

**OPERATIONAL SUPPLEMENT  
SECTION §54020.32  
ATTORNEY VISITS**

**RESPONSIBILITY FOR REVIEW:** AW Operations  
**REVIEWED ANNUALLY:** July  
**DATE OF LAST REVIEW:** July 2014

**54020.32**

**ATTORNEY VISITS**

The purpose of this procedure is to establish visiting policies and procedures for Chuckawalla Valley State Prison (CVSP) staff regarding attorney visits. This procedure will be revised by the Litigation Coordinator.

**A. PUBLIC DEFENDER/ALTERNATIVE PUBLIC DEFENDER ACCESS**

Please refer to California Code of Regulations (CCR), Section 3178 and DOM Section 54020.32 for complete guidelines concerning attorney visits.

An attorney wishing to visit an inmate shall request an appointment by calling, faxing, or writing the Litigation Coordinator (or designee). No less than five (5) business days notice is considered minimum for this purpose.

Attorney visits should be scheduled during normal business hours (Monday through Friday between 8:00 a.m. and 2:00 p.m.) upon request of the attorney or attorney representative.

Attorney visits will be conducted in a confidential area specified by CVSP, unless the attorney states that the meeting does not need to be confidential.

**54020.27**

**CLEARANCE AND APPROVAL FOR ATTORNEY VISIT FOR INMATES HOUSED IN A MENTAL HEALTH CRISIS BED (MHCM), OR OTHER MEDICAL SETTING SUCH AS A CORRECTIONAL TREATMENT CENTER (CTC), OR OUTPATIENT HOUSING UNIT (OHU).**

Inmate/Parolee-patients may be housed in a Mental Health Crisis Bed (MHCB), or other medical setting such as a Correctional Treatment Center (CTC), or Outpatient Housing Unit (OHU), for the purpose of mental health treatment. Attorneys shall have access to visit these individuals in order to provide adequate due process related to parole proceedings.

When the Litigation Coordinator (or designee) determines that an attorney has requested to visit an individual housed in a medical setting for the purpose of mental health treatment, the Litigation Coordinator (or designee) shall notify the Chief of Mental Health (or designee) of the visit request, and the attorney of the inmate/parolee-patient's housing status. The Chief of Mental Health (or designee) shall notify the assigned primary clinician, in the medical setting, that the attorney visit was requested.

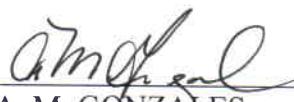
Every effort shall be made to ensure that attorney visits occur, when requested, in a confidential setting. This may require careful scheduling of the attorney visit to avoid impacting services to other patients treated in the facility. When an individual refuses escort to a confidential setting, or there has been documentation that he or she has been assaulted in the last 24 hours, the attorney shall be allowed contact at the cell-front.

When an individual is in clinical restraint, the attorney shall be allowed contact from outside the cell door, with the cell door open.

The June 12, 2007 Valdivia Stipulated Protective Order states that CDCR recognizes the obligation “to provide a parolee’s attorney access to sensitive medical and mental health information.” It indicates “Should any such files contain information covered by the Health Insurance Portability and Accountability Act of 1996 (HIPAA), this order shall be deemed a qualified protective order.” Attorneys may review the Unit Health Record of a parolee/inmate-patient, or may request to discuss the mental health condition with the assigned clinician. Mental health clinicians shall provide, to visiting attorneys, any information necessary for understanding the mental state, and mental health history of the parolee-inmate/patient.

In rare occurrences, the clinician may determine that a visit from the attorney could compromise the health and safety of the inmate/parolee-patient. For example, if an individual holds delusional beliefs about the attorney, or threatens self-harm if an attorney visit is allowed, the clinician shall carefully document the reason for concern in the unit health record. The clinician shall document, using a CDCR Form 128B, that a visit from the attorney could be detrimental to the health and safety of the inmate. The CDCR Form 128B shall be completed the same working day that the clinician is notified of the requested attorney visit, and shall indicate the reason why the visit may be detrimental, and the time frame recommended for a rescheduled visit. Copies of the CDCR Form 128B shall be placed in the Unit Health Record, and the Central File. The original CDCR Form 128B shall be given to the Litigation Coordinator (or designee). The Litigation Coordinator (or designee) shall provide a copy of the CDCR form 128B to the attorney by sending it via facsimile to CalPAP Headquarters at (916) 452-7491, and the attorney shall be requested to postpone the visit. When a clinician determines that an attorney visit could be detrimental to the parolee-patient, a mental health clinician who is a supervisor or manager shall be notified to review the documentation of the concern. Progress toward resolving the concern shall be documented in the Unit Health Record at least every 24 hours. When an attorney declines to postpone the visit, the visit shall be allowed, and clinical contact shall be scheduled immediately following the attorney visit to determine whether modification of the treatment plan is necessary to ensure the safety of the inmate.

**REFERENCE:** *Valdivia V. Schwarzenegger*

  
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A. M. GONZALES  
Warden  
Chuckawalla Valley State Prison

7/8/14  
Date