

Inmate Marriage

2017.1 PURPOSE

The purpose of this policy is to ensure that inmates are provided a means to get married to a person who is not in custody or to get married to another inmate while in custody in the Orange County Jail Facilities.

2017.2 POLICY: INMATE MARRIAGE TO PERSON NOT IN-CUSTODY

In general, an inmate's request to marry another inmate while in custody, or to marry a person who is not in custody, will be granted unless there is a compelling government interest for denying the request.

- (a) An inmate must submit a marriage request on an Inmate Message Slip. The Inmate Message Slip will be directed to the Classification Sergeant for review.
 - 1. Each request will be reviewed on a case-by-case basis.
 - 2. An inmate's request to marry will be denied if the inmate is not mentally competent as determined by a qualified medical practitioner.
 - 3. If, for any other reason, it is determined that the inmate's request to marry should be denied, notification will be made to the Watch Commander and County Counsel will be consulted prior to any denial.
 - 4. If the request is for a marriage between co-defendants, County Counsel and the District Attorney's Office will be informed of the request.
- (b) Once an inmate marriage under this section has been approved, the marriage should be accommodated within the scope of normal visiting policy and procedure, with the following modifications:
 - 1. Upon presentation of a valid marriage license the inmate shall be granted one additional adult visitor to include the inmate's lawyer and/or witness to the marriage.
 - 2. The person solemnizing the marriage, and/or the inmate's lawyer will not be included in the maximum number of visitors as allowed in [CCOM Section 1901\(a\) – Visiting Hours](#).
 - 3. Upon arriving at the Orange County Jail Facility, the person solemnizing the marriage shall provide the Authorized Identification as per [CCOM Section 1902.3\(c\) – Regular Visit Procedure](#).

2017.3 PROCEDURE: INMATE MARRIAGE TO PERSON NOT IN-CUSTODY

- (a) All marriage ceremonies under this section will be conducted on normal visiting days.
- (b) During the marriage ceremony, inmates will wear their jail issued clothing.
- (c) Inmates will be restrained according to their classification status.
- (d) There will be no physical contact between the inmate and the person not in custody.

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- (e) For a marriage ceremony between an inmate and a person not in custody, besides jail staff members being present during their normal course of duty, the maximum number of visitors will be allowed as outlined above CCOM Section 2017.2(b)(2).
- (f) There will be no photographs or any recording before, during, or after the marriage ceremony.
- (g) If the inmate is required to sign any documents relevant to the marriage, the inmate will be placed in a separate area where paperwork can be passed from the inmate to a jail staff member. The jail staff member will inspect the paperwork for contraband and pass the paperwork to the other person not in custody for their signature.

2017.4 POLICY: INMATE MARRIAGE TO ANOTHER INMATE IN CUSTODY

- (a) Both inmates must submit a marriage request on an Inmate Message Slip. The Inmate Message Slip will be directed to the Classification Sergeant for review.
 - 1. Each request will be reviewed on a case-by-case basis.
 - 2. Marriages between inmates who are housed in the same facility shall be approved and coordinated by the Watch Commander.
 - 3. Marriages between inmates who are housed in different facilities must be approved and coordinated by the Watch Commanders of the two facilities where the inmates are housed.
 - 4. An inmate's request to marry will be denied if either inmate is not mentally competent as determined by a qualified medical practitioner.
 - 5. If, for any other reason, it is determined that the inmates' request to marry should be denied, notification will be made to the Watch Commander and County Counsel will be consulted prior to any denial.
 - 6. If the request is for a marriage between co-defendants, County Counsel and the District Attorney's Office will be informed of the request.
- (b) The location of marriage will be determined upon review by Classification after the inmate or both inmates request the marriage ceremony via Inmate Message Slip.
- (c) Once an inmate marriage under this section has been approved, the marriage should be accommodated within the scope of the inmate to inmate visiting policy and procedure, with the following modifications:
 - 1. Upon presentation of a valid marriage license, each inmate shall be granted one adult visitor which may be the inmates' lawyers and/or witness to the marriage.
 - 2. Upon arriving at the Orange County Jail Facility, the person solemnizing the marriage shall provide the Authorized Identification as per [CCOM Section 1903\(d\) – Regular Visit Procedure](#).

2017.5 PROCEDURE: INMATE MARRIAGE TO ANOTHER INMATE IN CUSTODY

- (a) During the marriage ceremony, inmates will wear their jail issued clothing.
- (b) Inmates will be restrained according to their classification status.

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- (c) There will be no physical contact between the inmates.
- (d) There will be no photographs or any recording before, during, or after the marriage ceremony.
- (e) If the inmate(s) is/are required to sign any documents relevant to the marriage, the inmate will be placed in a separate area where paperwork can be passed from the inmate to a jail staff member. The jail staff member will inspect the paperwork for contraband and pass the paperwork to the other person not in custody for their signature.