6-14/040.00 Access to Courts and Counsel

The attorney and bondsmen interview procedures are defined in MPP section 5-03/060.05, "Interviews at Court Lockups."

It is the policy of this Department to provide the most expedient method of communication between inmates and their attorneys or other persons seeking to secure their release.

Legal requirements must be met when bondsmen and attorneys request interviews; however, officer safety and inmate security shall not be compromised. Such communications are privileged and shall be subject to the minimal restrictions required to maintain adequate security.

Each station shall provide an area that can be used for confidential attorney/inmate consultation. The interview shall be afforded maximum privacy, dictated by the space limitations and the security measures required.

A time limit cannot be imposed on the length of the interview. It is reasonable to request that an attorney or bondsman cooperate in concluding their business as soon as possible.

General restrictions are as follows:

- Bail must be set on felony charges before bondsmen can interview an inmate
- Bondsmen may interview an inmate after a change in the disposition of the charge resulting in a change of bail
- The attorney or bondsman must complete the appropriate portion of the "Interview Record" form (SH-CR-276)
- The watch commander shall approve the interview. If the situation warrants notification of the handling investigator, the watch commander shall immediately notify him/her of the pending interview
- The inmate shall sign the appropriate portion of the "Interview Record," indicating whether he/she accepts or refuses the interview
- The supervising officer shall complete the "Interview Record" after the interview has concluded. The completed form shall be returned to the watch sergeant and retained at the unit
- Ensure the bondsman or attorney is aware no weapons or contraband are allowed before allowing them to interview the inmate
    - Do not routinely search an attorney or bondsman. Ask to visually inspect any briefcase or bags, etc. for weapons or contraband
    - If you have reasonable cause to believe they are in possession of a weapon or contraband, obtain the watch commander's advice and approval before taking any action
- Attorneys are permitted to give their client one business card. Bondsmen are not allowed to give a business card
- Search the inmate and the area in which the interview is conducted BEFORE and AFTER the interview. An attorney or bondsman may request that additional person(s) be permitted to participate in an interview with an inmate. The watch commander shall approve or deny the request and sign the interview record
- Attorneys may request a maximum of two additional persons necessary for the presentation of the case

- Bail bondsmen may also request a maximum of two additional persons necessary to complete the bail arrangements.