

# Prisoner Legal Services

## 1016.1 PURPOSE AND SCOPE

Prisoner Legal Services:

- (a) Assists incarcerated persons in obtaining meaningful access to the courts.
- (b) Provides incarcerated persons with information and assistance in legal matters resulting from their incarceration. Ensure incarcerated persons have assistance with and access to available administrative and legal remedies.
- (c) Assists incarcerated persons and those recently released from custody in overcoming legal barriers to successful reentry.
- (d) Participates in the development of policy and procedures consistent with the Department's commitment to the safe and humane treatment of incarcerated persons and in providing legal services to incarcerated persons.
- (e) Maintains the Department's commitment to the highest degree of transparency, integrity, and accountability with regard to the treatment and housing of incarcerated persons.

## 1016.2 POLICY

The San Francisco Sheriff's Department shall observe, enforce and comply with all legal and regulatory authority providing county jail incarcerated persons with specific rights. To this end, the Department will maintain an office of Prisoner Legal Services (PLS). This unit will assist in achieving compliance with relevant federal, state and local regulations, and department policies and procedures, while providing additional legal assistance to incarcerated persons upon request.

## 1016.3 ORGANIZATION AND ADMINISTRATION

- (a) The PLS Unit Director reports to the Sheriff through the Sheriff's Legal counsel.
- (b) The PLS Director or designee attends management and Custody Operations Division (COD) meetings. The Director will communicate directly with the COD Chief to resolve issues that cannot be resolved through discussion with the Facility Commanders.
- (c) PLS employees and interns (PLS staff) report to the PLS Director.

Procedure Reference:

[Custody and Court Operations Procedure Manual: 1016.1 ACCESS](#)

[Custody and Court Operations Procedure Manual: 1016.2 DEPARTMENT RECORDS](#)

[Custody and Court Operations Procedure Manual: 1016.3 FUNCTIONS](#)

[Custody and Court Operations Procedure Manual: 1016.3.1 SERVICES TO THE DEPARTMENT, ADMINISTRATION, AND COMMUNITY](#)

[Custody and Court Operations Procedure Manual: 1016.3.2 SERVICES TO INMATES AND THOSE RECENTLY RELEASED FROM CUSTODY](#)

# Prisoner Legal Services Procedure

## 1016.1 ACCESS

### 1016.1.1 JAIL FACILITIES AND INCARCERATED PERSONS

Barring an articulable safety and security concern, Prisoner Legal Services (PLS) staff shall wear Department/CCSF identification and will have access to all jail facility areas. PLS staff may meet with incarcerated persons in the housing area, at any time, while conducting PLS business. A denial of PLS staff attempts to access a jail facility shall be reviewed by the Facility or Watch Commander. In the event, a Facility or Watch Commander denies PLS staff entry, that Facility or Watch Commander will immediately send an email to the COD Chief and Sheriff's Legal Counsel documenting the refusal and the reason for the refusal.

- (a) PLS employees are members of the Department. All employees are expected to establish and maintain a high degree of cooperation to accomplish the Department's mission.
- (b) Incarcerated person access includes all jail housing areas: administrative separation, disciplinary housing, medical housing, and high-security areas with appropriate safety concerns in place.
- (c) PLS staff will communicate with an incarcerated person in a safety cell through the door portal and may view the log for the placement.
- (d) Communication between PLS staff and an incarcerated person is private. PLS staff shall be afforded space to conduct private interviews and discussions with incarcerated persons in housing areas. When it is necessary for deputies to stand-by during an incarcerated person interview, deputies should position themselves in a way that provides security and affords a private communication between PLS staff and the incarcerated person. PLS staff shall protect incarcerated person privacy interests unless the disclosure is explicitly or impliedly authorized in order to further the incarcerated person's goals, or failure to disclose may lead to the commission of a crime or cause physical injury to another.
- (e) PLS staff may hand-deliver legal mail and materials to incarcerated persons. When this occurs, a deputy's inspection is not required. However, PLS staff shall take these materials to a deputy for inspection. Such inspection shall be conducted in the presence of the PLS staff. Mail and materials are subject to the rules against the introduction of contraband but may be fastened with staples or collated with plastic paper clips.

## 1016.2 DEPARTMENT RECORDS

Barring Peace Officer Bill of Rights protections and absent an articulable safety and security concern, PLS staff shall have access to all incarcerated person paper jail records and online court and jail management system records relevant to PLS business. Deputies shall assist PLS in obtaining/accessing relevant records. Access to criminal offender record information (CORI) shall be authorized as stated in California state law and Sheriff's Policy and Procedure. The disclosure

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of information contained in jail and online records shall be limited to that necessary for the performance of PLS duties and responsibilities.

- (a) PLS shall be copied on memoranda intended for distribution to deputies and/or incarcerated persons that pertains to the housing and treatment of incarcerated persons. This includes memoranda and directives regarding changes to policies and procedures in the jails, as well as those intended for distribution that is limited to a Department division or single jail facility.
- (b) PLS shall not disclose non-public records, privileged or CORI except as authorized by law.

### **1016.3 FUNCTIONS**

#### **1016.3.1 SERVICES TO THE DEPARTMENT, ADMINISTRATION, AND COMMUNITY**

- (a) Upon request of the Sheriff, PLS shall submit a written report regarding specific practices and/or conditions in the jails. This report may include but shall not be limited to audits of the incarcerated person disciplinary and grievance procedures, use of safety cells, administrative segregation practices, complaints concerning employees, and statistics on and analysis of services rendered by PLS.
- (b) The PLS Director, as a member of the Management Team, will receive a draft copy of policies formulated through the Department Administration and as such will be involved in commenting on drafts and engaging in discussions regarding those policies.
- (c) The PLS Director or designee shall be available to conduct CORE, AO and other training on topics related to PLS role and duties.
- (d) Upon request, the PLS Director or designee shall assist in writing and/or reviewing RFPs related to issues, services or conditions of incarceration, in-custody, and post-release Department programs and alternatives to incarceration.
- (e) PLS shall maintain a volunteer internship program for law students and undergraduates interested in the San Francisco criminal justice system. Interns shall be cleared by the Backgrounds Investigation Unit for entry into the county jails.
- (f) The PLS Director and staff shall engage in training and continuing education necessary to remain apprised of current and developing federal, state and local legislation and case law, that relates to the housing and treatment of incarcerated persons, alternatives to incarceration, and to reentry programs available to persons being released from county jail.
- (g) Upon request or approval of the Sheriff, PLS shall draft, propose and/or review local and state legislation as it pertains to the housing, treatment, services to in-custody incarcerated persons and the successful reentry of incarcerated persons to the community.

#### **1016.3.2 SERVICES TO THE INCARCERATED AND THOSE RECENTLY RELEASED FROM CUSTODY**

##### **Access to Courts**

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- (a) PLS shall stock and maintain jail law libraries with current regulatory, statutory and case authorities pertaining to criminal law and processes, and to the treatment and housing of incarcerated persons (these may be electronic as provided by the Department). PLS shall provide staff during law library sessions in those libraries that require supervision.
- (b) PLS shall provide requested legal research material to incarcerated persons based on PLS staffing and resources. PLS shall maintain prepared materials that cover the criminal law and processes for distribution to incarcerated persons upon request. When sent this will not be considered "Legal Mail."
- (c) Upon request, PLS will assist incarcerated persons in filing a claim, complaint or pleading in a court or administrative agency. PLS will not evaluate the merit of the filing but shall provide information to incarcerated persons to assist them in protecting their rights and seeking appropriate remedies.
- (d) Upon request, PLS shall post, legal or official correspondence at no cost to the incarcerated person.

### PLS Direct Services

- (a) PLS will provide assistance to incarcerated persons, community program participants, and those recently released from custody, who had problems associated with their incarceration. The objective is to mitigate the impact of incarceration on an incarcerated person, on the incarcerated person's family and to remove the barriers to an incarcerated person's successful reentry.
- (b) PLS Direct Services shall, at all times, include:
  1. Receiving complaints/grievances related to the conditions of an incarcerated person's confinement. PLS will forward grievances to the appropriate party.
  2. Reporting suspected or alleged employee misconduct. In that instance, PLS staff will inform the PLS Director or designee who will forward the details to the Undersheriff with a copy to the Sheriff's Legal Counsel. The Undersheriff will contact the Internal Affairs Unit (IAU) or the Criminal Investigations Unit (CIU) and request to open a case if warranted.
  3. PLS requesting medical attention for an incarcerated person who appears ill or injured.
    - (a) Requests for medical attention shall be made to the Facility or Watch Commander who shall arrange for a JHS medical evaluation as soon as is practical upon receiving the request.
    - (b) Upon request of PLS staff, the Facility or Watch Commander will ensure photographs of injuries are taken. The name of the PLS staff requesting photographs, and incarcerated person identifying information shall be documented in an Incident Report. Photographs taken pursuant to a PLS request will be sent to IAU or CIU and shall not be released to the incarcerated person or PLS without clearance from the Sheriff's Legal Counsel.
  4. Notary services, including powers of attorney for childcare or financial affairs,

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5. Assistance with Penal Code section 1381 demands,
6. Voter registration and voting services,
7. Resolution of release dates and hold issues,
8. Assistance with the review and appeal for Community Program participation,
9. Assistance with maintaining housing whenever possible,
10. Assistance with child custody and child support matters,
11. Assistance to pro per incarcerated persons representing themselves in criminal matters,
12. Information pursuant to California TRUTH Act for undocumented immigrants.

(c) At the PLS Directors discretion, PLS attorneys may provide assistance to incarcerated persons consistent with PLS duties and goals outlined in this policy, including but not limited to, matters that involve the preservation of housing, preservation of familial ties and support, the correction of sentencing errors, and the clearance of holds, warrants, and detainers that are invalid or hinder successful reentry.

(d) With the exception of providing access to court services listed above, PLS shall not assist incarcerated persons with civil lawsuits in which the City and County of San Francisco, the Sheriff's Department, or any employee of either entity is a named defendant or in matters where the services provided would conflict with the duties and responsibilities of PLS as Sheriff's employees.

1. A record of services provided by PLS shall be maintained and, upon request, a report of services rendered shall be provided to the Sheriff, Undersheriff, Assistant Sheriff and Sheriff's Legal Counsel.