

# **Unit 17**

## **Screening & Monitoring of Visitors**

# References

- Detentions Policy & Procedure P.9, P.15 and P.17
- Title 15, Section 1062
- In addition to Policy & Procedure, you must adhere to your Facility Specific Green Sheet sections

# Objectives

- Define privileged communication
- Legal issues concerning Screening and Monitoring Visitors
- General visitation
- Professional visitation

# Privileged Communication

- Penal Code 636(a)
  - States:
    - Every person who, without permission from all parties to the conversation, eavesdrops on or records, by means of electronic device, a conversation, or any portion thereof, between a person who is in the physical custody of a law enforcement officer or other public officer, or who is on the property of a law enforcement agency or other public agency, and that person's attorney, religious adviser, or licensed physician, is guilty of a \_\_\_\_\_

# Privileged Communication

- Penal Code 636(b)
  - Every person who, intentionally and without permission from all parties to the conversation, non-electronically eavesdrops upon a conversation, or any portion thereof, that occurs between a person who is in the physical custody of a law enforcement officer or other public officer and that person's attorney, religious adviser, or licensed physician, is guilty of a public offense.

# Privileged Communication

- Penal Code 636(b)
  - This subdivision applies to conversations that occur in a place, and under circumstances, where there exists a reasonable expectation of privacy, including a custody holding area, holding area, or anteroom. This subdivision does not apply to conversations that are inadvertently overheard or that take place in a courtroom or other room used for adjudicatory proceedings.

# Privileged Communication

- Penal Code 636(b)
  - Persons convicted of violating this subsection shall be punished by imprisonment in the state prison, or in the county jail for a term not to exceed 1 year, or by a fine not to exceed \$2500 OR by both that fine and imprisonment.

# Privileged Communication

- Attorney
- Clergy
- Physician
- Spouses
  - Right that only legally married people have in court



# Privileged Communication

## Professional Visits

- Attorney's visiting their client
  - Are subject to search upon entering the facility
    - No cell phones
  - Must have confidential communication with their client

# Privileged Communication

## Professional Visits

- Contact visits with inmates are permitted when such visits are necessary to the administration of justice

# Privileged Communication

## Professional Visits

- Clearance of the Visitor:
  - Check the reason and authority for entry
  - Verify their identity
    - Photo I.D.
    - Professional identification card

# Privileged Communication

## Professional Visits

- Limited to a reasonable length of time based on facility operations and security needs
- Visitation may be temporarily suspended as necessary for the reasonable security of the facility

# Privileged Communication

- Potential consequences of violating statutes concerning privileged communication:

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# Privileged Communication

- Privileged communication (i.e. State & Federal Courts, a member of the State Bar Association, holder of public office, CSA or the Facility Commander or Administrator) \_\_\_\_\_ examined for contraband only in the presence of the inmate

# Authorized Contact Visitors

- Law enforcement officers
- Attorneys
- Investigators employed or retained by the attorney or record
- Investigators employed or retained by the Citizen's Law Enforcement Review Board
- Probation & Parole Officers
- Bondsmen
- Grand Jury Members
- Military Personnel
- Student / Interns / Trainees
- Medical, Psychiatric & Mental Health Personnel
- County Department of Health & Human Services Employees
- Lab Technicians
- Interpreters
- Polygraph operators
- Certified and Counselor Officials
- Paralegals
- Clergy

# Social Visits

## Title 15 – Section 1062

- Inmates shall be allowed no fewer than two visits totaling at least one hour per inmate each week
- Inmate Workers will have visits in excess of two, one hour visits weekly
- Social Visits may be suspended or revoked as part of a disciplinary action
  - Rule Violation Report



# Screening Visitors

- Appropriate steps to be taken in admitting visitors:
  - Screen and check visitation slips
  - Check I.D. (**NO I.D. @ check in NO VISIT**)
  - Search if necessary
  - Determine if person is eligible to visit
  - Issue passes or badges if appropriate
  - Admit them in and release them
  - Maintain a visitor log
  - Familiarize them with rules

# Screening Visitors

- Visitors 16-18 years of age must be accompanied by a qualified adult who possesses a valid photo ID and is cleared for visits
- A qualified adult is defined as a parent, a court appointed guardian or another adult having legal custody

# Screening Visitors

- A warrant / criminal history check may be made on adult visitors
- Visitors that have been incarcerated within the past 90 days shall not be permitted to visit without prior Watch Commander approval
- Visitors who have been previously confined in a state prison are excluded from visiting per 4571 PC
- Visitors on probation are not permitted to visit without prior Watch Commander approval

# Screening Visitors

- Visitors with non-bookable misdemeanor warrants will be denied a visit and told to take care of the warrant
- Visitors with FELONY warrants will be arrested and booked accordingly

# Monitoring Phone Calls & Visits

- Social visits / call shall be monitored upon written request from a Peace Officer or a Deputy District Attorney when conversation is not a privilege
- Such requests will be initiated by the investigating agency and must go through the Detentions Investigation Unit for approval

# Special Handling

- Inmates facing the death penalty or, for other reason / classification level are housed in a high security cell will be leg and waist chained. Deputies will be required to remain with them during visits
- Depending on the facility, inmates may be handcuffed to opposite sides of the visit area during their visit

# Hospital Visits

- Only allowed for inmates who are considered in grave condition and are under guard at the hospital
- Inmate may not receive items of any kind
- 2 visitors allowed
- Legal documents delivered by an approved professional visitor may be handed to the inmate after inspection for weapons or contraband
- All visitor's person or property may be searched or inspected for weapons or contraband

# Common Problems

## Social Visits

- Late visitor
- Late inmate
- Visitor not scheduled
- Inmate refuses visit
- Inappropriate behavior from the inmate / visitor
- Camera / video camera
- Wife / girlfriend & Husband / boyfriend
- Visitor on probation/parole
- Too many visitors

## Professional Visits

- Late visitor
- Late inmate
- Cell phones
- Pens
- Pencils
- Paper clips
- Staples
- Drugs
- Weapons
- Inappropriate behavior from inmate / visitor



# Social Visits

- The most common problems associated with visits from family and friends is...

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