

SAN FRANCISCO SHERIFF'S DEPARTMENT



POLICY AND PROCEDURE

Policy / Procedure #		E-02
Date Issued:	2/1/93	Date Revised: 9/97, 1/04
Approved by: Sheriff Michael Hennessey		
Chapter:		Custody Operations

SUBJECT:

Jail Clearances

POLICY It is the policy of the San Francisco Sheriff's Department to ensure persons who provide health service, food service, legal, religious, and other necessary and/or community services to the prisoners have a method of obtaining an approved clearance to enter jail facilities.

PURPOSE: To provide criteria for maintaining the integrity and security of the jail while allowing persons providing authorized service to prisoner's access to the jail facility.

DEFINITIONS:

Administrative Jail Clearance: A clearance provided to an individual who requires limited access to jail facilities for the purpose of conducting repairs to equipment, job interviews, jail tour approved by the Sheriff, client interviews, and other legitimate reasons as deemed appropriate by the Facility Commander. An administrative jail clearance has an expiration date and is provided after a warrant check and intended for a specified period of time only.

Attorney: An officer of the court authorized to practice law in the State of California.

Attorney Representative: Any person designated by the attorney of record as a legal representative of that attorney, including, but not limited to, private investigators, legal paraprofessionals, legal interns, interpreters, psychiatrists, and physicians.

Permanent Jail Clearance: A clearance provided by the department after a thorough warrant check and fingerprints check. Such a clearance is provided to individuals who are authorized to provide a continuing service for the department or who require on going clearance as a condition of their employment. This clearance has an expiration date and must be renewed periodically.

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Private Investigator: A private investigator licensed by the Department of Consumer Affairs/Bureau of Security and Investigative Services Division.

Private Investigator Representative: Any person designated by a licensed private investigator to provide services to prisoner clients in the jail.

PROCEDURE

I. General

- A. Criminal history checks are completed on persons requesting admittance to the jail facility to ensure the safety of the Sheriff's staff, prisoners, facilities and operations.
- B. Commissary and Food Service Contractors, community service providers, and the Department of Public Health are required to obtain Permanent Jail Clearance cards for their employees in a timely manner.
- C. Other persons issued Permanent Jail Clearance cards are required to get timely replacements as their cards near their expiration date.
- D. Administrative Jail Clearances must be requested at least 48 hours prior to date of admittance needed.
- E. The Facility Commander and/or the Watch Commander can approve Administrative Jail Clearances at the Facility level.
- F. The Custody Division Commander can approve Administrative Jail Clearances for all jail facilities.
- G. The Sheriff's Department reserves the right to query criminal justice information systems on any person entering the jail facility for any reason consistent with legal requirements.
- H. The Jail Clearance Officer is responsible for completing the Permanent Jail Clearance process for appropriate persons.

II. Sheriff's Department Employees

- A. Uniformed and non-uniformed Sheriff's employees will be issued official Sheriff's Department identification cards.
- B. Uniformed and non-uniformed Sheriff's employee identification cards will have an expiration date.
- C. The uniformed Sheriff's employee identification card will indicate the level of peace officer powers approved for the employee.
- D. The non-uniformed Sheriff's employee identification card will indicate the employee to be a non-sworn employee.
- E. All Sheriff's employee identification cards will be worn on the outermost clothing whenever the employee is in a jail facility and/or not in uniform.
 1. Identification cards that are clipped on to the outer most clothing must be in the upper left quadrant of the body.

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2. Identification cards may also be worn in a plastic pouch secured by a lanyard around the neck.

III. Official Business Clearances

- A. Representatives of other law enforcement agencies, local probation departments, state and federal parole agencies, assistant district attorney's, assistant public defenders, and deputy city attorney's may enter a jail facility at anytime, except for posted hours for prisoner count and change of watch, without a Permanent Jail Clearance or an Administrative Jail Clearance
 1. Uniformed representatives must have an employee's identification card on their person to verify their employment.
 2. Non-uniformed representatives must present a valid credential issued by their agency identifying the bearer as a person in one of the above categories and wear their own identification card on their outermost clothing while in the jail facility in the manner described in Section II, D, 1 and 2.
 3. The District Attorney's Office and the Public Defender's Office may provide the Sheriff's Department with a current list of active attorneys and investigators to be kept at all entrances to jail facilities to expedite their access to the jail.
 4. Staff on these lists must be able to provide picture identification when requested.
- B. Representatives from the Department of Social Services may enter the jail facility from 0800 to 2130 HRS, except for posted hours for prisoner count and change of watch, for the purpose of interviewing clients without a Permanent Jail Clearance or an Administrative Jail Clearance.
 1. The representative must have a employee identification card identifying the bearer as an employee with the Department of Social Services
 2. The representative may conduct interviews only and will not be permitted access to any housing area.
- C. Other representatives from State or City Departments may be permitted into a jail facility from 0800 to 2130 HRS, except for posted hours for prisoner count and change of watch, without a Permanent Jail Clearance or Administrative Jail Clearance with the approval of the Custody Division Commander or Facility Commander.

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The representative must have a picture identification card to verify identity.

2. If the identification card is an employee identification card, the representative may wear that identification card on the outermost clothing while in the jail facility.
3. If the identification card is a driver's license or official state identification card, the representative must surrender that identification card and exchange it for a Temporary Jail Clearance Card until such time as he or she leaves the jail facility.
4. In all cases, the representative is not permitted access to any housing area unescorted.

V. Attorney, Attorney Representatives and Private Investigators

- A. Attorneys may enter any jail facility by presenting an active Bar Association Card and valid picture identification at anytime, except for posted hours for prisoner count and change of watch.
- B. Attorney's who present expired Bar Association cards may be permitted into the jail at the discretion of the Watch Commander or as directed by the Facility Commander.
- C. Attorney representatives may enter any jail facility from 0800 to 2130 HRS, except for posted hours for prisoner count and change of watch, for the specific purpose of interviewing a prisoner represented by their employing attorney.
- D. Attorney representatives must present a letter on official letterhead introducing the bearer as a legal representative of the attorney of record and with a notation the bearer is to interview a specific prisoner.

- 1 The letter must provide the following identifying information about the legal representative:
 - a. Full name
 - b. Date of Birth
 - c. California Driver's License number or other valid picture identification information
 - d. Capacity in which the representative is visiting the prisoner
2. The letter must also contain the name of the prisoner being interviewed.
3. The legal representative should carry the original letter or a copy of this letter with him/her to insure timely admission into the jail.
4. The letter will only be valid while the prisoner is in custody or up to one year, whichever occurs first.
5. The attorney of record may issue a new letter for the legal representative, if contact is still necessary.
6. A copy of the most current letter will remain at the jail facility.

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- E. A licensed Private Investigator may enter any jail facility from 0800 to 2130 HRS, except for posted hours for prisoner count and change of watch, with two pieces of license identification by the Department of Consumer Affairs.
- 1 Private Investigator licenses are issued by the Department of Consumer Affairs/Bureau of Security and Investigative Services Division.
 2. In top right hand corner of the license is the Seal of the State of California.
 - 3 In the top left hand corner of the license is the emblem of the Department of Consumer Affairs.
 4. One license identification card has a green and white background, the license number and expiration date in the middle of the card, and no picture.
 5. The other identification card has a picture of the licensed investigator and the license number.
 6. The private investigator must be in possession of both cards for entry into the jail.
- F. Private investigator representatives may enter any jail facility from 0800 to 2130 HRS, except for posted hours for prisoner count and change of watch, for the specific purpose of interviewing a prisoner represented by the employing private investigator.
- G. Private investigator representatives must present a letter on official letterhead introducing the bearer as a representative of the private investigator and with a notation the bearer is to interview a specific prisoner.
- H. Private Investigators must provide the same information required for legal representatives as listed in D.1-6 above.
- I. Every legal representative and private investigator representative is subject to a criminal justice information system query prior to entering a jail.

IV. Other Types of Clearances

- A. News Media representatives may be allowed into a jail facility under the procedures set forth in "Public Information Plan".
- B. If questions arise about admitting news media representatives, the questions should be referred to the Sheriff's Chief of Staff or Public Information Officer.
- C. Religious representatives will be allowed to interview a member of their congregation upon request from 0800 to 2130 HRS, except for posted hours for prisoner count and change of watch, if they provide picture identification.
- D. Religious representatives may use an interview room if one is available.
- E. Volunteers providing ongoing services to the jail population may be directed to apply for a permanent jail clearance if their volunteer activity requires frequent and ongoing admittance into a jail facility.

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- F. Any other person with a Jail Clearance Card may enter any jail facility from 0800 to 2130 HRS, except for posted hours for prisoner count and change of watch.

V. Administrative Jail Clearances

- A. Any Sheriff's contractor or service provider or Jail Health Services staff may request an Administrative Jail Clearance for a specific individual with a specific reason for entering the jails for a specific period of time.
- B. When requesting an Administrative Jail Clearance, the request must include the following:
1. The name of the organization or department requesting the clearance
 2. The full name of the person requiring the clearance
 3. Date of Birth
 4. Ethnicity and Gender
 5. Social Security Number
 6. Valid California Driver's License number or other valid picture identification card number
 7. Specific purpose of visit
- C. This information must be faxed to County Jail #3 at least 48 hours prior to the scheduled admittance to the jail.

VI. Denial of Jail Clearance

- A. A Permanent Jail Clearance or Administrative Jail Clearance will be denied if any of the following is determined while conducting a complete criminal justice information system query.
1. Falsified any document or statement on the application form
 2. An unverifiable address
 3. No valid picture identification
 4. Currently on active probation or parole
 5. Convicted of a drug related, weapons related, gang-related, or violence related felony within the last three years from the date of the application or any other felony within one year of the date of the application or, if no convictions, has an extensive criminal record (5 or more arrests) with drugs or violent crimes within the previous 5 years
 6. Any felony charges pending adjudication
 7. Released from county jail within the last year or state prison within the last two years at the time of the application, pursuant to serving a sentence upon a conviction of a crime or parole violation.

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8. Outstanding warrants, felony or misdemeanor, in or outside of California.

- B. Traffic warrants must be paid and proof of payment must be provided before a clearance is approved.**
- C. A Permanent or Administrative Jail Clearance may be suspended or revoked if there is written documentation of violations of jail rules and/or department rules and regulations including, but not limited to:

 - 1. Introduction of contraband, including tobacco or tobacco products**
 - 2. Sexual contact, consensual or not, within the jail, or any physical contact including, but not limited to, hugging, kissing, etc.**
 - 3. Use of jail access for purely social, non-business purposes; or**
 - 4. A violation of any Federal, State or local law.****
- D. The Facility Commander or designee may authorize the termination of a visit or interview if inappropriate conduct is observed.**
- E. The Facility Commander or designee may deny a jail clearance for any other articulable reason that indicates a possible threat to the security of the jail facility.**

Revocation of a Jail Clearance

- A. When a Permanent or Administrative Jail Clearance is revoked, the Jail Clearance Officer will send out a notice for posting in all jail facilities.**
- B. The Permanent Jail Clearance card will be confiscated from the individual**

Appeal of Revocation of a Jail Clearance

- A. If a Jail Clearance is revoked at the Jail Facility level, the matter may be appealed to the Facility Commander of that jail facility.**
- B. If the Facility Commander revokes the Jail Clearance, the matter may be appealed to the Custody Division Commander.**
- C. The individual may appeal any decision to the Undersheriff or Assistant Sheriff.**
- D. The last level of appeal is with the Sheriff and the Sheriff's decision is final**