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Pro Per Status
Propria Persona (Pro Per) Status

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PROPRIA PERSONA (PRO PER) STATUS

I. POLICY

- A. The purpose of this policy is to establish a procedure regarding the status of those inmates designated Propria Persona (Pro Per).
- B. The Corrections Lieutenant shall be responsible for reviewing materials requested by the inmate and determining what shall be allowed - both in the cell and for use in the library.
 - 1. The inmate is encouraged to correspond confidentially with the Dayshift Corrections Lieutenant when making requests for materials and other matters of concern.

II. ESTABLISHING PRO PER STATUS – PROCEDURE

A. Criminal Matters

- 1. In criminal matters, competency hearings will be conducted during court appearances by the appropriate judge to determine whether to comply with the inmate's request to represent themselves in future court proceedings. Only a judge may grant the inmate's request for Pro Per status. Likewise, only a judge may remove the status (see section - "Terminating Pro Per Status").
- 2. Generally, either there will be a Minute Order produced by the court, or a notation by the court clerk, done in open court at the time a judge grants the inmate's request for Pro Per in a criminal matter. The notation will be on the inmate's court sheet that becomes a permanent part of the "A" file.
 - a. The verbal order of a judge granting Pro Per status shall routinely be entered on the "Inmate Court Appearance" form by the transporting deputy.

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- b. Upon the transporting deputy returning the inmate to either facility, the transporting deputy shall immediately notify the Facility Supervisor of the designated Pro Per status of the inmate.
 - (1) The Facility Supervisor shall cause the inmate's "A" file to reflect the status.
- c. In the event the court clerk fails to make the necessary entry on the worksheet, and/or the judge neglects to issue a Minute Order after granting the status, and upon the transporting deputy informing the Transportation Supervisor of the Pro Per status, the Transportation Supervisor will immediately contact the appropriate court to have them produce the necessary written documentation. Should this fail, the Transportation Supervisor shall notify the Corrections Lieutenant for assistance.

B. Civil Matters

- 1. In civil matters where an inmate is challenging the conditions of their confinement through State or Federal courts, the Corrections Lieutenant will verify the existence of the civil case and notify both correctional staff and Inmate Services of the inmate's Pro Per status.

III. PRO PER STATUS ON OUT-OF-CUSTODY/OUT-OF-COUNTY MATTERS

- A. Inmates that have out-of-custody or out-of-county civil or legal matters are not considered Pro Per. Inmates only have the right to privileged communications, legal materials and supplies when defending themselves for crimes resulting in their current incarceration, in challenges to sentences or conditions of confinement while incarcerated in this facility. There is no obligation to provide legal materials or supplies to inmates that are preparing or litigating out-of-custody or out-of-county civil or legal matters (*See County Counsel Legal Opinion #10-0558*).

IV. PROCEDURE ONCE PRO PER STATUS HAS BEEN ESTABLISHED

- A. All inmates, upon notification of their Pro Per status, will be contacted by the Inmate Services Coordinator for orientation.

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- B. As part of the Pro Per orientation, the Inmate Services Coordinator will provide the inmate with the Pro Per policy, a Request for Pro Per Phone Number form and instructions on how to request legal reference materials, photocopies, and other supplies they may need to address their case.
 - 1. The Inmate Services Coordinator will also advise the Pro Per inmate that legal reference materials, photocopies, supplies and phone calls will be provided at their expense.
 - a. Indigent Pro Per inmates will receive legal reference materials, photocopies, supplies and phone calls at the facility's expense.
 - 2. The inmate will be advised that all telephone calls may be monitored unless they are to an attorney, doctor or clergy (privileged communications).

V. PRO PER USE OF THE PROGRAMS ROOM

- A. Pro Per inmates will be allowed to use the Programs Room (adjacent to A-Module) for case preparation.
- B. Pro Per inmates' core hours to use the Programs Room are between 2200 and 0400. They may also use it at any time the Programs Room is not in use. This time is set aside in order to avoid conflicts with other inmate services and allow Pro Per inmates to prepare their case with minimal interruptions.
 - 1. If the Programs Room is needed for attorney visits, doctor visits or Inmate Programs, the Pro Per inmate will be removed; priority will be given to official visits and programs.

VI. TELEPHONE

- A. The telephone in the Programs Room is designated for the use by inmates who are Pro Per.
- B. The inmate will be required to provide a list of phone numbers that they will need to call as part of their Pro Per legal case to the Corrections Lieutenant.
 - 1. The Corrections Lieutenant will review the list to ensure that any privileged communications (i.e. an attorney, doctor or clergy) are exempt from recording.

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- a. All phone numbers that are claimed to be to an attorney, doctor or clergy will be verified by staff to ensure their validity.
2. Pro Per inmates may, at a later time, submit a subsequent list of additional phone numbers, if needed.
- C. Pro Per telephone calls will be at the inmate's expense and can be collect, debit card or pre-paid phone account calls, as provided by the inmate phone system provider.
 1. Indigent inmates will be afforded phone calls at the facility's expense.
- D. Telephone calls shall:
 1. Be for actual legal research and/or matters directly related to the case for which the inmate has been deemed Pro Per;
 2. Be outgoing only - no incoming calls will be allowed;
 3. NOT be made by an inmate on behalf of another inmate; and
 4. No third party or credit card calls will be allowed.

VII. PRO PER SUPPLIES AND BILLING

- A. Inmate Services will provide Pro Per inmates with reference materials, photocopies, envelopes and other necessary supplies for use in their Pro Per case.
 1. Inmates will be charged the actual cost of any legal reference materials, photocopies, or supplies.
 2. Phone calls will be at standard inmate phone system rates utilizing standard inmate telephone accounts.
 3. Indigent Pro Per inmates will receive supplies at the facility's expense
- B. Non-indigent Pro Per inmates will be required to submit a Property Release form for the actual amount for requested supplies as determined by Inmate Services.
 1. Once the funds have been received, Inmate Services will provide the supplies to the inmate.

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- C. All envelopes and folders provided to Pro Per inmates, indigent or not, will be marked with a stamp "*For Pro Per Use Only*" on the backside of envelopes or on the front of folders in order to prevent use by other inmates.
 - 1. Staff will ensure that letters being sent out are being sent by the Pro Per inmate and not by someone else.
 - 2. Letters must also be for the inmate's Pro Per case and not for personal purposes.

VIII. DISCIPLINE

- A. Pro Per inmates will not lose the Programs Room privileges because of in-house disciplinary actions.
- B. If the discipline relates to the misuse of the Programs Room, the inmate's access may be restricted as outlined by the Corrections Lieutenants or of higher ranking upon review of submitted written documentation in compliance with procedures outlined below:
 - 1. The on-duty Facility Supervisor is required to send all generated reports regarding the misuse of the Programs Room in general, through normal Disciplinary Review Board (DBC) routing. See [Policy and Procedure 710.00 - Inmate Discipline](#).
 - 2. There shall also be generated by the DBC copies of all reports and findings sent to the Corrections Lieutenants for permanent record keeping regarding the Programs Room.
 - 3. In extreme cases, the Corrections Division Commander, or designee, can contact the appointing court in an attempt to remove the Pro Per status from the inmate based upon the type, severity, and/or frequency of misuse conducted by the inmate in the Programs Room.

IX. ACCESS TO COMPUTERS OR TABLETS

- A. Pro Per inmates may have access to a computer or tablet in order to view evidence in his/her case.
 - 1. The computer or tablet shall have the internet capability disabled.
 - 2. The computer or tablet will only be used in the Programs Room; the computer or tablet will not be allowed in the inmate's cell.

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2. Pro Per inmates will be assigned a storage cabinet drawer in the Programs Room.
3. Pro Per materials provided by Inmate Services (i.e.: envelopes, folders, pens, etc.) will not be allowed in the housing unit and must remain in the Pro Per inmate's designated locker in the Programs Room.

XII. TERMINATING PRO PER STATUS

- A. In criminal cases, upon sentencing or conviction, whichever comes first, the Pro Per status shall terminate upon direct order of the court.
 1. Inmates who have Pro Per status will not be removed from that status except by judicial action.
- B. Pro Per status will be terminated in civil matters upon completion of the case through either dismissal or resolution.

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