

## 07-015/00 Attorney and Professional Visits

<b>CUSTODY SERVICES DIVISION</b>		<b>Unit Order: #07-015/00</b>
<b>GENERAL POPULATION</b>		<b>Effective Date: 01-01-1998</b>
<b>NORTH COUNTY CORRECTIONAL FACILITY</b>		<b>Revision Date: 03-04-2019</b>
		<b>Review Date: 03-04-2021</b>
<b>Subject:</b>	<b>Attorney and Professional Visits</b>	
<b>Reference:</b>	<b>CDM 5-10/020.00, 5-10/020.05, 5-10/030.00, 5-10/040.00, 5-10/050.00, 5-10/055.00; UO 07-020/97</b>	
<b>Unit Commander Signature:</b>	<b>ORIGINAL SIGNED</b>	<b>Date: 09/15/2018</b>

**PURPOSE OF ORDER:** The purpose of this order is to establish procedures related to inmate visits with legal and professional representatives at the North County Correctional Facility (NCCF), and via the video conferencing systems located at this facility.

**SCOPE OF ORDER:** This order applies to all personnel assigned to and/or working at NCCF.

### ORDER:

The following procedures have been established for attorneys, consular officials, law enforcement investigators (not assigned to LASD Custody Operations), and other authorized professionals who wish to interview inmates housed at NCCF.

The attorney and professional visiting area (attorney visiting area) is located in building 100 across from the watch sergeant's office. Visits are conducted Monday through Friday from 0700 – 2000 hours. Hours may be extended to 2200 hours for specifically arranged visits.

The attorney visiting area does not close during inmate meals or count, and there is no time limit for visits during the posted hours. Any inmate participating in a visit during count shall be considered "out of count." This information shall be relayed to the supervising line deputy assigned to the inmate's permanent housing location.

The attorney visiting area shall be staffed by the attorney liaison deputy, who shall monitor all activity in the area. A rover or desk deputy, who has been briefed on attorney visiting area protocols, shall relieve the attorney liaison deputy when needed. This area is staffed from 0700 – 1700 hours, Monday through Friday, by the attorney liaison deputy. Between 1700 and 2000 hours each weekday, inmate visiting, for the purpose of interviews, is limited to the visiting booths located in the 800 visiting area, where security

glass separates the visitor from the inmate.

Attorneys, consular officers, psychiatrists, and law enforcement investigators must provide proper identification as specified in Custody Division Manual (CDM) sections 5-10/030.00, "Attorney and Professional Room Visits"; 5-10/040.00, "Exceptions to Attorney and Professional Room Posted Hours"; 5-10/050.00, "Psychiatric Visiting Policy"; and 5-10/055.00, "Inmate Interview Procedures for Law Enforcement."

Refer to these sections for additional procedures concerning inmate interviews, such as when interviews may be permitted outside of the attorney visiting area's normal hours of operation, or when attorneys not licensed to practice law in the State of California may interview an inmate. All personnel assigned to the attorney liaison deputy post, relief personnel for that post, and front desk personnel shall familiarize themselves with the above CDM sections and those sections noted in the reference section of this unit order.

Professional representatives, such as persons representing inmate advocate groups, and bail bondsmen, must provide photo identification.

Legal and professional representatives (personnel) must register with the front desk officer by completing the Official Visitor Register Card (SH-J-86) and, if they are an attorney, they must complete the Attorney Interview Form (SH-J-9). Prior to beginning the attorney visit, the inmate shall be asked if they would like to accept or refuse the visit. Any refusals shall be noted on the Attorney Interview Form.

The front desk officer shall give these forms to the attorney liaison deputy between 0700 and 1700 hours. Between 1700 and 2000 hours, when the attorney liaison deputy is not on duty, the front desk officer shall forward these forms to the attorney liaison deputy to be archived. All forms and paperwork must be legible. The front desk officer shall exchange a visitor's pass for the visitor's photo identification card, which shall be retained at the front desk during the visit.

The front desk officer shall issue an inmate pass for the inmate to report to the appropriate visiting area. Inmate passes for the attorney visiting area shall be handled by staff station officers as a priority.

Inmates shall have their attorney visiting area pass in their possession when they leave their housing area and present it to the attorney liaison deputy when they arrive for their visit. The attorney liaison deputy shall check all incoming passes for accuracy and retain the passes while inmates are in the attorney visiting area. Before returning the inmate's pass at the end of the visit, the attorney liaison deputy shall note the inmate's time of departure on the pass.

Inmates waiting for visits shall be seated inside the main visiting area. The seating shall be arranged to allow maximum visibility and supervision by the attorney liaison deputy. All inmates who have had face-to-face visits shall be searched upon completion of the interview, before they return to their housing area.

All visits for inmates housed in buildings 500, 600, and 700, shall take place in the attorney visiting area in building 100. If any paperwork needs to be signed and/or exchanged, the attorney liaison deputy shall receive the paper(s) through the 100 visiting control booth and hand them to the inmate for signature.

All visits for inmates housed in building 800, with the exception of video visits, shall take place in the building 800 visiting area. If any paperwork needs to be signed and/or exchanged, the 810 staff station

officer or rover deputy shall receive the paper(s) through the 800 visiting control booth and hand them to the inmate for signature.

All interviews with inmates housed in building 900, shall be conducted in the building 900 visiting area. K-10 inmates shall have security restraints on at all times during their visit. If any paperwork needs to be signed and/or exchanged, the rover deputy shall receive the paper(s) through the 900 visiting control booth and hand them to the inmate for signature.

No food or beverages are allowed in the attorney visiting area.

### VISITS INSIDE SECURITY

To better serve legal and professional representatives who would like to conduct a visit without a security glass barrier (face-to-face visit), NCCF has established the following procedures:

#### BEFORE COMING TO NCCF

- At least one day prior to the visit, the legal professional shall fax a copy of the granted court order for the face-to-face visit (if applicable) to 661-257-0741; or
- Telephone the request for a face-to-face visit to the attorney liaison deputy (661-295-7836) no later than one (1) day prior to the visit. This will allow NCCF personnel to schedule the visit at a time when the interview room will be available. This telephonic request still requires a copy of the granted court order for the face-to-face visit to be faxed to 661-257-0741.
- When making the telephonic request, please indicate how long the interview room will be needed.
- All requests must contain a call back telephone number in case the request cannot be fulfilled.
- A court order and telephonic scheduling is not necessary for any attorney who would like to conduct their interview through the security glass of a visiting booth.
- If the inmate to be visited is receiving treatment in a hospital where NCCF personnel handle inmate security, a hospital visit may be allowed at the discretion of the medical staff and if approved by the watch commander. A deputy shall supervise all hospital visits.

#### THE DAY OF THE VISIT

- If any attorney is unable to make their appointment, they should notify the attorney liaison deputy at 661-295-7836.
- Attorneys must complete an Attorney Visitor's Form (located in the front lobby).

- Upon arrival, regardless of the location of the inmate visit, attorneys must provide valid photo identification and legal credentials (bar card) along with the completed Attorney Visitor's Form to deputies at the front desk. If an attorney forgets their bar card, the Bar Association can be contacted to verify membership at 1-800-622-0585. Out-of-state attorneys shall be referred to the operations lieutenant or the watch commander for approval (refer to CDM section 5-10/030.00, "Attorney and Professional Room Visits").
- All persons entering security to visit in the face-to-face visiting area, including attorneys and peace officers, shall have their personal belongings searched for contraband. This search may include the use of a handheld metal detector in the front desk sally port area. Deputy personnel shall not read any legal papers or documents; however, they may riffle, fold or bend them during their inspection for contraband. This inspection for contraband shall take place in full view of the visitor. Briefcases, purses, case files and like items shall be secured in lockers set aside for attorney use in the front lobby of the facility.
- No weapons, ammunition, pagers, cellular phones or cameras are allowed in the facility. Cameras will be admitted only with a valid court order.
- No physical contact is allowed. If a visitor wishes to pass legal documents or needs to obtain an inmate's signature, the visitor must first advise the attorney liaison deputy so they can monitor the exchange (if this occurs during a face-to-face visit) or handle the exchange (if this occurs during a visit conducted through security glass). If an attorney is accompanied by a private investigator or interpreter, only the attorney may pass documents to the inmate.
- No money, cigarettes, clothing, books, newspapers, envelopes, folders, personal property or other non-legal material (including rubber bands, paper clips, or metal fasteners) shall be passed to inmates. Only legal papers are allowed to be passed.
- Visitors and inmates shall remain seated during the visit.
- Loud or abusive language shall not be permitted.
- Only one inmate shall be interviewed at a time, unless they are co-defendants in the same case. Interviewer and inmate shall sit directly opposite each other.
- Interviews may be audio recorded only with a court order or watch commander's approval. If a court order is presented or the watch commander has approved the audio recording, the interviewer shall provide the equipment to capture the audio. These items shall be inspected for contraband. If tapes or digital media cards are used, the number of items shall be counted both prior to and after the visit.

#### AUTHORIZED VISITS INSIDE SECURITY

Note: For security reasons, only peace officers may use the interview rooms. All others must use the face-to-face visiting area (Room #137A).

Visitors using the face-to-face visiting area who request confidential visits shall only be allowed to do so if no other visitors are waiting to use this area. When others are waiting for a face-to-face visit, the requestor shall be advised they must wait until the conclusion of the other visits.

The following personnel may use the attorney visiting area located within the secured area of the facility for face-to-face visits:

- Sheriff's Process Servers  
*Papers shall only be served in the attorney visiting area. Under no circumstances shall a process server be allowed to go directly to the inmate's housing area and meet with the concerned inmate.*
- Attorneys  
*This group includes private attorneys, deputy district attorneys, deputy public defenders, U.S. attorneys, etc. (refer to CDM section 5-10/030.00, "Attorney and Professional Room Visits" for guidelines related to out-of-state attorneys).*
- Law Enforcement Officers
- State Parole Investigators  
*When preparing for parole board hearings*
- Psychiatrists or Physicians

All personnel shall adhere to the following procedures to facilitate court ordered psychiatric interviews and evaluations:

- The person requesting access to the secure area of the facility shall be on the "Approved Panel of Psychiatrists and Psychologists" list, copies of which are maintained at the front desk and at the attorney visiting staff station.
- One-time visits for interviews/evaluations by persons not on the court approved list shall be permitted pursuant to a valid court order.
- The visit shall be logged on an "Official Visitor Register Card," which shall be given to the attorney liaison deputy for filing.
- The requesting party must show a valid form of identification and is subject to a search of their person and property. The equipment needed for the evaluation shall also be subject to search.
- Evaluation interviews shall be conducted during normal business hours; however, interviews outside of normal business hours may be allowed with the concurrence of the watch commander.
- The interview/evaluation for general population inmates shall be conducted in the attorney visiting area, under the supervision of the attorney liaison deputy.
- The interview for inmates housed in building 900 shall be conducted in the old law library area of building 900, if available, or the 910 dayroom. The front desk shall arrange for an

escort to building 900, where the supervising line deputy shall assume responsibility for the interview by assigning the required personnel to maintain security.

*Note: Interviews for psychological evaluations are not the same as an attorney visit. The nature of the interview requires face-to-face contact and personal interaction between both parties; however, proper security procedures shall be maintained.*

### INTERPRETERS

An attorney may bring an interpreter under the following conditions:

- The interpreter is a County interpreter with County identification.
- The interpreter is appointed by the presiding judge of the inmate's case (must present the court order)

### OTHER AUTHORIZED VISITS

The following personnel are authorized to visit in the visiting area, located outside the secured area of the facility. These visits are conducted in visiting booths equipped with a security glass barrier between the visitor and the inmate. Communication is accomplished by means of a telephone or screened booth.

- Any of the above persons authorized to visit in the attorney visiting area
- Material Witness

*An attorney may bring a maximum of two material witnesses. They must provide valid photo identification and may not pass any material to inmates.*

- Bondsmen

*Bondsmen are allowed to bring in one visitor to sponsor bail (bondsmen use form SHJ-20 and their visitor uses form SHJ-319). The front desk officer shall ensure that both the bondsman's and the bail sponsor's names are on the visit slip and they possess a valid photo identification. Bondsmen shall not pass money or business cards to inmates.*

- Private medical staff, physicians and psychiatrists

*May visit if so directed by a court order (requires an entry in the facility log).*

- Chaplains, Ministers, Priests, etc.

*May visit if authorized by the Office of Religious and Volunteer Services. They may pass business cards only. If the purpose of the visit is to solemnize an inmate marriage, then the visit will take place in a visiting booth with the chaplain and prospective spouse on the non-secure side of the security glass.*

- Notary Public

*Notary publics must be on official business and they must have valid notary public photo identification and stamp (use form SHJ-86).*

- Own Recognizance (O.R.) Investigators from the Superior Court

*Investigators must have current identification issued by the chief of Custody Division - General Population (use form SHJ-86).*

- Parole and Probation Officers

*Parole and probation officers shall have State or County identification; shall not pass money; shall not make skin searches of inmates (use form SHJ-86).*

- Private Investigators

*Private investigators shall be properly licensed by the state or be court appointed. They may use the cage in the visiting area if they are recording an interview or playing an audio recording to the inmate.*

- Legal Runners and Propria Persona ("Pro Per") Witnesses

*They may only visit as witnesses or legal runners if the inmate has been granted "Pro Per" status by the court. They may only pass legal documents.*

- Paralegals

*They shall have valid public defender's identification.*

- Public Defender Law Clerks

*These clerks must be accompanied by a public defender (P.D.) or paralegal in possession of a valid P.D. identification card.*

- Diplomatic and Consular Officers

*Notify the watch commander of these visits. These officials must be in possession of credentials issued by the U.S. State Department or by the Sheriff (use form SHJ-86).*

- Department of Public Social Services (DPSS) Workers

*These workers must possess a valid DPSS identification card and their visit is restricted to the visiting area outside of security.*

- News Media

*Media personnel must be authorized by the chief of Custody Division - General Population (refer to CDM section 5-10/020.05, "News Media Interview Requests" for additional information).*

#### VIDEO CONFERENCING VISITING

Video conferencing is conducted between 0800 – 1700 hrs. These interviews are conducted via the three (3) video conferencing machines located in the attorney visiting area in Room #138-A.

Interviews conducted via the video conferencing machines are arranged by the “video conferencing scheduler.” The attorney liaison deputy receives a daily fax from the scheduler every morning and ensures those inmates scheduled for these visits are sitting in front of the proper machine before the scheduled interview time.

**ALL FEDERAL BUREAU of INVESTIGATION (FBI) REQUESTS FOR INMATE INTERVIEWS SHALL BE REFERRED TO MCJ JAIL LIAISON.**

**TERMINATION OF AN INTERVIEW/VISIT DUE TO A RULE/PROCEDURAL VIOLATION REQUIRES THE APPROVAL OF THE OPERATIONS LIEUTENANT OR, THEIR ABSENCE, THE WATCH COMMANDER OR WATCH SERGEANT.**

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