of if it is not claimed after 30 calendar days.

Sheriff's Inmate Electronic Data (SHIELD): An Office jail management system containing information about individuals who are, or have been, incarcerated or booked into an MCSO jail facility. Information is entered in

this database when an individual is booked and updated throughout the term of incarceration. This includes but is not limited to: inmate charges; holds; court dispositions; bond and fine amounts; inmate listed booked in personal property; locker assignments; housing locations; restrictions; emergency medical information; scheduled inmate appointments; and the day-to-day operations of jail facility housing unit Shift Logs.

PROCEDURES

1. **In Propria Persona (Pro Per) Inmate Management:** When a pro per inmate has been recognized by the court, the Inmate Legal Services (ILS) section shall verify a copy of the valid court order or minute entry stating the inmate may represent themselves.
 - A. The affected jail facility commander or designee may designate Office personnel to oversee the management of the pro per inmate's additional privileges and requests in conjunction with ILS personnel.
 - B. Procedures regarding legal services offered to pro per inmates shall be followed, as specified in Office Policy DP-6, *Inmate Legal Services*.
2. **Legal Services Offered:** Pro per inmates may request legal materials or needed information from ILS by submitting an *Inmate Request Form* or an *Inmate Legal Request Form* either electronically through the inmate tablet or by submitting a paper version of either form, as specified in Office Policy DP-6, *Inmate Legal Services*.
3. **Legal Supply Items:** A pro per inmate may submit an *Inmate Request Form* to the jail facility commander describing legal items or office supplies needed for the preparation of their case, not routinely issued to all other inmates. The jail facility commander or designee shall either approve or deny the request and inform the inmate and document their decision in the Sheriff's Inmate Electronic Data (SHIELD).
 - A. A pro per inmate or the court, not the Office, are responsible to pay for legal supply items not routinely issued to all other inmates.
 - B. Approved legal supplies not routinely issued to all other inmates may only be brought into a jail facility by an Officer of the Court unless prior approval is provided by the jail facility commander or designee and documented in SHIELD.
 - C. The jail facility commander or designee shall ensure approved legal supply items do not jeopardize the safety, order, and security of the jail or assigned personnel.
4. **Legal Advice and Prohibited Actions:** Detention personnel shall not involve themselves with an inmate's legal matter, other than providing an *Inmate Request Form* or *Inmate Legal Request Form* and forwarding the request to ILS. Providing or offering legal opinions and advice is strictly prohibited. Detention personnel shall not assist inmates in the submission or preparation of judicial documents, to include the photocopying of judicial documents, other than providing the necessary forms, papers, or writing implements, unless required to do so in the performance of their duties, or by court order.
5. **Storage Limitations:** A pro per inmate is authorized to possess up to three file boxes in their assigned cell for the storage of legal material only with the approval of the jail facility commander or designee.
 - A. Pro per inmates may arrange to purchase cardboard file boxes to store their legal materials at their own expense from outside the jail facility. An indigent pro per inmate may submit an *Inmate Request Form* to the jail facility commander seeking authorization to receive file boxes from their court appointed advisory counsel, or another Officer of the Court, at no expense to the Office.

- B. Legal materials will be maintained by the pro per inmate, in their cell, in a neat and orderly manner which does not block, hinder entry to or exit from the cell, or interfere with the operation of the door.
 - C. Safety, order, and security concerns shall supersede any pro per arrangements. Detention personnel may limit and inspect cardboard file boxes and remove those that pose a safety and security risk to the jail facility or are not being used to store legal material.
 - D. Detention personnel are responsible for informing inmates to release or mail out excess legal materials within 10 business days of notice when the volume creates a safety hazard or exceeds the capacity of the cell. An inmate's failure to comply with release instructions will result in the property being impounded for safekeeping at the direction of a supervisor, as specified in Office Policy GE-3, *Property Management and Evidence Control*.
 - E. After the adjudication of the pro per inmate's case, or the relinquishment of the inmate's pro per status; excess legal materials not released or mailed out by the inmate within 10 business days of notice shall be impounded and held at the Property Management Division for safekeeping, as specified in Office Policy GE-3, *Property Management and Evidence Control*, at the direction of a supervisor.
6. **Legal Telephone Usage:** Pro per inmates may request, and be granted, additional time for using the legal telephone. However, pro per status does not allow for unlimited use of the legal telephone. Additional time may be granted to a pro per inmate with due regard for use of the legal telephone by other inmates.
- A. Pro per and all other inmates shall be required to place their legal telephone calls through the Inmate Telephone System (ITS), using their Inmate Personal Identification Number (IPIN), as specified in Office Policy DK-2, *Inmate Telephone System*.
 - B. A pro per inmate in closed custody, administrative, disciplinary, or security restrictive housing may be allotted additional time out of their cell to complete legal telephone calls. Additional time out of their cell may not be required for inmates placing legal calls on their inmate tablets. Absent exigent circumstances, requests for additional time out of their cell for legal calls shall be submitted in writing at least 24 hours prior to the time of the requested legal call and documented in SHIELD.
 - C. Pro per inmates who have followed the proper procedures to obtain a pro per IPIN to make calls to witnesses in their case are responsible for costs associated with those calls. Those calls will be made as collect phone calls and recorded. A branding shall be announced to the inmate and called party at the beginning of all personal/non-legal calls, as specified in Office Policy DK-2, *Inmate Telephone System*.
 - D. Pro Per inmate phone calls that cannot be placed through the ITS due to special circumstances or emergencies may be processed as specified in Office Policy DK-2, *Inmate Telephone System*.
7. **Interviews:** A pro per inmate may need to interview witnesses or other persons related to the development of their case. Witness interviews shall be considered non-privileged visits and conducted through video visitation or the inmate telephone system unless prior approval is granted by the jail facility commander for any other type of visit. The inmate may be responsible for any costs incurred through the video visitation system or telephone system.
- A. Pro per inmates requesting non-privileged witness visits with other Office inmates, or with persons not in custody, shall be required to submit the name, gender, and date of birth of each person on an *Inmate Request Form*, no fewer than three working days prior to the requested date

of the interview. The jail facility commander or designee shall ensure the following actions are completed:

1. Appropriate record checks of that person are made; and
 2. Any items brought to the interview are searched for contraband and if available, x-rayed.
- B. Pro per inmates requesting witness visits with other Office inmates are required to have an Officer of the Court present for the interview. A court order shall also be required prior to the interview.
- C. Pro per inmates requesting witness visits with an inmate incarcerated by another agency, must first obtain a court order to have that inmate transported to an Office jail facility.
1. After the inmate from another agency has arrived, the pro per inmate shall be required to submit an *Inmate Request Form* either electronically or in paper form to the jail facility commander at least three working days prior to the requested date of the interview.
 2. Pro per inmates and the inmates they have requested to interview shall not be housed within sight or sound of each other.
- D. The jail facility commander or designee shall notify pro per inmates of those visits authorized or, if not authorized, the reasons for declining the visits. This shall be documented in SHIELD.
- E. If assigned advisory counsel or the assigned investigator is present for the witness interview, they may audio record the interview. If not, the pro per inmate shall not record the witness interview.
- F. The jail facility commander or designee may order the visit to be non-contact when it is determined jail safety and security may be compromised, or inmate behavior risks may compromise the orderly operation of the jail facility or visiting area. This shall be documented in SHIELD.
8. **Mail:** Pro per inmates may send and receive regular mail, as specified in Office Policy DK-1, *Inmate Mail*. Pro per legal mail shall be addressed, as specified in Office Policy DP-6, *Inmate Legal Services*.
9. **Responsibility Disclaimer:**
- A. Each pro per inmate shall be notified through the *Guidelines for the Pro Per Inmate* that the Office will not be responsible for any item lost, stolen, damaged, or destroyed.
 - B. If a pro per inmate is transferred to the Mental Health Unit (MHU) for placement on a medically ordered suicide watch, the inmate's property must be removed for the safety of the inmate. The removal of all inmate property shall be at the authorization of Correctional Health Services (CHS) personnel. Once authorized to do so, detention personnel shall remove the inmate's property and place it in a secure location and documented in SHIELD. The inmate's pro per status may be suspended or dismissed, at the direction of the court of record.