



Mule Creek
State Prison

OPERATIONAL
PROCEDURE

ATTORNEY VISITING HOURS

REVISED: JANUARY 2015

MC 14

PURPOSE

To provide attorneys additional accommodations for an attorney/client visit during instances when conflicts in their schedules prevent them from visiting their client during regular visiting days.

APPROVAL & REVIEW

This procedure will be reviewed annually by the Litigation Coordinator, Classification & Parole Representative and Correctional Captain.

RESPONSIBILITY

- The Warden has overall responsibility.
- The Litigation Office Technician, Board of Parole Hearings (BPH) Records staff and Visiting Office Technician have the responsibility of scheduling the visits and ensuring adequate custody coverage is provided.

POLICY

Attorneys or their designee, meeting the requirements under California Code of Regulations, Section 3175, will be allowed to visit their clients on non-visiting days.

PROCEDURE

An attorney or attorney representative wishing to visit an inmate shall request an appointment by calling or writing the Litigation Coordinator. While five (5) days' notice is appreciated for attorneys planning to visit, forty-eight (48) hour notice is considered minimum for this purpose. Board of Parole Hearing (BPH) attorneys should contact the Classification and Parole Representative (C&PR) for Parole Extensions/Revocation and Life Prisoner Hearing attorney visits.

Private consultation between an inmate and his attorney or attorney representative may be accommodated during the institution's regularly scheduled visiting days and hours.

An attorney or attorney representative may make a written or telephonic request to visit on a non-visiting day. Upon receipt of a written or telephonic request, a visit may be scheduled, during normal business hours, Monday through Friday between 8:00am and 1:00pm, and 12:30pm and 5:00pm for BPH. Administrative Segregation Unit visits will not be scheduled on Thursdays.

Attorney visits scheduled through the Litigation office must be

requested in writing. Visits scheduled during normal business hours will be made Monday through Friday during the hours of 8:00am to 1:00pm.

Attorney visits will be conducted in a **confidential area** specified by the institution, unless the attorney states that the meeting does not need to be confidential. When a compelling need exists, the institution head or designee may authorize a contact attorney visit for an inmate on non-contact visiting status.

Institutions **shall not** charge attorneys for routine custody coverage during normal attorney visits. However, when the facility must incur custody staff overtime costs in order to meet the needs of the attorney, those costs should be tracked and reported separately by the Watch Office. If necessary this documentation will allow Mule Creek State Prison to process a deficiency request and a budget change proposal/finance letter to acquire the appropriate funding/staffing.

The scheduling of depositions, attorney visits, on non-visiting days and/or settlement conferences are the responsibility of the Litigation Office, with exception of BPH cases. The scheduling of attorneys assigned to BPH cases shall be the responsibility of the BPH staff in the Records Office. However, the approval of attorneys for BPH matters who request visits on non-visiting days, shall be consistent with this procedure. All attorney/client visits on non-visiting days will normally be scheduled in the visiting rooms. If the visiting room is occupied the attorney has the option of using a private room within the visiting room. The BPH conference room can also be scheduled as an alternative location to accommodate the visit, if necessary. A Correctional Officer will be assigned to provide coverage during these conferences.

Should the attorney(s) engage in a lengthy conference which may require a lunch break between sessions, the inmate shall be returned to his housing unit during the lunch period.

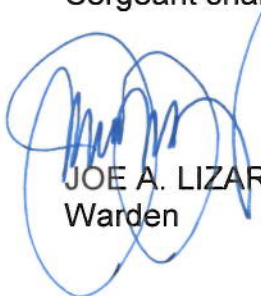
Attorneys may eat lunch in the cafeteria located in the Administration building or eat at an establishment off institutional grounds. Attorneys **shall not** be permitted to bring food into the institution or to provide the inmate with a purchased meal or offer him any gratuities. The covering officer shall notify the Litigation/BPH staff when an attorney requests a lunch break during a conference. The Litigation/BPH staff will assist in escorting the attorneys out, while the officer processes the inmate back to his housing unit. In an effort to complete the sessions in a timely fashion the lunch period will be no longer than one (1) hour in duration.

Once the attorney(s) has returned from lunch, the coverage officer will contact the inmate's housing unit and have the inmate report to

the facility gate immediately for processing back to the conference area. During situations where the attorney(s) requests a private conference with the inmate, the coverage officer shall position himself/herself in a manner to maintain visual observation of the inmate at all times. The coverage officer may contact the Litigation Coordinator at extension 5247 or 5246 or BPH staff at extension 5104 or 5654, should he/she have any questions or concerns.

NOTE: During an attorney visit/conference held in the visiting room, the attorney(s) may purchase items from the vending machines. Consistent with existing visiting policy, the attorney(s) is also allowed to purchase items from the vending machines for the inmate. The inmate must consume all items in the visiting room and shall not be allowed to take any items back to the yard. This serves as the only exception for attorneys to provide food for the inmate. **This exception only applies to conferences held in the visiting area.** Attorneys shall not be allowed to purchase any items for the inmate when a conference is held in any area outside of the visiting room.

The Litigation Office will track all attorney visits that occur on non-visiting days with the exception of BPH assigned attorneys. The Watch Sergeant, BPH Coordinator and Visiting staff shall report the dates and actual hours that coverage was provided. The Watch Sergeant shall track this coverage independently on Telestaff.


JOE A. LIZARRAGA
Warden

1/23/15
Date