

## Chapter 8 - Inmate Interviews

Interviews with inmates shall be in accordance with the provisions of the Manual of Policy and Procedures.

"It is the policy of the Department to provide the most expedient method of communications between persons in custody of the Department and their attorneys or other persons attempting to secure their release."

"Such communications are privileged and shall be subject to only the minimal restrictions required to maintain adequate security."

Legal requirements shall be met when an attorney or bonds person requests an interview; however, officer safety and inmate security shall not be compromised. Inmates are transported to court lockups for court appearances only. Any Removal Order for interview purposes by attorneys will not be accepted. All such interviews shall be done at the custodial facility, where the inmate is housed.

An inmate who is no longer needed in court shall be prepared for immediate transportation. Absent a Court Order, inmates shall not be kept in a court lockup, solely for the convenience of an attorney to conduct an interview.

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### • 2-08/010.00 Access to Courts and Counsel

"Inmates have a constitutional right to unimpeded access to attorneys and legal representation." Within Court Services access is a routine daily occurrence; however, in those courts without secure interview areas, cooperation between attorneys and Deputies in expediting interviews is essential. Interviews may be conducted, subject to the general following restrictions. Branch Supervisors shall prepare specific interview procedures for their courts.

- An accredited attorney may interview an inmate any time during a court session.
- The interview shall allow as much privacy as space limitations and security requirements permit.
- No time limit can be imposed on the length of the interview; however, it shall be permissible to request cooperation of the attorney in conducting his/her business as soon as possible.
- Attorneys are permitted to give their client one business card.
- Contraband should not be given to the inmate for their personal use. Any papers that are to be read by the inmate shall be handed to them by the bailiff or lockup personnel.

An inmate has the right to accept or refuse an interview at any time, even after requesting the service himself. When an inmate refuses an interview, the attorney involved shall be notified. Such refusal involves no obligation to the attorney, either on the part of the inmate or the Department.

Refer to: Title 15, 1068 - Access to the Courts and Counsel.

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### • 2-08/015.00 Investigators

Full-time compensated investigators employed by Armed Forces Investigators any State, City, County or

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Federal agency or may interview an inmate in a court lockup facility. All policies and procedures regarding weapons in lockup facilities shall be adhered to. The investigator shall not request an inmate to be brought to court solely for the purposes of doing an interview. All such interviews shall be done at the custodial facility, where the inmate is housed.

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- **2-08/020.00 Interview Security**

The individual Branch shall determine the proper level of security needed based on the physical layout of the lockup, the inmate to be interviewed, and the work requirements at the time of the interview. If necessary, delay the interview until sufficient backup can be secured. An attorney may request that additional person(s) be permitted to participate in an interview with an inmate. Personnel receiving this request shall immediately notify the Branch Supervisor.

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- **2-08/020.05 Audio Recording**

Audio recordings of inmates in secured areas designated and marked as attorney rooms are prohibited except by court order or emergent circumstances (e.g., cell extraction of uncooperative inmate, medical emergency, etc.).

Audio recordings in satellite lockup areas of attorney/client communications are prohibited absent a court order.

All requests for investigative recording operations within a secured area of a court facility must be approved by the Bureau Unit Commander prior to any recording taking place.

Contemplated changes to this policy shall include consultation with County Counsel.

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- **2-08/020.10 Eavesdropping or Recording Conversations**

“Every person who, without permission from all parties to the conversation, eavesdrops on or records, by means of an electronic device, a conversation, or any portion thereof, between a person who is in the physical custody of a law enforcement officer or other public officer, or who is on the property of a law enforcement agency or other public agency, and that person’s attorney, religious advisor, or licensed physician, is guilty of a felony.”

Refer to: Penal Code Section 636(a)

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- **2-08/020.15 Photographs**

No photographs shall be taken in attorney interview areas without the permission of the Branch Supervisor. Investigators requesting to take photographs shall be referred to the Branch Supervisor. When a high risk inmate is the subject of the request for photographs, the Branch Supervisor shall assess the threat level and

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determine the safest manner to facilitate the photographs to be taken. It is highly recommended that the Branch Supervisor advise the court ordering the photographs, that due to the extreme security risk of this particular inmate, the photographs should be taken at the inmate's jail facility under the direction of the Sheriff's Department Jail Investigation Unit.

If the decision is made to take the photographs in the court holding area, the photographs will be taken by a Court Services Deputy and sufficient backup will be secured prior to the photographs being taken. Only a limited number of law enforcement personnel shall be allowed into the lockup area where the photographs will be taken. Unless ordered by the court, Deputy District Attorneys, Public Defenders, Alternate Public Defenders and private counsel shall be excluded from the lockup area while the photographs are taken.

Photographs shall be taken of inmates involved in force incidents by the Branch Supervisor. The use of video cameras by court personnel for security purposes is permitted.

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### • **2-08/020.20 Lineups**

All lineups conducted by the Department or in Department facilities shall be conducted by members of the Central Jail Lineup Detail. Investigators desiring a lineup should notify the Central Jail Lineup Detail, as far in advance as possible, and be prepared to furnish a complete description of the suspect.

No lineup shall be conducted in court holding areas. If a judge makes an order at the request of defense counsel to conduct a lineup in a court holding area, lockup personnel should immediately contact the Branch Supervisor. The Branch Supervisor shall contact the Central Jail Lineup Detail for instructions.

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### • **2-08/025.00 Number of Interviews**

The number of interviews by attorneys and diplomatic/consular officials shall not be limited.

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### • **2-08/030.00 Interview Time Limits**

While no time limits should be placed on attorney interviews with inmates, circumstances such as interview space, security concerns, and the numbers of inmates to be interviewed should be taken into consideration. Cooperation with the courts and counsel is important to expedite court calendars.

Attorney interviews may be delayed during the movement of inmates to court or during the noon hour, when inmates are being served meals.

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### • **2-08/035.00 Bonds Persons Interview**

A bonds person may interview an inmate any time after bail has been set or after a change in the disposition of the charge results in a change of bail. The interview shall allow as much privacy as space limitations and security requirements permit. The bonds person or their representatives requesting an interview shall present

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proper credentials and satisfactory identification before being allowed to interview an inmate. Bonds persons with proper credentials shall not be denied access to any Court Services lockup interview area.

At lockups without secure interview rooms, where the interview involves a highly dangerous inmate and there is advance knowledge that bail will be set, have the bonds person interview the inmate after his return to the Custody Division.

Bonds persons may not give anything, including a business card to an inmate. They may request that an additional person be permitted to participate in an interview with the inmate. Personnel receiving this request shall immediately notify the Branch Supervisor.

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### • **2-08/040.00 News Media Interview**

News media personnel requesting to interview an inmate must be authorized representatives of a bona fide news gathering agency and possess valid identification. Sheriff's Headquarters Bureau shall be notified whenever a news media interview takes place in any Department custody facility, station, or court lockup. News media interviews shall not be granted for:

- Inmates who have not been arraigned. This applies to all inmates confined at a Department custody facility, station or court lockup. Any exception to this policy will require a Court Order.
  - Inmates suffering from mental disorders or undergoing court ordered psychiatric evaluations.
  - Federal prisoners, including media information and/or photographs, which are prohibited without the written approval of the U.S. Marshal.
  - Inmates at a court lockup without the approval of the Chief of Court Services Division or his designated Area Commander.
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### • **2-08/045.00 Visits by Diplomatic and Consular Officials**

Diplomatic and Consular officials shall be entitled to unlimited access to inmates when a foreign national that they represent is in the custody of the Sheriff.

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### • **2-08/050.00 Special Interviews / Visits - Courts Ordered**

The following persons, possessing suitable identification, may interview an inmate at any Court Services facility:

- A physician and/or surgeon, including any psychiatrist, psychologist, or registered social worker who is licensed to practice in this state, is employed by the inmate or his attorney to assist in the preparation of the defense, or by virtue of a Court Order is to interview the inmate on behalf of the court.
- A notary public, when requested by an inmate, for purpose of notarizing legal documents.
- A probation or parole officer needing to interview the inmate for a related matter.

Visits by family members, witnesses, co-defendants, legal runners, etc. are not permitted in court lockup

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facilities. An exception to this is contained in CSDM, 3-12/020.00 - Child Visitation with In-Custody Parents.

An attorney or bonds person may bring in two additional individuals to assist him/her in the preparation of legal materials or releases. However, the individual shall not be a family member or a co-defendant. Persons specifically excluded from any contact with an inmate in a lockup are:

- Ex-felons (must have a letter from the Chief of Court Services Division allowing the ex-felon to enter the property, per the Penal Code).
- Persons under 18 yrs. of age.
- Former inmates released from the Los Angeles County Jail system within the past 30 days.

If lockup personnel receives a court order directing a personal visit at a court lockup for anyone other than those individuals that are authorized, the Branch Supervisor shall be immediately advised. It is the responsibility of the Branch Supervisor to contact the issuing judge and explain the security and safety implications of personal visits with inmates. If the judge refuses to rescind the visitation order, it shall be carried out in an expeditious manner, in a security area with additional security precautions. The inmate shall be searched after any personal visit. A contact visit shall not be allowed within a Court Services facility. Any attempt by an attorney, to have an inmate or family members visit in a courtroom shall not be permitted, unless ordered by the court.

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