

Civil Detainees

7102.1 CIVIL DETAINEES

(a) Definition, Purpose, and Policy

1. Section 6600 of the Welfare and Institutions Code defines Sexually Violent Predators (SVP), in general, as those individuals who have been convicted of one or more sexually violent offense who have served their criminal sentences and have been found by a court of law to pose a continuing danger to others and those awaiting such judicial proceedings. Persons held pursuant to Penal Code Section 4001(3) includes "persons detained as witnesses or held under civil process, or an order imposing punishment for a contempt." Individuals committed to the custody of the Sheriff under Section 6600 of the Welfare and Institutions Code and Section 4001(3) of the Penal Code will be considered Civil Detainees.
2. "Criminal Inmates" as used herein include persons committed on criminal process and detained for trial and persons already convicted of a crime and held under sentence.
3. While confined in our custody, Civil Detainees will be treated in a manner that ensures their presence at trial, maintains jail security, and allows for the effective management of the facility. Civil Detainees will be housed separately from Criminal Inmates. They will be subjected to strip searches only when there is reasonable suspicion that they are concealing contraband or for safety and security concerns. They will be housed in a separate housing location in either a single detainee cell, or multi-person cell with those detainees of similar classification.
4. Civil Detainees who are being held in custody under PC 4001(3) will not be housed with SVPs.
5. Staff will enforce the jail rules fairly and impartially, never in a capricious, discriminatory, or retaliatory manner.
6. Civil Detainees are required to read, understand, and comply with all Jail Rules. Any violation of laws or jail rules may result in jail discipline and/or criminal prosecution. If a Civil Detainee has a question, they should ask a member of the jail staff for clarification.

(b) Procedures

1. Housing
 - i. SVP's and non-SVP Civil Detainees will not be co-mingled.
 - A. Housing should be in separate areas from general population.
 - ii. The Module dayroom will be available for use by Civil Detainees throughout the day between the hours of 0600 and 2300. Under certain circumstances, dayroom times may be reduced but will be more than that of Criminal Inmates.

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- A. Dayroom supplies will not be removed from dayrooms.
 - B. Any changes to dayroom availability shall be approved by the dayshift Watch Commander daily.
 - iii. Civil Detainees will be allowed to view television throughout the day (at a minimum during their dayroom times).
 - iv. Civil Detainees will have telephone access during dayroom.
 - v. Civil Detainees will have shower access during dayroom.
 - vi. For more information regarding dayrooms, refer to CCOM Section 2006.1(b) – Dayrooms and CCOM Section 1600.2(k) – Dayrooms/ Recreation Areas.
2. Recreation and Visitation
- i. Civil Detainees will be allowed to utilize the roof recreation area on a schedule that allows for more opportunities (at least 3 ½ hours per week) than that afforded to Criminal Inmates; however, it should not create an undue burden on the staff or prevent Criminal Inmates from receiving their Title 15 required roof recreation. A roof schedule will be drafted for approval by the Division Commander or their designee.
 - ii. Civil Detainees will be afforded the ability to receive visitors on a schedule that allows for more opportunities than that afforded to Criminal Inmates. Visits may be for up to one hour per visiting day; however, it should not create an undue burden on the staff or prevent inmates from receiving visits. A visitation schedule will be drafted for approval by the Division Commander or their designee.
3. Transportation
- i. Civil Detainees will be placed into a separate area on the bus, or shall be transferred in a separate vehicle, kept apart from Criminal Inmates. They will be separated from others in the least restrictive manner possible, depending on the seating arrangements available on the bus or van, while maintaining complete security. SVPs will be kept apart from other, non-SVP Civil Detainees and Criminal Inmates.
4. Clothing
- i. Civil Detainees will be dressed in standard jail-issued clothing for identification and security concerns. Civil Detainees will be afforded a complete clothing exchange (whites, shirts, pants, socks, and towels) on a schedule that allows for more opportunities (such as twice a week) than that afforded to Criminal Inmates; however, it should not create an undue burden on the staff; and be in accordance with Title 15 of the California Code of Regulations.
 - ii. Civil Detainees shall be given an additional set of socks, boxers and t-shirts and be allowed to have them in their possession.

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5. Personal Property

- i. Civil Detainees may only possess items issued by jail staff, purchased through commissary, permitted at the time of booking, permitted to be received through the mail, or by court order. All other items shall be considered contraband and will result in the item being confiscated. Disciplinary action may also be taken.
- ii. Articles, including food items, personal hygiene items, etc., will not be accepted from individuals or via the mail.
- iii. For the storing of legal materials, court papers and personal items such as letters and photographs, Civil Detainees shall typically be limited to eight expandable folders total (this provision for eight expandable folders includes the two expandable folders all inmates are allowed to possess, unless upon request to the Division Commander the Civil Detainee is granted, upon a showing of good cause, the privilege to possess additional folders). For more information about inmate property, refer to CCOM Section 1600.2 (m) – Property.
 - A. If the Civil Detainee accumulates excessive materials that cannot be retained in the eight expandable folders allowed by this policy, the Civil Detainee may discard the excess material or mail the excess material out of the facility at the Civil Detainee's expense.
 - B. If the Civil Detainee refuses to reduce the amount of material in their cell to a level that will fit within the authorized eight expandable folders, jail staff, following at least seven days' written notice to the Civil Detainee, may remove excessive materials from the Civil Detainee's cell to reduce the volume to an amount that will fit in eight expandable folders. The seven-day notice requirement shall not apply if the amount of accumulated materials presents an immediate safety or security risk that must be eliminated. In the event jail staff must intervene to reduce the amount of materials in a Civil Detainee's cell, the removal of material from the cell shall be video recorded. The excessive material will be placed in the Civil Detainee's property.
- iv. Civil Detainees may have in their cell a reasonable number of photographs no larger than 8 x 10 inches. Photographs must be kept in a folder and may not be affixed to walls, ceilings, bars, bunks, fixtures, or any part of the building. All excess photos are to be mailed out of the jail at the detainee's expense.
- v. Civil Detainees may only possess the items of clothing issued to them and one complete issue of jail bedding.
- vi. No food, except that sold in commissary or provided during in-cell feeding, will be permitted in housing areas. Retention of meal items is not permitted.
- vii. Handcrafted or altered items made by Civil Detainees are not permitted and will be considered contraband.

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- viii. Possession of articles issued or belonging to another Civil Detainee, such as clothing, bedding, commissary, or personal property, is not permitted. The detainee in possession of such property may be punished for a violation of jail rules and the incident may be handled as a criminal matter.
- ix. Civil Detainees will possess no more than a combination of ten books and/or magazines as long as they are stored in a neat and orderly manner. Excess items shall be discarded or mailed out of the facility at the Civil Detainee's expense.
- x. Property that shall not be counted towards a Civil Detainee's limit are as follows:
 - A. Holy book (1)
 - B. Religious pamphlets (3)
- xi. Unauthorized possession or hoarding of medications is not permitted. Possession of another Civil Detainee's medication is not permitted.
- xii. Obscene publications or items as determined by the Division Commander and mail containing obscene publications or items are not permitted. Obscene publications or items include, but are not limited to:
 - A. Photographs or pictures of any kind showing complete nudity, partial nudity, sadomasochism, bestiality, penetration, oral copulation, defecation, urination, or ejaculation.
 - B. Personal photographs that display nudity of any kind or items that are sexual in nature are not permitted.
- xiii. Any material promoting illegal activity to include, but not be limited to:
 - A. Any representation tending to incite murder, arson, riot, violent racism, or any other form of violence.
 - B. Any matter concerning unlawful gambling or an unlawful lottery.
 - C. Any publication concerning the cultivation or illegal production of narcotics or drugs.
- 6. Commissary
 - i. Civil Detainees may purchase commissary items two times each week. Order forms are distributed two times a week.
 - ii. Civil Detainees without sufficient funds can order a Welfare Pack (per Title 15) of hygiene and stationary items once per week.
- 7. Reveille
 - i. Civil Detainees shall arise for reveille when announcement is made.
 - ii. Civil Detainees shall dress in full jail-issue clothing prior to the morning meal.
 - iii. Full jail-issue clothing consists of:

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- A. Underwear
 - B. T-shirt
 - C. Socks
 - D. Jumpsuit or pants and shirt
 - E. Shoes
- iv. Civil Detainees shall maintain immediate access to their full jail issue clothing between the hours of reveille and lights out while in the dayrooms and common areas. Civil Detainees shall be in full jail-issue when outside their cell or housing area. Alterations to jail issue clothing may be considered damage to jail property, and the Civil Detainee may be subject to disciplinary action. The wearing of any item that is not facility issue clothing (e.g., headbands, etc.) is prohibited.
- v. Civil Detainees shall make their bunks up neatly and keep them that way between reveille and lights out unless the bunk is in use by the Civil Detainee. Whenever Civil Detainees are on their own bunks, they may be permitted to cover themselves with blankets, provided that sufficient anatomy is exposed to establish the presence of a person.
- 8. Count
 - i. During the count, Civil Detainees shall stand near their bunks, dressed in full jail issue, unless otherwise directed by jail staff.
 - ii. Civil Detainees will respond to the Deputy as directed during the count. Talking, horseplay or other disruptions are not permitted during the count.
- 9. Religious Services
 - i. Correctional Programs is responsible for coordinating all religious activities within each jail facility. The Correctional Programs staff will ensure that the varying religious needs of the Civil Detainees are met, and that services and counseling are made available.
 - ii. Civil Detainees will have access to religious resources on a voluntary basis. Civil Detainees who do not wish to participate in religious counseling services will not be required to do so.
 - iii. Civil Detainees may request counseling, visits, or religious material from any of the Jail Chaplains by completing a Message Slip and giving it to a staff member. The slips will be forwarded to the Jail Chaplain.
 - iv. Chaplains, and/or other members of the clergy, may send messages or literature to Civil Detainees, or may confer personally with them in the visiting area at any time. Private visits are available for those clergy who submit an application for approval.
- 10. Law Library
 - i. Any Civil Detainee housed in any facility may request legal materials in the same manner as any inmate. All requests will be promptly acted upon.

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