RESPONSIBILITY FOR REVIEW: Associate Warden Central Division (AWCD), Programs Division (AWPD) and
Camps (AW Camps)

**54020.32 ATTORNEY VISITATIONS AND CONSULTATIONS**

The scheduling of Attorney, Legal Assistant, Investigator, District Attorney, and/or Public Defender, etc., visits, for the purposes of interviewing inmates, will be scheduled by the Litigation Coordinator (LITCO) after a Criminal Identification and Investigation (CI&I) Report is reviewed and approval of the Correctional Captain is obtained. All attorney visits shall be scheduled during normal business hours (Monday through Friday between 8:00 a.m. and 3:00 p.m.). The LITCO will issue a memo to the Watch Commander, Watch Sergeant (SGT) or Facility C (FAC C) Lieutenant (LT) stating when the visit is scheduled. Legal visitor’s briefcases are allowed during the visitation after an appropriate search by staff has been performed. The LITCO will coordinate attorney visits with the Camp Commander.

The Watch Commander (for attorney visits in FAC A & B) and the FAC C LT (for attorney visits in FAC C), will be responsible for ensuring:

* + Inmates are given unclothed body searches prior to and after each “attorney visit.”
	+ All “attorney visits” are directly supervised by a Correctional Officer (CO) during the entire visit, while allowing for attorney-client confidentiality.

**54020.32.1 CLEARANCE AND APPROVAL FOR ATTORNEY VISIT**

A minimum of 48 hours prior to an approved attorney wishing to visit an inmate, he/she shall request an appointment by calling, faxing, or writing the LITCO office.

**Law Enforcement Agencies at Sierra Conservation Center (SCC) for Inmate Interview: Police Departments, Sheriff's Office, Probation Officers, Federal Bureau of Investigations (FBI), California Highway Patrol (CHP), etc.**

After contacting the SCC Investigative Services Unit (ISU), law enforcement officers will be cleared into the institution upon presentation of badge and agency identification. During non-business hours, the Watch Commander will ensure proper identification is made. The unit staff and the work area supervisor will make every reasonable effort to expedite the release of the inmate to the interview and will ensure the inmate is neatly and appropriately dressed. Any interview locations other than those indicated will require the approval of the Correctional Captain. Refer to section 54020.32.4.

**54020.32.4 LOCATION OF ATTORNEY VISITS**

**Inmate Interviews (Facility C):**

* All interviews for inmate(s) housed on FAC C, in General Population (GP), or on Administrative Segregation Unit (ASU) status conducted by outside law enforcement agencies or other outside persons will be held in the FAC C Visiting Room. The Watch Office will contact the FAC C supervisors after the Entrance Building staff notifies the Watch Office an outside person has arrived to conduct an interview with a FAC C unit inmate.
* **NO** interviews will be conducted in ASU. All ASU Inmates will be escorted to the FAC C Non-Contact Visits visiting booths. GP inmates will be interviewed in the FAC C Visiting Attorney Room.
* FAC C Unit Supervisors/Staff**:** The FAC C Supervisors will ensure every reasonable effort is made to locate the inmate(s). Once the Watch Office notifies the FAC C Unit, supervisors will contact Control or the Inmate Assignment Office in order to determine if the inmate is currently assigned. The supervisor will then make contact with either the work area supervisor or the appropriate building staff to locate the inmate via institutional radio/telephone. If the inmate is unassigned and cannot be located in the assigned building, the FAC C Entrance Building CO is to be contacted to request a page for the inmate on the yard.
* If the inmate is on ASU status, the supervisor will coordinate with the ASU SGT to determine the proper custody supervision. The status of the inmate's placement (protective custody, enemies, etc.) will determine whether the inmate is to be escorted by van from the back of ASU to the Visiting Room.
* If available, the FAC C transportation team can be utilized to transport ASU inmates to interviews. The Transportation staff can also be utilized to provide coverage during the interview. If Transportation staff is not available, ASU staff will be required to provide escort and coverage during the interview.

**Inmate Interviews (Facility A and B):**

All interviews will be conducted in the Main Visiting Room or an available boardroom. All considerations that apply to the FAC C process stated above regarding safety and security concerns apply here as well.

**Note:** All inmates, regardless of their facility/unit, will receive a thorough unclothed body search from staff before entering and leaving the interview location.

**Interviews with Inmate Patients:**

Attorneys shall have the right to visit any inmate which may be housed in the Outpatient Housing Unit or any other location where Mental Health Treatment is being provided. Attorneys shall have access to visit these individuals in order to provide adequate due process related to parole hearings.

When it is determined that an attorney has requested to visit an individual housed in a medical setting for the purpose of Mental Health Treatment, the Administrative Assistant, or designee, shall notify the Chief of Mental Health (CMH) or designee, of the visit request, and the attorney of the Inmate Patient’s (IP) housing status. The CMH, or designee, shall notify the assigned primary clinician, in the medical setting, the attorney visit was requested.

Every effort shall be made to ensure attorney visits occur, when requested, in a confidential setting. This may require careful scheduling of the attorney visit to avoid impacting services to other IP’s treated in the facility. When an individual (inmate) refuses an escort to a confidential setting, or there has been documentation he has been assaultive 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.

Attorneys may review the Unit Health Record (UHR) of an IP, or may request to discuss the Mental Health (MH) condition with the assigned clinician. MH clinicians shall provide to visiting attorneys, any information necessary for understanding the mental state, and mental history of the IP.

In rare occurrences, the clinician may determine a visit from the attorney could compromise the health and safety of the IP; if this is true, the clinician must carefully document the reason for concern within the UHR. The clinician shall document, using a California Department of Corrections and Rehabilitation (CDCR) Form 128B, Chrono (Attachment A) a visit from the attorney could be detrimental to the health and safety of the inmate. The chrono shall be completed the same working day 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 chrono shall be placed in the UHR, and Central File.

The original chrono shall be given to the LITCO (or designee). The LITCO shall provide a copy of the chrono via fax to the California Parole and Probation headquarters at (916) 452-7491, and the attorney shall be requested to postpone the visit.

A MH 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 UHR 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.

**54020.37 REFERENCES**

Cross Reference Local Department Operations Manual Supplements #54020, Regular Visiting and Family Visiting

**ATTACHMENTS**

*Original signed by CDW J. Martinez on 04/28/2014*

Attachment A – CDCR Form 128B, Chrono **HEIDI M. LACKNER DATE**

**Warden**