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CLERK, U. S. DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA
BY _____
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7
8 IN THE UNITED STATES DISTRICT COURT
9 FOR THE EASTERN DISTRICT OF CALIFORNIA

10 -000-

11 DERRIL HEDRICK, DALE ROBINSON,)
12 KATHY LINDSEY, MARTIN C. CANADA,)
13 DARRY TYRONE PARKER, individually)
and on behalf of all others)
14 similarly situated,)

CIVIL S-76-162 TJM

15 Plaintiffs,)

16 vs.)

17 JAMES GRANT, as Sheriff of Yuba)
18 County, Lieutenant FRED J. ASBY,)
19 as Yuba County Jailor, JAMES)
PHARRIS, ROY LANDERMAN, DOUG WALTZ,)
HAROLD J. "SAM" SPERBECK, JAMES)
MARTIN, as members of the Yuba)
County Board of Supervisors,)

CONSENT DECREE

20 Defendants.)

21 I.

22 INTRODUCTION

23 On March 24, 1976 plaintiffs DERRIL HEDRICK, DALE ROBINSON,
24 KATHY LINDSEY, MARTIN C. CANADA, and DARRY TYRONE PARKER filed the
25 Complaint herein on their own behalf and on behalf of all persons
26 similarly situated alleging that the conditions of confinement
27 within the Yuba County Jail violated rights secured by the First,
28 Fourth, Fifth, Sixth, Eighth, and Fourteenth Amendments to the
29 Constitution of the United States and the laws and Constitution
30 of the State of California. On April 14, 1976 defendants served
31 their Answer denying material allegations of the Complaint.

32 On June 18, 1976 plaintiffs filed a motion for a preliminary

1 injunction as to their First Claim For Relief - Lack of Exercise
2 and Recreation, a motion for partial summary judgment as to their
3 Seventh Claim For Relief - Access to Legal Materials, a motion for
4 partial summary judgment as to that portion of their Ninth Claim
5 For Relief dealing with female participation in the Yuba County
6 Jail's trusty program, and a motion for class certification.

7 In accordance with Rule 23(b) (2) of the Federal Rules of
8 Civil Procedure, a class was certified and defined to include all
9 persons incarcerated within the Yuba County Jail during the pen-
10 dency of this action. Pursuant to the Order of this Court, filed
11 on July 23, 1976, members of the class have received notice of
12 this lawsuit.

13 On November 12, 1976 the Court signed and filed its Findings
14 of Fact, Conclusions of Law, and Order granting plaintiffs'
15 motion for a preliminary injunction and both of their motions for
16 partial summary judgment. An Order particularizing portions of
17 the relief for deep felony inmates was signed on January 18, 1977
18 and a second Order fully incorporating women prisoners into the
19 Jail's trusty program was signed the following day. On May 18,
20 1977 the Court signed an Order requiring certain records to be
21 kept so that compliance with all previously issued orders could
22 be monitored.

23 In agreeing to the issuance of this Consent Decree defend-
24 ants make no admission of the allegations of the Complaint and
25 deny that the conditions of confinement within the Yuba County
26 Jail are in any way illegal. Defendants enter into this Consent
27 Decree in order to avoid the burdens of litigation and in order
28 to re-affirm their commitment to full compliance with the law.

29 The parties, by agreeing to the issuance of this Consent
30 Decree, waive a hearing and findings of fact and conclusions of
31 law on all issues raised by the Complaint that are disposed of here-
32 in. The parties have mutually agreed to entry of this Consent Decree

1 It is the intent of the parties that this Consent Decree be
2 binding among them immediately upon signature by the attorneys
3 for all parties. Implementation of the Consent Decree shall begin
4 immediately and shall be completed no later than December 2, 1978,
5 except as otherwise specified herein. All previously issued Court
6 orders herein shall remain in effect at least until this Consent
7 Decree is approved by the Court. Where there is a conflict between
8 the provisions of a Court order herein and the terms of this
9 Consent Decree, the Court order shall govern until the Consent
10 Decree is approved by the Court. In order that defendants may
11 rely on a single document to establish the minimum legally per-
12 missible conditions of confinement within the Yuba County Jail, it
13 is the intent of the parties that upon final Court approval of
14 this Consent Decree, all previously issued orders be subsumed
15 herein.

16 IT IS HEREBY ORDERED, ADJUDGED, AND DECREED:

17 A. The defendants, JAMES GRANT, as Sheriff of Yuba County,
18 Lieutenant FRED J. ASBY, as Yuba County Jailor, JAMES PHARRIS,
19 ROY LANDERMAN, DOUG WALTZ, HAROLD J. "SAM" SPERBECK, and JAMES
20 MARTIN, as members of the Yuba County Board of Supervisors, and
21 their officers, agents, employees, successors, and all persons
22 acting in concert with them or any of them in the performance of
23 their official function, are subject to the terms of this Consent
24 Decree and are hereby permanently enjoined from failing and
25 refusing to immediately and fully implement the provisions of
26 this Consent Decree.

27 B. This Consent Decree shall constitute final and binding
28 relief for all class allegations occurring prior to Court approval
29 of this Consent Decree and shall be with prejudice to all claims
30 of any class member, except the following:

31 1. The portion of plaintiffs' Fourth Claim for Relief
32 alleging that pre-trial detainees in the Yuba County Jail

1 are not permitted to have physical contact during visita-
2 tion periods and that this practice constitutes a violation
3 of rights secured by the Constitution of the United States
4 and the laws and Constitution of the State of California;
5 and

6 2. Plaintiffs' prayer for the costs of this lawsuit
7 and reasonable attorneys' fees.

8 C. The terms of this Consent Decree are the minimum legally
9 permissible standards for the Jail and should not be construed to
10 limit or restrict the defendants in any way from adopting proce-
11 dures and practices which exceed the minimum standards contained
12 herein.

13 II

14 DEFINITION OF TERMS

15 All terms used herein shall be interpreted liberally in
16 order to reflect and effectuate the desire of all parties to
17 operate the Yuba County Jail in full compliance with applicable
18 state and federal law. All language shall be construed in its
19 normal and customary usage. In addition, the following provisions
20 shall govern the construction of the terms set forth herein.

21 1. Jail - The Yuba County Jail located in the County
22 Courthouse, 215 5th Street, Marysville, California.

23 2. Deep Felony - The maximum security area of the Jail in
24 which male inmates are housed in individual cells.

25 3. Exercise Yard - The fenced-in area on the roof of the
26 County Courthouse designed as an inmate exercise facility.

27 4. Old Kitchen Trusty Tank - An area on the male side of
28 the Jail at the extreme West end of the main corridor which
29 formerly housed inmates who were trustys and worked in the Jail's
30 kitchen and currently houses trustys who do not work in the kitchen.

31 5. Yuba County Welfare Medical Clinic - This facility is
32 operated by Yuba County to provide medical care for indigents.

1 In addition this clinic provides outpatient care for inmates.

2 6. Inmate - A person incarcerated within the Yuba County
3 Jail.

4 7. Trusty - An inmate who is assigned a job either inside
5 or outside the Jail and receives certain privileges thereby,
6 including but not limited to, a reduction of sentence pursuant to
7 California Penal Code Section 4019.

8 8. Jailor - An employee of Yuba County and the Yuba County
9 Sheriff's Department, including a person funded through the
10 Comprehensive Employment and Training Act (CETA), assigned on a
11 full time basis to the Jail.

12 9. Jail Supervisor - The employee in the Sheriff's Depart-
13 ment of Yuba County who is directly responsible for the adminis-
14 tration of the Jail. At the time the parties enter into this
15 agreement the Jail Supervisor is Lieutenant FRED J. ASBY.

16 10. Jail Commander - The Commander of the Special Services
17 Division of the Sheriff's Department. At the time the parties
18 enter into this agreement the Jail Commander is Captain Lee
19 Pellett.

20 11. Mental Health Personnel - These persons include psychia-
21 trists, psychologists, psychiatric nurses and social workers,
22 therapists, and counselors.

23 12. Maintain - Make available now and in the future in a
24 workable and usable condition, replace when broken or missing,
25 repair when inoperative or malfunctioning, and continue in exist-
26 ence. Repairs and replacements shall be made as soon as possible
27 after discovery of the condition requiring repair or replacement.

28 III

29 EXERCISE AND RECREATION

30 The Jail Supervisor shall establish a program that provides
31 regularly scheduled periods of inmate exercise and recreation. All

32 / / /

1 inmates of the Jail shall be offered the opportunity to use the
2 exercise yard on the roof of the Jail at least four times a week
3 for at least two hours each time exclusive of time spent in
4 transit. When weather conditions preclude enjoyment and proper
5 use of the exercise yard, exercise shall be made available within
6 the Jail for identical time periods. This paragraph shall not be
7 construed to require exercise periods for a full two hours if an
8 inmate does not want to exercise for that length of time.

9 The defendants shall maintain an adequate amount of exercise
10 and recreation equipment for suitable use of the exercise and
11 recreation facilities of the Jail. This equipment shall include
12 and shall not be limited to the following equipment for use by
13 all inmates: two basketball backboards with rims and nets,
14 basketballs, a volleyball net and balls, jump ropes, a weight
15 machine comparable to the one purchased by the Jail in 1976, a
16 ping pong table with an appropriate number of paddles and balls,
17 playing cards, board or parlor games, and a stationary exercise
18 bicycle. Defendants shall also maintain the following additional
19 equipment on the female side of the Jail: a stationary exercise
20 bicycle, a ping pong table with an appropriate number of paddles
21 and balls, a sewing machine, playing cards, and board or parlor
22 games. At least two hundred dollars (\$200) shall be spent yearly
23 to purchase and replace recreation and exercise equipment for
24 use by inmates.

25 The equipment and supplies obtained as part of Grant Award
26 Modification Request OCJP Project No. 2732-I-E shall be maintained
27 for use by all inmates on a regular basis.

28 Recreational movies shall be obtained through the public
29 libraries, the Tri-County Audiovisual Department of the Sutter
30 County Office of Education, or other resources and shown on a
31 regular basis.

32 Inmates shall be entitled to bring privately owned television

1 sets into the Jail and use them therein. Electrical and televi-
2 sion cable outlet installations shall be maintained in all day
3 rooms and in the hallways in front of the individual cells on the
4 female side of the Jail. Three television jacks and sufficient
5 electrical outlets shall be maintained along each of the East and
6 West walls of the deep felony section of the Jail, in front of the
7 cells, and inmates shall be permitted to watch privately owned
8 television sets while they are in their cells.

9 The deep felony section of the Jail shall maintain a day
10 room. Said day room shall include a telephone, a television
11 cable outlet, electrical outlets, and a bicycle exercise machine.
12 Board games, cards, and other recreation equipment shall be
13 maintained and available to deep felony inmates upon request.
14 Inmates confined in the deep felony section of the Jail shall be
15 allowed to use the day room in deep felony at least twelve hours
16 weekly on at least five different days.

17 Each inmate within the deep felony area shall be allowed
18 out of his cell for a minimum of three (3) hours each weekend.
19 This out-of-cell time shall be made available to the inmates on
20 Saturday and/or Sunday, at the option of the Jail Supervisor, and
21 may be used for recreation in the day room, exercise on the roof,
22 or visitation, at the option of the inmate. This three hour time
23 period shall be in addition to the time required by the immedi-
24 ately preceding paragraph of this Consent Decree.

25 A Jail library of at least three hundred (300) volumes shall
26 be maintained on the male side of the Jail and a second library
27 of at least one hundred (100) volumes shall be maintained for
28 use by female inmates. Both libraries shall be open from 8:00 a.m.
29 to 3:30 p.m. daily. Inmates shall be allowed to visit the
30 libraries and borrow books at least twice weekly.

31 On a yearly basis the Jail Supervisor shall request the
32 County Librarian to determine whether there is a sufficient num-

1 ber of books in the Jail's libraries, and whether the books are
2 appropriate for the educational and recreation needs of inmates.
3 The County Librarian shall make such determinations and shall
4 recommend an appropriate number and variety of books for rotation
5 into and out of the Jail libraries. The Jail Supervisor, in
6 conjunction with the County Librarian, shall ensure that said
7 books are rotated into and out of the Jail libraries. A trusty
8 shall be appointed as the Jail librarian. A sign shall be dis-
9 played in the libraries informing inmates that they can request
10 specific books, not already available in the Jail, from the
11 County Library. Appropriate forms for these requests shall be
12 available, or the inmate may place an order for a book by tele-
13 phone. Books requested by inmates but not available within the
14 Jail' shall be brought to the Jail by jailors or County Library
15 personnel, providing that such books are available from the
16 County Library.

17 Defendants shall maintain a telephone in each of the six day
18 rooms and in the sentenced women's tank. An additional telephone
19 shall be maintained in the hallway near the unsentenced women's
20 cells and ready access to said telephone shall be provided to
21 unsentenced women inmates.

22 The equipment enumerated in this Section of the Consent
23 Decree shall be the minimum permitted. Defendants shall make
24 good faith attempts to provide and maintain additional exercise
25 and recreation equipment. These good faith attempts shall include
26 the use of funding available from state and federal sources.

27 IV

28 STAFFING

29 There shall be at least two jailors on duty at all times
30 at the Jail. One jailor shall be immediately available and
31 accessible to inmates in the event of an emergency. Said
32 jailor shall not have any other duties which conflict with the

1 supervision and care of inmates in the event of an emergency.
2 Whenever one or more female inmates are in custody, there shall
3 be at least one female jailor who shall in like manner be immedi-
4 ately available and accessible to the female inmates.

5 In order to insure that there is a sufficient number of
6 personnel for the Jail, the Jail Supervisor shall prepare and
7 retain a staffing plan indicating the personnel assigned to the
8 Jail and their duties. That staffing plan shall be reviewed by
9 the Board of Corrections on a yearly basis.

10 The Jail must be staffed at a level sufficient to fully com-
11 ply with the terms of this Consent Decree. If the Board of
12 Corrections recommends that the Jail have additional staffing to
13 comply with the provisions of this Consent Decree or if it is
14 otherwise determined that additional staffing is necessary to
15 fully comply with this Consent Decree, a sufficient number of
16 additional jailor positions shall be provided.

17 If the Board of Corrections recommends that the Jail have
18 additional staffing for reasons other than compliance with this
19 Consent Decree, the Sheriff shall so inform the Yuba County
20 Board of Supervisors and shall request any additional funding
21 which is necessary to carry out the staffing recommendations
22 of the Board of Corrections. The Board of Supervisors shall make
23 a good faith attempt to fund such recommended positions and shall
24 utilize available state and federal funding for that purpose.

25 After January 1, 1979, the Jail shall not be staffed with
26 less than nineteen (19) jailor positions. Jailors funded
27 through the Comprehensive Employment and Training Act (CETA) shall
28 become permanent County employees at the expiration of their CETA
29 eligibility. Jailors funded through CETA may only be terminated
30 for good cause.

31 Jailors must be fully informed by the Jail Supervisor about
32 the terms of this Consent Decree and must receive training in con-

1 formity with 15 California Administrative Code Sections 1020, 1022.
2 No more than two jailors, at any time, may be away from the Jail
3 for longer than five consecutive days in order to receive training.

4 Included in the nineteen (19) positions shall be a recreation
5 officer for the male side of the Jail. It shall be his responsi-
6 bility to answer the questions of inmates, retrieve requested law
7 and recreation books, respond to inmate complaints, supervise
8 and insure compliance with required exercise, recreation, shower,
9 and library periods, develop and implement appropriate recreation
10 programs, supervise the maintenance of recreation equipment,
11 assist inmates in obtaining their own television sets for use
12 within the Jail, and provide recreation equipment for inmates
13 who request it. The recreation officer position shall be filled
14 on the male side of the Jail during the day shift every day.
15 Said recreation officer may have responsibilities other than
16 those noted above, provided they do not interfere with his ability
17 to accomplish the duties outlined above.

18 Also included in the minimum nineteen (19) positions shall
19 be a female matron assigned to the female side of the Jail. It
20 shall be her responsibility to answer the questions of inmates,
21 retrieve requested law and recreation books, respond to inmate
22 complaints, supervise and insure compliance with required exer-
23 cise, recreation, shower, and library periods, develop and
24 implement appropriate recreation programs, supervise the main-
25 tenance of recreation and exercise equipment, assist female
26 inmates in obtaining their own television sets for use within the
27 Jail, allow unsentenced female inmates ready access to a tele-
28 phone, supervise and participate in the classification and pro-
29 cessing of female inmates, participate in the female trusty pro-
30 gram, and provide recreation equipment to inmates who request
31 it. The female matron position shall be filled on the female
32 side of the Jail during the day shift every day. Said female

1 matron may have responsibilities other than those noted above,
2 provided that they do not interfere with her ability to accomplish
3 the duties outlined above.

4 V

5 MEDICAL AND HEALTH CARE

6 Although an inmate is entitled to all of the health and
7 medical services contained herein, he or she may refuse to accept
8 any or all of the offered services unless the care is necessary
9 to treat a communicable disease or condition.

10 A. Health Personnel

11 The Yuba County Jail shall employ the following personnel,
12 minimum qualifications as stated, for at least the number of hours
13 each week as indicated. These personnel shall provide or will
14 arrange to provide physical and mental health care as set forth,
15 infra. The registered nurse and the licensed vocational nurse
16 shall schedule their working hours at the Jail so as to provide
17 daily health coverage. In order to facilitate communication
18 between the nurses, their working hours must overlap at least
19 once a week for at least three (3) hours. Both nurses shall be
20 supervised by the Bi-County Health Department.

21 1. Registered Nurse (R.N.). This individual must be a
22 registered nurse and meet all the licensing requirements of the
23 State of California. The nurse must be specifically trained in
24 health assessment, must be trained and capable of delivering
25 limited mental health services, including but not limited to
26 assessment of mental health status, suicide prevention, drug and
27 alcohol abuse counseling and individual counseling, and must be
28 able to evaluate environmental health conditions. This nurse
29 must perform the duties as set forth herein and in addition, must
30 supervise any licensed vocational nurse assigned to the Jail.
31 The nurse must spend at least fifteen (15) hours per week divided
32 among at least three (3) different days fulfilling the duties

1 outlined in this Consent Decree.

2 2. Licensed Vocational Nurse (L.V.N.). This nurse must
3 meet all licensing requirements of the State of California and
4 must be able to perform duties in both the physical and mental
5 health areas as assigned by the registered nurse and other health
6 care personnel. This individual must be able to monitor and
7 evaluate environmental health conditions. The L.V.N. must be a
8 half-time employee, assigned twenty (20) hours per week to the
9 Jail. These twenty (20) hours must be scheduled in a manner to
10 assure that the L.V.N. is present every day that the R.N. is not.

11 3. Physicians, Mental Health Personnel, Physical Therapists,
12 and Dentists. The Yuba County Welfare Medical Clinic doctors
13 will provide outpatient physical health care during the normal
14 business hours of the Clinic. The Sutter County Crisis Clinic and
15 the Bi-County Mental Health Department will provide inpatient and
16 outpatient mental health care as needed. Emergency care, hospi-
17 talization care, and physical therapy will be provided by physi-
18 cians and therapists at the appropriate facility. Specialists,
19 consultants, and dentists from the private sector shall be
20 employed as needed. As set forth infra, Section V. C. of this
21 Consent Decree, inmates may also employ, at their own expense,
22 private physicians, dentists, and mental health personnel.

23 4. Mental Health Counselor. This individual must be a
24 psychiatric social worker employed and supervised by the Bi-County
25 Mental Health Department. The counselor must be able to assess
26 the mental health of inmates, provide inpatient and outpatient
27 treatment as indicated, and provide consultation to jailors and
28 other health care personnel. The counselor must spend at least
29 four (4) hours per week fulfilling the duties outlined in this
30 Consent Decree. However, if in the professional judgment of
31 the Director of the Bi-County Mental Health Department, these
32 duties can be performed in less than four (4) hours per week,

1 this Consent Decree shall not be interpreted to require the
2 counselor to spend four (4) hours per week rendering those
3 services. The requirement to provide this counselor shall not
4 be construed to require the funding of this position by the Yuba
5 County Sheriff's Department.

6 Each inmate must also be advised that he or she may retain
7 any physician, dentist, or mental health personnel at his or her
8 own expense. The inmate shall reimburse the County for actual
9 additional costs in the event the inmate must be transported to
10 medical treatment out of the Yuba-Sutter Bi-County area. These
11 private health care personnel may enter the Jail at any time
12 without prior approval of the jailors or other health care
13 personnel. Inmates must also be transported to private health
14 care appointments if twenty-four hour notice is given to a
15 jailor or immediately if medically necessary.

16 When health care personnel are present in the Jail,
17 medical decisions shall be made by them. In the event no health
18 care personnel are present, the jailors are responsible for con-
19 tacting the appropriate health care person or facility as needed
20 and for providing health care treatment as previously instructed
21 by the health care personnel.

22 B. Medical Training for Jailors

23 Within six (6) months of the signing of this Consent Decree,
24 all jailors will be given two (2) hours of instruction in physical
25 health assessment and two (2) hours of instruction in mental
26 health assessment by the Bi-County Health and Mental Health
27 Departments. Jailors hired after the initial physical and mental
28 training is given must also be provided equivalent training within
29 three (3) months of their hiring. Four (4) hours of physical
30 and mental health training for each jailor must be provided each
31 year thereafter by the Bi-County Health and Mental Health
32 Departments.

1 C. Medical Procedures for New Arrestees

2 Upon the arrival of each new arrestee, the booking officer
3 will ask a series of medical questions and observe the physical
4 and mental condition of the arrestee in order to complete the
5 Booking Health Form, attached as Exhibit A. The answers to the
6 questions and the officer's observations will be noted on the
7 Booking Health Form and transmitted to the nurse the same or
8 subsequent day.

9 Booking personnel shall not accept any inmate who is uncon-
10 scious, unable to walk by himself or herself, in need of obvious
11 medical attention, or in need of immediate mental health services.
12 In these situations or if it is not obvious but there is a ques-
13 tion as to the physical or mental state of the arrestee, the
14 arresting officer must transport the arrestee to either Rideout
15 Emergency Annex, Yuba County Welfare Medical Clinic or, in
16 instances of mental illness, to the Sutter County Crisis Center.
17 Only after the examining physician certifies that the new
18 arrestee is fit for incarceration may the arrestee be incarcerated.

19 If medically indicated, a new arrestee found fit for incar-
20 ceration by the examining physician, but requiring medical
21 attention or care shall be located in an appropriate portion of
22 the Jail such as in a separate cell. This individual shall be
23 seen by the nurse at the next sick call. Any new arrestee with
24 a communicable disease or conditon must be located in a separate
25 cell. This individual must be seen by the nurse at the next
26 sick call.

27 If in the initial booking it is determined that the new
28 arrestee regularly takes prescription drugs, the following proce-
29 dures must be followed. All prescription medication shall be con-
30 fiscated and noted on the Booking Health Form. The inmate shall
31 be permitted to take the medication in the proper dosage until the
32 next sick call if the medication is prescribed for regular

1 ingestion, if the inmate's name is on the container, and if
2 the medication matches the description in the Physician's Desk
3 Reference. If there is a question, the nurse or other health
4 personnel must be contacted before the prescription ingestion is
5 denied. In addition, if the arrestee does not have certain
6 medication in his or her possession at the time of arrest, but
7 it is determined that this certain medication is necessary for
8 his or her health, the arresting officer must either transport the
9 arrestee to an appropriate medical facility or arrange to get the
10 proper medication. Any new arrestee who regularly takes prescrip-
11 tion medication must be seen by the nurse at the next sick call.

12 Any woman arrestee who indicates that she is or may be preg-
13 nant must be seen by the nurse at the next sick call. Any person
14 who states that he or she requires a special diet must be seen by
15 the nurse at the next sick call.

16 D. Routine Reception Health Assessment

17 When first seen by the nurse at sick call in the Jail, the
18 inmate must be given a routine reception health assessment. In
19 situations outlined previously (i.e. inmate saw health care per-
20 sonnel before booking, needs a special diet, has a communicable
21 disease, regularly ingests prescription medication, or is or
22 possibly is pregnant) this assessment must be given at the sick
23 call following the inmate's booking. The health assessment must
24 be given to all inmates no later than fourteen (14) days after
25 booking. A medical file must be opened for each inmate at the
26 time of assessment.

27 All routine reception health assessments must include the
28 following procedures, tests, and evaluations:

- 29 1. Booking Health Form. This form (Exhibit A) shall be
30 reviewed and attached to the medical records;
- 31 2. Medical history interview. This interview shall include
32 inquiries of the inmate such as regularly taken prescription

1 medications, current dietary needs, chronic health problems, use
2 of non-prescribed drugs, unusual bleeding or discharges, allergy
3 to medications and other substances, ulcers, itchiness, lacera-
4 tions, abscesses, high blood pressure, previous fractures, pre-
5 vious significant illnesses, and venereal disease. In addition,
6 for women, inquiries must be made about their menstrual cycle
7 and any unusual bleeding, current use of contraceptive medica-
8 tions, presence of an I.U.D., breast masses, nipple discharges,
9 and pregnancy.

10 3. Physical examination. This examination shall include
11 measurements of height, weight, blood pressure, pulse, tempera-
12 ture, and respiration. The inmate shall be also inspected to
13 determine if there are signs of trauma, recent surgery, abscesses,
14 open wounds, drug use, jaundice, and communicable diseases.

15 4. Screening. Inmates shall be screened for the following:
16 head (contusions, lacerations, and dried blood), ears (gross hear-
17 ing loss, blood or other discharge), nose (discharge and recent
18 injury), eyes (bruises, jaundice, gross movements, and pupil
19 reactivity), chest (labored or unusual breathing and wounds),
20 abdomen (tenderness, signs of blunt injury, and surgical scars),
21 genitalia (discharge, lesions, and lice), extremities (signs of
22 drug use, deformity, abscessess, and "tracks"). In addition
23 women shall be given pelvic and breast examinations.

24 5. Tests. Tuberculosis skin test, urine tests, cultures
25 and blood test for detection of venereal disease, and other tests
26 shall be performed as medically indicated. Women shall be
27 offered a Pap smear if they have not had one in the last year.

28 6. Dental assessment. Each inmate shall be inspected and
29 questioned as to untreated cavities, broken teeth, dentures,
30 color and condition of tissues, tumors or lesions of the soft
31 and hard tissues, and state of oral hygiene.

32 7. Mental health assessment. If the inmate has allegedly

1 committed a sex offense, allegedly committed a violent crime, or
2 is inexperienced in the correctional system, a mental health
3 assessment must be conducted by the mental health counselor.
4 This assessment shall consist of (1) a personal history interview
5 focusing on previous mental illness, mental health treatment,
6 education, current and past family and sexual relations, and
7 current and past drug and alcohol use; (2) an assessment of the
8 inmate's mechanisms to cope with incarceration; and (3) an assess-
9 ment of the inmate's need for and willingness to accept mental
10 health treatment.

11 The health assessment must also include an oral explanation
12 of the physical and mental health services available. The inmates
13 shall be informed that detailed health education information is
14 available in pamphlet form.

15 Inmates must be advised at the commencement of the health
16 assessment that they have a right to such an assessment but that
17 they also have a right to refuse all or any portion of the
18 assessment.

19 E. Recordkeeping

20 Jailors and health care personnel must maintain complete,
21 current, and accurate records regarding an inmate's health care
22 treatment and prescription drug use. An individual record (here-
23 inafter referred to as the "Jail medical record") must be kept
24 for each inmate, and a copy of this record must be kept in a
25 separate file in the Jail. These records must be standardized
26 so as to facilitate communication among staff. Provision in the
27 records must be made to allow entry of the following information:
28 history, complaints, treatment plan, and progress notes. All
29 entries must be dated and the time noted. In addition, jailors
30 and health care personnel must record the fact that a drug or
31 other prescribed treatment was administered, at what time, in
32 what dosage, and by whom on the form available for that purpose.

1 All contacts, diagnoses, and treatments by either the R.N.,
2 L.V.N., or any attending physician must be entered in the Jail
3 medical record.

4 Upon release from the Jail, an inmate's doctor must be
5 provided, upon request, with a copy of all of the inmate's Jail
6 medical records. The Jail medical records are confidential and,
7 except for the drug dosage record, the custodial staff shall not
8 review the records. When necessary or upon request of the
9 attending physician, jailors shall transmit an inmate's medical
10 record to the attending health care personnel.

11 F. Sick Call

12 Daily sick call must be provided to all inmates requesting
13 medical attention. All inmates desiring to see a nurse must be
14 permitted to fill out a sick call request form. Jailors shall
15 have no discretion in transmitting these requests to the nurse.
16 The nurse must see all inmates requesting attention. In certain
17 circumstances after consultation with a physician, the nurse may
18 refuse to see an inmate whose complaint has been previously
19 evaluated and found non-existent. However if such an inmate
20 complains of a different malady, he or she must be seen at the
21 next sick call. Any inmate who the nurse wishes to see for any
22 purpose must be brought to the examining room during sick call
23 unless the inmate refuses.

24 The nurse may distribute non-prescription medications or
25 ointments as medically indicated. If non-prescription medication
26 or treatments (such as soaking an extremity) should be periodi-
27 cally given, jailors must permit and arrange for such medication
28 to be consumed and treatments to be given.

29 Before or during sick call the nurse shall review the
30 Booking Health Forms which accumulated since the last sick call.
31 If the inmate needed medical attention when booked, regularly
32 takes prescription drugs, has a communicable disease, needs a

1 special diet, or if a female indicates she is or may be pregnant,
2 the nurse shall see the individual at that sick call. The nurse
3 shall establish a system to assure that individuals needing
4 follow-up care and evaluation are seen at the proper intervals.

5 If during sick call the nurse determines that the inmate
6 should see a physician, a dentist, mental health personnel, or
7 other specialist, the nurse shall fill out a referral slip or
8 x-ray permit. This slip shall indicate the maximum time which
9 can elapse before the inmate is either transported to the proper
10 person or facility or the proper person attends the inmate at
11 the Jail. Jailors shall insure that the inmate is transported to
12 the proper person or facility within the specified time interval.

13 After sick call the registered nurse, or the nurse's
14 designate, is responsible for obtaining new or renewal prescrip-
15 tions, transmitting these drugs to the jailor or L.V.N. in charge
16 of administering drugs, delivering lab specimens to the appropriate
17 facility, and reviewing the charts of all those appearing at sick
18 call with the physician in charge that day. At that time the
19 doctor may request that certain inmates be brought to the Yuba
20 County Welfare Medical Clinic within a certain time frame, and
21 the doctor will order necessary medications or treatments. If a
22 physician believes that tests, evaluation, or treatment by a
23 specialist is medically indicated, the physician shall fill out a
24 referral slip indicating the maximum time which can elapse before
25 the test, evaluation, or treatment. Jailors have the obligation
26 to insure the referral is completed within the indicated time
27 interval.

28 So as to facilitate medical care in the Jail, the examining
29 room must have a toilet nearby and must be equipped with the

30 / / /

31 / / /

32 / / /

1 following: examining table, light, blood pressure cuff, ther-
2 mometer, stethoscope, ophthalmoscope, otoscope, reflex hammer,
3 wheel chair, specula, culture plates, syringe, needles, scale,
4 tongue depressors, dressing and other necessary equipment. Some
5 of the above may be brought in daily by the R.N. or L.V.N. as
6 convenience dictates.

7 G. Emergency Care

8 Emergency dental, medical, and psychiatric care must be
9 available twenty-four hours per day. The health care personnel
10 shall prepare for distribution and prominent display written
11 procedures for medical emergencies, including mental health
12 crises. Jailors must be familiar with these guidelines and also
13 must be available to provide first-aid care and cardiopulmonary
14 resuscitation. If an inmate requests emergency medical attention
15 and a jailor does not believe such attention is necessary, the
16 jailor must contact the nurse or Yuba County Welfare Medical
17 Clinic physician who is on-call to receive an expert opinion on
18 treatment or need to transport the inmate to an appropriate
19 medical facility.

20 If a medical emergency develops, the inmate must be taken
21 immediately by a jailor or other employee of the Sheriff's
22 Department to the appropriate medical facility by patrol car or
23 if necessary by ambulance. Security requirements and concerns
24 cannot unreasonably delay the inmate's transportation. Medical
25 emergencies shall be detected by inmates utilizing the available
26 telephones, by the jailors viewing the visual monitors, and by the
27 jailors' regular patrols of the Jail at least hourly. The times
28 of such hourly patrols are to be noted in the Jail log.

29 H. Women's Health Care

30 In addition to the procedures previously outlined, the
31 following health care procedures must be followed for women inmates.
32 Any women taking oral contraceptives must be permitted to continue

1 taking them on a regular basis as prescribed. An I.U.D. in place
2 may not be removed without the woman's consent. Sanitary napkins
3 and tampons must be available for every female inmate.

4 Family planning counseling and prescriptions must be offered
5 no later than sixty (60) days before the scheduled release of
6 sentenced inmates. Such counseling and medical prescriptions
7 must be provided upon request. Family planning information and
8 education shall also be furnished.

9 If a woman believes she is or may be pregnant, she is
10 entitled to a pregnancy test. If she is pregnant she is entitled
11 to regular pre-natal and post-natal care, a special diet, supple-
12 mentary vitamins, and other care as prescribed by a physician. A
13 female inmate has the right to summon and receive services in
14 connection with a pregnancy from a private physician at her own
15 expense. An indigent woman is entitled to receive medical services
16 in connection with a pregnancy on the same basis as an indigent
17 woman would be entitled to receive such services under the Medi-
18 Cal program.

19 Counseling in connection with a pregnancy shall be offered
20 upon request. All of the rights contained in this subsection
21 (H) must be posted in the women's tank.

22 I. Dental Services

23 As outlined previously the routine health assessment will
24 include an examination of the inmates' teeth and gum tissues. All
25 inmates are entitled to emergency dental care to treat painful
26 conditions, such as broken teeth, abscesses, and cavities. All
27 inmates are entitled to immediate and continual pain medication
28 until the condition is rectified. If needed, x-rays must be taken.
29 If a simple filling would remedy a condition determined by a
30 dentist to be painful, if the inmate prefers this treatment to any
31 other treatment, and if the inmate is indigent, a filling must be
32 provided. The inmate has a right to his or her own dentist at

1 his or her own expense.

2 If after emergency dental treatment while in the Jail, it is
3 medically indicated that the inmate should be fitted with a
4 prosthetic appliance, and the inmate cannot consume a nutritious
5 diet without such an appliance, an indigent inmate is entitled to
6 be fitted and provided with such an appliance.

7 J. Environmental Health Conditions

8 The Jail must be maintained in a safe and sanitary condition.
9 Unless there is an equipment malfunction, the temperature of the
10 Jail shall be maintained so that the maximum temperature does not
11 exceed 80° and the minimum temperature is not less than 63°. If
12 the heating or cooling equipment malfunctions, prompt action shall
13 be taken to remedy the defect. Adequate lighting for reading
14 without strain must be maintained during the day in the cells,
15 tanks, and day rooms. Night lighting shall not be so bright so
16 as to hinder sleep. Humidity and pollution must be controlled
17 in the air. Professional pest, vermin, and mosquito control shall
18 continue on a monthly basis. Fire equipment must be available
19 and accessible to the jailors; personnel must be trained in its
20 proper use. Drinking fountains must be kept in a sanitary
21 fashion. Mattresses must be sterilized, as necessary, to prevent
22 the spread of lice.

23 Each inmate shall have a mattress, sheet, pillow, and a
24 blanket and shall have access to a reflective surface usable as
25 a mirror. Each cell in deep felony shall have a table, chair,
26 bed, sink, and light. Inmates shall have access to materials to
27 clean their cell at least twice per week. Jailors shall respond
28 promptly to requests for repairs or replacements, such as light
29 bulbs. Upon request, coats and extra blankets shall be made
30 available. The windows within the Jail shall remain uncovered
31 by any material which prevents or impedes the passage of light.

32 Health personnel must regularly evaluate the environmental

1 health situation in the Jail. Their recommendations must be duly
2 considered and, if reasonable, implemented.

3 K. Inmate's Personal Hygiene

4 Inmates shall be permitted to shower daily. Each inmate
5 will be provided with clean socks and underwear three (3) times
6 per week. Clean towels and other clothes will be provided two (2)
7 times per week. If an inmate cannot afford personal hygiene items
8 such as toothbrush, toothpaste, combs, shampoo, soap, tampons
9 and sanitary napkins for women, and shaving equipment for men,
10 these items will be provided to them.

11 L. Food

12 Nutritious and tasty food must be provided to inmates. The
13 minimum nutritional standards set out in 15 California Admini-
14 strative Code §1180 et seq., and as modified by a licensed or
15 registered dietitian, must be achieved. Best efforts must be
16 made to include more fresh fruit and milk than is presently
17 offered. Meals must be provided three (3) times in each twenty-
18 four hour period. If more than fourteen (14) hours elapse
19 between meals, supplemental food in an amount of at least 500
20 calories must be served.

21 Menus shall be planned one (1) month in advance, and they
22 must provide a variety of foods to prevent repetitive and
23 monotonous meals. Food shall be served so that hot foods are
24 served reasonably warm and cold foods are served reasonably cool.
25 Sanitation and food storage shall comply to standards set forth
26 in California Health and Safety Code §28520 et seq.

27 Provision shall be made to immediately comply with any
28 special diet prescribed for an inmate by any health care person.
29 A licensed or registered dietitian shall plan the following
30 special diets for Jail inmates: 1) a low carbohydrate diet; 2)
31 a low salt diet; 3) a pre-natal diet; 4) a post-natal diet; and
32 5) a low-fat diet. These special diets shall be provided to the

1 inmates as prescribed by the Jail nurse or the treating physician.

2 M. Distribution and Storage of Prescription Drugs

3 Written procedures shall be established for the secure
4 storage and controlled administration of all prescription drugs.
5 At a minimum these procedures must provide for: securely lockable
6 cabinets and refrigeration units, means for a positive identifica-
7 tion of the recipient of the prescribed medication, such as hospi-
8 tal arm bands or photographs, procedures for administering pre-
9 scription drugs only in the dose prescribed and at the time
10 prescribed, procedures for confirming that the recipient has
11 ingested the medication, procedures for recording the fact that
12 the prescribed dose has been administered and by whom, and pro-
13 cedures which prohibit the administration of drugs by inmates.
14 Non-prescription medication may be dispensed to inmates according
15 to specific, written rules.

16 N. Prosthetics, Eyeglasses, and Other Health Aid Devices

17 Inmates with prosthetic devices, eyeglasses, contacts,
18 hearing aids, or other physical health aids shall be permitted
19 to retain and use the devices while incarcerated. If it is
20 medically indicated that such a device needs repair, the device
21 must be repaired or restored; however, the Jail has the option of
22 issuing proper corrective lenses instead of contacts to the
23 inmates. Non-indigent inmates shall pay for the repair or
24 replacement of the aforesaid devices.

25 If medically indicated, indigent inmates must be provided
26 devices under the same criteria as other indigent persons in the
27 community would receive such devices from Medi-Cal or other
28 governmental programs.

29 O. Chronic Condition Treatment

30 If an inmate is found to be a chronic carrier of venereal
31 disease or tuberculosis, he or she shall be immediately treated.
32 If an inmate has a chronic condition such as diabetes, hyper-

1 tension, high blood pressure, arthritis, or other painful or
2 dangerous affliction, it shall be immediately treated.

3 P. Hospitalization

4 In an emergency situation or at the request of health care
5 personnel, an inmate must be hospitalized for physical or mental
6 reasons. An inmate has the right to request a certain hospital
7 within Yuba or Sutter Counties, certain accommodations, and his
8 own attending medical personnel; however, the difference in cost
9 of these additional services must be borne by the inmate. Upon
10 return from hospital in-patient status or after emergency hospital
11 care, and if medically indicated, the inmate shall be located in a
12 single cell until evaluated and released from there by the Jail
13 nurse.

14 No inmate shall be denied or unreasonably delayed emergency
15 hospitalization which is medically indicated for security reasons.

16 Q. Substance Abusers

17 If there is reasonable cause to believe that the person is
18 addicted to a controlled substance or alcohol, it is the duty
19 of the jailor to contact the on-call health personnel or to
20 transport the inmate immediately to the appropriate hospital
21 facility. This medical aid must be directed to ease all symptoms
22 of withdrawal.

23 R. Mental Health Services

24 Inmates with emergency crisis situations shall be able to
25 receive care at Sutter General Hospital. Sentenced prisoners with
26 drug-related offenses shall continue to have access to one of the
27 counseling programs offered by the Bi-County Mental Health Depart-
28 ment. Any inmate who was receiving out-patient care from the Bi-
29 County Mental Health Department before incarceration will continue
30 to receive it. The location of such care will be determined by
31 the Bi-County Mental Health Department in conjunction with the
32 Jail Supervisor.

1 In addition to the drug counseling program for sentenced
2 inmates, the mental health counselor will provide assessment and
3 treatment services for at least four (4) hours each week, except
4 as provided in Section V A (4) supra. The counselor shall assess
5 persons incarcerated more than seven (7) days who allegedly
6 committed sex offenses, who allegedly committed crimes of physical
7 violence, or who are inexperienced with the correctional system.
8 In addition, the counselor shall offer treatment as medically
9 indicated to those assessed and to other inmates as time permits.
10 Inmates are entitled to assessment and treatment, but they must be
11 informed that they are also entitled to refuse such treatment.

12 On a weekly basis the mental health counselor shall consult
13 with jailors and other health care personnel to exchange informa-
14 tion with respect to the mental health of the inmates. The
15 counselor must respect the confidential nature of communications
16 to him or her, but the counselor has an obligation to take steps
17 to assure the safety of an inmate who indicates that he or she
18 may attempt to commit suicide or to harm another.

19 Follow-up mental health services shall be offered by the
20 Bi-County Mental Health Department. An inmate's probation officer
21 in conjunction with the mental health counselor is responsible for
22 locating the proper community mental health program for a released
23 inmate.

24 S. Inmate's Rights

25 Every inmate must be provided with complete information as
26 to all medical procedures scheduled for him or her and possible
27 dangers from such procedures. The procedures, tests, and exami-
28 nations may only take place with the inmate's informed consent.
29 Confidentiality must be maintained in recordkeeping and in
30 communications among the health personnel so that unauthorized
31 persons do not have knowledge of an inmate's medical condition
32 or history. The doctor-patient privilege exists between the

1 inmate and any health care personnel. Care cannot be conditioned
2 on the waiver of any right guaranteed to the inmate by the
3 Constitution, by statute, or by this Consent Decree. No inmate
4 may be disciplined for seeking medical care. The inmates must
5 be accorded a right to privacy within the reasonable requirements
6 of adequate security.

7 T. Evaluation

8 The Jail should be inspected at least on a bimonthly basis.
9 Jailors and health care personnel shall at least bimonthly evaluate
10 the adequacy of the diet, all environmental health factors, and
11 kitchen sanitation. The county health officer or his or her
12 designate, at least annually, shall inspect the Jail for sanitation
13 and the adequacy of food, clothing, and medical care. Reasonable
14 recommendations by jailors or health care personnel shall be
15 implemented.

16 U. Implementation

17 Implementation of the provisions contained in Section V
18 should begin immediately and be completed as soon as possible.
19 In any event full implementation shall be completed no later
20 than January 1, 1979.

21 VI.

22 VISITATION

23 All inmates shall be given the opportunity to have visitors
24 on two days per week, at least one of which shall be Saturday
25 or Sunday. There shall be at least four (4) hours each week of
26 visitation time. There shall be no age restriction placed on
27 visitors, except that jailors may require that visitors under the
28 age of eighteen (18) be accompanied by a parent, responsible
29 relative, or guardian. A thirty (30) minute time limit may be
30 imposed on visits if there are other visitors waiting to see
31 inmates. However, a visitor who is asked to leave after thirty
32 (30) minutes may wait his or her turn for such additional visits

1 as time permits. Inmates may have more than one visitor at one
2 time if space permits and no others are waiting to visit. A sign
3 shall be posted in the lobby of the Sheriff's Department which
4 lists visiting hours and explains visiting procedures.

5 VII.

6 DUE PROCESS IN DISCIPLINE

7 Defendants shall maintain written rules and procedures
8 governing the conduct of inmates within the Jail. Those rules
9 and procedures shall explain in simple terms what inmates are
10 not allowed to do while incarcerated, what punishments are possible
11 for violating specific prohibitions, and what procedures must be
12 followed in imposing discipline. An acceptable version of these
13 rules and procedures is included in the "Inmates' Rights and
14 Responsibilities", Exhibit B.

15 DISCIPLINE: The purpose of imposing discipline within the Jail
16 is to maintain order and control. Disciplinary action is reserved
17 for those inmates who refuse to conform to the aforesaid written
18 rules and procedures. It will be utilized when verbal communica-
19 tion with the inmate has failed to maintain order and control.

20 A. Major and Minor Violations

21 Rule violations may be classified as major if the inmate's
22 behavior is likely to cause a direct danger to the health and
23 safety of other inmates, the staff, or the institution. Other
24 rule violations are minor.

- 25 1. Violations involving control of contraband, damaging
26 County property, escape attempts, incidents of physical
27 violence, persistent creation of disturbances which
28 interfere with the function of the Jail or welfare of
29 other inmates, starting fires, assault, making a false
30 report of an emergency, presence in an unauthorized area
31 of the Jail, homosexual activity, or any violation of a
32 criminal statute may be charged as a major or minor

violation. Repeated minor violations or minor violations coupled with conduct or words reasonably indicating a risk to the safety or security of the Jail may be charged as a major violation.

2. All other violations of the Jail rules and procedures are minor violations.

3. Repeated major violations shall be reported as new and separate violations.

B. Disciplinary Measures

1. Minor violations shall not affect the inmate's release date. Minor violations may be punished by one of the following sanctions:

a. Verbal reprimand.

b. Written reprimand.

c. Relocation to another cell of the same or similar classification.

d. Revocation of one or two of the following for up to one week: access to the exercise yard, movies, store call, visitation, the library, or the educational program. Individuals may be denied the opportunity to watch television for up to one week.

2. Major violations shall be punished by one or more of the following sanctions, in addition to any counseling of the inmate deemed necessary by the Jail Supervisor:

a. Any of the sanctions authorized for punishment of a minor violation.

b. Loss of access to the exercise yard, movies, store call, the recreation library, or visitation for up to thirty (30) days.

c. Placement in an isolation cell for a period not to exceed ten (10) days.

d. Loss of good-time credits if the inmate is sentenced.

1 This loss shall not apply to accrued pre-sentence
2 good-time.

3 e. Loss of trusty status.

4 3. No inmate shall be subjected to cruel, corporal, or
5 unusual punishment or lack of care which injures or
6 impairs the health of the inmate. No inmate shall suffer
7 any deprivation, as a punitive measure, of clothing,
8 bedding, at least two meals a day, or normal hygienic
9 implements required for basic sanitation.

10 C. Disciplinary Procedures

11 1. Whenever a jailor becomes aware of a possible rule viola-
12 tion, he or she may report the situation in writing to
13 the Jail Supervisor. If any discipline is to be imposed
14 other than a reprimand this report must be in writing
15 and must be received by the Jail Supervisor within
16 forty-eight (48) hours, exclusive of Saturdays, Sundays,
17 or holidays, of the alleged violation.

18 2. If a minor violation is charged, the Jail Supervisor may
19 take action to evaluate the alleged violation. If the
20 Jail Supervisor chooses to evaluate the alleged violation
21 for possible imposition of punishment, he must give the
22 inmate an opportunity to explain his or her side of the
23 alleged violation. If the Jail Supervisor finds the
24 alleged violation did occur, he may institute punishment
25 as authorized for minor violations. Such action must be
26 taken within seventy-two (72) hours of the report of the
27 violation.

28 3. If a major violation is charged, the Jail Supervisor
29 shall review the incident within seventy-two (72) hours
30 of receipt of the initial report, exclusive of Saturdays,
31 Sundays, and holidays, to determine whether:

32 a. the matter should be treated as a major violation;

- b. the matter should be treated as a minor violation; or
- c. the matter should not be considered a violation.

- 4. In the event that the Jail Supervisor determines that it should be treated as a major violation, the inmate shall be entitled on request to a hearing before the Jail Commander. The inmate shall be provided with a copy of the initial report charging the alleged major violation and a copy of these disciplinary procedures at least twenty-four (24) hours prior to the time of the hearing, which shall be scheduled within seventy-two (72) hours of the request for hearing, unless time is waived by both the Sheriff's Department and the inmate. The hearing shall be held under the following rules:
 - a. The inmate has a right to be present and speak, submit signed statements or declarations, evidence, and witnesses, if available (not to exceed three (3) witnesses), consisting of all relevant information about the alleged offense, as determined by the Jail Commander.
 - b. The inmate may select another inmate or member of staff as a counsel substitute to represent the inmate at the hearing.
 - c. The Jail Commander shall make a determination within twenty-four (24) hours of the hearing as to the truth of the charge and, if true, the nature of the punishment to be imposed. The determination shall be made within ninety-six (96) hours of the request for hearing.
- 5. An appeal may be taken by an inmate of discipline imposed for a major violation if the punishment applied is:
 - a. Placement in an isolation cell for more than forty-eight (48) hours.

- b. Loss of more than five (5) days good-time credit.
- c. Loss of access to store call, the recreation library, the roof-top exercise yard, or visitation for a time exceeding one (1) week, or loss of trusty status for a time exceeding one (1) week.

6. An appeal must be presented to a jailor on a form which shall be available for that purpose within twenty-four (24) hours of the report of the Jail Commander being supplied to the inmate. The inmate, with the aid of counsel substitute, shall prepare a statement in writing of the grounds for appeal. The inmate may appear at the appeal hearing with counsel substitute to make a statement, not exceeding fifteen (15) minutes in length, but no other evidence may be presented at the appeal hearing. The report of the Jail Commander and all other evidence or items introduced at the hearing shall be before the appeal panel.

The appeal shall be heard by a panel consisting of the Undersheriff, an officer within the Sheriff's Department of the rank of Sergeant or higher (designated by the Sheriff), and a person designated to serve by the head of the Yuba County Probation Department. The appeal shall be conducted within three (3) days of the filing of the notice of appeal at a time set by the appeal panel. The decision of the appeal panel shall be final and shall be rendered within forty-eight (48) hours of the conclusion of the appeal.

D. Reporting of Disciplinary Actions

1. Action taken on minor violations other than verbal reprimands shall be reported on a form which contains the date of the offense, a brief factual description of the offense, together with a notation of the rule which

1 is violated, and the nature of the punishment administered.

2 A copy of this report shall be filed and retained in the
3 Jail and a copy given to the inmate within twenty-four
4 (24) hours after the Jail Supervisor's decision.

- 5 2. At the conclusion of any hearing or appeal on a major
6 violation a report shall be filed which contains the date
7 of the offense, a brief factual description of the nature
8 of the offense, the rule violated, a recitation of the
9 evidence relied upon by the Jail Commander and/or appeal
10 panel to support the charge violation, a list of the
11 witnesses who presented evidence at the hearing, a list
12 of any other evidence presented at the hearing, and the
13 punishment administered. A copy of the report of a major
14 violation shall be filed and retained within the Jail and
15 a copy given to the inmate within twenty-four (24) hours
16 of a decision at each level.

17 E. Special Consideration

- 18 1. In the event that any incident could also be subject to
19 a criminal prosecution and the matter is referred to the
20 District Attorney's Office, disciplinary proceedings
21 shall be suspended until a determination has been made
22 that the District Attorney will not prosecute the matter.
23 No punishment on the incident referred shall be imposed
24 during any such suspension, and the required time limits
25 shall be tolled during that period.
- 26 2. No punishment shall be administered without conformance
27 to the procedures herein, other than in the form of
28 reprimand or warning. However, if it is necessary due
29 to Jail security or the safety of persons within the Jail
30 to relocate any inmate charged with an offense to a less
31 desirable location within the Jail, the hearing on the
32 offense charged must be held within thirty-six (36) hours.

1 exclusive of Saturdays, Sundays, and holidays, unless
2 the Sheriff's Department and the inmate both waive, in
3 writing, this time limit.

4 VIII.

5 DUE PROCESS OF LAW IN ASSIGNMENT
6 TO THE DEEP FELONY SECTION OF THE JAIL

7 At the time a male inmate accused of a felony is booked, the
8 Jail Supervisor shall evaluate the individual to determine whether
9 he should be housed in the deep felony area of the Jail. In the
10 event that the Jail Supervisor is not present within the Jail,
11 said evaluation shall be made by the person directly responsible
12 for the Jail who shall preferably be of the rank of Sergeant or higher.
13 (In this event, the determination shall be reviewed by the Jail
14 Supervisor on the next day that the Jail Supervisor is on duty).
15 An individual may be housed in deep felony upon initial evaluation
16 if the inmate:

- 17 1. has been previously involved in escape attempts;
- 18 2. has exhibited traits which lead the Jail Supervisor to
19 reasonably conclude that the inmate is a danger to other
20 inmates;
- 21 3. is suffering from a physical ailment that requires
22 isolation from other inmates;
- 23 4. must be kept apart from other inmates for compelling
24 security reasons; or
- 25 5. cannot be housed elsewhere because the other housing
26 units are filled to capacity or overcrowded.

27 An inmate who is not housed in deep felony upon initial
28 evaluation may later be involuntarily transferred to deep felony
29 from another portion of the Jail if he is involved in physical
30 violence, repeated excessively disruptive conduct, continued
31 destruction of Jail or other inmates' property, or other similar
32 activity threatening the security of the Jail or the safety of

1 the persons within the Jail.

2 Every assignment of a person to deep felony shall be based
3 on a written report providing an explanation of the facts and
4 circumstances requiring the segregation. This report shall be
5 written as soon as possible and in no case later than forty-eight
6 (48) hours after the initiation of the assignment to deep felony.
7 Said reports shall be retained.

8 Assignment to deep felony shall not involve a deprivation of
9 privileges other than those necessary to protect the welfare of
10 inmates and staff.

11 An individual assigned to deep felony has the same hearing
12 and appeal rights as an inmate accused of a major violation except
13 that hearings may not be requested until forty-eight (48) hours
14 after the inmate is booked. In instances in which the individual
15 is initially assigned to deep felony and requests a hearing, the
16 Jail Commander (or the appeal panel if an appeal is later requested)
17 shall determine whether or not the individual fits within any of
18 the above five (5) enumerated reasons for initially assigning an
19 inmate to deep felony. If an inmate requests a hearing or an
20 appeal after being involuntarily transferred to deep felony, the
21 Jail Commander or (appeal panel) shall determine whether such
22 inmate fits within any of the above-enumerated criteria for
23 involuntary transfer.

24 IX.

25 INMATE GRIEVANCE PROCEDURE

26 The provisions of an inmate grievance procedure shall be
27 provided to inmates at booking and shall be posted in as many
28 locations as is necessary for all inmates to be aware of the
29 procedures. The inmate grievance procedures shall be in conformity
30 with the following.

31 A. Purpose and Definitions

32 1. Statement of Purpose.

1 The purpose of the formal grievance procedure is to
2 assure that inmate complaints are given full opportunity
3 for fair hearing, consideration, and resolution. The
4 procedure is intended to supplement, not to replace,
5 informal methods of dispute resolution.

6 2. Grievance Defined.

7 A grievance can be any complaint regarding Jail
8 conditions, procedures, food, or compliance with any
9 portion of this Consent Decree. If an inmate wishes
10 to complain about discipline, he or she should do so
11 utilizing the mechanisms described in Section VII above.
12 If the inmate wishes to complain about an alleged failure
13 to comply with the inmate discipline procedures, he or
14 she may do so in a grievance.

15 If a grievance concerns an allegation of a violation
16 of a Sheriff's Department policy or state or federal law
17 by an employee of the Jail which could result in formal
18 discipline (i.e., reprimand, suspension, termination),
19 it shall be referred to the Internal Affairs Unit of
20 the Sheriff's Department. Internal Affairs shall
21 prepare a written report on its findings for the Under-
22 sheriff. The Undersheriff shall decide on a course of
23 action, which must be put in writing with a copy going
24 to the inmate. If the grievant is not satisfied with
25 the disposition by the Undersheriff, he or she can then
26 proceed with a normal grievance as hereinafter described.

27 B. Jail Grievance Procedure

- 28 1. Any inmate may file a grievance by submitting an inmate
29 request to any jailor or to the Jail Supervisor on forms
30 which shall be provided for that purpose. No reprisals
31 will be taken against them for using the grievance pro-
32 cedure or against other inmates assisting in pursuing a

1 solution to the grievance. Inmates shall be informed of
2 this policy prohibiting such reprisals.

3 2. The Jail Supervisor shall obtain as much information as
4 possible regarding the grievance and shall attempt to
5 resolve it to the satisfaction of the grievant within
6 forty-eight (48) hours. If the grievant is satisfied
7 with the resolution proposed by the Jail Supervisor he or
8 she may sign a statement that the grievance has been
9 satisfactorily resolved and the grievance shall proceed no
10 further.

11 3. If the grievance has not been resolved within forty-eight
12 (48) hours of receipt of the grievance, the Jail Commander
13 shall conduct a grievance hearing within seventy-two (72)
14 hours of receipt of the grievance.

15 a. A grievance hearing shall be conducted by the Jail
16 Commander unless he or she is the subject of the
17 grievance in which case the Sheriff shall appoint a
18 replacement who has the rank of Captain or higher.

19 b. During the hearing the inmate and witnesses will be
20 heard and all pertinent information will be reviewed.
21 The inmate may be assisted by another inmate or a
22 member of the Sheriff's Department willing to act as
23 an inmate's representative. The representative shall
24 be entitled to attend and participate in the
25 grievance hearing as well as any informal conferences
26 or reviews in which the grievant participates.

27 c. To provide a full opportunity for expression, the
28 hearing must bring together the inmate and the person
29 about whom he or she is complaining, or someone to
30 speak for the policy or condition that is the
31 subject of the grievance.

32 d. An inmate with an emergency grievance (i.e. one

1 which requires immediate action to avoid injury or
2 continued problems) shall be responded to on an
3 expedited basis (i.e. immediately).

4 4. The Jail Commander shall resolve the grievance. A
5 written disposition shall be given to the grievant
6 within seventy-two (72) hours of the completion of the
7 hearing.

8 C. Grievance Appeals

9 If the inmate is not satisfied with the disposition of the
10 Jail Commander, he or she may appeal to a Grievance Panel con-
11 sisting of the Undersheriff, an officer within the Sheriff's
12 Department of the rank of Sergeant or higher (designated by the
13 Sheriff), and a person designated to serve by the head of the
14 Yuba County Probation Department. Such appeals must be presented
15 on a form provided by the Sheriff's Department within seven (7)
16 days of receiving the written disposition from the Jail Commander.
17 Within seven (7) days thereafter a hearing shall be held at which
18 the grievant and/or his or her representative shall be given the
19 opportunity to explain the grievance and urge that appropriate
20 action be taken. The Grievance Panel may request additional
21 evidence or testimony from anyone it deems appropriate.

22 The Grievance Panel shall submit a written disposition of
23 the appeal and a brief explanation of the reasons therefor to the
24 inmate within seventy-two (72) hours after the completion of the
25 grievance appeal hearing.

26 D. Records

27 Copies of all grievances, appeals, and the disposition
28 thereof shall be retained by the Jail for at least one (1) year
29 after their completion.

30 X.

31 Access To Legal Materials

32 A. The following books shall be maintained within the Jail

Supervisor's office for inmate use:

1. West's Annotated California Penal Code;
2. United States Code Annotated; Constitution, including amendments;
3. United States Code Annotated; Title 42, §§ 1891-2010;
4. United States Code Annotated; Title 18;
5. United States Code Annotated; Title 28, §§ 2241-2255 (Federal Rules of Appellate Procedure, Rules of Supreme Court);
6. Rules of local federal district courts;
7. Black's Law Dictionary;
8. Cohen, Morris L., Legal Research in a Nutshell (2d ed.) St. Paul, West. 1971;
9. The United States Law Week or the Criminal Law Reporter;
10. West's Federal Rules of Criminal Procedure;
11. Israel, Jerold I. and Wayne R. LaFave, Criminal Procedure in a Nutshell, St. Paul; West. 1971;
12. Potts, James L., Prisoners' Self-Help Litigation Manual. The National Prison Project of the American Civil Liberties Union Foundation, 1976;
13. Jailhouse Lawyers Manual: How to Bring a Federal Suit Against Abuses in Prison, San Francisco (558 Capp St., 94110); Prison Law Collective 1973;
14. Krantz, Sheldon. Cases and Materials on the Law of Corrections and Prisoners' Rights, St. Paul; West. 1973;
15. A Manual on Habeas Corpus for Jail and Prison Inmates; written and compiled by the Prison Law Project, Berkeley, California (P. O. Box 673, 64701); Legal Publications (1973);
16. Prison Law Monitor; and
17. How to Use a Law Library: A Short Course for Laymen. San Francisco. People's Law School (558 Capp St., 94110),

1 1973.

2 18. California Administrative Code, Subchapter four (4) of
3 Title 15, Minimum Standards for Local Detention
4 Facilities, §1000 et seq.

5 B. Each inmate confined within the Jail for more than forty-
6 eight (48) hours shall be provided with a list of the books con-
7 tained in Section A (above) and a complete inventory of the books
8 contained within the Yuba County Law Library. These lists shall
9 be accompanied by an informational sheet which informs inmates:

- 10 1. that the books on the list in Section A (above) are
11 kept in the Jail Supervisor's office for use by inmates
12 and must be made available within twenty-four (24) hours,
13 seven days per week, upon request for same;
- 14 2. that the books on the inventory of the Yuba County Law
15 Library are for use by inmates and must be made avail-
16 able within twenty-four (24) hours upon request for
17 same, except that such books need not be retrieved on
18 weekends or on holidays;
- 19 3. that law books which are not available in either the Jail
20 Supervisor's office or the Yuba County Law Library shall
21 be ordered by phone by a jailor. Said telephone calls
22 shall be made to the State Law Library by 5:00 p.m. on
23 the day the book is requested by an inmate if the request
24 is made before 4:00 p.m., or by 5:00 p.m. of the day
25 after the request is made if the request is made after
26 4:00 p.m., provided that law book orders need not be
27 made on weekends or on holidays;
- 28 4. that requests for law books must be made in writing,
29 on forms provided for that purpose upon oral or
30 written request of the inmates;
- 31 5. that the law books are subject to prior check out and
32 that inmates will be placed on a waiting list if the

1 || desired book has already been checked out.

2 C. Jailors shall ensure compliance with the procedures described
3 in the informational sheet provided to each inmate pursuant to
4 Section B (above). The Sheriff's Department shall retain the
5 forms described in subsection (4) of the preceding Section for
6 one year after receipt thereof.

7 || XI.

8 Access to Courts

Inmates shall be informed that they may correspond, confidentially, with State and Federal Courts, any member of the State Bar or holder of public office, and the Board of Corrections, provided that the Jail may open and inspect such mail to search for contraband. Forms shall not be used which purport to authorize the Sheriff or anyone else to open, censor, and read incoming or outgoing mail to or from the above enumerated persons or institutions.

17 Inmates may correspond, confidentially, with the Jail Super-
18 visor and the Jail Commander.

19 Inmates who are without funds shall be permitted at least
20 two postage-free letters each week to permit correspondence with
21 family members and friends. Inmates who are without funds shall
22 be permitted an unlimited number of postage-free letters to his
23 or her attorney and to the Courts.

24 Inmates shall be allowed to receive incoming calls from out-
25 of-town attorneys subject to reasonable verification that the
26 attorney represents the inmate and only if it is not practical for
27 the inmate to immediately call the attorney back on the inmate
28 telephone.

29 There shall be two rooms regularly available to attorneys to
30 interview their clients between the hours of 8:00 a.m. and 4:00
31 p.m. Rooms must be such that the confidentiality of the attorney/
32 client relationship is protected.

1 Inmates shall be permitted to shave, bathe, and comb their
2 hair prior to all court appearances, provided that the Jail
3 Supervisor or a jailor has been informed of a court appearance at
4 least twenty-four (24) hours in advance. Inmates shall be allowed
5 to wear street clothes for court appearances, except arraignments
6 and pre-trial motions, if provided by the inmate. An inmate's
7 family and friends shall be permitted to bring street clothes to
8 the Jail for use by the inmate. Inmates shall be verbally
9 informed of these procedures at the time of their booking.

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XII.

FEMALE TRUSTY PROGRAM

It shall be the responsibility of the Sheriff, the Jail Commander, and the Jail Supervisor to maintain the following trusty program for women inmates.

A. Selection Criteria

Females will be selected as trustys by the Jail Commander or the Jail Supervisor utilizing the same criteria as that used in the selection of male trustys. This will take into consideration the proposed trusty's background, arrest record, custodial behavior, and the length of sentence imposed.

A conviction or arrest for prostitution or a prostitution-related offense shall not be used to categorically disqualify women from having jobs outside the Jail as part of the trusty program. However, the Jail Commander or the Jail Supervisor shall retain the discretion to consider a conviction or arrest for prostitution, along with all other relevant factors, in determining whether a particular individual can perform a particular unsupervised job outside the Jail consistent with the security of the Jail and the safety of the woman.

The length of the sentence imposed shall not be used to disqualify women from full participation in the trusty program and may be considered only for the purpose of assigning a particular job to a particular individual. All females shall be entitled to participate in the trusty program and shall be selected as trustys provided that they fulfill the selection criteria.

B. Housing

The section of the Jail formerly used to house juveniles shall be maintained as a facility suitable for housing female trustys. The glass on the north side of the juvenile tank shall remain painted to ensure the privacy of women housed therein.

1 The sentenced female tank will continue to house sentenced females
2 who are not trustys. The housing facilities will be flexible
3 so that either the former juvenile facility or the sentenced
4 female tank may be used for housing the female trustys while the
5 other is being used to house sentenced females, depending upon
6 the respective numbers of each. The door to the trusty tank shall
7 be open, permitting trustys to move around the female side of
8 the Jail, all day Monday through Friday. It shall generally be
9 open all day Saturday and Sunday as well, but may be closed on
10 those two days on the same basis that the trusty dorm on the
11 male side of the Jail is occasionally closed on weekends.

12 A ping pong table, an exercise bicycle, and a sewing machine
13 shall be maintained in the sentenced female tank. If the female
14 trustys desire to use them, they will be permitted to do so,
15 while they are not engaged in their trusty jobs.

16 C. Trusty Privileges

17 All female trustys will have the same privileges as the
18 male trustys, with the exception that the female trustys will
19 not have free access to areas located on the male side of the
20 Jail. Female trustys who work at jobs outside the Jail shall be
21 offered clean clothes on a daily basis. Those female trustys
22 who work within the Jail shall have access to clean clothes as
23 frequently as male trustys. Female trustys shall receive sand-
24 wiches with their lunch and such second helpings at their dinner
25 as are available to male trustys. Female trustys shall be
26 permitted to bring coffee pots into the trusty tank and shall
27 have access to a telephone and a television jack within the
28 trusty tank. The library on the female side of the Jail shall
29 be accessible to female trustys on the same basis that the other
30 library is available to male trustys.

31 D. Duties

32 Female trustys shall be assigned jobs both within and

1 outside the Jail comparable to jobs available to male trustys,
2 subject to reasonable strength and ability requirements,
3 provided that assessment of strength and ability is made on the
4 basis of each individual's qualifications and not on the basis
5 of sex.

6 Female trustys will be assigned to work in the female portion
7 of the Jail and will have the general responsibility of keeping
8 the area clean. They will also be assigned to perform maintenance
9 and cleaning chores within the infirmary area.

10 Provided that they are qualified for such jobs, there shall
11 be a limited number of clerical and secretarial positions avail-
12 able, including one position as a clerical assistant in the civil
13 department of the Yuba County Sheriff's office. Additional jobs
14 of this type shall be explored and shall become a part of this
15 program if feasible.

16 Outside jobs performing gardening and maintenance duties
17 shall be available for female trustys at the old Yuba County
18 Hospital. These jobs shall be reserved for female trustys.
19 Female trustys shall be permitted to perform work at Miller Day
20 Hall.

21 The Sheriff, Jail Commander, and Jail Supervisor shall
22 continue to explore additional job possibilities outside the
23 Jail and shall incorporate such jobs into the female trusty
24 program if possible.

25 The Jail shall allow female inmates to work both within and
26 outside the Jail whenever possible and shall allow them to
27 accrue work credits to reduce their commitment time in the Jail.

28 E. Notification of Trusty Program

29 All female inmates shall be advised by the matron of the
30 existence of the trusty program and the criteria for their
31 participation therein. Within two working days following the
32 date of arraignment a matron shall individually counsel each

1 female, explain her rights to apply for the trusty program, and
2 answer any questions regarding the program. This individual
3 counseling for females shall be continued as long as the number
4 of females does not reach an amount which would preclude the
5 matron from performing her other duties.

6 In addition, general information regarding the trusty
7 program shall be available to all female inmates. Section XII
8 of this Consent Decree shall be posted in the sentenced women's
9 and trusty tanks. Jailors shall answer any specific questions
10 that any individual female inmate may have regarding the program.

11 XIII.

12 INMATE EDUCATION AND VOCATIONAL TRAINING PROGRAM

13 A. Submission of a Plan

14 No later than December 15, 1978, the Sheriff's Department
15 shall formulate and submit in writing to plaintiffs' attorneys
16 an inmate education and vocational training program for inmates
17 who wish to participate. This plan shall describe in detail a
18 program which fully complies with Section 1140 of Title 15 of the
19 California Administrative Code and the terms of this Consent
20 Decree as hereinafter set forth.

21 B. Minimum Requirements of the Inmate Education and Vocational
22 Training Plan

23 The plan submitted by the Sheriff's Department must provide
24 for a basic education and vocational training program to be
25 implemented no later than February 1, 1979. This program shall
26 be based on the educational needs of the inmates and shall
27 include, at a minimum, the following components:

- 28 1. high school courses leading to a high school degree
29 or its equivalent (providing that there are a
30 sufficient number of inmates who wish to participate);
- 31 2. practical training in meeting the needs of everyday
32 life (e.g., filling out employment applications,

1 conduct of employment interviews);

2 3. courses in basic arithmetic, reading, and spelling;

3 4. vocational training; and

4 5. utilization of outside instructors and county personnel
5 as instructors, where feasible and appropriate.

6 The program must also use audio-visual aids, including the
7 projector obtained by the Jail as part of Grant Award Modifica-
8 tion Request OCJP Project No. 2732-I-E. This projector must be
9 maintained and used regularly to show recreational, educational,
10 and vocational training films. These films shall be obtained
11 from the Tri-County Audio Visual Department of the Sutter County
12 Office of Education and other available sources.

13 On a yearly basis the Jail Commander shall consult with
14 appropriate personnel from the Yuba Community College District,
15 the Marysville Joint Unified School District, Gateways Projects,
16 Inc., and the Board of Corrections about the availability of their
17 resources and expertise for use in the Jail's education and
18 vocational training program. The Sheriff's Department shall
19 make a good faith attempt to incorporate these suggestions and
20 resources, as well as other available community resources, into
21 the education and training program.

22 C. Approval of the Plan

23 If the parties agree that the aforesaid plan fully complies
24 with 15 C.A.C. §1140 and the terms of this Consent Decree, it
25 shall be submitted to the Court along with a stipulation that it
26 be entered as a Court order.

27 In the event that the parties differ as to the adequacy of
28 the plan they shall meet in a good faith attempt to resolve those
29 differences. In the event that such differences are not resolved,
30 plaintiffs' attorneys may notice a motion seeking adoption of a
31 program which fully complies with 15 C.A.C. §1140 and the terms
32 of this Consent Decree. Thereafter defendants shall have the

1 burden of demonstrating to the Court that their plan, as modified
2 through negotiation, fully satisfies the requirements of 15 C.A.C.
3 §1140 and the terms of this Consent Decree.

4 XIV.

5 COMPLIANCE WITH TITLE 15 OF THE CALIFORNIA ADMINISTRATIVE CODE

6 The defendants shall comply with all provisions of Title 15
7 of the California Administrative Code which specifies the
8 minimum jail standards of the California Board of Corrections,
9 §1000 et seq.

10 Unsentenced inmates shall be fully integrated into the Jail's
11 trusty program, but unsentenced inmates will not be required to
12 participate if they do not wish to do so.

13 XV.

14 MONITORING

15 All records and documents which relate to compliance with
16 this Consent Decree or are otherwise required by law to be kept
17 shall be available immediately upon request by plaintiffs'
18 attorneys. Plaintiffs' attorneys shall be entitled to an
19 inspection of the Jail upon written notice provided at least
20 twenty-four (24) hours prior to said inspection. Any such
21 inspections shall be comparable to that made by the Court on
22 July 20, 1976. No more than three (3) such inspections may be
23 performed in one (1) year without prior Court approval.

24 Plaintiffs' attorneys shall be allowed to interview any
25 inmate within the Jail about conditions within the Jail unless
26 that particular inmate states that he or she does not want to
27 speak to plaintiffs' attorneys.

28 Every six (6) months the Jail Supervisor shall take an
29 inventory of recreation and exercise equipment. Said inventory
30 shall state whether each item is present within the Jail and in
31 working order. It shall also list items that have been ordered
32 but not yet received. On a yearly basis the Jail Supervisor

1 shall prepare an itemized list of recreation and exercise
2 equipment purchased for use by inmates within the Jail. Addition-
3 ally, the Jail Supervisor shall write a brief summary of any
4 actions taken in response to the yearly recommendations of the
5 County Librarian.

6 The members of the Yuba County Grand Jury who serve on the
7 Court and Law Enforcement Committee shall be provided each year
8 with a copy of the Consent Decree so that they will know the
9 minimum legal standards for conditions of confinement in the
10 Jail. The Grand Jury shall be requested to do an analysis of
11 whether the Jail is in conformity with all provisions of the
12 Consent Decree and include that analysis in its yearly report.

13 The Sheriff shall be responsible for reporting to plaintiffs'
14 attorneys any variances between the procedures and practices in
15 the Jail and the provisions of this Consent Decree. Such
16 variances must be reported in writing within ten (10) days of
17 their initial occurrence. However, if the Sheriff determines
18 that a variance lessens in any way, directly or indirectly, an
19 inmate's rights enumerated in this Consent Decree, he must report
20 said variance to plaintiffs' attorneys in writing within forty-
21 eight (48) hours of the initial occurrence of the variation.
22 The provisions of this paragraph are binding on the defendants
23 until the Court orders otherwise.

24 At the time of booking, each new arrestee shall be given a
25 copy of a booklet which accurately summarizes the provisions of
26 this Consent Decree. Exhibit B is an acceptable version of this
27 booklet. Spanish translations of this booklet must be available.
28 If an individual cannot read the booklet, good faith efforts
29 must be made to read or otherwise inform the inmate of the
30 contents of the summary. Copies of this Consent Decree shall be
31 available in the women's tank, the libraries, and on request by
32 any inmate.

XVI

JURISDICTION RETAINED

The duration of the Court's jurisdiction in this case shall be determined after final resolution of the issues not addressed by this Consent Decree.

Dated: November 2, 1978 WALTER I. COLBY
County Counsel for Yuba County

DENNIS A. BARLOW
Chief Deputy County Counsel

Attorneys for Defendants

By: WALTER I. COLBY

Dated: November 2, 1978 CALIFORNIA RURAL LEGAL ASSISTANCE
Attorneys for Plaintiffs

By: JOHN F. O'TOOLE

Exhibit A
UNAVAILABLE

Exhibit B

INMATES' RIGHTS AND RESPONSIBILITIES

1 The Sheriff is legally responsible for the safekeeping of
2 all persons in custody, and in order to protect the rights of both
3 inmates and employees, certain regulations are necessary. In
4 addition a federal court has ordered that the Yuba County Jail
5 operate in certain ways, so as to guarantee inmates their rights.

6 This pamphlet is designed (1) to summarize the various
7 rights and responsibilities of inmates and (2) to describe the
8 trusty and work furlough programs for inmates. This pamphlet is
9 only a summary, and you may need to look at the entire Consent
10 Decree for a full understanding. Complete copies of the Consent
11 Decree are available in the library, and an inmate may request a
12 copy from any jailor in writing or orally. If there is any dis-
13 agreement between this pamphlet and the Consent Decree, the Consent
14 Decree is legally binding.

15 1. EXERCISE AND RECREATION

16 All inmates are allowed to exercise on the roof at least 4
17 times per week for at least 2 hours each time. If the weather will
18 not allow outside exercise, indoor exercise must be provided on
19 the same schedule.

20 Exercise and recreation equipment must be kept in the Jail.
21 For example, all inmates must have access to a ping pong table,
22 stationary exercise bicycle, and an exercise machine. Movies must
23 be shown on a regular basis, and television cable outlets must be
24 available throughout the Jail. Inmates are permitted to bring in
25 and watch privately owned televisions.

26 The Jail has two recreation libraries--one is on the female
27 side and one on the male side of the Jail. Both of these libraries
28 are open from 8:00 a.m. to 3:30 p.m. daily. Inmates can visit the
29 library at least 2 times per week. Inmates can request other books
30 from the Yuba County Library by written request or by telephone
31 (674-6241).

32 All inmates can request and receive board or parlor games

1 for use in their cells, tanks, or day rooms from any jailor.

2 Inmates in deep felony are permitted to use the day room
3 in deep felony at least a total of 12 hours each week on at least
4 five different days. The day room has in it a stationary bicycle
5 and a telephone. On weekends inmates are permitted at least 3
6 additional hours for recreation, exercise, or visiting at the
7 inmate's option.

8 Telephones must be maintained in all of the male tanks,
9 the deep felony day room, the sentenced women's tank, and must be
10 available to unsentenced women.

11 2. QUARTERS

12 The Jail will be kept in a safe and sanitary condition.
13 The temperature will be maintained in a comfortable range. Light-
14 ing must be adequate for reading during the day, and jailors will
15 promptly provide replacement light bulbs. Insects and bugs will be
16 controlled by a professional pesticide company.

17 Cleaning, including bars, walls and floors, will be done by
18 the inmates living in the cell or tank. Cleaning materials will be
19 provided to all inmates at least 2 times per week. No clothing,
20 pictures, or other items may be hung on or attached in any way to
21 walls or bars. Beds must be made each morning upon arising and
22 kept neat through the day.

23 Refuse must not accumulate in the living quarters. Trustys
24 shall make sure that excess papers, books, foodstuffs, and other
25 items are disposed of in order to maintain sanitary conditions.
26 Toilets are for human waste only. Refuse and food are not to be
27 put in toilets or basins.

28 Inmates must stay away from the doors when they are being
29 opened or closed. Counts of all inmates will be conducted through-
30 out the day and night. Loud talking, showering, or unnecessary
31 noise after lights out is prohibited. The radio, lights, and tele-
32 vision will be turned off promptly at 11:30 p.m. each evening.

1 3. PERSONAL HYGIENE, CLOTHING, AND APPEARANCE

2 Showers are permitted at any time during the day before
3 lights out for inmates housed in tanks. Inmates in single cells
4 will be permitted to show daily.

5 Laundry may not be sent out of the Jail. Inmates will be
6 provided clean socks and underwear 3 times per week and clean
7 towels and other clothing 2 times per week. All street clothing
8 must be stored until release. An inmate may wear street clothes
9 for all court appearances, except arraignments and pre-trial motions,
10 if these clothes are provided by the inmate or the inmate's family
11 or friends. If the jailor or the Jail Supervisor is given 24
12 hours advance notice, inmates must be allowed to shave, bathe,
13 and comb their hair before all court appearances.

14 Upon request, coats and extra blankets will be made avail-
15 able to inmates. Inmates must be fully dressed in Jail clothing
16 at all times during the day until 6:00 p.m. unless authorized by
17 the Jail Supervisor.

18 If an inmate cannot afford personal items (such as tooth-
19 brush, shampoo, shaving equipment or tampons) these items will
20 be provided.

21 4. MONEY AND PROPERTY

22 Inmates may have up to \$10 in money in their possession or
23 in their cells. Each inmate will be given a receipt for money
24 and property in his or her possession when he or she is booked.
25 Also if other people deposit money at the Jail for the inmate, a
26 receipt will be given to the inmate. Receipts should be kept in
27 the owner's possession at all times and never given to
28 another inmate or changed in any way. Demands for money or other
29 payment should be reported to a jailor. No person shall maintain
30 a house game or store or any other means of obtaining money or
31 property from other inmates.

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1 5. COMMISSARY

2 Each inmate may purchase up to \$10 worth of items weekly.
3 Completed order slips should be given to the jailor on Commissary
4 Days which are twice weekly.

5 6. MEALS

6 The Jail staff is responsible for giving inmates adequate,
7 tasty, and nutritious food. Requirements for the meals are in
8 15 California Administrative Code Section 1180 and following
9 Sections (this book is available in the Jail Law Library). Meals
10 are served at 7:00 a.m., 12:00 noon, and 6:00 p.m. The last meal,
11 a sack lunch, can be consumed at any time before 11:30 p.m. If for
12 some reason meals are more than 14 hours apart, extra food must
13 be given in between meals. If a special diet is prescribed by
14 a doctor or nurse, it will be provided. Plates, cups, and spoons
15 are to be neatly stacked in the cell block corridor after meals.

16 Trustys are not permitted to smoke while handling food
17 for other inmates. Any complaints regarding the quality or
18 quantity of food should be brought to the attention of a jailor
19 as soon as possible.

20 7. HEALTH CARE

21 Sick call will be held daily by a nurse at about 9:00 a.m.
22 Each morning inmate requests for sick call will be collected.
23 Except in unusual circumstances, all inmates who request to be
24 taken to sick call will be taken. A physical examination will be
25 given to every inmate within 14 days of booking.

26 Emergency illnesses and conditions should be brought to the
27 attention of a jailor immediately. The jailors will immediately
28 respond to calls for help. If necessary, the inmate will be
29 transported immediately to a medical facility which can treat the
30 emergency condition.

31 Inmates are permitted to hire their own doctor, dentist,
32 or mental health person at their own expense. These persons can

1 visit the inmate at any time without prior Jail approval. If 24
2 hour notice is given to the jailors, an inmate will be transported
3 to any private health care appointment if the appointment is paid
4 for by the inmate.

5 If any medical problems are found during the physical
6 examination or during sick call which cannot be diagnosed or
7 treated in the Jail, medical treatment will still be given. An
8 inmate will be taken to the Clinic, a specialist, or a hospital as
9 is necessary for proper diagnosis, treatment, or care. If the
10 situation is not an emergency, the inmate will be transported to
11 the right facility during normal business hours within the time
12 period set by the nurse or physician.

13 Prescription drugs will be administered in the proper dosage
14 at the proper time. If an inmate regularly took a prescription
15 drug before booking, he or she will be allowed to continue taking
16 the prescription.

17 Family planning services will be provided. A female inmate
18 who is or believes she might be pregnant will be given counseling
19 and a pregnancy test. If she is pregnant, she will receive
20 necessary medical care and diet.

21 Dental care will be provided to treat painful conditions.
22 X-rays, extractions, or fillings as appropriate will be available.
23 An inmate may hire his or her own dentist. In limited circum-
24 stances, dentures or bridges will be provided.

25 Inmates can keep their health care devices (such as eye-
26 glasses, contacts, dentures, or artificial limbs) while in Jail.
27 If repairs or new devices are needed, in certain circumstances
28 these will be provided.

29 Medical treatment for withdrawal from alcohol or drugs
30 must be immediately provided to ease the symptoms of withdrawal.

31 Mental health services in the Jail and out of the Jail in
32 other facilities will be provided as needed. These services will

1 continue to be provided to the inmate, as needed, upon release.
2 The Mental Health Department and your probation officer can
3 arrange for these services.

4 Inmates are entitled to reasonable privacy. Medical
5 records are confidential.

6 8. VISITING

7 Inmates must be fully clothed during visits, and must be
8 given the opportunity to have visitors according to the following
9 schedule:

10 Male Misdemeanor--Friday and Sunday, 1:00 p.m. to 3:00 p.m.

11 Male Felony--Wednesday and Saturday, 1:00 p.m. to 3:00 p.m.

12 Female--Thursday, 1:00 p.m. to 3:00 p.m. and Saturday,
13 9:00 a.m. to 11:00 a.m.

14 Business visits may be permitted at the discretion of the
15 jailor in charge. Visits by religious persons will be permitted
16 whenever possible, upon approval of the jailor in charge. Private
17 health care personnel can visit at any time without advance approval.
18 Inmates must not speak to persons visiting the Jail unless authorized
19 to do so by a jailor.

20 There is no age limit for visitors. However, the jailors
21 may require a person under the age of 18 to be accompanied by a
22 parent, responsible relative, or guardian. A 30 minute time limit
23 on visits may be set if there are other visitors waiting to see
24 inmates. However after the 30 minutes visit, the visitor can get
25 in line again. If space permits, an inmate may have more than one
26 visitor at the same time.

27 9. MAIL

28 Letters to the Jail Supervisor, Jail Commander, attorneys,
29 judges, Board of Corrections, elected officials, and other official
30 persons about your case are unlimited in number. These letters
31 may not be read by the jailors. Incoming mail from these persons
32 may be opened in front of you to search for contraband, but the

1 letters may not be read. Mail to and from other persons may be
2 read. Correspondence with inmates of other institutions is pro-
3 hibited unless specifically authorized by the Jail Supervisor.

4 Inmates who are without money are permitted at least two
5 postage-free letters each week to write to family members and
6 friends. The number of postage-free letters to your attorney and
7 to the courts is not limited.

8 10. DISCIPLINE

9 The purpose of imposing discipline within the Jail is to
10 maintain order and control. Disciplinary action will be imposed
11 only on those inmates who refuse to follow the Yuba County Jail
12 rules. Discipline will be used when talking with the inmate has
13 failed to maintain order and control.

14 Breaking certain rules is considered major and breaking other
15 rules is considered minor. The punishments are different for
16 major and minor offenses. The investigation of the problem and
17 your rights are different if the rule you supposedly broke is a
18 major rule.

19 A. Prohibited Behavior

20 Breaking the following rules is considered minor.

- 21 1. Arguing or shouting (except to attract a jailor in an
22 emergency).
- 23 2. Refusing to neatly stack plates, cups, and spoons after
24 meals.
- 25 3. Making obscene or derogatory remarks to a jailor.
- 26 4. Making unnecessary noise.
- 27 5. Talking to persons visiting the Jail without approval.
- 28 6. Raking, rattling, or pounding cell bars (except for a
29 jailor in emergencies).
- 30 7. Loitering or talking to other inmates while going to
31 or from quarters, unless authorized by a jailor.
- 32 8. Climbing on bars.

9. Passing articles from one cellblock to another.
 10. Gambling of any nature, card games (such as poker or blackjack), dice games, raffles, and drawings.
- Breaking the following rules is either major or minor.
1. Assaults or batteries on others.
 2. Possessing dangerous weapons or things which could inflict injury (except trustys performing assigned duties).
 3. Possessing contraband.
 4. Damaging County property.
 5. Attempting to escape.
 6. Creating disturbances which interfere with the function of the Jail or welfare of other inmates.
 7. Starting a fire.
 8. Making a false report of an emergency.
 9. Being in an unauthorized area of the Jail.
 10. Engaging in homosexual activity.
 11. Violating any criminal statute.

However, repeated minor violations or minor violations together with conduct or words which indicate a risk to the safety or security of the Jail may be charged as a major violation .

B. Types of Punishment

1. Minor violations shall not affect the inmate's release date. Minor violations may be punished by one of the following:
 - a. Verbal reprimand.
 - b. Written reprimand.
 - c. Relocation to another cell of the same or similar class.
 - d. Taking away one or two of the following for up to one week: access to the exercise yard, movies, commissary, visitation, recreational library, or education program.

/ / /

1 e. Individual inmates may be denied television privi-
2 leges for up to one week.

3 2. Major violations may be punished by one or more of the
4 following sanctions:

5 a. Any of the punishments listed above.

6 b. Loss of access to the exercise yard, movies,
7 commissary, library, or visitation for up to 30
8 days.

9 c. Placement in an isolation cell for a period not to
10 exceed 10 days.

11 d. Loss of good-time credits if the inmate is sentenced.
12 This loss shall not apply to good-time you earned
13 before you were sentenced.

14 e. Loss of trusty status.

15 No inmate shall be subjected to cruel, corporal, or unusual
16 punishment or lack of care which injures or impairs health. You
17 cannot be punished by depriving you of clothing, bedding, or
18 normal hygienic things. No inmate can receive less than two meals
19 a day as punishment. You cannot be punished for an offense not
20 listed in Section A, Prohibited Behavior (above).

21 If any punishment other than a reprimand is to be imposed,
22 the jailor must make a written report within 48 hours of the
23 incident.

24 C. Investigation of Minor Violations

25 If a minor violation is investigated by the Jail Supervisor,
26 the inmate must be given the opportunity to explain his or her
27 side of the story. If the Jail Supervisor finds the violation did
28 happen, he may institute punishment. His action must take place
29 within 72 hours of the report of the incident.

30 D. Investigation of Major Violations

31 Whenever a major violation is charged, the Jail Supervisor
32 must review the incident within 72 hours of receiving the initial

1 report to determine if:

- 2 a. the matter should be treated as a major violation;
- 3 b. the matter should be treated as a minor violation;
- 4 or
- 5 c. the matter should not be considered a violation.

6 If the matter is charged as a major violation, the inmate
7 shall be entitled to a hearing before the Jail Commander. You are
8 only entitled to this hearing if you request it.

9 E. Hearing Procedure for Major Violations

10 The hearing must occur within 72 hours of the report of the
11 incident, unless both the Sheriff's Department and the inmate
12 agree to extend the time. At least 24 hours before the hearing,
13 the inmate shall be given a copy of the initial report charging
14 the alleged major violation and a copy of this booklet if you do
15 not have one.

16 The hearing shall be held under the following rules:

- 17 a. You have a right to present all relevant information
18 about the alleged offense. You have a right to be
19 present and speak, submit signed statements or
20 declarations, submit other evidence, and call
21 witnesses, but you cannot call more than 3 witnesses.
- 22 b. You may select another inmate or a member of the
23 staff to act as a lawyer substitute and represent
24 you at the hearing.

25 The Jail Commander shall decide within 24 hours of the
26 hearing if the charge is true, and if so, the nature of the punish-
27 ment, if any. His decision shall be made within 96 hours of the
28 request for the hearing.

29 F. Appeal From Punishment Imposed for a Major Violation

30 You may appeal a decision that you committed a major viola-
31 tion if the punishment applied is any one of the following:

- 32 a. placement in an isolation cell for more than 48 hours,

- b. loss of more than 5 days good-time credit,
- c. loss of access to the commissary, the library, the roof exercise yard, or visitation for over one week, or
- d. loss of trusty status for over one week.

Only an inmate may appeal a decision. You appeal a decision by giving a jailor a completed appeal form within 24 hours of the time you received the decision of the Jail Commander. The appeal form must have a written statement of the grounds for appeal. Your representative may help you prepare this statement. You may appear at the appeal hearing with your representative or by yourself. You can make a statement, but it cannot be longer than 15 minutes in length. No new evidence may be presented at the appeal hearing. The report of the Jail Commander and all other evidence or items introduced at the hearing shall be before the appeal panel.

The appeal must be heard by a panel consisting of the Undersheriff, an officer within the Sheriff's Department (this officer must be of the rank of Sergeant or higher), and a person assigned to serve by the head of the Yuba County Probation Department. The appeal must be conducted within 3 days of the filing of the notice of appeal at a time set by the appeal panel. The decision of the appeal panel is final.

G. Reporting of Disciplinary Actions After Decision

1. Minor Violation. The decision on a minor violation, (except for a violation punished by a verbal reprimand), shall be reported on a form which contains the date of the offense, a brief description of the facts of the offense, the rule which was violated, and the nature of the punishment. A copy of this report must be given to the inmate within 24 hours after the Jail Supervisor's decision.

2. Major Violation. A report shall be filed at the end of the first hearing and the appeal hearing (if there is one) on

1 a major violation. This report shall contain the date of the
2 offense, a brief description of the facts of the offense, the
3 rule which was violated, a statement of the evidence used to
4 support the decision, a list of the witnesses who spoke at the
5 hearing, a list of the other evidence presented at the hearing,
6 and the punishment administered. A copy of this report must be
7 given to the inmate within 24 hours of each decision.

8 H. Other Requirements

9 1. If a violation could also be considered a violation of
10 a criminal statute and if the matter is sent to the District
11 Attorney's Office, these disciplinary procedures will not start
12 until the District Attorney decides if he will prosecute the matter.
13 No punishment on the violation can be imposed during this time.
14 However, the time limits shall not count during the waiting period.

15 2. No punishment, other than a reprimand or warning, is
16 allowed without following these procedures. However, if it is
17 necessary due to Jail security or the safety of persons within
18 the Jail to move any inmate charged with an offense, the hearing
19 must be held within 36 hours, unless the Sheriff's Office and
20 the inmate both agree, in writing, to extend this time limit.

21 I. Time Limits

22 When counting the hours for the various time limits in the
23 discipline proceedings, weekends and holidays are not counted.

24 11. ASSIGNMENT TO DEEP FELONY

25 At the time a male inmate accused of a felony is booked,
26 the Jail Supervisor or the jailor in charge shall decide if the
27 person should be put in the deep felony area of the Jail. A person
28 can be put in deep felony if he:

- 29 1. has been involved before in an escape attempt,
30 2. has indicated in some way to the Jail Supervisor or the
31 jailor in charge that he reasonably seems to be a danger
32 to other inmates,

- 1 3. is suffering from some physical problem which requires
- 2 him to be kept away from other inmates,
- 3 4. must be kept apart from other inmates for compelling
- 4 security reasons, or
- 5 5. cannot be housed elsewhere because other tanks are filled
- 6 or overcrowded.

7 An inmate who is not first placed in deep felony may later
8 be transferred there from another part of the Jail if he is
9 involved in physical violence, repeated excessively disruptive
10 conduct, continued destruction of Jail property or other inmates'
11 property, or other similar activity threatening the security of
12 the Jail or the safety of the persons within the Jail. However,
13 as set out above in Section II of the Discipline part of this
14 booklet, an inmate is entitled to hearing rights.

15 Every assignment of a person to deep felony shall be based
16 on a clear, written statement of the facts and circumstances
17 requiring such placement.

18 An individual assigned to deep felony for any reason has
19 the same hearing and appeal rights as an inmate accused of a
20 major violation. However hearings may not be requested until
21 at least 48 hours after the inmate is booked.

22 If an individual is first assigned to deep felony and if
23 he requests a hearing, the hearing officer or the appeal panel
24 shall determine whether or not the individual fits within any
25 of the above 5 reasons for placing an inmate in deep felony upon
26 booking.

27 If an inmate is transferred to deep felony and if he requests
28 a hearing or an appeal, the hearing officer or appeal panel must
29 decide if the inmate fits in any of the criteria for involuntary
30 transfer.

31 12. COURT AND ATTORNEY ACCESS

32 Incoming calls from out-of-town attorneys can be received

1 by inmates if (1) it is reasonably certain that the attorney
2 represents the inmate, and (2) if it is not practical for the
3 inmate to immediately call the attorney back on the inmate tele-
4 phone.

5 Attorney and court mail will not be read and will only be
6 opened in your presence to look for contraband.

7 There are two rooms regularly available for attorneys to
8 interview their clients. These rooms are available between the
9 hours of 8:00 a.m. and 4:00 p.m. These rooms are not wiretapped.

10 If the Jail Supervisor or a jailor has been informed of a court
11 appearance at least 24 hours in advance, inmates must be permitted
12 to shave, bathe, and comb their hair. Inmates can wear street
13 clothes for all court appearances, except arraignments and pre-
14 trial motions. The street clothes must be provided by the inmate
15 or his or her family or friends.

16 13. LAW BOOKS AVAILABLE

17 The following books are in the Jail Supervisor's Office.
18 These books are for inmate use, and they are available within 24
19 hours of request every day of the week.

- 20 1. West's Annotated California Penal Code;
- 21 2. United States Code Annotated; Constitution, including
22 Amendments;
- 23 3. United States Code Annotated; Title 42, §§ 1891-2010;
- 24 4. United States Code Annotated; Title 18;
- 25 5. United States Code Annotated; Title 28, §§ 2241-2255
26 (Federal Rules of Appellate Procedure, Rules of Supreme
27 Court);
- 28 6. Rules of local federal district courts;
- 29 7. Black's Law Dictionary;
- 30 8. Cohen, Morris L. Legal Research in a Nutshell (2d ed.)
31 St. Paul, West. 1971;
- 32 9. The United States Law Week or the Criminal Law Reporter;

- 1 10. West's Federal Rules of Criminal Procedure;
- 2 11. Israel, Jerold I. and Wayne R. LaFave, Criminal Procedure
- 3 in a Nutshell, St. Paul; West. 1971;
- 4 12. Potts, James L. Prisoners' Self-Help Litigation Manual.
- 5 The National Prison Project of the American Civil
- 6 Liberties Union Foundation, 1976;
- 7 13. Jailhouse Lawyers Manual: How to Bring a Federal Suit
- 8 Against Abuses in Prison, San Francisco (558 Capp St.,
- 9 94110); Prison Law Collective 1973;
- 10 14. Krantz, Sheldon. Cases and Materials on the Law of
- 11 Corrections and Prisoners' Rights, St. Paul; West 1973;
- 12 15. A Manual on Habeas Corpus for Jail and Prison Inmates;
- 13 written by the Prison Law Project, Berkeley, California
- 14 (P. O. Box 673, 64701); Legal Publications (1973);
- 15 16. Prison Law Monitor;
- 16 17. How to Use a Law Library: A Short Course for Laymen.
- 17 San Francisco. People's Law School (558 Capp St.,
- 18 94110), 1973; and
- 19 18. California Administrative Code, Title 15 (Minimum Jail Standards).

20 Each inmate held in the Jail for more than 48 hours must

21 receive a complete list of the books in the Yuba County Law

22 Library on the third floor of the Courthouse.

23 The books on the Yuba County Law Library list are for use

24 by inmates, and they are available within 24 hours of request.

25 However, these books cannot be gotten on weekends or on holidays.

26 Law books not available in either the Jail Supervisor's

27 Office or the Yuba County Law Library may be ordered by phone

28 from the State Law Library. If a request is made before

29 4:00 p.m., the book must be ordered by phone that day. If a

30 request is made after 4:00 p.m., the request from the State Law

31 Library can be made the following day. However, the State law

32 books orders cannot be made on weekends or on holidays.

1 Law books must be requested by filling out a form. You
2 can get this form by asking any jailor. The form will be pro-
3 vided immediately on request.

4 Law books may be checked out. Inmates will be placed on
5 a waiting list if the desired book has already been checked out.

6 14. HOW TO COMPLAIN

7 A. Grievance Procedure

8 The way to complain is posted around the Jail and set out
9 here. The procedure is designed to settle problems fairly.

10 An inmate can complain about any Jail condition. However,
11 if you wish to complain about discipline, you should normally use
12 the discipline appeals process. If your complaint is that the
13 discipline procedures were not followed properly, you should file
14 a grievance.

15 Complaint forms are available. Inmates cannot be punished
16 or verbally abused for complaining or for assisting another
17 inmate to complain.

18 1. Informal Resolution. After receiving a complaint, the
19 Jail Supervisor will gather all possible information and will
20 attempt to settle the complaint within 48 hours. If the inmate
21 complaining is satisfied with the solution suggested by the Jail
22 Supervisor, the inmate may sign a statement that the grievance
23 has been satisfactorily settled. The complaint process will then
24 end.

25 If the complaint has not been satisfactorily settled
26 within 48 hours, the Jail Commander must hold a Grievance Hearing.

27 2. Grievance Hearing. A Grievance Hearing will be con-
28 ducted by the Jail Commander. However if the inmate is complain-
29 ing about the Jail Commander, the Sheriff will appoint another
30 person (who has the rank of Captain or higher) to conduct the
31 hearing. The hearing must take place within 72 hours of when the
32 inmate first filed the written complaint.

1 During the hearing, the inmate and witnesses will be
2 heard, and all relevant information will be reviewed. The inmate
3 may be assisted by a representative who can be another inmate or
4 a member of the Sheriff's Department. The representative will
5 be able to attend and participate in all stages of the grievance
6 process.

7 If the inmate is complaining about a person, the hearing
8 must bring together the inmate and that person. If the inmate
9 is complaining about a condition or policy, the hearing must
10 bring together the inmate and someone who can speak for the policy
11 or condition that is the subject of the complaint.

12 An inmate with an emergency grievance (one which requires
13 immediate action to avoid injury or continued problems) must be
14 responded to as soon as possible.

15 The Jail Commander must make every effort to attempt to
16 resolve the grievance. A written decision shall be given to the
17 complaining inmate within 72 hours after the hearing.

18 3. Grievance Appeals. If the inmate is not satisfied with
19 the decision of the Jail Commander, he or she may appeal to a
20 grievance panel. This panel is composed of the Undersheriff, an
21 officer within the Sheriff's Department, and a person assigned
22 to serve by the head of the Yuba County Probation Department.
23 Appeals must be on a form provided by the Sheriff's Department.
24 The appeal must be filed by the inmate within 7 days of the inmate
25 receiving the hearing decision from the Jail Commander.

26 An appeal hearing will then be held within 7 days of the
27 appeal being filed. At the appeal hearing, the inmate and his
28 or her representative will be given a chance to explain the
29 complaint and to ask that proper action be taken. The grievance
30 appeal panel may request additional evidence or testimony from
31 anyone it wants.

32 The grievance panel will give a written decision of the

1 appeal with a brief explanation to the inmate. The inmate must
2 receive this decision within 72 hours after the completion of the
3 grievance appeal hearing. The appeal panel's decision is final.

4 4. Postponement of the Grievance Procedure. If a complaint
5 states that a Jail employee has violated a Sheriff's Department
6 policy, a state law or federal law, the complaint shall be referred
7 to the Internal Affairs Unit of the Sheriff's Department. Internal
8 Affairs shall prepare a written report on its findings for the
9 Undersheriff. The Undersheriff will decide on a course of action.
10 The Undersheriff's decision must be put in writing and a copy
11 given to the inmate. If the inmate complaining is not satisfied
12 with this solution, he or she can then proceed with the regular
13 grievance procedure as explained above.

14 5. Time Limits. When counting the hours for the various
15 time limits in the grievance proceedings, weekends and holidays
16 are not counted.

17 B. Other Complaint Procedures

18 An inmate can complain to the Yuba Grand Jury who is required
19 by state law to inspect the Jail. Letters can be addressed
20 as follows:

21 Yuba County Grand Jury
22 Court and Law Enforcement Committee
23 c/o Yuba County Superior Court
24 215 5th Street
25 Marysville, CA 95901

26 You can also complain to the California State Board of
27 Corrections and California Rural Legal Assistance (CRLA). These
28 groups can be contacted as follows:

29 State Board of Corrections
30 1330 21st Street, Suite 202
31 Sacramento, CA 95814

32 California Rural Legal Assistance
818 D Street, P. O. Box 1127
Marysville, CA 95901
Telephone: (916) 742-5191

1 15. WORK FURLOUGH PROGRAM

2 The work furlough program allows inmates sentenced to a
3 term of 30 days or more to work outside of the Jail in private or
4 public employment for a regular wage.

5 To be eligible for the program the inmate must be responsi-
6 ble. Things which can be considered to measure responsibility
7 are: past work history, duration of previous job, regularity of
8 attendance of previous job, and total criminal record.

9 An inmate must work in Yuba County, unless there is a
10 work furlough agreement between Yuba County and the county in
11 which he or she works. However in certain jobs, such as construc-
12 tion or farm work, where it is a normal job requirement to move
13 from job site to job site in various counties, this requirement
14 can be waived. An inmate must arrange for his or her own trans-
15 portation to and from the job.

16 When the Jail work furlough program administrator accepts
17 an inmate into the program, the administrator will then ask the
18 court to authorize the inmate's release into the program.

19 The work furlough administrator may revoke the privileges
20 of work furlough release without cause at any time.

21 16. TRUSTY PROGRAM

22 A trusty is an inmate selected to perform certain duties
23 either inside or outside the Jail. Trustys earn good-time credits
24 at a rate of one day for every one-fifth of a month.

25 A. Selection of All Trustys

26 The Jail Supervisor or his delegated representative will
27 select and screen inmates for trusty positions. The following
28 criteria apply to selection:

29 1. An inmate desiring a trusty position cannot have a
30 background or record of escapes or narcotic offenses. If an
31 inmate is dangerous, deranged, or has physical or mental handicaps
32 which make Jail work unsuitable, he or she will not be selected

1 for a trusty position. If an inmate has a hold from another
2 law enforcement agency, he or she may not be able to be a trusty.

3 2. Any inmate who wishes to be a trusty shall submit a
4 written request form to the Jail Supervisor or his delegated
5 representative. An inmate must also fill out, sign, and date a
6 background questionnaire.

7 3. The Jail Supervisor or his delegated representative will
8 then interview the potential trusty for background and work
9 experience. Inmates not wishing to work will not be selected.

10 4. Females will be selected as trustys by the Jail Commander
11 or the Jail Supervisor utilizing the same criteria as that
12 presently used in the selection of male trustys. However, unsen-
13 tenced women will be able to participate. The length of a female
14 inmate's sentence will not be used to disqualify women from the
15 trusty program. The length of sentence may be considered only
16 for the purpose of assigning a particular job to a particular
17 individual. All females will be able to participate in the trusty
18 program, and they all will be selected as trustys if they meet the
19 above criteria.

20 B. Trusty Assignments

21 1. General Information. Trustys will be given jobs inside
22 and outside the Jail. However no inmate with a communicable
23 disease or an open wound or sore, will be allowed to work in
24 food handling assignments. A trusty suspected of having physical
25 or mental problems will be temporarily relieved from his or her
26 assignment and will be examined by the Jail Nurse prior to resuming
27 the duties.

28 In deciding which trusty will perform which assignments,
29 trustys with numerous failure to appear offenses and repeated acts
30 of theft may not be assigned outside jobs. An inmate's suitability
31 for certain work will be considered, but specific requests for
32 work assignments may not always be accommodated. An inmate with

1 special skills such as a cook, baker, or barber will be given
2 priority.

3 2. Female Trusty Information. Female trustys shall be
4 assigned jobs both within and outside the Jail similar to jobs
5 available to male trustys, subject to reasonable strength and
6 ability requirements. However the measure of how strong or skilled
7 a female is must be made for each individual. A woman cannot be
8 disqualified from a job just because she is a woman.

9 Female trustys will be assigned to work in the female
10 portion of the Jail. They will have the general responsibility
11 of keeping the area clean. Female trustys will also be assigned
12 to perform maintenance and cleaning chores within the infirmary
13 area.

14 If a female trusty is qualified, there shall be a certain
15 number of clerical and secretary type positions available. One
16 position is a clerical assistant in the civil department of the
17 Yuba County Sheriff's Office.

18 Outside jobs performing gardening and maintenance duties
19 will be available for female trustys at the old Yuba County
20 Hospital. These jobs will be reserved for female trustys. Female
21 trustys shall be permitted to perform work at Miller Day Hall.

22 The Sheriff, Jail Commander, and Jail Supervisor will
23 continue to explore additional job possibilities outside the
24 Jail for women.

25 C. Trusty Privileges

26 All trustys have the same privileges. Clean clothes will
27 be given daily to those working outside the Jail. Female trustys
28 will be permitted to bring coffee pots into the trusty dorm.
29 Female trustys will have access to a telephone and a television
30 jack within the trusty dorm. Female trustys will have access to
31 the library on the female side of the Jail on the same basis that
32 the library is available to male trustys on the male side of the Jail.

1 D. Notification of Female Trusty Program

2 Within two working days following the date of arraignment,
3 a female matron will individually counsel each female to explain
4 to her her rights to apply for the trusty program. This matron
5 will also answer any questions regarding the program.

6 In addition, general information regarding the trusty pro-
7 gram shall be available to all female inmates. Section XII of
8 the Consent Decree shall be posted in the sentenced women's tank and
9 trusty dorm.

10 17. SOCIAL SERVICES

11 The Jail staff will make every effort to assist inmates with
12 the welfare of their families. Inmates requiring such assistance
13 should advise any jailor.

14 18. EDUCATION PROGRAM

15 Starting February 1, 1979 an education program will be
16 offered to Jail inmates. The program will include teaching of
17 basic skills (reading, writing, and arithmetic), high school
18 courses, vocational courses, and practical life skills (such as
19 filling out employment applications and job interviewing tech-
20 niques). Films will be included as part of this educational pro-
21 gram. Outside instructors will be used as is necessary.

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