

ALAMEDA COUNTY SHERIFF'S OFFICE DETENTION AND CORRECTIONS POLICY AND PROCEDURE	NUMBER: 17.02	PAGE: 1 of 6
	RELATED ORDERS: ACA 4-ALDF-6A-01, 6A-02 MJS 1068 P&P 17.04 P.C. 825, 825.5, 4570, 4571	
	ISSUED DATE: July 1, 1989	
	REVIEW DATE: November 16, 2015	
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CHAPTER: Inmate Communication, Mail and Visiting	SUBJECT: Interviews	

I. **PURPOSE:** To establish a process for attorneys, attorney assistants, investigators, medical examiners, individuals working with drug treatment and other rehabilitation programs, to interview inmates.

II. **POLICY:** Attorneys, attorney assistants, investigators, medical examiners, individuals approved by the Watch Commander working with drug treatment and other rehabilitation programs may interview inmates during normal facility operating hours. The On-Duty Watch Commander may grant requests for interviews during other than normal operating hours, based on the security requirements of the facility.

III. **PROCEDURE:**

A. POST ARREST:

1. Pursuant to California Penal Code Section 825 (b), after the arrest, any attorney at law entitled to practice in the courts of record of California, may, at the request of the prisoner or any relative of the prisoner, visit the prisoner. Any officer having charge of the prisoner who willfully refuses or neglects to allow that attorney to visit a prisoner is guilty of a misdemeanor. Any officer having a prisoner in charge, who refuses to allow the attorney to visit the prisoner when proper application is made, shall forfeit and pay to the party aggrieved the sum of five hundred dollars (\$500), to be recovered by action in any court of competent jurisdiction.

2. Inmate interviews during intake are permitted if processing is not delayed. Intake interviews are restricted to:

- a. Attorneys
- b. Pre-trial Services
- c. Police Agencies

- d. District Attorneys
 - e. Bail Bondsmen
 - f. Probation Officers
 - g. Parole Officers
2. The Intake, Transfer, and Release (ITR) Sergeant may delay any interview that interferes with the intake process. As soon as the interview can proceed without interfering with intake, it shall be allowed
 3. Due to jail processes at the Santa Rita Jail (SRJ), attorney visits shall not be scheduled between the hours of 1130-1230 hours and 1500-1700 hours
- B. CONTACT INTERVIEWS: Requests received twenty four (24) hours in advance will be honored unless jail security will be compromised. Requests not received twenty four (24) hours in advance will be accommodated if possible. Requests for contact visits may only be denied by the On-Duty Watch Commander. Every attempt will be made to accommodate the visitor at another time that is mutually agreeable. The Watch Commander will advise the person making the request of the reason for the denial and will document the denial in a memorandum to the Facility Commanding Officer. Contact interviews are subject to the following:

With the exception of Public Defenders, all attorneys and/or their representatives must be site cleared prior to any contact visit. If the interviewer is not cleared in the Wide Area Information Transfer and Essential Reporting (Waiter) Database, the lobby staff will provide an Alameda County Sheriff's Office Security Site Clearance Form to be completed and returned to the Classification Unit for processing

1. ***Contact visits in Housing Units will not be scheduled to occur during that unit's regular visiting hours.***
2. At the SRJ, contact interviews shall be conducted in the rooms specified in Section III, D, of this Policy and Procedure. At the Glenn E. Dyer Detention Facility (GEDDF), contact interviews shall be conducted in Rooms 134 or 139
3. Per California Penal Code Section 4570, nothing shall be passed to the inmate by the interviewer for the inmate's retention, nor shall anything be passed from the inmate to the interviewer for that person's retention. To do so is a Misdemeanor
4. Interviewers wishing to give the inmate written documents for his/her retention must notify jail staff. If the documents are not objectionable, the staff will allow the inmate to receive and retain the documents. Documents containing "contraband items" will be refused. Contraband includes paper clips, staples, metal fasteners or metal items of any kind
5. Digital media players brought into the facility under a Court Order will be of the player type only, having no recording capability. The digital media player will not

- have AM or FM radio functions. All digital media players brought in under Court Order will be sent to Inmate Services to be processed pursuant to Detention and Corrections (D&C) Policy & Procedure 18.23. No digital media players will be brought in for entertainment purposes
6. Interviewers may be subject to a search of their person and possessions, before and/or after the interview
 7. Attorneys desiring to utilize the service of paralegals, law clerks, law students, or legal secretaries to interview inmates, must either accompany or properly identify them and obtain permission for their admittance, in advance, from the Facility Commanding Officer
 8. When a civil attorney requests to visit an inmate/prisoner in custody at the SRJ, CP-11 lobby staff shall make sure the civil attorney is currently representing the inmate/prisoner in the civil matter, regardless if the inmate/prisoner has an attorney for their criminal matter. The CP-11 staff shall ask the civil attorney to provide documentation to verify they are representing the inmate/prisoner in the civil matter. A sufficient example would be a letter addressed to the Sheriff's Office, on the attorney's letterhead, stating he/she is at the facility to interview the inmate/prisoner regarding a civil matter
 9. Interviewers desiring to use recording devices during interviews and/or photographic equipment must declare their intentions and make their equipment available for inspection prior to entering the interview area and after completion of the interview. Approval to record or photograph the interview will be at the discretion of the On-Duty Watch Commander
 10. At the SRJ, CP-11 staff shall publish a list of contact interviews for each day for the Watch Commander by 0500 hours. At the GEDDF, the lobby staff shall publish a list of contact interviews for the following day for the Watch Commander by 1700 hours
- C. OUTSIDE COMPUTERS: No outside computers will be allowed inside the facility without a Court Order. If an attorney requires the use of a computer for their interview with their client, one will be provided. All computers for use by attorneys will use the Microsoft Windows Operating System with Microsoft Office and Microsoft Media Player software installed. It is strongly recommended attorneys requiring the use of a computer advise CP-11 staff when they call to make arrangements for the interview, so one will be held in reserve
- D. ATTORNEY/CLIENT PRIVILEGE:
1. Requests for "Non-Contact" inmate interviews during normal operating hours by an attorney, or his/her representative with permission from the attorney, shall not be denied. Note: Attorneys for non-contact interviews are not required to be site cleared.

- a. Staff will advise the attorney and area supervisor when an interview will be delayed longer than fifteen (15) minutes
- b. The supervisor will make every effort to minimize the delay
2. All reasonable precautions shall be taken to preserve the confidentiality of the attorney/client relationship
3. Conversations between inmates and their attorneys may be visually observed by Deputy Sheriffs, but not listened to or recorded in any manner
4. Attorney/inmate interviews will not be conducted in any room equipped with electronic listening devices

E. INTERVIEW ROOMS AT THE SRJ:

1. Inmate interviews, except the following, will be conducted in Interview Booths 10 and 11 or in Contact Interview Rooms 1 and 2 in the inmate's housing unit visiting area. The interview booths are equipped to utilize Telecommunications Device for the Deaf (TDD) units to assist people with hearing impairments
 - a. Minimum-security male inmate interviews will occur in Intake, Transfer, and Release (ITR) or the Morrissey interview area during the hours it is staffed
 - b. Handicapped or injured inmates unable to negotiate stairs will interview in *the Outpatient Housing Unit (OPHU) or in ITR*
 - c. During visiting hours, all attorney/client interviews will occur in the ITR Interview Booths
2. Special interviews, such as Polygraphs, will be conducted in ITR
 - a. As interview space is limited, special interviews require reservations at least forty eight (48) hours in advance. When forty eight (48) hour notice is not given, efforts will be made to accommodate the interviewer. If the interview cannot be accommodated, the Watch Commander will be notified. The Watch Commander will notify the interviewer of the reason the interview cannot be accommodated and an alternative schedule will be arranged
 - b. When requests for interviews are received, the ITR Sergeant will coordinate with the appropriate housing unit sergeant to determine space and staffing availability. The Watch Commander will resolve any conflicts
 - c. If the Morrissey Rooms are used for special interviews, priority will be given to California Department of Corrections and Rehabilitation (CDCR) use. CDCR

use will not be pre-empted in any event

3. Admonitions and Attorney Observation Log

- a. Each interviewer shall be issued a copy of the interview instructions prior to going to the interview room. The instruction forms shall be kept in CP-11 and shall be issued by CP-11 staff
 - b. The interview instruction form shall minimally include the interview protocol and emergency notification procedures (See Attachment A):
 - c. When an interviewer arrives, CP-11 shall advise the housing unit and complete the appropriate log entries
 - d. When the interviewer arrives at the housing unit, ***OPHU, or ITR***, staff shall initiate the Attorney Observation Log (AOL). (See Attachment B). The log will be given to a Deputy Sheriff who shall visually observe the interviewer and inmate at least once every thirty (30) minutes on an irregular schedule until the interview is completed. The observation checks shall be documented on the AOL. The completed logs shall be submitted to the Sergeant ***supervising the area in which the interview took place*** at the end of shift
 - e. The completed logs shall be filed by interview location in Classification for a period of one (1) year from the date of the interview
- F. INTERVIEWS FOR PHYSICALLY IMPAIRED PERSONS AT THE SRJ: SRJ has been designed with accessibility for the physically impaired. Individuals needing access to TDD units will be directed to Interview Booths 10 or 11 as they are equipped with TDD units to assist people with hearing impairments.
- G. INTERVIEW ROOMS AT THE GEDDF:
1. Inmate interviews that occur on housing floors will transpire in the Visiting Booths
 2. The interviewer shall be directed through the security door by the Housing Control Sheriff's Technician
 3. Contact Interviews shall be held in Rooms 134 or Room 139
 4. Police interviews, Polygraphs, or other special interviews will be held in Room 139
- H. INTERVIEWS FOR PHYSICALLY IMPAIRED PERSONS AT THE GEDDF:
Interviews for physically impaired persons, civilian or inmate, unable to access the visiting area will be conducted in Room 134a or Room 134b. These rooms are equipped with TDD units to assist people who with hearing impairments, pursuant to D&C Policy and Procedure 17.04, "Inmate Telephone Access."