

CHAPTER 5-ADULT CUSTODY AND SECURITY OPERATIONS  
ARTICLE 42-VISITING

RESPONSIBILITY FOR REVIEW: Litigation Coordinator/Associate  
Warden Custody Operations  
REVIEWED ANNUALLY: September  
DATE OF LAST REVIEW: September 2011

54020.32 ATTORNEY VISITATION AND CONSULTATION

Special arrangements for the purpose of Private Consultation

1. Notification to the Litigation Coordinator shall be made by letter or telephone, preferably five days prior and in no case less than 72 hours prior, to the requested visiting date. The Litigation Coordinator shall verify the Attorney requesting the visit is the inmate's Attorney/Public Defender of Record by declaration based on the Department Operations Manual section 54020.32.1. The Attorney shall document their legal relationship to the inmate through completion of the Declaration (Attachment).
2. The inmate shall be notified of the intended attorney visit and will be educated to the Litigations Office to verify the Declaration and agree/disagree by signing the Declaration. Pregnant inmates will be educated to the Family Services Coordinator's (Social Worker's) Office to verify the Declaration and agree to the consultation.
3. The Litigation Coordinator shall submit a Priority Ducat Request noting the inmate's name and California Department of Corrections and Rehabilitation number, and the day and time for the consultation. The inmate shall receive the priority ducat notifying her of the scheduled day and time of the interview. The Litigation Coordinator shall also notify the Visiting Sergeant to ensure a suitable interview room and required staff are available for the scheduled interview. Only one inmate may be interviewed at a time in an interview room.
4. Any request made for private consultation with less than 72 hours notice will require the approval of not less than the level of Warden.
5. The Attorney/Public Defender must provide proper Identification and show proof of registry with the State Bar Association. He/she must also be listed as "Attorney/Public Defender of Record," or have been appointed by the courts.
6. The Warden or designee may terminate such visits if there is reason to believe the Attorney/Public Defender is not acting in a legal capacity, or is abusing the privilege of private consultation with an inmate. The Director shall be notified when an Attorney/Public Defender or their representative abuses the privacy permitted in visiting inmates, and administrative action shall be taken to restrict such visits.
7. No more than two Attorneys/Public Defenders and/or persons acting on the behalf of an Attorney/Public Defender may visit in private consultation with an inmate at the same time. Attorneys/Public Defenders may designate not more than two representatives to interview an inmate or witness. The names of these two designated representatives must be submitted in writing by the Attorney/Public Defender of Record.
8. The above procedure applies to all who apply under California Code of Regulations (CCR), Title 15, Section 3178. This section of the CCR must be read thoroughly.
9. Staff shall not listen to or monitor conversations between an inmate, the Attorney/Public Defender, or a licensed investigator. Any and all items, including written and printed material that an inmate and an Attorney/Public Defender or representative wish to exchange during the visit, must be presented to the official in charge of Visiting for inspection before they are brought to the visiting area. The purpose of this inspection is to ensure contraband items are not enclosed. The inspection official shall not read any part of written or printed material without the expressed consent of the inmate or the Attorney/Public Defender or representative.
10. After proper inspection, written and printed material may be exchanged. The Attorney/Public Defender or representative may retain and take from the visiting area and from the institution any written or printed material given to him/her by the inmate.

11. The inmate may retain and take from the visiting area any written or printed material given to her by the Attorney/Public Defender or a representative, providing the inmate consents to the examination of the material by the official in charge of Visiting. The purpose of this examination is to ensure against the transmission of material which would pose a serious threat to institution security if retained in the inmate's possession. The examining official shall keep any knowledge of the written content in strict confidence.
12. An inmate may refuse to consent to the examination by staff of any written or printed material given to the inmate by an Attorney/Public Defender or representative. When consent for examination is not given, the official in charge of Visiting shall immediately place the material in an envelope and seal the envelope in the presence of the inmate. The envelope will be placed in the inmate's unissued personal property or be stored in another place designated by the Warden. The inmate shall be allowed the maximum possible access to the material for review and examination in a manner which will prevent the material from being read by other inmates or staff.
13. Audio recording of authorized interviews by Attorneys/Public Defenders and Attorney/Public Defender representatives is permitted with the inmate's consent and prior approval from the Warden. Prior approval by the institution to bring such equipment is required. The Attorney/Public Defender representative shall provide factory sealed videotape(s).
14. Use of audio equipment is restricted to the private Attorney/Public Defender Visiting Room only. At no time shall audio equipment be used in the main visiting area.
15. The same restrictions apply with video recording devices as with audio recording devices in the Attorney/Public Defender visiting area. At no time shall video recordings be made outside the designated Attorney/Public Defender Visiting Room.
16. With prior approval from the Warden, an Attorney/Public Defender may meet with institution staff for the purpose of discussing matters concerning his/her inmate clients. Attorneys/Public Defenders shall not be permitted to attend or participate in any conference or committee meeting of staff and the inmate concerned, except as may be authorized in other sections of the CCR. This does not preclude an Attorney's/Public Defender's submission of written views and comments for consideration by institution officials in their determinations affecting the inmate.
17. Regulations governing Attorney/Public Defender and representative visits do not apply to student assistance and student assistant programs operating under agreements between the Department, institutions, and law schools. Such programs must be operated in accordance with the individual agreements.
18. The provisions of this section apply to any Attorney/Public Defender authorized to practice law in any of the United States.

Official Attorney/Public Defender Visits

Interviews with law enforcement agencies, court investigators, representatives from the District Attorney/Public Defender's office, or defending Attorney/Public Defender for criminal cases filed on the institution's behalf shall be scheduled in advance by the Litigation Coordinator or by the Investigative Services Unit Lieutenant.

54020.32.3 ATTORNEY VISITING HOURS

The law enforcement/court representative person must initiate contact with the Appeals/Litigation Office requesting to visit an inmate at California Institution for Women (CIW). The request must be submitted a minimum of 72 hours in advance.

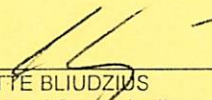
The Appeals/Litigation Office, upon receiving the information, shall begin the clearance process to facilitate the visit. The Appeals/Litigation office shall generate all necessary paperwork to ensure a trouble free visit. These visits are treated as a PRIORITY.

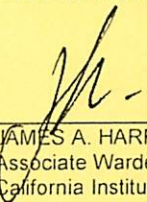
1. The prospective visitor(s) are advised not to schedule any visits until after they have been cleared to visit and noticed by. Clearance usually takes five to seven business days.
2. Once the prospective visitor is cleared, the Appeals/Litigation office shall notify the visitor they are cleared and approved to enter CIW from the clearance date.

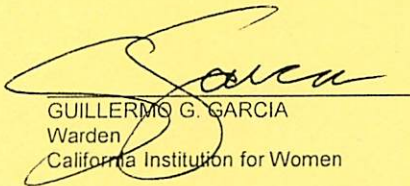
3. Upon notification, the visitor shall be informed to schedule a date and time to visit the inmate DURING CIW SCHEDULED VISITING HOURS ONLY. When an Attorney must see their client on a non-visiting day, accommodation shall only be considered after the Attorney presents court documents showing the matter must be handled prior to the next available visiting day. These situations shall be referred to the Chief Deputy Warden for review and approval.

RESOURCE SUPPLEMENT

Attachment- Declaration

  
\_\_\_\_\_  
ANNETTE BLIUDZIUS  
Correctional Counselor II  
Appeals & Litigation Coordinator  
California Institution for Women

  
\_\_\_\_\_  
JAMES A. HARRIS  
Associate Warden Custody Operations  
California Institution for Women

  
\_\_\_\_\_  
GUILLERMO G. GARCIA  
Warden  
California Institution for Women

  
\_\_\_\_\_  
DATE

### DECLARATION

Pursuant to the Department Operations Manual Section 54020.32.1 and Title 15 Section 3178 (d)

INMATE NAME: \_\_\_\_\_ CDCR NUMBER: \_\_\_\_\_

Attorney/Individual's Name: \_\_\_\_\_

Address/Phone Number: \_\_\_\_\_

I hereby declare that (Initial applicable box/boxes):

I am the above named inmate's attorney by appointment by the court.  
Court and Case Number: \_\_\_\_\_

I am the above named inmate's attorney by appointment by the Board of Parole Hearings.

I am the above named inmate's attorney **at the inmate's request.**  
 Civil  Criminal  Family

I have been requested by a judge to interview the above named inmate for the purpose of possible appointment as counsel by the same court

I am seeking to interview the above named inmate who may be a witness directly relevant to a legal process, purpose, or proceeding.

I am seeking to interview the above named inmate, **at her request**, for the purpose of representation of her in a legal process, for a legal purpose, or in a legal proceeding.  
 Civil  Criminal  Family

I have been requested by a third party to consult with the above named inmate when the inmate cannot do so because of a medical condition, disability, or other circumstance.

**Any false statement or deliberate misrepresentation of facts specific to the information requested above shall be grounds for denying the request and/or cause for subsequent suspension or exclusion from all institutions/facilities administered by the Department.**

Requesting Attorney's Name	Attorney's Signature	Date
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I ACKNOWLEDGE I HAVE REQUESTED A LEGAL VISIT FROM THE ATTORNEY LISTED ABOVE AND THAT HE/SHE IS VISITING AT MY REQUEST.

Inmate Signature	CDCR Number	Housing Unit	Date
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