

5-15-040 Attorney Room Procedures



PURPOSE OF ORDER:

The purpose of this order is to establish procedures regarding the operation of the attorney room.

SCOPE OF ORDER:

This order shall apply to all personnel assigned to and/or working at Men's Central Jail (MCJ).

ORDER:

Processing and Screening Visitors

The attorney room control officer shall ensure the following procedures are followed:

- Visitors shall fill out a visiting slip (SH-J-9) to conduct a legal visit with an inmate. Attorneys shall use the large half-sheet visiting slips, all other visitors shall use the small (3-inch square) visiting slips. Visiting slips and other passes shall be legible.
- Visitors shall provide a valid, current driver's license, and/or other current picture identification such as a

passport or government I.D.

- A Los Angeles County Public Defender's identification card shall be acceptable identification for access.

Note: Family members shall not be allowed to visit in the attorney room. If the family member is an attorney, they shall be directed to the hospital and offered the use of either the [REDACTED TEXT] or [REDACTED TEXT] visiting area.

- Weapons, ammunition, cameras, cell phones, food, beverages, and tobacco products are not allowed inside the attorney room. Gun and storage lockers are provided in the waiting area. Any other items which present a security risk may be excluded on a case-by-case basis (e.g., umbrellas, purses, backpacks, books, newspapers, magazines, and recording devices).
- Attorney room visitors shall submit to a contraband inspection of everything they intend to take into the attorney room. This includes purses, briefcases, case files, etc. Visitors should be encouraged to use the storage lockers and take as little as possible into the attorney room.
- Papers and documents passed through the attorney room shall be photocopied. Copies of the documents will be given to the inmate and the originals will be returned to the visitor.
- Papers and documents may be riffled, bent, and/or felt. Deputies shall not read any papers or documents and should avoid giving the appearance of reading such materials. Documents shall be redacted to exclude victim and witness confidential information (i.e., address, phone numbers, etc.). Metal and plastic bindings shall not be passed through the attorney room.
- If contraband is suspected within the papers and/or documents being passed, they shall be confiscated for further investigation. The papers and documents may be tested for narcotics and an incident report (SH-R-49) will be written by the attorney room deputies.
- The above outlined inspection procedure shall apply to all attorney room visitors, including attorneys, police officers, and any person accompanying attorneys or bondsmen (material witnesses, bail sponsors, etc.).

- All visitors shall pass through the metal detector.

- If the inmate is housed in the hospital area, and the medical staff determines the inmate's condition prevents them from visiting in the attorney room, the watch commander may authorize the interview be conducted in the hospital visiting area.

- The following visitors may be allowed up to three (3) passes at a time, at the discretion of the attorney room booth officer:
 1. attorneys, foreign embassy personnel, psychiatrists, psychologists, parole or probation officers, law enforcement, and process servers.

- The following visitors may only be allowed to submit one pass at a time:
 1. bondsmen, chaplains, priests, clergy, private investigators. In addition, visitors must complete interviews with the first inmate prior to requesting another inmate.

- Visitors shall be allowed to request a visit with inmates in restrictive housing, protective custody inmates, discipline (including discipline pro-pers), or other escorted inmates, one (1) at a time, unless approved by the watch commander. These inmates shall have priority over inmates who do not require escort.

- High security inmates such as gang members, restrictive housing, protective custody inmates, and discipline (including discipline pro-per inmates) shall have both hands handcuffed in a visiting booth with the handcuffs attached to the tabletops and the waist chain attached to the floor.

- Termination of an interview requires the approval of the legal sergeant or operations lieutenant, or in their absence, the watch commander. If a violation of the regulations occur, contact the appropriate supervisor as soon as possible.

- Visitors shall remain seated. Visitors wishing to confer with their client may do so only when seated.

- Court orders brought in by visitors shall be handled in the following manner:

1. The legal staff shall be contacted for approval to comply with the order. In their absence, the watch sergeant or the watch commander shall be contacted.

A. When notified by telephone that a court order has been issued requiring immediate action, personnel shall advise the caller to contact the legal staff. In the absence of the legal staff, contact the watch sergeant or the watch commander. Court orders shall be complied with based on the safety and security rules of the facility.

Visiting slips shall be collected and sent to the legal office for storage. Envelopes for the current month shall be kept in the attorney room control booth.

Attorney Room Hours and Allowable Transactions

The following transactions shall be allowed Monday through Thursday, 9:00 a.m. to 5:45 p.m.:

- legal documents/power of attorney.
- restraining orders.
- property release slips.
- vehicle releases.
- state or county payroll checks issued prior to date of incarceration.
- income tax checks.

The following transactions shall **NOT** be accepted:

- personal, private industry payroll, business checks, cashier's checks, or unemployment checks;
- money draws.
- pawn slips.
- any marriage documents (unless approved by the legal office).

- real estate documents, grant deeds, deed of trusts, or any escrow documents.

Attorney Room Rear Duties

The attorney room rear officer is responsible for processing inmates who are to be interviewed in the attorney room. The deputy is responsible for maintaining order and

assuring compliance with attorney room regulations.

Processing Inmates

- The module shall be called if the inmate has not arrived within thirty (30) minutes of the time displayed on the Automated Jail Information System (AJIS) print out. After forty-five (45) minutes, the floor supervisor shall be notified.
- When the inmate arrives, their pass shall be time stamped and their identity verified by visually inspecting their wristband. If no identification can be made, the visit shall be canceled and the inmate shall be returned to their module.

General Attorney Room Regulations for All Deputies, Inmates, and Visitors

- Personnel shall maintain constant observation of the attorney room and enforce the attorney room regulations.
- If for any reason the visitor leaves their seated position at a table or booth, they must take all their materials with them.
- All visitors (e.g., attorneys, psychiatrists, psychologists, parole or probation officers, law enforcement, process servers, bondsmen, clergy, chaplains, priests, etc.) who wish to interview inmates shall be processed through the attorney room control. Family members and regular visits are not allowed in the attorney room.

- Termination of an interview requires the approval of the legal sergeant or the watch commander.
- If a violation of the attorney room regulations occurs and personnel feel the visit should be terminated, the appropriate supervisor shall be contacted immediately.
- Money and property release forms may be processed in the attorney room.
- Physical contact of any kind is not permitted (including handshaking).
- Clothing, books, newspapers, personal property, or other non-legal material shall not be passed to inmates.
- The only items to be given to an inmate in the attorney room are copies of legal papers. No envelopes, boxes, folders, or other devices to hold papers shall be passed. Any fasteners that present a security risk shall not be passed to the inmates (i.e., paper clips, staples, plastic, or metal bindings).
- Food and beverages are not permitted in the attorney room.
- Loud or abusive language shall not be permitted.
- Booths or visiting areas shall not be reserved.
- One inmate shall be interviewed at a time unless they are co-defendants (excluding restrictive housing and keep away inmates) in the same case.
- The interviewer and inmate shall always sit directly opposite each other.
- Persons other than interviewers shall not be allowed to pass materials to inmates.

- Smoking is not allowed.

- Inmates shall not be allowed to receive the following: paper clips, metal fasteners, rubber bands, and plastic transcript covers. Materials for pro-per inmates shall be carefully searched for contraband.

- Legal runners may not enter the attorney room for any reason.

- Only the following items may be given to inmates by visitors after inspection by the attorney room personnel:
 - A. Copies of business cards (one per inmate). Bail bondsmen shall not pass business cards.
 - B. Copies of legal documents pertaining to the inmate's case.
 - C. Exceptions to the above require approval of the legal sergeant or the watch commander.

- There is no time limit on attorney interviews during normal operating hours.

- Attorneys may bring in two (2) material witnesses. Bondsmen may bring in one (1) bail sponsor. Inmate family members are not allowed in the attorney room. No other person shall enter the attorney room with an interviewer, unless authorized by the legal sergeant or the watch commander.

Procedures for a Booth Visit

- Attorneys and police officers may use the booths.

- Restrictive housing inmates shall be interviewed in booths #3 through #7 with both their hands secured to the handcuffs on the table and their waist chain secured to the chain bolted desk.

- District Attorney (D.A.) investigators, Public Defender investigators, and licensed private investigators may use a booth when recording interviews, listening to an audio recording, or when accompanied by an attorney.

- Inmates housed in [REDACTED TEXT] or [REDACTED TEXT] module shall be strip searched in the [REDACTED TEXT] sally port after the booth visit is terminated.
- No one other than the interviewer and inmate shall be allowed to use the booths. Material witnesses, bail sponsors, etc., shall visit in the open area unless their use of a booth is expressly authorized by the legal staff, operations lieutenant, or in their absence, the watch commander.
- Booths are available on a first-come basis.

Interviews may be tape recorded in a booth pursuant to a court order or with prior approval of the unit commander or watch commander. The interviewer shall provide the tapes and the recording device. Both items shall be inspected for contraband prior to entry into the attorney room. The following persons may tape record conversations in the attorney room.

- Attorneys.
 - Police officers.
 - D.A. and defense investigators.
 - Court appointed and state licensed private investigators.
 - Any other person operating in an official capacity with the approval of the unit commander, or in their absence, the watch commander.
- A copy of the attorney room regulations shall be posted outside the visitor's entrance and given to any visitor who requests one.

Approved Visitors to Attorney Room

Attorneys

- Shall possess a valid California bar card.
- Verify identity with their driver's license or a secondary (picture) identification.

- Use form SH-J-9.

- An attorney with a court order from the judge on the case may bring in two other persons who are necessary for preparation of the case.

- Out-of-state attorneys may enter with a “pro hac vice” order signed by the judge in the case or may enter with an in-state attorney.

- If attorneys forget or lose their bar card, personnel shall verify their membership via the Internet.

Material Witnesses

- Family members shall conduct interviews in alternate locations, such as the hospital or regular visiting area.

- Shall possess a valid court order.

- Shall possess a valid picture identification.

- Shall use form SH-J-319.

- Shall not sit directly across from the inmate.

- Shall not pass any material to the inmates.

- Shall be accompanied by the inmate’s attorney of record at all times.

Mitigation and Defense Experts

- Must possess a valid court order.
- For approval to use a booth for privacy, a court order shall be signed by a presiding judge or assisting presiding judge. All orders shall be checked for validity prior to the booth being used.
- Orders issued from the Public Defender's office requesting the use of a booth for privacy shall be granted.

Court Appointed Experts

- Must possess a valid court order.
- Shall not be allowed to use booths.

Bondsmen

- Identification card issued by the Department of Insurance along with an additional form of identification.
- Use form SH-J-20.
- May bring in one (1) visitor to sponsor bail. Shall make a statement on the reverse of the pass as to the necessity of the visit. If the visitor is a relative, they must make accommodations other than in the attorney room.

- Shall not pass money or business cards to inmates.

Law Clerks

- Law clerks shall be in the company of a deputy public defender or paralegal and shall present a valid Public Defender's Department identification.
- No private attorney law clerks or private paralegals shall be allowed in the attorney room.

Foreign Embassy Personnel

- Notify the watch commander.
- Make a photocopy of their I.D. (front and back) with each pass submitted and forward the copy of the I.D. and pass to the watch commander.
- Use form SH-J-86.
- Must possess a valid picture identification.

U.S. Health, Education, and Welfare Personnel

- Must possess a valid U.S. government identification card.
- Use form SH-J-86.

Medical Staff, Physicians, Psychiatrists, and Psychologists

- Must possess a court order which specifies use of the attorney room.
- Refer to the legal staff or the watch commander if a court order is not provided.

Ministers, Priests, Chaplains

- Shall possess a pass issued by the MCJ chaplain's office with the stamp and initials from the jail chaplain director or the resident Catholic representative.
- Must possess a valid picture identification.
- May pass copies of business cards - nothing else.
- Refer to Unit Order No. 5-15-030, "Chaplaincy and Clergy Visits in the Attorney Room."

News Media

- Members of the news media must possess valid accredited press credentials. The interview shall be approved by Sheriff's Information Bureau and the respective Custody Division Chief in advance.
- In all cases notify the watch commander prior to the interview for approval.

- The inmate must agree to the interview prior to news media personnel entering the attorney room.

- Advise the inmate they may have their attorney present during the interview.

- Use form SH-CR-550.

- Recording devices, still cameras, and television cameras shall **not** be allowed into the attorney room or any other area inside security unless approved by the respective Custody Division Chief or, in their absence, the facility commander.

- News media entry into secured areas of the facility for the purpose of recording or photographing (which includes still cameras and television cameras) for any reason other than an interview with an inmate shall require the approval of the Sheriff. All news media inquiries shall be directed to the Sheriff's Information Bureau at (213) 229-1850.

- General or random filming of inmates shall not be permitted.

- News media interviews with inmates who have not been arraigned shall only be permitted with a court order.

- Once the prisoner has been arraigned or sentenced, prior approval of the arresting agency is not necessary before the request is submitted to the prisoner (other than federal).

- A contract between Los Angeles County and the Federal Bureau of Prisons prohibits interviews with federal prisoners and prohibits the taking of photographs, with the exception of identification

photographs, for official use. Information, interview, and photos of federal prisoners must have prior approval by the U.S. Marshal.

Note: News media interviews shall only take place inside the secured area of the facility. The attorney room shall be used for all news media interviews and a booth may be used for recording, or photographs (including cameras and television). Deputy personnel shall be present during the interview. Deputy personnel shall not engage in an interview with the media without approval of the watch commander or Sheriff's Information Bureau.

Attorney Room Yellow Access List Representatives

- Use form SH-J-86.

- May pass copies of business cards - nothing else.

Notary Public

- Notary publics are not allowed in the attorney room unless they are accompanied by the attorney of record.

- No real-estate documents or transactions are allowed.

- Must have identification for the inmate or have two witnesses verifying the inmate's identity. Personnel shall **not** positively identify any inmate for a notary.

NOTE: A booking number is not a valid form of identification

- Must possess a valid picture identification and notary stamp.

- Use form SH-J-86.

O.R. Investigators, Los Angeles Superior Court

- Shall have current identification card.
- Use form SH-J-86.

Parole and Probation Officers

- Shall possess a valid state or county identification.
- Shall not use booths.
- Shall not pass money.
- Shall use form SH-J-86.
- May make narcotics check of an inmate at the attorney room rear station.
- Shall not perform strip searches of inmates.

Law Enforcement Officers

- Shall possess valid identification.

- Shall secure all weapons and extra ammunition in a gun locker prior to entering.
- May use booths.

State Licensed and Court Appointed Private Investigators

- Must present a court order, appointment order, minute order, or letter from the attorney of record.
- Restricted to open area without a court order authorizing a booth.
- May use a booth when listening to a tape recording or when accompanied by an attorney.

Interpreters

- Interpreters with a **valid county ID** specifying their status as an interpreter, shall be granted access.
- **Non-County employees** must present a court order containing their full name, ID # number, and a statement specifically stating they are being utilized as an interpreter. All interpreters presenting a court order may be subject to a background check. The visit shall be denied if the interpreter is on probation, parole, has warrants, or any pending failures to appear.
- Family members cannot be used as interpreters.

Process Servers

- The only process servers allowed in the attorney room are deputy sheriffs.
- All weapons and extra ammunition shall be secured in a gun locker prior to entering.
- Use form SH-J-86.
- Process servers other than deputy sheriffs shall possess a valid picture identification. They shall be instructed to wait outside the attorney room until the inmate arrives. The process server shall hand the papers to the control booth deputy who shall make copies of the papers and hand the copies to the inmate.

Attorneys - (Public Defenders, District Attorneys, U.S. Attorneys)

- The same rules as other attorneys apply.
- They shall possess a U.S., state, or county badge and identification card (A Los Angeles County Public Defender's identification card shall be acceptable identification for access.).

Investigators - (D.A., Public Defenders, U.S. Attorney Investigators)

- Same rules as law enforcement officers.

Department of Public Social Services (DPSS) Workers

- Shall possess a valid DPSS identification card.

- Restricted to open area (no booths).

All others shall use the visiting area unless the legal staff, operations lieutenant, or watch commander approve the use of an attorney room. This includes, but is not limited to pro-per witnesses, legal runners, law students, and suicide prevention workers.

Exceptions to this unit order not in conflict with the Custody Division Manual (CDM) or the Manual of Policy and Procedure (MPP) may be made by the legal sergeant or watch

commander. Exceptions shall not be continued without a written directive from the unit commander.

Violations of Attorney Room Policy

- At the discretion of the unit commander, persons in violation of the rules may be prohibited from using the attorney room for up to thirty (30) days. Subsequent violations of the rules by the same party may cause the violator to be prohibited from using the attorney room for an excess of thirty (30) days and/or permanent suspension of their visiting privilege. Suspensions may be appealed in writing to the unit commander.

Admittance of Law Students into the Attorney Room

Law students shall not be allowed to accompany attorneys into the attorney room unless the attorney room front personnel have on file previous notice that the student has been officially designated as a certified law student. The title of law clerk or legal aide does not entitle anyone to accompany an attorney into the attorney room.

If the certified law student wishes to interview an inmate, but the specified supervising attorney does not accompany the student, the student shall be directed to the visiting area where they may interview the inmate. This visit will not count as a regular visit for the inmate and shall follow the same general rules as court-appointed investigator visits. Exchanges of papers necessary for court preparation shall be copied and passed through the property window. Original papers will be returned to the passer. Legal materials will be riffled through, not read.

Definition: Per the State Bar Examiners and for the purpose of this order, "**certified law students**" are law students who have completed two full years of law school and applied for and received a letter of certification from the State Bar Examiners in Sacramento. This letter entitles them to act as attorneys, including the conducting of interviews with defendants and witnesses, and the defense presentation of a trial. These activities must take place under the supervision of a bona fide member of the California Bar Association who is designated in the letter of certification.

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