

## **5-10/030.00 Attorney Room Visits**

Each facility shall develop and implement a plan which shall provide legal and professional representatives reasonable access to interview inmates, pursuant to the California Penal Code (PC) section 825b, "Appearance Before a Magistrate, Extension of Time," PC section 834c (a) (3) "Consular Visits," and the Minimum Standards for Adult Local Detention Facilities, Title 15, section 1068, "Access to the Courts and Counsel."

### **ATTORNEY ROOM VISITS**

Attorneys shall be in possession of a valid, governmentally issued photo identification and a valid California State Bar card, with the exception of an attorney from the Los Angeles County Public Defender or Alternate Public Defender's Office. A Los Angeles County Public Defender or Alternate Public Defender's identification card shall be acceptable identification for access. The Public Defender or Alternate Public Defender law clerks and interns shall be allowed access if they are accompanied by a Public Defender attorney or paralegal in possession of a valid Public Defender or Alternate Public Defender's identification.

Attorneys in possession of a valid California State Bar card, representatives from the Office of Inspector General (OIG), and American Civil Liberties Union (ACLU) representatives (staff, interns, or volunteers with a marked "PROPERTY OF ACLU" laptop) may use laptop computers or tablets in the attorney and public visiting rooms during their professional visit with their client, and upon signature and agreement to the terms and conditions outlined on the Custody Division "Laptop Request and Acknowledgment Form (SH-J-460)." The form shall be provided by the facility's attorney room personnel and shall be completed for each visit by an attorney requesting to use a laptop computer in a custody facility.

### **FACE-TO-FACE VISITS**

Attorneys, psychologists, and psychiatrists may request a "face-to-face" visit, a visit without a physical barrier between the professional visitor and the inmate, with a valid court order. The court order shall be pre-approved by the respective facility's legal unit personnel and the order must include use of laptop computers or computer tablets if such device use is desired. Approval of the court order for face-to-face visits without pre-approval from the legal unit may be granted by the on-duty watch commander on a case-by-case basis.

An approved court order is required for use of face-to-face visiting rooms by attorneys from the Los Angeles County Public Defender and Alternate Public Defender's Office, however court orders are not required for use of a laptop computer or tablet during the visit.

Visits with detainees classified as a sexually violent predator (SVP) may be scheduled without obtaining a court order.

Public Defenders assigned to Department 95 shall be allowed face-to-face contact, at the cell/dorm door, with inmates who are either court refusals or pose other problematic issues affecting the determination of the competency to stand trial. A court order is not required.

Professional visitors shall not possess an unauthorized wireless communication device including, but not limited to, a cellular telephone, pager, or any wireless internet device as described in PC section 4575(a) and Custody Division Manual (CDM) section 3-01/090.05, "Wireless Communication Devices."

Laptops computers or tablets shall not be used to record audio, video, take photographs, or to stream video/audio. All wireless connectivity functions shall be turned off and/or set to "airplane mode" or the equivalent.

Consular officers shall be in possession of credentials issued by the U.S. State Department or by the Sheriff. Consular officers are entitled to use the attorney room.

Attorneys not licensed to practice law in the state of California shall not be admitted to the attorney interview area unless:

- Accompanied by a California licensed attorney;
- In possession of a Pro Hac Vice order (a court order allowing an out-of-state attorney to temporarily practice law in California) authorizing the attorney to visit the inmate;
- Attorneys licensed by another state may visit inmates held on their state's fugitive warrant and need not be accompanied by a California licensed attorney;

All attorney and professional room rules shall be posted in a conspicuous place in plain view of both visitors and inmates. Violation of these rules may result in the termination of the visit.

The term "professional representatives" includes, but is not limited to, persons representing inmate advocate groups.

For procedures related to the Inmate Video Visitation System (IVVS), refer to CDM section 5-10/010.05, "Inmate Video Visitation System."

## **Exceptions to Attorney Room Posted Hours**

After the arrest, any attorney entitled to practice in the courts of record of California, may, at the request of the inmate or any relative of the inmate, visit the inmate. If the concerned inmate is a foreign national, any consular officer in possession of credentials issued by the U.S. State Department or by the Sheriff, may, at the request of the inmate or after proper notification, visit the inmate.

Diplomatic and consular officials shall be entitled to unlimited visitation rights when a foreign national they represent is in the custody of the Sheriff. These visits will not count as a personal visit and shall be considered a legal/business visit.

When such a request is made during the booking process, the request shall be acted upon as soon as the inmate is booked and searched, but no later than three (3) hours after their arrival at the facility. The same access, when requested, shall be afforded to bail agents.

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