

# **BUTTE COUNTY SHERIFF'S OFFICE**

**CORRECTIONS DIVISION**

The seal of the Butte County Sheriff's Office is a five-pointed star with decorative scrollwork in each point. The center of the star features a circular emblem with the word "SHERIFF" at the top, "EUREKA" in the middle, and "BUTTE COUNTY" at the bottom. The central emblem depicts a Native American figure holding a bow and arrow, with a bear and a plow below. Two stars are positioned on either side of the central emblem.

***JAIL INFORMATION HANDBOOK***

*March 2022*

***KORY L. HONEA  
SHERIFF-CORONER***



# *What's Inside...*

1. Information about the operation of the correctional facilities, as well as services and programs available to the incarcerated persons. Incarcerated persons are offered this information upon booking and can request a copy any time after being housed within the jail facility. It is available in English and Spanish. This information is also located on electronic tablets that are located in most housing units.
2. The rules of incarcerated person conduct: Our facility rules are established to maintain order and efficiency within the correctional facilities, and for your safety and facility security. Violating the rules may subject you to disciplinary action. For example, one of the rules is prompted by a Butte County ordinance, **“Smoking and/or the use of electronic smoking devices is not permitted within any county buildings, including the correctional facilities.”**
3. How to communicate with staff: Deputies make regular tours of the housing areas. You may ask questions of the deputies while they are in your housing area, or you may submit your question on an Incarcerated Person (*Inmate*) Request Form. All of the incarcerated persons’ forms that you submit to the correctional staff, such as Request Forms, Sick-Slips, and Grievance Forms, must have your last name, first name, housing unit, and incarcerated person identification number printed legibly on the form.
4. Health & Safety information: There is licensed medical staff on duty 24 hours a day to ensure that basic and emergency care is available for the medical, dental and mental health needs of the incarcerated person population. The incarcerated persons are responsible to keep the jail facility clean. Cleanliness is your best defense against communicable diseases such as infections, flu, and the common cold. Good hand washing is the number one way to stop the spread of germs and bacteria. Showers may be taken during normal dayroom time. Do not share cups, combs, toothbrushes, disposable razors, or electric razor shaving heads with other incarcerated persons.
5. Butte County Transit bus tickets are available from jail staff, upon request and justification of need, when you are released from custody.

***Please note: The information in this handbook is subject to change. Changes will be posted, in writing, in the housing units.***

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## SECTION I

## GENERAL INFORMATION

The correctional facilities operate under the authority of the Butte County Sheriff - Coroner. Orientation to the jail and its rules, regulations, and operating procedures is necessary so that you will be able to adapt rapidly to the surroundings. The correctional staff will give the incarcerated person this information either orally or in writing in a language that the incarcerated person understands.

The Butte County Jail operates in accordance with a Consent Decree established pursuant to Butte County Superior Court Case #84429. The Consent Decree sets forth certain rights and responsibilities of the incarcerated persons and the corrections staff. A copy of the Consent Decree is available for review in the Law Library. The law firm of Sally Anderson has been appointed by the court to represent the incarcerated persons in Consent Decree matters. The designated representative may be contacted regarding the Consent Decree and Jail conditions. The telephone number is listed in Section VI, "Free Access Telephone Numbers", of this Handbook.

### 1. LOCATION:

The correctional facilities buildings are located at 5 Gillick Way, Oroville, CA 95965. Telephone: (530) 538-7471. The correctional staff will not accept incoming telephone calls for incarcerated persons.

### 2. POWER FAILURE:

Remain where you are if a power failure occurs. The correctional facilities are equipped with back-up emergency generators so that a power failure lasts only a few minutes. The correctional staff will instruct you to move to another area if it is necessary.

### 3. EMERGENCY PROCEDURES:

In the event of any emergency do not panic or run! Panic increases the chance of injury. The correctional staff will advise you what to do, which area to report to, and what to do on your arrival there. Safety requires you to follow the correctional staff's orders. Do not waste time or increase risk by stopping to ask questions. Go to another area at once and move when told if there is smoke or fire. You should notify the correctional staff as quickly as possible of an emergency if the correctional staff is not present. The correctional facilities have an emergency evacuation plan shown by lines and arrows painted on the floor or walls. Follow the lines and arrows painted on the floor or walls when told to do so.

### 4. HOSTAGE POLICY:

It is the policy of the Butte 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)). The Office does not recognize the taking of hostages as a reason to relinquish control of the correctional facility environment.

### 5. CLASSIFICATION AND SEGREGATION:

The three security classifications for incarcerated persons are maximum, medium, and minimum. An incarcerated person who has been sentenced to more than 60 days may request a review of his/her classification plan no less than 30 days from the last review.

- a) An incarcerated person may request a review of his/her classification by submitting an incarcerated person Request Form to Classification.
- b) An incarcerated person will have the right to appeal a reclassification denial within five (5) days, excluding weekends and holidays, after receiving written notice of the denial. An appeal will be presented on incarcerated person Grievance Form.
- c) An incarcerated person may be placed in administrative separation for the safety of the incarcerated person, staff, and/or the security of the facilities.
- d) An incarcerated person has the right to seek relief from administrative separation by submitting an incarcerated person Request Form to Classification. In the event of a denial, an incarcerated person will have the right to appeal the denial within 5 days, excluding weekends and holidays, after receiving written notice of the denial. The appeal will be presented on an incarcerated person Grievance Form.

**6. LEGAL COUNSEL/ASSISTANCE:**

The Butte County Jail Law Library is located in the facility. Community Legal Information Center (CLIC) students work as Legal Research Assistants to assist incarcerated persons with legal research or provide incarcerated persons with legal information. To use this resource, submit a Butte County Jail Law Library Request Form. You can request a “red envelope” from the floor deputies to keep your request confidential. CLIC personnel are responsible for providing fair and reasonable access to this service.

- a) A list of Public Defenders is included in Section VI of this Handbook. A telephone directory is provided in each housing unit if you desire to call an attorney not listed but who may accept a collect call. You may request to use the no-charge telephone by submitting an incarcerated person Request Form to the Floor Sergeant if you have an attorney who will not accept collect calls.
- b) If the judge grants you “Pro Per” status, you may request certain stationery, mailing, and writing items by submitting an incarcerated person Request Form to the Utility Officer. These special materials are to be used by the Pro Per incarcerated person solely for the preparation of your court case. Misuse of these materials may result in their loss and/or disciplinary action.

**7. PRIVATE LEGAL MATERIALS:**

The incarcerated person may use and retain the incarcerated person's own legal materials in the housing unit provided the materials will fit into the incarcerated person's storage area and comply with jail policies. This extends to legal material provided by the Community Legal Information Center (CLIC).

**8. NOTARY PUBLIC SERVICE:**

Incarcerated persons will be able to use the services of a Notary Public. You will be refused service if you fail to follow the instructions.

- a) See CLIC for forms, to use pens, or to photocopy legal forms. The Notary does not supply forms.
- b) Forms must be completed in ink with no blank spaces except signature and date before requesting notary.
- c) If CLIC is unable to answer your questions seek help from an outside source, such as an attorney before requesting the Notary. The notary DOES NOT answer questions or give advice.
- d) Once forms are ready to be notarized, submit an incarcerated person Request Form to the jail Notary, specifying the type of document you need notarized.
- e) You must have your incarcerated person ID number and social security number with you when seeing the Notary. The name on your forms must match the name on your identification.

**9. RELEASE AFTER COURT APPEARANCE:**

You will be released from custody as quickly as the release papers are processed and if you have no hold(s). This process can take up to 8 hours to complete. If you are released from custody during the night and cannot secure transportation you may remain in the public area of the correctional facilities until 7:00 AM unless your presence is disruptive, in which case you will be required to leave the premises.

**10. SCHEDULED RELEASES:**

You will be released on the last day of your incarceration, normally, between the hours of 08:00 AM and 10:00 AM, if you have completely served your sentence and have no holds.

**11. PASS REQUESTS:**

The Sheriff may permit the temporary release or parole of an incarcerated person. The incarcerated person may request temporary release by submitting an incarcerated person request form to the Watch Commander.

**12. RELEASE DATE CALCULATION:**

After you have been completely sentenced on all cases, a time computation will be completed and a release date notification sent to your housing unit. This process can take 1-4 weeks depending on the type of sentence you receive. DO NOT request a release date unless you have not received notification within the allotted timeframe stated above.

**13. ALTERNATIVE CUSTODY PROGRAMS:**

Sheriff's Work Alternative Program (SWAP), and Alternative Custody Supervision (ACS) are offered as an alternative to serving time in jail to individuals who are eligible.

- a) These programs are a privilege and granted at the discretion of the Sheriff's Office.
- b) Factors considered for eligibility for an Alternative Custody program are as follows:
- c) Severity of current and prior charges
- d) In custody disciplinary history
- e) Stable living environment within Butte County, as determined by Alternative Custody Staff:
- f) You will not be considered for an Alternative Custody program if you have failed any Alternative Custody program within the past one year.
  - 1) Sheriff's Parole: You may be eligible for early release on Sheriff's Parole if you have served at least one-quarter of a 60 or more-day sentence.
  - 2) Application forms are available from the Sheriff's Parole Office through an Incarcerated person Request Form.

**14. LEGAL MAIL:**

Legal mail is defined as incoming or outgoing correspondence between an incarcerated person and the court, a member of the State Bar, a holder of public office, the State Board of Corrections, Any Law Enforcement Agency, the Butte County Jail Commander, the Community Legal Information Center (CLIC), and the Butte County Sheriff. The correctional staff may open and inspect such mail only in the presence of the incarcerated person and only to search for contraband. The correctional staff may not read legal mail. You may receive unlimited, but regulated, paper and stamped envelopes, for legal mail, by submitting an incarcerated person Request Form to the Utility Officer, providing you have less than two dollars (\$2.00) for 30 consecutive days in your trust account. (Only five envelopes will be issued at a time and replenished as used.)

**15. INCOMING MAIL:**

There is no restriction on the number of letters you may send or receive.

- a) Your mailing address is:
  - Your Name, 7 Gillick Way, Oroville, CA 95965. Your housing location and ID number are not necessary.
- b) You may not receive food items, greeting cards, Polaroid photographs, stationery items, postage stamps, cash, or personal checks.
- c) You may not receive mail from other correctional facilities (jails or prisons) without the prior approval of the Jail Commander.
- d) Incoming mail will be opened and searched for security reasons.
- e) Mail in non-English language may be reasonably delayed for security reasons.
- f) Any mail that may pose a security risk (i.e. stickers, mail labels, lipstick, or unknown substances and/or contraband) will not be accepted and will be returned to sender.
- g) All mail is processed weekdays, excluding weekends and holidays, but may be delayed due to circumstances beyond our control.
- h) You may receive newspapers, magazines, periodicals, and NEW books that must be mailed directly from a book supplier (i.e., Barnes & Noble, Amazon, Walmart, Target etc.). No hard-covered books are allowed. Correctional staff will not cancel subscriptions after you leave. The Post Office will not accept change of address cards from incarcerated persons.
- i) Obscene or inflammatory mail is not allowed.
- j) You will be given an updated property receipt if mail is placed in your personal property. You will not be notified if mail is returned to sender.

- k) You may receive e-mails thru the vendor selected by the Sheriff's Office.

**16. OUTGOING MAIL:**

There is no restriction on the number of letters you may send.

- a) The correctional staff will collect unsealed out-going mail prior to 11:30 PM.
- b) Mail is subject to search and reasonable delay for security reasons.
- c) Only legal mail will be marked as "legal mail" on the outside. The correctional staff will search the "legal mail" and seal it in the presence of the incarcerated person.
- d) There may be nothing written or drawn on the face of the envelope except the "to" and "return" addresses. The Utility Officer will stamp "Butte County Jail" on the face of the envelope.

**17. PERSONAL PROPERTY:**

Your personal property and money were taken from you for safekeeping and you were given a receipt when you were admitted to the correctional facilities.

- a) Personal medications that you may have brought in were locked in the medical unit. You must stop by the medical department to retrieve these medications when you are released. Medication that has expired, was not stored in its prescribed container or is not retrieved upon release will be destroyed.
- b) Your property will be returned to you and you will be given a check, or issued a debit card for the amount of money remaining in your trust account at the time of your release.
- c) Your property receipt will be necessary to file a claim for missing items.
- d) Incarcerated persons from other correctional facilities will be allowed (3) three inches of legal/religious paperwork. All items must fit in your drawer or storage bin, including legal materials. Any food items will be confiscated and donated. Non- food items confiscated will be stored in your personal property.
- e) While incarcerated in the Butte County Jail all incarcerated persons will limit their personal belongings to the number of items that fit comfortably inside the incarcerated person storage drawer or shelf provided. No items, including commissary, and legal material may be stored on the floor area of a housing unit / cell. Commissary privileges may be revoked in the event you are in violation of this rule.
- f) If you are transferred to state prison, all of your personal property will be held for 120 days from date of transfer, and then it will be disposed of. A property release form will be provided to you at the time of your transfer. It is your responsibility to provide the name and address of the person you want to give permission to pick up your property.
- g) Incarcerated persons may release their property to an authorized person by requesting a Property Release Form. The authorized person must have a valid ID. Cell property can be released no more frequently than once every six months.

**18. MONEY:**

Incarcerated persons are not permitted to have cash, checks, or money orders in their possession.

**19. INCARCERATED PERSON TRUST ACCOUNT:**

The money taken from you at booking was placed in the incarcerated person Trust Account and you were given a receipt.

- a) Money may be added to your trust account via the internet, telephone, or the kiosk located in the Main Jail Lobby. There is a maximum deposit of \$300.00 per day and your total account balance cannot exceed \$950.00.
- b) Personal checks, money orders and cash will not be accepted through the mail or at the lobby window.
- c) The correctional staff will deduct the amounts from your trust account as you purchase commissary items.
- d) Except for an emergency, you may only release money to friends and/or relatives during your first 15 days of confinement. The Administrative Lieutenant will determine whether an emergency exists.



## **20. COMMISSARY:**

Stationery, toiletries, snack foods, tablet time and other items may be purchased from the commissary system once each week.

- a) You may purchase up to \$100.00 of commissary products each week through the facility's in-house ordering procedures. You cannot buy commissary items if you do not have enough money in your trust account.
- b) You may request an indigent hygiene kit if you have less than \$2.00 in your trust account.
- c) Upon your release or transfer from custody, if you have a pending commissary order, it is your responsibility to arrange for the retrieval of that order. All items will be held for pick up until the following Wednesday and then will be disposed of. Commissary will not be held for more than seven (7) days.

## **21. ONLINE COMMISSARY ORDERS:**

All online (internet) and outside purchases are the sole responsibility of the purchaser. In the event of incorrect orders, non-arrivals, or other errors, it is the purchaser's responsibility to contact the Butte County Sheriff's commissary vendor.

- a) You may only receive one internet order per week, which will not exceed \$100.00.

## **22. INCARCERATED PERSON SERVICE PROGRAMS:**

Incarcerated person programs are available on a regular basis depending on the State and County budget and the availability of community volunteers. Social interaction and participation in program activities is encouraged for all incarcerated persons. These programs may include the following:

- a) Alcoholics Anonymous (AA)
- b) Study guides are available for General Education Diploma (GED)
- c) Vocational training
- d) Legal assistance and counseling
- e) Religious services and counseling
- f) Narcotics Anonymous (NA)
- g) Individual or group counseling
- h) Social services assistance
- i) Incarcerated person worker programs
- j) Life Skills program

### **1) Incarcerated person eligibility for programs will be based on:**

- i. Criminal history.
- ii. Incarcerated person's classification compatibility, i.e., programing with like classifications, safety concerns.
- iii. Disciplinary history while incarcerated.
- iv. The incarcerated person's ability to understand and comply with program rules.
- v. Availability of appropriate number of approved participants at time of request.

## **23. PUBLIC VISITING:**

The Sheriff and staff of the Butte County Jail recognize the social and psychological importance of incarcerated persons being able to visit with family and friends during their period of incarceration. To optimize the opportunity for incarcerated persons to receive visitors, while maintaining incarcerated person safety and facility security, the following policies have been adopted and will be uniformly enforced:

- a) Visiting days and hours are posted in each incarcerated person's housing unit, and are listed on the jail's automated telephone service at 530-538-7471. Visiting times may also be found on the Sheriff's Office web page at <http://www.buttecounty.net/sheriff>.
- b) The incarcerated person may have two 45-minute in-person visiting periods each week. One visiting period on Saturday and another one on Sunday.
- c) Visitors need to register at the West Facility Visiting Center or the Main Jail Lobby (depending upon the incarcerated person's housing location) prior to the visit.

Visitors register by completing an incarcerated person Visitor Form and presenting the form and a valid photo identification card issued by an agency of the U.S. Federal or State government (i.e., state vehicle operator's license, state identification card, military identification card, passport, visa, resident alien identification card, etc.) to the visiting sign-up deputy.

- d) Visitors must be eighteen (18) years of age unless accompanied by a parent or legal guardian. Proof of relationship or guardianship will be required for all teenage visitors. The Watch Commander may make exceptions in unusual or special circumstances.
- e) Visiting periods start promptly at the assigned times. It is recommended visitors arrive 20 to 30 minutes prior to the assigned visiting times. Visitors must be registered 15 minutes before the visiting start time so that the incarcerated persons can be moved to the visiting area. Late registration will not be permitted. Only the Watch Commander, under unusual or special circumstances, may authorize visiting at other times.
- f) Persons currently on S.W.A.P., A.C.S., Sheriff's Parole, or having been released from any incarceration within the past thirty (30) days are not allowed to visit.
- g) Any persons on active parole or any persons having been convicted of a felony and confined in any state prison in this State will not be allowed upon the grounds of the Butte County Sheriff's Office without prior written permission from the Jail Commander. A felon entering these premises without prior written consent is in violation of State law, and may be arrested and charged with a felony. (Penal Code 4571)
- h) Incarcerated persons will submit to a search by correctional staff.
- i) Incarcerated persons will not take anything to the visiting area except religious materials when visiting with clergy or legal documents or books when visiting with attorneys or investigators.
- j) Incarcerated persons will leave the visiting areas immediately when directed by the correctional staff.
- k) Incarcerated persons will remain seated in the designated visiting area unless specifically instructed otherwise by the correctional staff.
- l) Incarcerated persons will not receive anything from visitors. Incarcerated persons will not bring anything back into the correctional facilities from the visiting area without permission of the correctional staff.
- m) Incarcerated persons that could not receive visits during regular visiting times due to lack of sufficient visiting space will be rescheduled after regular visiting times.

#### **24. VISITING BY ATTORNEYS, CLERGY, AND PHYSICIANS:**

Incarcerated persons will be allowed confidential visits with their attorney, investigators, clergy or physicians at reasonable hours and designated visiting rooms. Attorneys, investigators, clergy or physicians may contact the correctional facility if they have questions about visiting.

#### **25. MEALS:**

You will be offered 3 meals a day on a regular schedule.

- a) A meal will be provided to you when you return to the correctional facilities if you're out of the facility at mealtime, when another arrangement for providing a meal was not made.
- b) Special medical dietary concerns should be stated in writing on a Sick Slip.
- c) Justification for a special non-medical diet, including religious diets, is to be submitted on an incarcerated person Request Form to the Administrative Lieutenant, who is responsible for reviewing the requests.
- d) All incarcerated persons must attend every meal service, whether you want to receive a meal or not.

#### **26. TELEPHONES:**

Telephones are available for outgoing calls only.

- a) Most housing units have telephones, which may be used during the daytime hours from 08:00 AM, after housing units are cleaned, and evening hours until 11:30 PM. Incarcerated persons will only use the telephones at scheduled times or when authorized by the correctional staff.
- b) Telephones will not be turned-on until the housing unit is clean.

- c) A telephone directory is provided in each housing unit (as made available by the service provider).

**27. LIBRARY SERVICES:**

The library services consist of library carts and a law library.

- a) A library cart will be provided to the incarcerated person housing units each week. Do not mark books or tear out pages. You may be in possession of only two (2) county owned books at a given time.
- b) Legal electronic books, documents, or copies of pages of legal books or documents may be requested from the Community Legal Information Center (CLIC). You may be charged for photocopies. A computer is available for typing legal documents.

**28. STREET/JURY TRIAL CLOTHING:**

You should have one (1) complete set of street clothes in case you need to wear them to court or wear when you are released from the correctional facilities. Your attorney may provide you with one (1) additional set of clothing for court.

**29. JAIL CLOTHING:**

- a) The correctional facilities will provide you with clothing that is clean and in good condition.
- b) You will be given the opportunity to have your jail issued, undergarments, clothing and bedding laundered once per week.
- c) It is a crime to destroy or deface county property.
- d) Incarcerated persons may be charged criminally, administratively, and/or monetarily for willful destruction of county property.

**30. BEDDING:**

You have been issued one (1) mattress, three (3) sheets, and one (1) blanket. Incarcerated persons will be given the opportunity to have their linens laundered once each week.

- 1) There will be a blanket exchange every 3 months.

**31. CLEANING OF HOUSING UNITS:**

It is your responsibility, together with that of the other incarcerated persons, to do janitorial work assignments within your housing unit and the facility. Incarcerated persons assigned to housekeeping are instructed in Universal Precautions. You will be provided with cleaning materials by the correctional staff, who will direct your cleaning activities. Housing units will be cleaned daily prior to 10:00 AM. Telephones and television will not be turned on prior to 08:00 AM, nor until the housing unit is clean. The first 15 minutes of the A Pod and B Pod dayroom time is set aside for the incarcerated person to clean his cell. Another incarcerated person will not make work assignments.

- a) The following is the minimal daily cleaning and housekeeping requirements for the housing units:
  - 1) Walls will be cleaned (no food, writing, paper, etc. on walls).
  - 2) Showers and sinks will be free of soap scum and hair.
  - 3) Stairs will be free of dust and dirt.
  - 4) Floors will be swept and mopped.
  - 5) Tables will be wiped-down and free of clutter.
  - 6) Nothing will be on the floors but shoes.
  - 7) Bars will have nothing on them.
  - 8) Nothing will surround the mattress.
  - 9) Clothes may be hung from the towel hooks by your bunk.

**32. TELEVISION:**

Most housing areas have a television that may be viewed during the day from 10:00 AM, or after housing units are cleaned, and during evening hours until 11:30 PM.

### 33. RECREATION AND EXERCISE:

There are a variety of recreation and service programs available.

- a) You will be provided with at least 5 hours of outdoor recreation or exercise time in at least 5 sessions distributed over a period of 7 days except during inclement weather.
- b) There is exercise equipment installed in each of the housing units for use during inclement weather.
- c) Female single-celled incarcerated persons will be provided 1 hour of exercise time each day, during inclement weather, in lieu of outdoor recreation time.
- d) Charlie and Delta incarcerated persons may elect to remain in the dayroom instead of going to outdoor yard.
- e) Charlie incarcerated persons may have yard in the Delta and Dorm yards after the Delta and female yards are completed, at the discretion of the correctional staff.

### 34. HAIRCUTS:

A licensed hairdresser is available weekly. Indigent incarcerated persons may receive a haircut once a month. Incarcerated persons who have funds in their trust account may request a haircut as often as they wish. The procedure for submitting a request is the same for indigent and funded incarcerated persons; fill out and submit an incarcerated person Request Form, asking for a haircut, and a (yellow) Check Release Form in the amount of \$19.00, which authorizes payment to the hairdresser.

### 35. MEDICAL, MENTAL HEALTH, AND DENTAL CARE:

Medical, dental, and mental health services, accredited by the National Commissions on Correctional Health Care (NCCHC), are available within the correctional facilities. Incarcerated persons may request to be seen by the medical unit by filling out a sick slip. Any prescription refill requests must be submitted to medical through a sick slip.

- a) **Medical:** A private medical company that specializes in providing health care to correctional facility incarcerated persons provides the medical care under contract and on-site. They provide emergency care treatment, on-going chronic care treatment, medical counseling, treatment by a specialist when ordered, and hospitalization when necessary.
  - 1) A nurse and a Classification Deputy asked you questions about your health during your booking into the facility. However, you should ask to see the nurse if there is more information about your health that you think is important. You may do this by submitting a Sick Slip.
  - 2) Emergency Care: You will be seen at once if you are in need of emergency care.
  - 3) Treatment: For alcohol or drug problems is provided.
  - 4) Reading Glasses: Are available on commissary, or if indigent by submitting a request to the Utility Officer. For other prescription glasses submit a sick slip to the medical unit. Examination or treatment for vision problems is available when medically indicated.
- b) **Outside Care – Personal Health Care Professional:** At your own expense, you may seek treatment from health care professionals or clinics other than the jail facility's medical providers. The procedure for doing so is as follows:
  - 1) First, you, or your financial representative, must make all the payment arrangements with the health care provider's office.
  - 2) After payment arrangements are made, use an Incarcerated person Request Form to notify the Jail's Transport Unit that you wish to have an appointment with the health care provider; supplying the doctor or clinic's name, address, and phone number.
  - 3) The Transport Unit will contact the office and schedule the appointment.
  - 4) For security reasons you will NOT be told the date or time of the appointment. The doctor's office will also be instructed not to disclose the appointment date or time to any inquiring person, i.e. family or friends.
  - 5) The Transport Unit will transport the incarcerated person to and from the appointment.
  - 6) Under certain circumstances, an incarcerated person sentenced only to county time and without any holds from other jurisdictions, may be permitted to make their own

appointment, arrange for transportation, and supplied with a day-pass so they can go to their own health care appointments. The incarcerated person may be tested for alcohol and drugs upon their return to the facility. An incarcerated person may submit a request to the lieutenant for approval.

- 7) Incarcerated persons may not be administered any over-the-counter or prescription medications without the expressed consent of the jail medical staff.
- c) **Incarcerated Persons Pregnant or Capable of Becoming Pregnant -Medical Services:** The medical staff will provide pregnancy testing at no cost to the incarcerated person.
- 1) The medical staff will provide OB/GYN medical services for pregnant incarcerated persons.
  - 2) Female incarcerated persons have the right to have pregnancy testing and medical care for the pregnancy by a physician of their choice. The incarcerated person must pay expenses for treatment from physicians not provided by the correctional facilities.
  - 3) Each incarcerated person will be allowed to use materials necessary for personal hygiene with regard to her menstrual cycle, reproductive system, and birth control measures as prescribed by her physician. The jail facility provides sanitary pads and tampons free of charge (Penal Code, section 4023.5).
  - 4) **Birth Control** - Female incarcerated persons will be given information regarding the availability of family planning services (**Section VIII**). Birth control is available through the facility medical department. If you would like to start on birth control pills, you should do so at least 2 months before your release date.
  - 5) **Abortion Rights** - Section 4028 of the Penal Code states that a pregnant female incarcerated person desiring abortion shall be permitted to determine her eligibility for an abortion pursuant to law, and if found eligible, shall be permitted to obtain an abortion.
  - 6) **Counseling and Assistance** - can be provided to pregnant incarcerated persons whether desiring abortion, adoption services, or plans to keep and rear the child.
    - i. For more information on family planning see Section VIII.
- d) **Mental Health:** You should submit a sick slip if you think you need to see a mental health provider.
- e) **Incarcerated persons with Disabilities:** 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 state laws.
- 1) Most often incarcerated persons requiring an ADA accommodation will be identified during the intake medical screening.
  - 2) If you have had an ADA accommodation in the past, or believe you are in need of one, please submit a Sick Slip to be seen by a medical provider to have your ADA needs assessed.
  - 3) If you disagree with the medical provider's assessment of you ADA needs, you may appeal the decision via incarcerated person Grievance Form to the facility's ADA Coordinator, which is the Administrative Lieutenant.
- f) **Dental Care:** The medical staff provides emergency dental services and necessary dental services that may include fillings, incision and drainage, control of bleeding, extraction, repair of dentures, and clinically indicated surgery. Submit a sick slip to ask for dental care.
- g) **Medications:** You should bring to the attention of the medical staff if you were taking prescription drugs before you arrived at the correctional facilities.
- 1) Your need for prescription drugs will be medically evaluated promptly by the medical staff.
  - 2) You will receive the medication that is medically appropriate for you.
  - 3) Our facility medical providers can discuss medications with your outside doctor/medical provider, if you request that he or she do so.

- 4) Medications will normally be given to you near meal times unless otherwise prescribed by medical staff.
- 5) You must take and consume your medication immediately when it is given to you unless otherwise instructed. Saving or storing drugs is prohibited.
- 6) Butte County Jail incarcerated persons who meet defined safety and compliance criteria may be allowed to carry on their person and self-administer approved unit dose packaged medications which have been identified as having no or low overdose potential or trade value.
  - i. Eligible incarcerated persons will be expected to take responsibility for the storage and administration of approved medications prescribed for them following instructions for self-administration by the Health Care Provider (See: Section XI, page 51).
- 7) The medical unit will call in your current prescription(s) to the pharmacy of your choice upon your release from jail custody. You will be responsible to pick up and pay for that medication.
- h) **Discharge planning:** You should immediately begin to plan for your healthy release back into the community. The goal is to enhance your health by providing continuity of care. The medical unit will assist you in obtaining outside care and referrals for mental and medical care. The medical unit will call current prescriptions in for you to your pharmacy. If you have been receiving wound care, diabetic care or other medical treatments while in custody the medical unit will teach you how to care for yourself upon discharge.
  - 1) If you know you are to be released soon and are in need of Release Planning services, submit a sick slip advising the medical unit of your release date, and needed assistance, so this planning can occur prior to your release.
    - i. Do not assume the medical unit is aware of your release date.
- i) **Disputes Concerning Medical Care:** If you object to your health care, feel that you are not getting the treatment you need, or believe you are getting the wrong treatment, you should.
  - 1) **First**, submit a sick slip to discuss this with the medical staff.
  - 2) **Second**, submit a request form to speak to the medical program manager about your concern.
  - 3) **Third**, you may submit a grievance about your medical, dental, or mental health treatment if you are still not satisfied.

## SECTION II INCARCERATED PERSON GRIEVANCES PROCEDURES

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, recreation opportunities, classification actions, disciplinary actions, program participation, telephone and mail use procedures, visiting procedures and allegations of sexualabuse (15 CCR 1073).

The following rules apply to the processing of incarcerated person grievances:

- A formal grievance has to complete all three levels of facility review/appeal process for an unresolved grievance to have exhausted the administrative grievance process. Incarcerated person(s) may address perceived staff errors in the grievance procedural process by submitting an incarcerated person Request Form addressed to the Administrative Lieutenant, or by contacting the Consent Decree incarcerated persons Advocate (*see This Booklet, page 39*).
- Grievances that are administratively closed or denied for cause at any level are not considered to have exhausted the administrative grievance process. Administratively Closed or Denied for cause may include but is not limited to the following:
  - CHALLENGING FACILITY RULES: Grievance attempts to challenge facility rules or policies, federal, state or local laws, court decisions, or probation/parole actions. Incarcerated persons may grieve specific staff action(s) related to policy and procedures they deem to be in violation of established law or their constitutional rights.
  - INCOMPLETE FORMS: Grievance is not filled out completely with incarcerated person's name, jail identification number, and approximate date and time of incident (***Grievance issues that have been administratively closed due to deficiencies maybe resubmitted on a new form with deficiencies corrected.***)
  - INSUFFICIENT INFORMATION: Grievance does not contain sufficient information to identify the issue and allow for completion of an investigation into the alleged incident. Grievances returned for this reason may be resubmitted on a new form that contains the necessary information, as long as all other applicable grievance procedures are followed.
  - NO GROUP/CLASS GRIEVANCES: Incarcerated persons have the right to appeal and have resolved any grievances related to any condition of their confinement; however, grievances are to be filed on an individual basis. So-called "Group" or "Class- action" grievances are not permitted.
    - When multiple grievances are received from more than one incarcerated person on an identical issue, each such grievance will be processed individually.
  - DISCIPLINARY APPEALS: Do not use grievance form for disciplinary appeal. Any facility appeal of disciplinary penalty or procedure will be done though the Disciplinary Appeals Process.
  - FAILURE TO USE INFORMAL RESOLUTION PROCESS: Failure to utilize the informal resolution process to address a grievance (***complaint***) by submitting an incarcerated person Request Form to the Watch Commander, prior to submitting a formal grievance. Incarcerated persons shall seek an informal resolution first. The incarcerated person will describe the alleged complaint in detail on an Incarcerated person Request Form.

If an incarcerated person submitted request form is seeking an informal resolution or relief due to a condition of confinement, the Watch Commander will respond to the incarcerated person request form within 48 hours and retain a copy of the response (*Incarcerated person Request form*) in the incarcerated person's classification file.

- CANNOT FILE ON SOMEONE'S BEHALF: Submitting a grievance on behalf of another incarcerated person. Incarcerated person cannot file a grievance on behalf of another incarcerated person, but an incarcerated person may assist another incarcerated person in the preparation of a grievance (*Exception in section III below*).
- NO DUPLICATIVE GRIEVANCES: Submitting a formal grievance that duplicates an item previously addressed and exhausted by use of the formal grievance procedures, unless there has been a new incident of a similar nature.
- NO PROFANE LANGUAGE: Formal grievance contains profanity.
- UNTIMELY GRIEVANCES: The formal grievance is submitted 60 days past the origination date of the incident/issue from which the grievance arose. A formal grievance should be filed by an incarcerated person within 14 days of the incident that gave rise to the complaint or issue, but will not be addressed outside the 60-day timeline.
  - Exception: Facility staff will investigate allegations of staff or incarcerated person abuse regardless of timeline.
  - The facility law library (CLIC) personnel can assist in filling out your grievance form or obtaining legal research materials.
- NO MULTIPLE ISSUES: Grievance addresses multiple issues on one form. Multiple issues must be placed on separate forms.
- NO PREVIOUS CONFINEMENT ISSUES: Incarcerated person grievances addressing conditions of confinement that took place during a previous incarceration will be denied.
  - Exception: Facility staff will investigate allegations of staff or incarcerated person abuse regardless of timeline.
- Any incarcerated person who believes they or any other incarcerated person is in substantial risk of imminent sexual abuse may file an emergency grievance (*verbally, written or through a third party*) with any supervisor. The supervisor shall determine whether immediate action is reasonably necessary to protect the incarcerated person. An initial written response shall be provided to the incarcerated person within 48 hours.
- Incarcerated persons may request to submit the grievance directly to a supervisor, or mail it directly to the Jail Commander, if they reasonably believe the issues to be grieved are sensitive or their safety would be in jeopardy if the contents of the grievance were to become known to other incarcerated persons.

**\*\*Retaliation for use of the grievance system is prohibited.**



## DEFINITIONS:

**Administratively Closed:** The status applied to a grievance which contains a procedural error or deficiency for which no further action is required.

**Denied:** The status applied to a grievance that addresses an issue outside the scope of the grievance process and/or facility responsibilities for which no further action is required.

**Resolved:** The status applied to a grievance that has been resolved to the incarcerated person's satisfaction for which no further action is required.

**Unresolved:** The status applied to a grievance that has not been resolved to the incarcerated person's satisfaction, which will be forwarded to the next level of appeal until all three levels are exhausted or the grievance is resolved by the incarcerated person.

## 1. PROCEDURES:

- A. An incarcerated person wishing to file a formal grievance will request an Incarcerated person Grievance Form by filling out an Incarcerated person Request Form and handing it to the housing deputy. The housing deputy will ask the incarcerated person the nature of the grievance and attempt to resolve the grievance. The housing deputy will sign and date the form and give the pink copy of the incarcerated person Request Form to the incarcerated person. The housing deputy will forward the Incarcerated person Request Form to the Watch Commander.
- B. The Watch Commander receiving the incarcerated person Request Form will ask the incarcerated person the nature of the grievance and attempt to resolve the grievance. If the issue cannot be resolved the Watch Commander will forward the incarcerated person Request Form to the Administrative Sergeant.
- C. The Administrative Sergeant will issue a serial numbered incarcerated person Grievance Form within twenty-four (24) hours of receipt to the requesting incarcerated person. The serial numbered incarcerated person Grievance Form will be recorded in the Incarcerated person Grievance Form Log.
- D. The incarcerated person will complete and return the Incarcerated person Grievance Form, within five (5) calendar days of the form's issue date, by describing and referencing the alleged violation and the incarcerated person's proposed resolution to his/her complaint. The completed form will be given to the housing deputy who will sign and date the form and give copy four (4) to the incarcerated person. The housing deputy will attempt to resolve the grievance at that level. The housing deputy will forward the incarcerated person Grievance Form to the Watch Commander if it cannot be resolved.
  - 1) The Watch Commander receiving the completed incarcerated person Grievance Form will sign and date the form. The Watch Commander will administratively close the grievance form if it is not properly completed and not submitted within five (5) calendar days. The Watch Commander will direct a full investigation of the grievance and attempt to resolve it within seven (7) calendar days (*including weekends*). The Watch Commander will make a written proposed resolution of the grievance to the incarcerated person. The incarcerated person will sign and date the form and check one of the two blocks. Checking the "has been" block terminates the grievance.

- 2) If an investigation of the alleged grievance cannot be completed within seven (7) days because of a need to interview one or more deputy /staff members, and those persons are not on duty, the Watch Commander will notify the incarcerated person in writing that the proposed resolution will be delayed.
  - 3) The investigation will be completed at the earliest possible time and the proposed resolution delivered to the incarcerated person in writing.
- E. The Watch Commander will forward all exhausted grievances with final dispositions, whether administratively closed, denied or resolved, to the Administrative Sergeant. The Administrative Sergeant will annotate the Grievance Log. Once logged by the Administrative Sergeant, all exhausted grievances will be forwarded to Classification for retention and filing. All other unresolved grievances are to be forwarded to the appropriate correctional Lieutenant for a hearing. The Lieutenant will hold the hearing for the first level of appeal not later than seven (7) business days after receiving the grievance (*excluding weekends and holidays*). The Lieutenant will hear the incarcerated person, witnesses, and review pertinent information. The incarcerated person may be assisted by another incarcerated person of the same housing and compatible classification, or a member of the Sheriff's Office who is willing to act as the incarcerated person's representative at the hearing. The representative will be entitled to attend and participate in the grievance hearing, informal conferences, or reviews in which the incarcerated person participates. The Lieutenant will attempt to resolve the grievance. A written statement of the results will be given to the incarcerated person on the same date on which the hearing was held. The incarcerated person will sign and date the form and check one of the two blocks. Checking the "has been" block terminates the grievance. The Administrative Sergeant will annotate the completed grievance on the Grievance Log.

## 2. APPEALS

- A. The grievance will be reviewed by the Jail Commander or designee as the final level of appeal within seven (7) business days of the disposition of the first level of appeal (*excluding weekend and holidays*). The Jail Commander will render a decision in writing to the incarcerated person as to the findings. Appeals related to sexual abuse allegations shall be confirmed or denied by the Jail Commander within 10 calendar days (*including weekends*).
- B. If an unresolved grievance is an allegation of a violation of a Sheriff's Office policy, state law, or federal law by a Sheriff's Office employee assigned to the jail, which could result in formal discipline (i.e., reprimand, suspension, termination), the Jail Commander will brief the Sheriff to determine if further action is warranted. The Administrative Sergeant will annotate the completed grievance on the Grievance Log.
- C. The incarcerated person may pursue the grievance issue through the court system if the grievance has not been resolved to the incarcerated person's satisfaction.

3. **CONTINUANCE OF GRIEVANCE/APPEAL FOLLOWING RELEASE**

- A. An incarcerated person that has filed a formal (*incarcerated person*) grievance while in custody, that is released from custody prior to the conclusion of said grievance (*most recent prior incarceration only*), may continue the grievance through the grievance process by contacting the Administrative Sergeant no later than 72 hours from the time of incarcerated person's release from Butte County Jail's (*BCJ*) locked facility, and shall reference the facility's specific issued grievance number. This contact should be made via the jail's public telephone contact number (530) 538-7471, requesting to speak with the Administrative Sergeant.
- B. Incarcerated persons transferred to another institution will have ten (10) days to complete this notification via written correspondence. The former incarcerated person will be required to provide the Administrative Sergeant with valid contact information for continued grievance related correspondence, i.e., telephone number and current address.
- C. Once the continuance has been requested, the Administrative Sergeant will coordinate the completion of the grievance through each appropriate level of response.
  - 1) Facility staff timelines for responding to each level of review will remain as outlined in section I. Procedures (*above*).
  - 2) The timeline for non-incarcerated individuals to accept or reject the proposed resolution at each level of review will be ten (10) calendar days.
- D. During the grievance process, if the grievant (*former incarcerated person*) cannot be contacted for participation at any level in the process and/or does not respond to any facility message(s) to do so within 72 hours of this office's attempt to make contact, the grievance will be Administratively Closed for cause.
  - 1) Incarcerated persons transferred to another institution will have fifteen (15) business days from the date and time of this facility's documented response to provide written notice of acceptance or denial of the facility's proposed resolution at each level of the grievance process.
- E. All documentation, including attempts to contact, will be retained with the grievance form in compliance with the facility records retention policy.

4. **ADDITIONAL PROVISIONS FOR GRIEVANCES RELATED TO SEXUAL ABUSE**

The following apply to grievances that relate to sexual abuse allegations (28 CFR 115.52; 15 CCR 1029):

- A. Incarcerated persons may submit a grievance regarding an allegation of sexual abuse at any time.
- B. Third parties, including fellow incarcerated persons, staff members, family members, attorneys, and advocates are permitted to assist incarcerated persons in filing such grievances and to file such grievances on behalf of incarcerated persons if the incarcerated person agrees to have the grievance filed on their behalf.
- C. Grievances may be submitted to any staff member and need not be submitted to the member who is the subject of the complaint.

- D. Incarcerated persons are not required to attempt to informally resolve grievances related to sexual abuse. Grievances related to sexual abuse are investigated and resolved within 90 days of the initial filing. An extension of up to 70 days if reasonable may be made to make an appropriate decision. If an extension is granted, the incarcerated person shall be notified and provided a date by which a decision will be made.
- E. At any level of the process, including the appeal, if the incarcerated person does not receive a response within the allotted time, including any properly noticed extension, the incarcerated person may consider the absence of a response to be a denial at that level. In which case the administrative process is considered exhausted.
- F. Incarcerated persons may be disciplined for filing a false grievance related to alleged sexual abuse only when it is determined that the incarcerated person filed the grievance in bad faith. (*see Prison Rape Elimination Act ((PREA)) on page 44 of the Jail Information Handbook*).

**5. INCARCERATED PERSON ABUSE OF THE GRIEVANCE SYSTEM**

- A. Abuse of the grievance system by an incarcerated person may result in restricted access to the grievance process.
- B. Abuse of the grievance system may include grievances which:
  - 1) Are frivolous in nature or knowingly false;
  - 2) Are repetitive or excessive (e.g. multiple grievances referencing a particular issue that has already been appropriately addressed);
  - 3) Contain profanity, threats or abusive and demeaning language; or,
  - 4) Cannot be understood, or are obscured by irrational language, or excessive documentation not related to the subject matter of the grievance.
- C. Upon a finding by the Jail Commander that an incarcerated person has abused the grievance system, the Jail Commander may impose sanctions limiting or suspending the incarcerated person's access to the grievance process. Sanctions may include, but are not limited to:
  - 1) Limitations on the number of grievances that an incarcerated person may file within a specified period of time, not to exceed 90 days;
  - 2) Suspension of an incarcerated person's ability to file grievances for a specific period of time not to exceed 90 days.

### Incarcerated person (I/M) Responsibility in Grievance Procedure

I/M will attempt an informal resolution by submitting their complaint on an I/M Request Form that will describe the issue and the I/M's proposed resolution.



Upon receipt, staff will attempt to resolve the issue – If Resolved, Process is completed

Unresolved Issue – I/M may request Formal Grievance form – Form will be issued within 24 hours (excluding weekends and holidays).



Upon I/M's receipt of Grievance form, I/M will complete form by thoroughly describing complaint /incident and will provide a proposed resolution. I/M will submit completed form to floor staff within five (5) calendar days of the form issuance date (See Exceptions in Jail Information Handbook to ensure proper completion).



Upon receipt of completed form, Line staff will attempt to resolve grievance issue.



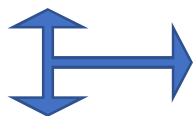
If Line staff resolves the issue, the I/M will sign off complaint as Resolved – Process is completed.

If unresolved, within seven (7) calendar days from the date the form was received by staff, the Watch Commander will attempt to resolve the issue by conducting the First Step hearing and will provide the I/M a written response.



At the First Step hearing, if I/M signs off complaint as Resolved - Process is completed.

If unresolved – Complaint is automatically forwarded to 1<sup>st</sup> Level of Appeal (appropriate Lieutenant). The Lieutenant will provide a written response to the I/M within seven (7) business days from the date of the First Step hearing.



If Lt's response resolves issue – I/M will sign off the complaint as Resolved – Process is completed.

If unresolved – Complaint is automatically forwarded to 2<sup>nd</sup> Level of Appeal (Captain). The Captain will provide a written response to the I/M within seven (7) business days from the hearing date of the 1<sup>st</sup> Level of Appeal (hearing date of Lt's response)



Upon receipt of the Captain's response, the I/M will either mark Resolved or Unresolved, either selection will exhaust the grievance process.

Once the grievance process is exhausted, the I/M may seek additional relief through the court.

## SECTION III

## RULES OF CONDUCT

1. The following rules are categorized as one (1) of three (3) types of violations which enables the jail staff to make allowances for varying degrees of severity. Violations of some rules are also violations of criminal law, and a criminal complaint may be filed against you with the District Attorney.
2. Disciplinary penalties will be directly related to the severity of the violation. Cruel or unusual punishment is expressly prohibited.
3. The disciplinary process is an administrative, not a judicial process. Rule violations may be handled as a disciplinary matter and, also, referred to the District Attorney for criminal prosecution.
4. The Disciplinary Officer is the Administrative Sergeant. The Disciplinary Officer will not participate in the disciplinary process if involved in the charges.
5. **RULE Categories Penalties:**

### **A. Major Violation Penalties**

- a) Removal from incarcerated person worker status. \*
- b) Work contract for up to 40-hours. \*
- c) Loss of good time (earned and future). \*
- d) Loss of one or more privileges for 30 days, including tablet access.
- e) Loss of Incarcerated person Tablet Program access, remainder of current incarceration.

*Note: Loss of commissary privileges does not include hygiene or stationery items.*

- f) Disciplinary isolation for up to 10 days. \*

*The incarcerated person is entitled to request an appeal through the disciplinary appeal process. (\*Incarcerated person signature required on DAR form)*

### **B. Serious Violation Penalties**

- a) Removal from incarcerated person worker status. \*
- b) Loss of one day's work time for each work refusal and loss of future work time credits, (earned work time credits cannot be taken).
- c) Loss of up to 7 days good time. \*
- d) Extra work detail up to twenty 20 hours.
- e) Loss of one or more privileges for up to 15 days, includes tablet privileges.

*Note: Loss of commissary privileges does not include hygiene or stationery items.*

- f) Disciplinary isolation for up to 5 days. \*

*The incarcerated person is entitled to request an appeal hearing through the disciplinary hearing process. (\*Incarcerated person signature required on DAR form)*

### **C. Minor Violation Penalties**

- a) Verbal counseling, warning, or reprimand.
- b) Loss of one outside recreation period.
- c) Pod room/dormitory restriction for up to 23 hours except for legal visits/calls.
- d) Work contract for up to 10 hours.
- e) Loss of one or more privileges for 7 days.

*Note: Loss of commissary privileges does not include hygiene or stationery items.*

- f) 6. Re-housing for 24 hours.

### **D. Electronic Tablet Related Offense Penalties**

- a) Extra work detail
- b) Loss of Tablet privileges for 14 days
- c) Loss of tablet privileges from 30 days
- d) Loss of Good Time/Work Time 1-30 days
- e) Repayment of the repair or replacement cost for damages to vendor property
- f) Indefinite loss of all tablet privileges

The following rules are in effect to maintain the safety and security of the incarcerated persons, the staff, and the jail facility, and will apply to all incarcerated persons while in the custody of the Butte County Sheriff, whether housed in one of the facilities, assigned to one of the alternatives to incarceration programs, or during transport to or from the facility. The Rules of Conduct are a form of administrative law and will be enforced under those guidelines. Violations of some rules are also violations of criminal law, and a criminal complaint may be filed against you with the District Attorney. Some violation may appear in more than one of the Major, Serious, or Minor sections. This enables the jail staff to make allowances for varying degrees of severity.

### **Major Violations:**

#### **Major Section 10. Violence and Weapons:**

- 10.1. Murder or attempted murder.
- 10.2. Assault and/or battery (staff or incarcerated person).
- 10.3. Assault with intent to commit a sex act.
- 10.4. Rape and/or sodomy.
- 10.5. Possession of explosives, ammunitions, or flammable substances.
- 10.6. Extortion, blackmail for protection.
- 10.7. Arson, attempted arson, or possession of any implement capable of igniting a fire.
- 10.8. Possession of any implement that can be used as a weapon, including, but not limited to: a gun, firearm, knife, a garrote, and any unauthorized sharpened instrument.

#### **Major Section 11. Escape:**

- 11.1. Escape, attempted escape, or planned escape.
- 11.2. Possession of escape paraphernalia.
- 11.3. Wearing a disguise or mask, unless directed for control of a communicable disease.
- 11.4. Being in possession of another incarcerated person's jail identification.
- 11.5. Flagrant/willful failure to wear, alter, tamper, or damaging jail incarcerated person identification.

**Major Section 12. Facility Security and Disruption:**

- 12.1. Participation in riots, work strikes, or mutinous disturbance.
- 12.2. Incite a riot. Conveying any inflammatory or mutinous communication by voice, writing, sign, symbol, or gesture.
- 12.3. Tampering with doors, locking devices, security systems, fire suppression system, fire prevention equipment, communications systems, or the electrical system of the facility.
- 12.4. Flagrant failure to follow safety or sanitation regulations.
- 12.5. Destruction of facility/county property with a value of \$400.00 or greater.
- 12.6. Anyone not in their assigned cell during lockdown times.
- 12.7. Three (3) serious violation offenses within a thirty-day period
- 12.8. The willful destruction and/or removal of a mattress protective/sanitation covering.

**Major Section 13. Contraband, Medications, and Drugs:**

- 13.1. Possession of drugs or drug paraphernalia, not authorized by the medical staff.
- 13.2. Traffic or sales of drugs or narcotics.
- 13.3. Possession and/or consumption of jail manufactured alcohol.

**Major Section 14. Theft:**

- 14.1. Theft of property.
- 14.2. Possession of stolen property.

**Major Section 15. General Behavioral - Miscellaneous Rules**

- 15.1. Bribery or attempted bribery of an employee.
- 15.2. Felonious violation of a condition of work release or work/school furlough.
- 15.3. Counterfeiting of documents, money, or official papers.

**Major Section 16. Local, State and Federal Laws:**

- 16.1. Commit, conspire, aid, abet, assist, or counsel another incarcerated person to violate a rule of the facilities, a California state law, or a federal criminal statute.
- 16.2. Manipulate or attempt to manipulate an employee with the intent to cause harm to another incarcerated person or employee.

**Major Section 17. Incarcerated person Tablet Program**

- 17.1 Destroying or vandalizing vendor property to include, but not limited to, tablets, tablet's secure casing, charging station, power sources, Wi-Fi units, etc.
- 17.2 Incarcerated person or visitor displays of nudity/indecent exposure or engaging in sexual conduct or gestures. Both incarcerated person and visitor shall be completely clothed during a video visit.  
**Nudity defined:** Showing one's nude (*unclothed*) sexual organs, buttock and/or chest/breasts.
- 17.3 Attempting to directly or via third-party contact any victim, complainant, witness, or any individual court ordered as protected, or prevented from contact.
  - Any violation of a court order by an incarcerated person will result in additional criminal charges.
  - Any threats or attempts to dissuade a victim or witness will result in additional criminal charges.
  - Any violation of this subsection may result in the permanent revocation of the incarcerated person's access to a tablet during their current, incarceration.
- 17.4 Tablet related theft, extortion, loaning for profit, the charging of fees, bartering for tablet use and/or its services is prohibited.



## **Serious Violations:**

### **Serious Section 20. Violence and Weapons:**

- 20.1. Fighting.
- 20.2. Aiding, abetting, or conspiring with others in the commission of violence.
- 20.3. Threat to another person and/or the relatives of another person.
- 20.4. Possession of dismantled disposable razor or electric razor-head.

### **Serious Section 21. Lewd and Obscene Behavior:**

- 21.1. Engagement in sexual acts not involving threat or force.
- 21.2. Indecent exposure.
- 21.3. Possession, manufacture, or posting of any obscene materials.

### **Serious Section 22. Facility Security and Disruption:**

- 22.1. Failure to comply with a Classification Unit order to move to another classification and/or housing location.
- 22.2. Incarcerated person identification damaged, lost, altered, or tampered with. Incarcerated persons must wear their jail identification on their wrist at all times (No Exceptions).
- 22.3. Failure to cooperate with a facility count. Including refusal to line-up, stand beside one's bunk, or stand at one's cell door as directed by staff.
- 22.4. Tampering with doors, locks, security systems, fire suppression system, fire prevention equipment, communications systems, or the electrical system of the facility.
- 22.5. Being in an unauthorized security area.
- 22.6. Failure to remain on one's bunk, or in one's cell, when ordered to do so.
- 22.7. Incarcerated persons of the opposite sex will not enter the others area unless directed to do so for a work assignment.
- 22.8. Incarcerated persons are forbidden to open exterior doors of the facility unless a fire alarm sounds or when directed to do so by a staff member.
- 22.9. Incarcerated persons housed in a housing unit or in any area of the facility will not communicate with another incarcerated person of a different housing unit, verbally, in writing, or by gestures/symbols, directly or through doors, windows, walls, etc. (exception: USPS).
- 22.10. Incarcerated persons will face the wall with their hands behind their back when out of the housing unit until given direction by staff.
- 22.11. Incarcerated persons will walk the hallways in a straight line without talking and with their hands behind their back when directed by staff.
- 22.12. Incarcerated persons will not manipulate staff, attempting to cause or causing any disruption of the facility.
- 22.13. Disruptive conduct and/or horseplay.
- 22.14. Loaning of property to others for profit.
- 22.15. Incarcerated persons in Administrative Separation will not pass items from cell to cell.
- 22.16. Non-emergency use of the intercom.
- 22.17. Non-emergency crossing of the yellow line.
- 22.18. Incarcerated persons will not have personal items on their person while outside of their housing unit unless directed to do so by jail staff. Exceptions: (1) eye glasses; (2) authorized mobility aids such as canes and walkers; or (3) legal papers necessary for attorney visits, research in the law library, or court appearances. Possession of personal items is not permitted during outside yard/exercise periods.

**Serious Section 23. Contraband and Drugs:**

- 23.1. Possession of contraband.  
*Contraband defined: Contraband includes any item that: (1) was not issued or delivered to the incarcerated person by jail staff; (2) was issued by jail staff but has been changed or modified in any way from its originally intended purpose; (3) was not purchased by the incarcerated person through the incarcerated person commissary program; and (4) the incarcerated person does not have a legal right to possess.*
- 23.2. Possession of unauthorized county property.
- 23.3. Possession of unauthorized money.
- 23.4. Possession of unauthorized negotiable (i.e., credit cards, checks).
- 23.5. Use/possession of tobacco products.
- 23.6. Possession of stockpiled ingredients used to manufacture jail made alcoholic beverage.
- 23.7. Intoxication or consumption of intoxicants.
- 23.8. Possession of gang paraphernalia.

**Serious Section 24. Theft:**

- 24.1. Theft of county/jail property.
- 24.2. Theft of another incarcerated person's property.
- 24.3. Altering, destroying, defacing, damaging, or tampering with the property of another incarcerated person.
- 24.4. Breaking into another incarcerated person's room, storage bin or locker.
- 24.5. Theft, or attempted theft, of food items during meal distribution.

**Serious Section 25. Facility and County Property:**

- 25.1. Willful destruction of county property.
- 25.2. Altering, destroying, defacing, damaging, or tampering with the property or equipment of the facility, or staff.

**Serious Section 26. Medications and Medical Unit:**

- 26.1. Misuse of authorized medication, including failure to consume any medication in the manner, or at the time, directed by the Medical Unit staff.
- 26.2. Possession of any medication prescribed to another person.
- 26.3. Misuse any medication possessed through the self-administered medication program.
- 26.4. Alteration or misuse of a Medical Treatment Order (aka: "Crono").
- 26.5. Filing a fraudulent sick slip in the name of another incarcerated person.
- 26.6. Pretend or fake illness.

**Serious Section 27. Disciplinary Procedures:**

- 27.1. Failure to comply with disciplinary procedures.
- 27.2. Presentation of false evidence.

**Serious Section 28. Outside Work and Alternative Custody Programs:**

- 28.1. Violation of any condition of SWAP, ACS, Sheriff's Parole, work release, or work/school furlough.
- 28.2. Any negative law enforcement contact while on SWAP, ACS, Sheriff's Parole, work release, or work/school furlough.
- 28.3. Unauthorized absence from work assignment or work/school furlough location, not related to an escape attempt.

- 28.4. Incarcerated persons assigned to outside work details, such as kitchen crew, road crew, or laundry crew, will not solicit money, tobacco products, or other items from anyone, either in the facility or outside on work details.

**Serious Section 29. Gang Related Activity:**

- 29.1. Recruiting or forcing any person to participate in any gang related activities.  
29.2. Incarcerated persons will not perform synchronized calisthenics or exercise in groups larger than three persons.  
29.3. No incarcerated person shall “stand guard” for any other incarcerated person.  
29.4. Placing gang symbols or graffiti on any county property.

**Serious Section 30. General Behavioral – Miscellaneous Rules:**

- 30.1. Disobeying any written or verbal order from staff.  
30.2. Incarcerated persons will not curse, swear at, make obscene gestures toward, or use any derogatory language to jail staff or private citizens.  
30.3. Refusal to work.  
30.4. Refusal to maintain a clean and hygienic living area.  
30.5. Spitting on the floors and walls of the buildings, or on the sidewalks.  
30.6. Posting items to walls, lights, fixtures, intercom speakers, or windows.  
30.7. Incarcerated persons will not lie or falsely represent the truth to staff or private citizen.  
30.8. Misuse of incarcerated person Pro Per materials.  
30.9. Violation of visiting policies.  
30.10. Violation of commissary policies, to include ordering items on behalf of another incarcerated person.  
30.11. Incarcerated persons will not move, or switch from their assigned seats during public visiting periods.  
30.12. Violation of mail regulations.  
30.13. Violation of telephone regulations.  
30.14. Tattooing and/or possession of tattooing paraphernalia.  
30.15. Attempt to commit any rule violation or assist others to commit any rule violation.  
30.16. Three minor violation offenses within a thirty-day period.  
30.17. Incarcerated persons will neatly store their property and clothing in their assigned storage drawer/compartments or on their wall hook. Property will not be stored on bunks or in common areas.  
30.18. Failure to properly make one’s bed prior to 9:00 AM, including on weekends and holidays. Beds will remain made until 8:00 PM. *“Made bed” defined: Beds will be made by tucking the loose ends and sides of the sheets and blankets under the mattress. No bedding, or clothing, will be hanging off the sides or ends of the bunks. Incarcerated persons will not cover any part of their body with bedding during time when beds are to be made*  
30.19. Incarcerated person will only use their own personal identification number (PIN) for telephone /video visitation privileges.  
30.20. No incarcerated person will gamble while incarcerated.

**Serious Section 31. Incarcerated Person Tablet Program**

- 31.1 Possession of more than two (2) sets of earbuds.  
31.2 Removing a tablet from the housing unit (unauthorized).

- 31.3 Shouting, singing loudly, talking above a normal conversation level, or using profanity or threats while on the tablet.
- 31.4 Tampering with, vandalizing, or damaging the tablet or any component of the tablet (e.g. case, charger, earbuds, etc.).
- 31.5 Slamming tablets down on a surface, items, etc.
- 31.6 Allowing another incarcerated person to join your video visit.
- 31.7 Incarcerated person(s) will only participate in authorized video visitation privileges.
- 31.8 Incarcerated person(s) will not participate in another incarcerated person's video visit.
- 31.9 Using/theft of another incarcerated person's personal identification number (PIN).
- 31.10 Using inappropriate gestures, signs, or displays of an offensive nature, or using gang signs or symbols while on the tablet.
- 31.11 Engaging in prohibited secure messaging, to include but not limited to, physical harm, blackmail, extortion, or other criminal activity.
- 31.12 Monopolizing a tablet for consecutive days (*two or more*).
- 31.13 Tablets will not be taken to or kept in cell during scheduled or unscheduled lockdown periods.

### **Minor Violations:**

#### **Minor Section 50. Cleaning and Hygiene:**

- 50.1. Failure to keep one's person or room clean.
- 50.2. Incarcerated persons will neatly store their property and clothing in their assigned storage drawer/compartments or on their wall hook. Property will not be stored on bunks or uncommon areas,
- 50.3. Failure to properly make a bed prior to 9:00 AM on weekdays and 9:00 AM on weekends and holidays. Beds will remain made until 8:00 PM. *“Made bed” defined: Beds will be made by tucking the loose ends and sides of the sheets and blankets under the mattress. No bedding, or clothing, will be hanging off the sides or ends of the bunks. Incarcerated persons will not cover any part of their body with bedding during time when beds are to be made.*
- 50.4. Failure to participate in housing area cleaning.
- 50.5. Littering.

#### **Minor Section 51. Contraband:**

- 51.1. Possession of contraband
- 51.2. Conversion or altering of any personal or county property so that it becomes contraband.

#### **Minor Section 52. Clothing:**

- 52.1. Possession of excess issue clothing or bedding.
- 52.2. Possession of unauthorized clothing, jewelry or eyewear.
- 52.3. Failure to be properly dressed while in the dayroom/common areas.
- 52.4. Failure to be fully dressed when out of cell or dormitory.
- 52.5. Unauthorized wearing of head covering/headbands.

#### **Minor Section 53. General Behavioral - Miscellaneous Rules:**

- 53.1. Insubordination/disrespect.
- 53.2. Using obscene or abusive language or gestures.
- 53.3. Carrying unauthorized items out of the housing unit
- 53.4. Unauthorized use of telephone.

- 53.5. Keeping non-commissary food items in cell or dormitory: Sack breakfasts may be kept in the cell or dormitory until 11:00 AM and box dinners may be kept until the following morning at 05:00 AM. All fresh fruit will be consumed within one hour of the food service from which it was provided, or be subject to confiscation. (incarcerated person/officer safety issue due to jail manufactured alcohol).
- 53.6. Abuse of library privileges (i.e., book defacement, destruction, and failure to return library materials).
- 53.7. Incarcerated persons will not sit or stand on tables.
- 53.8. Incarcerated persons will not lie, sleep, climb, or place their feet upon, or use furniture for purpose other than for which they were intended.
- 53.9. Incarcerated persons will not talk to anyone outside their housing area unless directed to by the staff.
- 53.10. Being in an unauthorized cell, or dormitory, or bunk.
- 53.11. Defacing or vandalizing county or vendor property.

## SECTION IV

## DISCIPLINARY PROCEDURES

**POLICY:** The Butte County Jail has established standards of incarcerated person behavior (rules) which will provide for the safe, orderly, and efficient operation of the facility and, at the same time, protect staff and incarcerated persons. Rules and disciplinary penalties will be clear, consistent and uniformly applied.

**AUTHORITY:** California Penal Code §6030; California Code of Regulations, Title 15, Division 1, Chapter 1, §§1080-84.

**ACTION:** Effective immediately, the following actions and procedures shall be implemented:

1. GENERAL INFORMATION:

- A. The rules are published in the Jail Information Handbook and are categorized as one of three types of violations:
  - 1) Major
  - 2) Serious
  - 3) Minor
- B. The disciplinary process is an administrative, not a judicial process. Rule violations may be handled as a disciplinary matter and, also, referred to the Butte County District Attorney for criminal prosecution.
- C. The disciplinary officer is the facility's administrative sergeant. The disciplinary officer will not participate in the disciplinary process if involved in the charges.

2. PROCEDURES:

- A. The Watch Commander will immediately be advised when a violation of a rule which affects the safety, security, efficiency, or operation of the facility has occurred. Correctional staff will take appropriate security and safety measures to contain the situation. The immediate re-housing of an incarcerated person is permitted by the Watch Commander when the rule violation involves:
  - 1) Assaultive conduct;
  - 2) The incarcerated person poses an immediate threat to the safety or security of others;
  - 3) The incarcerated person poses an escape risk;
  - 4) The incarcerated person requests or requires protective custody; and
  - 5) The incarcerated person poses a danger to self.
- B. Minor Rule Violations: Minor rule violations may be handled in one of two manners:
  - 1) **Informal:** Counseling and/or advising the incarcerated person of expected conduct or a verbal warning.
    - a. **Formal:** Correctional deputies who observe or discover minor rule violations may counsel the offending incarcerated person(s) and/or assign a minor form of disciplinary punishment. If a punishment is assigned: The offense and the punishment shall be documented on an Incident Report, which will be forwarded to the Watch Commander. The incarcerated person may:

- i. Accept the penalty.
- ii. Refuse the penalty and request an appeal to a supervisor by filling out an Incarcerated person Discipline Appeal Form. The correctional deputy shall deliver the appeal to a supervisor. The supervisor may, after reviewing the Incident Report and the Discipline Appeals Form:

- 1) Sustain the punishment,
- 2) Reduce the punishment, or
- 3) Commute the punishment.

b. The supervisor who heard the appeal will forward the Incident Report and/or the Appeal Form to the disciplinary officer.

- 2) Penalties for minor rule violations may include one or more of the following:
  - a. Extra work detail or up to ten hours; or
  - b. Removal from a work detail without loss of work-time credit;
  - c. Loss of privileges such as television or telephone for not more than seven days;
  - d. Lock-down or rack-confinement for less than 24 hours; and
  - e. Loss of commissary for no more than one week.
- 3) Penalties for minor rule violations may not include the loss of visitations or any other privilege mandated by regulation.

C. Serious Rule Violations: Serious rule violations will be handled formally.

- 1) Correctional staff will document the rule violation on an Incident Report and forward it to the Watch Commander
- 2) The Watch Commander will give a copy of the Incident Report to the incarcerated person and inform the incarcerated person of the following:
  - a. The nature of the charge(s), and
  - b. The right to be present at a hearing. The incarcerated person may waive their right to be present.
- 3) The incarcerated person may present documentary evidence and/or request the appearance of a witness who has relevant and not unduly cumulative information except when:
  - a. The presence of the witness may severely jeopardize the life or safety of persons, or the security and/or the order of the facility.
- 4) The hearing will be conducted no sooner than twenty-four (24) hours, nor later than seventy-two (72) hours, after the incarcerated person receives their copy of the Incident Report unless the incarcerated person waives the time limitation.
- 5) The following procedures will be adhered to during a hearing:
  - a. The hearing officer will be a Correctional Sergeant, or a Correctional Deputy designated by the Jail Commander, who was not directly

- involved in the situation described in the Incident Report.
- b. The incarcerated person will be read the charge(s) and asked if the violation is admitted or denied. If the incarcerated person admits the violation, the hearing officer will note the findings on the Disciplinary Action Report, along with any statements made by the incarcerated person, and forward the Disciplinary Action Report to the disciplinary officer.
  - c. If the incarcerated person denies the violation, the hearing officer will:
    - i. Consider all of the evidence and call witnesses. Since the hearing is an administrative and not an adversary proceeding, the incarcerated person does not have the right to question witnesses nor are Formal Rules of Evidence used;
    - ii. Allow the incarcerated person to present witnesses, submit documentary evidence, and/or make a short statement; and
    - iii. Make a finding of “responsible” or “not responsible” based upon the evidence, and notify the incarcerated person of the finding.
  - d. The hearing officer will forward the Incident Report and the Disciplinary Action Report to the disciplinary officer. On findings of "responsible", the disciplinary officer will review the incarcerated person's file, and utilizing progressive discipline, impose the appropriate penalty. The disciplinary officer will take into consideration the incarcerated person's conduct and work record along with any extenuating circumstances surrounding the violation.
  - e. The administrative sergeant will inform the incarcerated person of the recommended disposition and/or penalty for each serious violation that can be appealed. The incarcerated person may:
    - i. Accept the penalty and sign the Disciplinary Action Report; (In such cases the penalty may be imposed immediately.) or,
    - ii. Within twenty-four (24) hours request and submit an appeal to the administrative lieutenant utilizing the Disciplinary Appeals Form.
  - f. If the incarcerated person appeals the penalty assigned by the disciplinary officer, the Administrative Lieutenant will review the details of the original incident and the subsequent investigation. The Lieutenant will communicate to the incarcerated person whether the disciplinary penalty is affirmed, dismissed, or reduced.
  - g. The incarcerated person may:
    - i. Accept the penalty and, if necessary, sign the Disciplinary Action Report; (In such cases the penalty may be imposed immediately.) or,
    - ii. Within twenty-four (24) hours request an appeal to the Jail Commander utilizing the Disciplinary Appeals Form.
  - h. Upon receiving an appeal, the Jail Commander will review the Incident Report and Disciplinary Action Report to ensure the incarcerated person received due process. New and relevant evidence may be considered. The Jail Commander may then:



- i. Deny the appeal and approve the penalty;
- ii. Modify the sanctions;
- iii. Uphold the appeal and dismiss the penalty; or,
- iv. Request further investigation.
- v. The penalty may be imposed immediately.
- vi. After the appeal process, the Jail Commander will forward the Incident Report, Disciplinary Action Report and Grievance Discipline Appeals Form to the disciplinary officer for distribution and imposition of any penalties.

- D. Major Rule Violations: Major rule violations are generally criminal in nature. In addition to handling the incident as a serious violation, the correctional staff may:
- 1) Document the violation on a crime report, and forward the report to the jail Operations Lieutenant; or,
  - 2) Sheriff's Office Investigations Unit for review and possible follow-up investigation.
  - 3) Upon completion of the review; the case may be submitted to the Butte County District Attorney with a request for prosecution.

3. Emergencies. When the occurrence of an event necessitates immediate action to protect the safety of persons or the security of the facility, disciplinary actions, including hearings and impositions of discipline may be postponed. Such emergency will be declared in writing stating the factual basis for the suspension of these provisions. An emergency situation will be subject to review by the Jail Commander every twenty-four (24) hours.

4. Limitations on Discipline:

- A. Disciplinary penalties will be directly related to the severity of the violation. Cruel or unusual punishment is expressly prohibited. Acceptable forms of penalties and limitations of penalties are published in the Jail Information Handbook.
- B. If an incarcerated person is on disciplinary isolation status for thirty (30) consecutive days there shall be a review by the Jail Commander before the disciplinary isolation status is continued. This review shall include a consultation with health care staff. Such reviews shall continue at least every fifteen days thereafter until the disciplinary status has ended.
- C. Disciplinary isolation cells will have the minimum furnishing and space as specified in Title 24. Occupants will be provided clothing and bedding. The decision to deprive an incarcerated person of clothing or bedding items will be based on the incarcerated person's destruction of such items and will be reviewed every twenty-four (24) hours by the Jail Commander.
- D. No incarcerated persons will exercise the right of punishment over other incarcerated persons.
- E. In no case will a single cell, holding cell, sobering cell, or restraint equipment be used for disciplinary purposes.
- F. No incarcerated persons will be deprived of hygiene materials.
- G. Food will not be withheld as a disciplinary measure.
- H. Correspondence privileges will not be withheld except in cases where the incarcerated person has violated correspondence regulations, in which case the privilege can be suspended for no longer than seventy-two (72) hours, without a review and approval of the Jail Commander

- I. A supervisor involved in the incident resulting in proposed discipline is prohibited from participating in the administrative process to determine guilt or punishment.
- J. In no case shall access to the courts and legal counsel be suspended as a disciplinary measure.

**BUTTE COUNTY JAIL  
DISCIPLINE APPEAL FORM**

Appeal of INCIDENT REPORT/DISCIPLINARY ACTION REPORT: DATED \_\_\_\_\_ EVENT# \_\_\_\_\_

PLEASE PRINT: Incarcerated person's Last Name \_\_\_\_\_ Incarcerated Person's First Name \_\_\_\_\_  
 IID# \_\_\_\_\_ HOUSING LOCATION \_\_\_\_\_ DATE \_\_\_\_\_

**D** Minor Violation

**D** Serious Violation

**D** Major Violation

Explain why you want to appeal this disciplinary action:

Disciplinary penalties assigned for minor rules violations may be appealed to a single review level only. Appeals of minor penalties shall be contemporaneous with the imposition of penalties.

Disciplinary penalties assigned for serious or major rules violations may be appealed within 24 hours through a first and, if necessary, a second review level.

<b>FIRST LEVEL REVIEW:</b>		<input type="checkbox"/> Penalty affirmed	<b>D</b> Penalty modified	<b>D</b> Penalty commuted
Reviewer's Comments _____				
Reviewer's Signature and Title _____			Date and Time _____	
Incarcerated person <b>D</b> accepts or <b>D</b> rejects the decision of the reviewer.				
Incarcerated person's Signature _____			Date and Time _____	
Reviewer's Comments _____				
Reviewer's Signature and Title _____			Date and Time _____	
Incarcerated person's Signature _____			Date and Time _____	

WHITE - File Copy YELLOW - Incarcerated person's 1<sup>st</sup> receipt PINK- Incarcerated person's 2<sup>nd</sup> receipt

JS-5 / 03-2013

## SECTION V CALIFORNIA DEPARTMENT OF CORRECTIONS & REHABILITATION

**REFERENCE:** *California Department of Corrections & Rehabilitation, Department Operations Manual, §54030.*

The below is a listing of items that the Department of Corrections will allow to be accepted when you are transported to their facilities. You are responsible for having a family or friend pickup your personal property prior to being transported. You will be given one week from the time that you are sentenced to state prison to have someone pick-up your personal property. Your personal property will not be stored at the Butte County Jail. Your personal property left behind, and not picked up, will be disposed of 120 days after you depart to the Department of Corrections Reception Center.

Reception Center incarcerated persons are authorized to possess the following items:

- A) 1 Shower Thongs/Slippers
- B) 1 Palm Brush
- C) 1 Tumbler
- D) 1 Comb
- E) 1 Toothbrush
- F) 1 Religious Medal & Chain
- G) 1 Wedding Ring
- H) 1 Address Book – No hard covers, not to exceed 3x5 inches
- I) 1 Ballpoint Pen – Shall be non-metal and factory sealed
- J) 10 Envelopes, Blank

*Note: CDCR Reception will permit loose stamps and envelopes with pre-printed postage. They cannot permit envelopes with stamps affixed.*

- K) 15 Sheets Stationary
- L) 1 Legal Pad/Tablet
- M) 15 Photos/Portraits – Shall not exceed eight inches by ten inches. Polaroid photos with attached backs are not allowed.
- N) Legal materials regarding an incarcerated person's active cases will be authorized.
- O) Health Care Appliances
- P) Prescription Medication and Glasses
- Q) Hairpieces are not allowed.

## **SECTION VI            FREE ACCESS TELEPHONE NUMBERS**

### BUTTE COUNTY PUBLIC DEFENDERS

Nicole Diamond	924-6412
Myra Bailey	877-3855
Kristen Cobery	345-5160
Michael Fahey	345-9792
Braddon Hatch	879-9182
Saul Henson	342-1978
E. Ryan Lamb	342-1476
Robert Marshall	342-4900
Eric Ortner	891-6128
Dale Rassmussen	343-4168
Ronald Reed	342-9321
Kevin Sears	345-0885
Steven Trenholme	877-9057
Brandon Williams	592-4305
Brenden Blake	717-7347
Christopher Carlos	777-6079
Stephana Femino	893-0676
Tahj Gomes	387-5150
Denver Latimer	345-1396
James Petelin	898-1111
Jennifer Becks	891-3614
Tamara Solano	894-4045
Christine Price	514-1545

PUBLIC DEFENDERS' PRIVATE INVESTIGATORS:

Gerald Bryson	532-1221
Evie Joseph	533-3911
Pat Maloney	895-3846
Larry Ott	282-4055
William Black	534-5498
Steve Hirsch	715-0044
Bruce Wristen	990-1349

<b><u>Butte County Superior Court</u></b> (Calendar Clerk)	532-7011
<b><u>Child Protective Services</u></b> (Welfare Dept.)	538-7617
<b><u>Federal Public Defenders' Office</u></b>	(916) 498-5700
<b><u>Parole</u></b> (California Department of Rehabilitation and Corrections)	895-4534
<b><u>Parole, Juvenile</u></b> (CDCR Juvenile Division)	(916) 445-5993
<b><u>Probation</u></b> (Adult)	538-7661
<b><u>Veterans Justice Outreach</u></b>	1-855-771-9321

**REPRESENTATIVE FOR THE CONSENT DECREE:**

INCARCERATED PERSON ADVOCATE & PLANTIFFS' COUNSEL:

Sally Anderson - Attorney at Law	343-7967
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Please file a sick slip for medical treatment explaining your medical needs or an incarcerated person request form for all other issues before you contact the incarcerated person advocate. The incarcerated person advocate cannot assist you until you have filed the sick slip, incarcerated person request form or a grievance.

## **SECTION VII COURT HOLDING FACILITY**

### **GENERAL INFORMATION:**

The subject areas contained in this section are intended to be read and used by incarcerated persons being held in custody, by the Butte County Sheriff, to keep them informed of the rules and procedures that must be adhered to while being held in the following courthouses.

1. Butte County Courthouse Main Facility
2. North Butte County Chico Courthouse Facility in Chico

### **BUTTE COUNTY COURTHOUSE MAIN FACILITY:**

The Jail Transportation Unit brings incarcerated persons, housed in the jail, to the courthouse. Incarcerated persons are placed into holding cells with incarcerated persons of a compatible classification at the courthouse. Inside the holding cells are benches for seating, intercom buttons for emergencies, adequate lighting, a fountain, toilet, toilet paper, and soap. Deputies are specifically assigned to monitor and assist incarcerated persons while they are being held in the holding cells.

**LEGAL PROCEDURES:** Efforts are made to ensure each incarcerated person held in-custody receives all that they are legally entitled to. Incarcerated person's legal concerns should be brought immediately to the deputy in charge of the holding cell. Some legal matters that pertain to incarcerated persons at the courthouse include but are not limited to the following:

1. Legal Materials. Incarcerated persons are afforded the opportunity to bring necessary legal papers to the courthouse with them. Legal materials shall be subject to search, but not read, by the court deputies or correctional deputies for contraband prior to being brought into the courthouse. This will be done in the presence of the incarcerated person. No ink pens or pencils will remain with the incarcerated person inside the holding cells. Those items will only be issued by request of the incarcerated person or his/her attorney to complete necessary court or legal documents.
2. Attorney Visits. Incarcerated persons in custody have a right to visit with their attorney during each stage of the legal process. The Butte County Courthouse Main Facility contains an attorney-client visiting room. Incarcerated persons may visit with their attorneys in the interview rooms by request of their attorney. The deputy in charge of the holding cell area will attempt to accommodate both the attorney and the incarcerated person by placing them inside one of the rooms. Visiting should be done in the jail, before being transported to the courthouse, to the fullest extent possible.
3. Arraignments. Incarcerated persons brought to the courthouse after being arrested on either new charges or an arrest warrant will be provided with a Statement of Rights form. This form contains a list of the incarcerated person's rights pertaining to the charges on which they were arrested. It will be requested that the incarcerated person read the Statement of Rights form and then sign it if he/she understands their rights. The form will then be returned to the deputy in charge of the holding cell area to be forwarded to the courtfile. Incarcerated persons who are unable to speak English or who are unable to read will be provided with an interpreter assigned by the

court to read the Statement of Rights form to them. The interpreter will also assist the incarcerated person with any translation needed during the court arraignment.

4. Court Documents. Incarcerated persons will be required to sign a written promise to appear and provide their home address and telephone number when the incarcerated person is ordered to be released by the Court on his/her own recognizance. The incarcerated person will be required to sign an Agreement of Terms form and provide their address and telephone number to the Court whenever the incarcerated person is ordered to be released on either formal or informal probation. The forms are returned to the Court to be placed into the appropriate file after being signed.
5. Jury Trials. Incarcerated persons who are defendants in jury trials are entitled to wear civilian clothing during the entire trial. Incarcerated persons should keep in contact with their attorney to ensure arrangements have been made for this clothing. Incarcerated persons may bring their lunch to the courthouse whenever the incarcerated person is a defendant in a jury trial. The incarcerated person shall be responsible to dispose of garbage in the proper containers provided. No food other than that which was issued on the same day will be allowed inside the courthouse. Incarcerated persons will be transported to the jail, at lunch time, or will be provided a lunch as a general rule.
6. Lunches for jury trial incarcerated persons, one (1) religious book for jury trial incarcerated persons, jail wristbands, and authorized legal materials are the only items allowed to be brought from the Jail and into the courthouse.

**MEDICAL PROCEDURES:** Incarcerated persons housed in the courthouses are afforded the same medical care as provided by the jail. An incarcerated person having a medical problem, affecting their ability to stay at the courthouse while awaiting their case, should immediately bring it to the attention of the jail transport deputy prior to being transported to the courthouse. Some medical matters that pertain to incarcerated persons while being held at the courthouse include but are not limited to the following:

1. Medical Emergencies. An incarcerated person should immediately inform the deputy in charge of his/her holding cell area if the incarcerated person is involved in a medical emergency that requires immediate attention. The affected incarcerated person or another incarcerated person should push the holding cell's intercom button to summon the control deputy. The incarcerated person should inform the deputy of the medical problem and assist the deputy by following his/her instructions. The deputy will give immediate assistance and medical response will be summoned. The incarcerated person will be transported to the Jail in medical non-emergencies.
2. Medical Prescriptions. Incarcerated persons taking prescription medications at certain intervals should contact the deputy and inform him/her when they are needed. The jail medical staff will then be contacted and, if needed, the incarcerated person will be transported to the jail to receive the medication. Incarcerated persons who are prescribed inhalers should notify the jail transport deputy in order for him/her to bring the inhaler to the courthouse if medically necessary.
3. Female Incarcerated persons. Pregnant incarcerated persons who are past the second trimester or at risk will not be required to wear waist restraints or leg restraints unless for security reasons.



4. Medical problems that arise at the courthouse due to the pregnancy should immediately be relayed to the deputy in charge of the holding cell area. Feminine napkins will be promptly provided, by the deputy in charge of the holding cell, upon receiving a request from the female incarcerated persons.
5. Other Hygiene. Incarcerated persons unable to use the toilet facilities due to being held in restraints should immediately notify the deputy in charge of the holding cell. The incarcerated person may push the intercom button to notify the control deputy if the deputy is not available. A deputy will then respond, in a timely fashion, to remove the restraints from the incarcerated person and allow him/her access to the toilet facilities. The deputy will replace the restraints and place the incarcerated person back into the holding cell when the incarcerated person is finished.
6. Special Needs. Incarcerated persons with special physical, mental, or medical needs will be informed that such needs should be brought to the attention of the jail transport deputy prior to the incarcerated person being transported to the courthouse. Incarcerated persons with special physical, mental, or medical needs may necessitate the incarcerated person not be transported in restraints (i.e., pregnant incarcerated person).

**FIRE EMERGENCIES:** The Butte County Courthouses are equipped with fire alarm panel that specify the location of a fire related activity within the courthouse. This information is relayed immediately to the control deputy so that he/she is able to immediately assess the reason for the alarm. Deputies will respond in the event of an actual fire within the courthouse. The incarcerated persons shall remain calm and follow the instructions of the deputies.

**FACILITY RULES:** Disciplinary violations in the courthouse are subject to the disciplinary process as applied to Jail violations and will be handled by the jail staff. Violations of the rules will not be tolerated and the deputies will write-up the incident as necessary. An incarcerated person inside a courtroom who attempts to communicate with an audience member will be considered as making an escape attempt and will be dealt with as such. An incarcerated person who removes his/her restraints without consent of a deputy will be deemed as making an immediate escape attempt and will be dealt with as such. An audience member who attempts to communicate with an incarcerated person may be taken immediately into custody and charged criminally. Incarcerated persons must remain away from the door and behind the plainly marked yellow lines while inside the holding cells. Incarcerated persons are not to use the intercoms inside the cells for anything other than emergencies or for notifying a deputy of a need to be removed from restraints in order to use the toilet facilities.

## SECTION VIII

## FAMILY PLANNING SERVICES

### **Pursuant to Section 4023.5 of the California Penal Code:**

Any person confined in any local detention facility shall, upon request, be allowed to continue to use materials necessary for (1) personal hygiene with regard to their menstrual cycle and reproductive system, including, but not limited to, sanitary pads and tampons, at no cost to the incarcerated person, and (2) birth control measures as prescribed by a physician, nurse practitioner, certified nurse midwife, or physician assistant.

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 services necessary to meet their family planning needs at the time of their release.

### **Pursuant to Section 4023.6 of the California Penal Code:**

Any incarcerated person in any local detention facility shall have the right to summon and receive the services of any physician and surgeon of her choice in order to determine whether she is pregnant. The superintendent of such facility may adopt reasonable rules and regulations with regard to the conduct of examinations to effectuate such determination.

If the prisoner is found to be pregnant, she is entitled to a determination of the extent of the medical services needed by her and to the receipt of such services from the physician and surgeon of her choice. Any expenses occasioned by the services of a physician and surgeon whose services are not provided by the facility shall be borne by the prisoner.

For the purposes of this section, "local detention facility" means any city, county, or regional facility used for the confinement of any female prisoner for more than 24 hours.

Any physician providing services pursuant to this section shall possess a current, valid, and unrevoked certificate to engage in the practice of medicine issued pursuant to Chapter 5 (commencing with Section 2000) of Division 2 of the Business and Professions Code.

The rights provided for prisoners by this section shall be posted in at least one conspicuous place to which all female prisoners have access.

### **Pursuant to Section 4023.8 of the California Penal Code:**

(a) A person incarcerated in a county jail who is identified as possibly pregnant or capable of becoming pregnant during an intake health examination or at any time during incarceration shall be offered a pregnancy test upon intake or by request, within seventy-two hours of arrival at the jail. Pregnancy tests shall be voluntary and not mandatory, and may only be administered by medical or nursing personnel. An incarcerated person who declines a pregnancy test shall be asked to sign an "Informed Refusal of Pregnancy Test" form that shall become part of their medical file.

(b) An incarcerated person with a positive pregnancy test result shall be offered comprehensive and unbiased options counseling that includes information about prenatal health care, adoption, and abortion.

This counseling shall be furnished by a licensed health care provider or counselor who has been provided with training in reproductive health care and shall be nondirective, unbiased, and noncoercive. Jail staff shall not urge, force, or otherwise influence a pregnant person's decision.

(c) A jail shall not confer authority or discretion to nonmedical jail staff to decide if a pregnant person is eligible for an abortion. If a pregnant person decides to have an abortion, that person shall be offered, but not forced to accept, all due medical care and accommodations until they are no longer pregnant. A pregnant person who decides to have an abortion shall be referred to a licensed professional specified in subdivision (b) of Section 2253 of Business and Professions Code.

(d) A person incarcerated in a county jail who is confirmed to be pregnant shall, within seven days of arriving at the jail, be scheduled for a pregnancy examination with a physician, nurse practitioner, certified nurse midwife, or physician assistant. The examination shall include all of the following:

(1) A determination of the gestational age of the pregnancy and the estimated due date.

(2) A plan of care, including referrals for specialty and other services to evaluate for the presence of chronic medical conditions or infectious diseases, and to use health and social status of the incarcerated person to improve quality of care, isolation practices, level of activities, and bed assignments, and to inform appropriate specialists in relationship to gestational age and social and clinical needs, and to guide use of personal protective equipment and additional counseling for prevention and control of infectious diseases, if needed.

(3) The ordering of prenatal labs and diagnostic studies, as needed based on gestational age or existing or newly diagnosed health conditions.

(e) Incarcerated pregnant persons shall be scheduled for prenatal care visits in accordance with medical standards outlined in the most current edition of Guidelines for Perinatal Care developed by the American Academy of Pediatrics (AAP) and the American College of Obstetricians and Gynecologists (ACOG) Committee on Obstetric Practice, unless more frequent visits are indicated by the physician, nurse practitioner, certified nurse midwife, or physician assistant.

(f) Incarcerated pregnant persons shall be provided access to both of the following:

(1) Prenatal vitamins, to be taken on a daily basis, in accordance with medical standards of care.

(2) Newborn care that includes access to appropriate assessment, diagnosis, care, and treatment for infectious diseases that may be transmitted from a birthing person to the birthing person's infant, such as HIV or syphilis.

(g) Incarcerated pregnant persons housed in a multitier housing unit shall be assigned lower bunk and lower tier housing.

(h) Incarcerated pregnant persons shall not be tased, pepper sprayed, or exposed to other chemical weapons.

(i) Incarcerated pregnant persons who have used opioids prior to incarceration, either by admission or written documentation by a probation officer, or who are currently receiving methadone treatment, shall be offered medication assisted treatment with methadone or buprenorphine, pursuant to Section 11222 of the Health and Safety Code, and shall be provided information on the risks of withdrawal.

(j) An eligible incarcerated pregnant person or person who gives birth after incarceration in the jail shall be provided notice of, access to, and written application for, community-based programs serving pregnant, birthing, or lactating incarcerated persons.

(k) Each incarcerated pregnant person shall be referred to a social worker who shall do all of the following:

(1) Discuss with the incarcerated person the options available for feeding, placement, and care of the child after birth, including the benefits of lactation.

(2) Assist the incarcerated pregnant person with access to a phone in order to contact relatives regarding newborn placement.

(3) Oversee the placement of the newborn child.

(l) An incarcerated pregnant person shall be temporarily taken to a hospital outside the jail for the purpose of giving childbirth and shall be transported in the least restrictive way possible and in accordance with Section 3407. An incarcerated pregnant person shall not be shackled to anyone else during transport. An incarcerated pregnant person in labor or presumed to be in labor shall be treated as an emergency and shall be transported to the outside facility, accompanied by jail staff.

(m) An incarcerated pregnant person may elect to have a support person present during labor, childbirth, and during postpartum recovery while hospitalized. The support person may be an approved visitor or the jail's staff designated to assist with prenatal care, labor, childbirth, lactation, and postpartum care.

(n) 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.

(o) An incarcerated pregnant person in labor and delivery shall be given the maximum level of privacy possible during the labor and delivery process. If a guard is present, they shall be stationed outside the room rather than in the room absent extraordinary circumstances. If a guard must be present in the room, the guard shall stand in a place that grants as much privacy as possible during labor and delivery. A guard shall be removed from the room if a professional who is currently responsible for the medical care of a pregnant incarcerated person during a medical emergency, labor, delivery, or recovery after delivery determines that the removal of the guard is medically necessary.

(p) Upon return to jail, the 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 individuals shall be given at least 12 weeks of recovery after any childbirth before they are required to resume normal activity.

**Pursuant to Section 4028 of the California Penal Code:**

No condition or restriction upon the obtaining of an abortion by a person detained in any local detention facility, pursuant to the Therapeutic Abortion Act (Chapter 11 <commencing with Section 25950>, Division 20 of the Health and Safety Code), other than those contained in that act, shall be imposed. Females found to be pregnant and desiring abortions shall be permitted to determine their eligibility for an abortion pursuant to law, and if determined to be eligible, shall be permitted to obtain an abortion.

For the purposes of this section, "local detention facility" means any city, county, or regional facility used for the confinement of any female person for more than 24 hours.

The rights provided for females by this section shall be posted in at least one conspicuous place to which all female prisoners have access.

**Pursuant to Section 3440 of the California Penal Code:**

Title 2 of Part 3, Sterilization of Incarcerated persons,

1. Sterilization for the purpose of birth control, including, but not limited to, during labor and delivery, of an individual under the control of the department or a county and imprisoned in the state prison or a reentry facility, community correctional facility, county jail, or any other institution in which an individual is involuntarily confined or detained under a civil or criminal statute, is prohibited, except as otherwise permitted by law.
2. For additional rights, see "Notification of Rights Regarding Sterilizing Surgeries" below:

**\*\* Notification of Rights Regarding Sterilizing Surgeries\*\***

This is a summary of your rights outlined in Senate Bill 1135, approved by the governor and put into law September 25, 2014 and codified in California Penal Code Section 3440.

A Sterilizing Surgery is a surgical procedure that permanently ends your ability to have children of which some or all of your reproductive parts are removed or altered.

If you are offered a tubal ligation:

- You have the right to refuse. This is illegal in all circumstances. Sterilizations cannot be used in county jail, juvenile facility, or state prison for the purpose of birth control. This means: a sterilizing procedure cannot be used to solely end future chance of pregnancy. Sterilization can only be used in county jail to address a health condition (for example, cervical cancer). Tubal ligations are used only for the purpose of birth control, so if you are offered a tubal ligation, it cannot be for a pre-existing health condition. You have the right to refuse a tubal ligation, and the institution cannot withhold future health care treatment you may need, as a form of retaliation. This also means no hospital or clinic providing care during pregnancy and birth can offer you a tubal ligation while you are in custody.

If you are diagnosed with a health condition and offered a sterilizing procedure as treatment:

- Examples of a sterilizing procedure include: a hysterectomy (removal of your uterus), an oophorectomy (removal of your ovaries), and a salpingectomy (removal of the fallopian tube). This is not a comprehensive list so be sure to ask your doctor if the procedure they are recommending is a sterilizing procedure.
- Ask to see a second doctor who does not work for the county department overseeing your confinement. You have the right to see a second doctor who does not work for the county jail before deciding that you would or would not want a sterilizing procedure.
- Ask for less invasive, less permanent remedies. You do not have to try less invasive, less permanent remedies, but less invasive, less permanent remedies than sterilization must be offered to you before you receive a sterilizing procedure. (For example, fibroids can be shrunk or removed during surgery without taking out the uterus.)
- Ask for full information about the sterilizing procedure. You must be told the full effects of the sterilizing procedure, including its permanence, side effects, and the impacts it may have on your future health care needs.

At this point, if you have refused the less invasive, less permanent remedy, OR if a second doctor that does not work for the county department recommends a sterilizing procedure to take place, AND if you have been given full information about the sterilizing procedure, a doctor may lawfully provide a sterilizing procedure on you.

Note: If the sterilizing procedure is needed for the immediate preservation of your life, a doctor may lawfully provide a sterilizing procedure to you without satisfying your rights listed above.

If you have a sterilizing procedure while in county jail, a juvenile facility, or state prison...

- Ask for psychological and/or medical follow-up care. Sterilizing procedures can impact one's psychological, physical, and emotional wellbeing. You have the right to follow up health care to address your psychological, physical, and emotional wellbeing. You may also need hormone therapy to address surgical menopause, and other care to help you recover from the surgery.

3. NOTE: ANY FEMALE PRISONER EXERCISING THEIR RIGHT PURSUANT TO THIS SECTION SHALL NOTIFY THE JAIL'S MEDICAL UNIT VIA A SICK CALL SLIP AND REQUEST SUCH MEDICAL SERVICES.

## SECTION IX

## VOTING

**POLICY:** Incarcerated persons confined in the Butte County Jail shall be allowed to correspond with the Butte County Clerk/Registrar of Voters or the County Elections Official in their county of residence to make application for an absentee voter's ballot.

### GENERAL INFORMATION:

Incarcerated persons shall not use the Butte County Jail as their place of residence.

### ELIGIBILITY REQUIREMENTS:

You can register to vote and vote if you are:

- A United States of America citizen;
- A resident of California;
- At least 18 years of age on or before the next Election Day;
- Not currently imprisoned or on parole for the conviction of a felony; and
- Not found mentally incompetent by a court of law.

### ELIGIBILITY TO REGISTER AND VOTE:

- In county jail serving a misdemeanor sentence. A misdemeanor never affects your right to vote.
- In county jail because jail time is a condition of probation.
- On probation.
- On mandatory supervision.
- On post-release community supervision.
- **Done** with parole. When you complete your parole. Your right to vote is **automatically restored** when you complete your parole. You just need to fill out a voter registration application using a paper voter registration card.

### NOT ELIGIBLE TO REGISTER AND VOTE:

- Currently imprisoned:
  - In state prison.
  - In county jail serving a state prison sentence.
- Currently on parole

### **Criminal Justice Realignment Act**

In 2011, the Legislature passed and the Governor signed the Criminal Justice Realignment Act (Realignment). Under Penal Code section 1170(h), low-level felons are sentenced to county jail and/or supervision by the county probation department instead of state prison. Realignment has caused some confusion about voting rights among people who have criminal convictions. The chart above provides an explanation of who is eligible and who is not eligible to register to vote in California. California Penal Code section 2910 allows the California Department of Corrections & Rehabilitation (CDCR) to make agreements with local governments to house

felons in a county jail or other correctional facility. For more information, please visit CDCR's website <http://www.cdcr.ca.gov/realignment/index.html>. If you have questions about your voting rights, please contact your parole or county probation office.

**PROCEDURE:**

- STEP ONE:** The Butte County Clerk/Registrar of Voters will notify the Jail Administrative Sergeant of the deadline for registering to vote and the last day for requesting a vote by mail ballot. The Jail Administrative Sergeant will then notify the incarcerated persons, by memorandum, of said dates and instruct the incarcerated persons to review the Jail Information Handbook for the procedures to follow.
- STEP TWO:** Incarcerated persons may request a voter registration form and/or an application for a vote by mail ballot, from the Utility Officer, by using a RequestForm.
- STEP THREE:** Incarcerated persons are to complete the voter registration form and/or the application for a vote by mail ballot and give the completed form(s) to the housing deputy. The forms will be forwarded to the Utility Officer who, in turn, will forward the forms to the County Clerk-Recorder/Registrar of Voters. If the voter provides address for another county, the County Clerk-Recorder/Registrar of Voters will forward materials to the respective county. The county of residence will mail a voting materials packet to the voter.
- STEP FOUR:** Incarcerated persons who requested a vote by mail ballot will have their voting materials packet picked up by the Utility Officer and transferred to the jail for delivery to the incarcerated person.
- STEP FIVE:** Incarcerated persons are to vote by ballot, seal the ballot in the return envelope, and give the ballot to the housing deputy. The voted ballot will be forwarded to the Utility Officer who, in turn, will take the ballots to the Butte County Elections Office for receipt no later than the day before Election Day. Ballots, to be mailed to another county, must be postmarked Election Day and received no later than 7 days before Election Day by the respective county.



## **SECTION X            PRISON RAPE ELIMINATION ACT**

**POLICY:** It is the policy of the Butte County Sheriff's Office to present a zero-tolerance policy toward sexual assault, sexual abuse and sexual harassment of those in our custody. Furthermore, there will be no tolerance for retaliation of any sort, against those who report or cooperate with the investigations of these acts. It shall be the policy of the Sheriff's Office to promptly and thoroughly investigate and immediately address all allegations of sexual assault, sexual abuse, and sexual harassment of those in our custody, to include criminal and administrative sanctions as appropriate. Those contracted, employed by, or volunteering for the agency are subject to disciplinary actions up to and including termination for violation of this policy. All staff has an affirmative duty to report all allegations or knowledge of sexual abuse, harassment, or any sexual misconduct involving incarcerated persons that takes place within any Sheriff's Office facilities. Failure to report is akin to committing the act and punishable as such. Staff who suspect sexual harassment or abuse of an incarcerated person by other staff shall immediately notify their supervisor. This notification may be made in private, but shall occur immediately upon obtaining the knowledge.

**PURPOSE:** To comply with the Prison Rape Elimination Act of 2003 (PREA), preventing sexual harassment and assault of those in the custody of the Butte County Sheriff's Office.

### **AUTHORITY:**

California Penal Code §6030  
California Code of Regulations, Title 15, Division 1, Chapter 1, §1027  
Prison Rape Elimination Act (PREA, 2003)  
Departmental Orders 5003, 5006, 5010, 5016, 5017, 5033, 5048 and 5070

### **1. DEFINITIONS:** For the purpose of this order, the following definitions are provided:

- A. **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 sexual development.
- B. **JAIL:** A confinement facility whose primary use is to hold persons pending adjudication of criminal charges, persons committed to confinement after adjudication of criminal charges, or persons adjudicated guilty who are awaiting transfer to a correctional facility.
- C. **PRISON RAPE ELIMINATION ACT:** The Prison Rape Elimination Act of 2003 was signed into law by President George W. Bush. The purpose of this law is to protect incarcerated persons at all levels from sexual assault from other incarcerated persons and facility staff. These standards became effective August 20, 2012 and all agencies must be in compliance by August 20, 2013.
- D. **SEXUAL ABUSE:** Sexual abuse can be committed by incarcerated persons or detainees, staff, contractors, and volunteers. It includes contact of the genitals or other parts of the suspect's body with the genitals, anus, mouth or other body parts of the victim as defined by the California Penal Code. This is to include any penetration, however slight.

- E. **SEXUAL HARASSMENT:** Repeated and unwelcome sexual advances, verbal comments or gestures of a sexual nature, or requests for sexual favors to an incarcerated person or detainee, by another incarcerated person or detainee, staff member, contractor, or volunteer.
  - F. **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.
  - G. **VOLUNTEER:** An individual donating their time to the agency for the benefit of the incarcerated persons.
  - H. **VOYEURISM:** An invasion of privacy of an incarcerated person or detainee by staff for reasons unrelated to the official duties, for the purpose of sexual gratification.
2. **PROCEDURE:** The Butte County Sheriff's Office PREA Coordinator is the Programs Lieutenant.
- A. **REPORTING AND INVESTIGATIONS:**
    - 1) All complaints of sexual harassment, abuse, or assault upon incarcerated persons or detainees shall be investigated and documented by the Sheriff's Office.
    - 2) Incarcerated persons may report sexual harassment, abuse, or assault, retaliation for reporting, or staff indifference to any employee, volunteer or contractor. PREA incident reporting can also be done from the jail housing units by telephone by using the free access internal PREA reporting line, at (530) 552-5310.  
These reports can be made verbally or in writing through message requests, grievances, letters, or any other medium. Additionally, these reports can be made by third parties on behalf of the incarcerated person.
    - 3) Employees shall accept reports made verbally, in writing, anonymously and from third parties such as advocates or family members. All reports shall be immediately documented, with the appropriate duty station notified of the event, so the investigation may begin immediately.
    - 4) While preliminary investigations may be conducted by jail Correctional Deputies, all criminal investigations of sexual abuse shall be conducted by investigators from the Sheriff's Investigation Unit. These detectives shall have received specific training in investigating sexual assaults. Whenever available, in-custody sexual abuse allegation will be investigated by detectives who have received specific training in investigating sexual assaults in custodial environments.
    - 5) All incidents of consensual sexual contact between incarcerated persons, in addition to being documented in a disciplinary/incident report, shall be investigated and documented in a Criminal Report.
    - 6) Copies of all completed reports and investigations shall be forwarded to the facility PREA manager and the agency PREA Coordinator.

- 7) Upon completion of an investigation involving an incarcerated person's allegation that he/she was sexually abused in the Butte County Jail, the incarcerated person shall be informed as to the final determination of the investigation (Sustained, Not Sustained, and Unfounded).
- 8) Following an incarcerated person's allegation that a staff member committed a sexual assault against the incarcerated person, unless the allegation is determined to be unfounded, the Sheriff's Office shall inform the incarcerated person of the following whenever:
  - a. The staff member is no longer assigned to the incarcerated person's housing unit
  - b. The staff member is no longer employed/assigned at the facility
  - c. The staff member has been indicted/criminally charged related to abuse within the facility.
  - d. The staff member has been convicted on a charge related to sexual abuse within the facility.
  - e. This notification shall be made via a letter to the victim.
- 9) Following an allegation by an incarcerated person that he/she was abused by another incarcerated person, the victim shall be informed whenever:
  - a. The alleged abuser has been indicted/criminally charged on charges related to sexual abuse within the facility; or
  - b. The alleged abuser has been convicted on a charge related to abuse within the facility.
  - c. These notifications shall be made via letter to the victim.
- 10) Staff who suspects sexual harassment or abuse of an incarcerated person by other staff shall immediately notify their supervisor.
- 11) The completed investigation shall be retained in the agency file for no less than ten years.

B. VICTIM ADVOCACY: All victims shall be afforded the opportunity to have a Victims Rights Advocate made available to them upon arrival at the hospital for treatment and counseling after their treatment, at no cost. The Butte County Sheriff's Office has Memorandums of Understanding with the following Victim's Rights agencies.

- 1) Rape Crisis Center Chico, CA (530) 342-7273

## **SECTION XI SELF ADMINISTRATION MEDICATION PROGRAM**

**AUTHORITY AND REFERENCE:** Title 15, Section 1216; Pharmaceutical Management, IMQ Accreditation Standards 403.

### **PURPOSE:**

50.1. To facilitate the timely delivery and administration of “safe prescription drugs” to incarcerated persons who meet the program criteria.

50.2. To encourage the incarcerated person to take responsibility for his/her own health.

### **POLICY:**

1. Butte County Jail incarcerated persons who meet defined safety and compliance criteria may be allowed to carry on their person and self-administer approved unit dose packaged medications which have been identified as having no or low overdose potential or trade value. Excluding incarcerated persons assigned to administrative segregation housing units.
2. Eligible incarcerated persons will be expected to take responsibility for the storage and administration of approved medications prescribed for them, following instructions for self-administration by the Health Care Provider.
3. There are several categories of Medication **not** included on the self-medication program.
4. Incarcerated persons will not be placed on the self-medication program if prohibited for custodial reasons.
5. Incarcerated persons with a repeated history of failure on the program (at least 2 prior failures in the past two calendar years) will not be considered again.
6. The health care providers, in collaboration with custody personnel will select incarcerated persons for the self-medication program.
7. Incarcerated person must understand that allowing self-medication is a privilege, revocable if the rules are not followed
8. Health care staff will perform documented assessments of incarcerated person compliance with self-administration medication regimens. Compliance evaluations are done with sufficient frequency to guard against hoarding medication and deterioration of the incarcerated person’s health. Re-evaluation by sick call nurse, PA/MD are done as appropriate.
9. Health services and custody staff will work cooperatively to insure the consistent enforcement of self-medication rules by notifying the other party of any violation of rules regarding self-administration.

## **MONITORING AND NON-COMPLIANCE:**

Those incarcerated persons demonstrating non-compliance or inability to self-administer will receive their medications from the health care staff.

Non-compliance with self-administration will be defined as any violation of the rules, including failure to show when called for spot check, or pill count being off by more than one day; 24-hour dose equivalent.

A no show for spot check is unacceptable. The incarcerated person must be found. If the incarcerated person is a no show because he was in court, then he/she must be seen later the same day. If the no show was because he/she did not want to get up etc., it will be considered non-compliance.

For the above violations, the incarcerated person will be counseled once. If any of the violations occur again, the incarcerated person will be removed from the program.

Incarcerated persons found to be using medication as barter will be referred to custody for disciplinary action. These incarcerated persons will also be removed from the program.

### *TRANSFER/RELEASE OF INCARCERATED PERSON WHO IS ON SELF-MEDICATION PROGRAM:*

1. If an incarcerated person is transferred to another facility, all pertinent information about the incarcerated person's medication/s will be documented on the Inter-facility Transfer Form. The incarcerated person's medication will be picked up by the nurse and returned to the medical department. If she/he is not available, then the deputy may drop the medication off before incarcerated person's transfer.
2. Incarcerated persons released from custody may take any remaining medications with them. If the incarcerated person fails to take the medication upon release from custody, the medication shall be returned to the medical department.

## SECTION XII ELECTRONIC TABLET PROGRAM

### PURPOSE:

The purpose of this policy is to implement guidelines and rules to govern the use, management, and security of Incarcerated person Electronic Tablets, hereafter referred to as “tablet(s)”, issued to incarcerated persons within the Butte County Adult Correctional Facilities. This policy will explain the expectation of incarcerated persons use and treatment of the tablets. Tablets are designed to provide incarcerated persons a productive, practical, and positive use of their time while in custody.

### ACCESS TO TABLETS:

1. All access to any incarcerated person tablet is strictly monitored. The use of tablets is not private and is subject to screening by Sheriff’s Office staff. Neither incarcerated person nor visitor has any expectation of privacy while communicating via a tablet. Video and audio visits/conversations are recorded and monitored at all times.
2. Access and use of the tablets is a commissary privilege and may be temporarily suspended, limited, or permanently revoked when necessary for the safety and security of the facility, criminal conduct or for any minor, serious or major facility rule violation.
3. The following time periods govern the use of the tablets within the jail facility, and pertain to ALL incarcerated persons as follows:
  - 0600 - 2300 hours, West Facility Administrative Separation units, A & B, may have access to a wall mounted stationary tablet during individual dayroom use times.
  - All other Administrative Separation cells may have access to either a wall mounted stationary tablet, or staff issued tablet, at staff’s approval or during individual dayroom time (*as applicable*).
  - Where wall affixed stationary tablets are not available for Administratively Separated incarcerated persons, facility staff will ensure staff and incarcerated persons safety and facility security by ensuring only incarcerated persons whom have displayed behavior consistent with being non-destructive, non-suicidal and non-combative during their current incarceration are issued tablets for use.
  - 0730 to 1100 hours, all group living environments (*cell/dormitory*), where tablets are available, may have tablets activated for use once the housing cleaning is completed.
  - From 1100 to 1230 hours, tablets will be auto-disabled for lunch.
  - From 1800 to 2000 hours, tablets will be auto-disabled for facility count.
  - At 2300 hours, tablets will be auto-disabled and returned to the charging stations.
    - Returning the tables for charging is the responsibility of the incarcerated person using the tablet at 2300 hours (**11:00 PM**)  
NO EXCEPTION.
2. If a tablet battery should become completely drain during tablet use, it will be returned to the charging station until sufficiently charged (recommended for 8 to 10 hours).

3. Upon being assigned to a housing unit where tablets are provided, incarcerated persons may be permitted tablet use unless disciplinary restrictions are imposed (**see Jail Informational Handbook for facility rules**).
4. Personal Identification Number (PIN) security is the responsibility of individual incarcerated persons. If your PIN becomes compromised, submit a Request Form to the Sheriff's Clerks to have it reset.
5. The availability of the tablets is on a first-come, first-serve basis. No incarcerated person is guaranteed the availability of a tablet.
6. Incarcerated persons must have money in their facility trust account to purchase and access the tablet's premium content programming (e.g. movies, games, music, etc.), which is made available through the commissary provider.
7. Earbuds are available through the commissary provider.
  - The facility staff do not provide earbuds.
  - Any intentional damage or alteration of earbuds will result in their confiscation.
  - An incarcerated person may only possess two (2) sets of earbuds at a time.
8. Tablets will not be taken out of the housing units.
9. Tablets are to be shared equally and will not be monopolized.
10. Nudity/indecent exposure by an incarcerated person (Inmate) or a friend/ family member will not be tolerated and will result in the loss of tablet privileges.
11. If the use of tablets in your housing unit becomes a disruption to the facility operations, the tablets will be removed from the housing unit for an appropriate amount of time, determined by the Operation's Lieutenant.