

<b>DATE:</b>	MAY 4, 2022
<b>NUMBER:</b>	P.15
<b>SUBJECT:</b>	PROFESSIONAL CONTACT VISITS
<b>RELATED SECTIONS:</b>	

**PURPOSE**

To establish guidelines for the efficient processing of attorney and professional visits for incarcerated persons housed at all Sheriff's detention facilities.

**POLICY**

Professional contact visits with incarcerated persons are permitted when such visits are necessary to the administration of justice.

**PROCEDURE**

**I. SECURITY GUIDELINES**

- A. Clearance shall entail checking the reason and authority for entry and verifying the visitor's identity by photographic identification and a professional identification card.
- B. Each facility shall maintain a professional visit log. Professional contact visits will be logged on the Professional Visitor Log (J-4) form. Detentions Processing Division (DPD) staff will enter the necessary information into the Jail Information Management System (JIMS) and assign a personal identification number (PIN).
- C. The visitor's picture identification will be exchanged for a Sheriff's visitor identification card. Sheriff's department employees on official business are not required to surrender their department identification for a visitor identification card. However, the employee will be required to provide their identification to document their visit on the J-4 form. Visitors, with the exception of Sheriff's employees, are required to sign the PREA Acknowledgement Sign-In Sheet (J-315) form. Upon entrance to the facility, their department identification must be visible on their person.
- D. Upon completion of the visit, the visitor will be logged out on the J-4 form and exchange their Sheriff's visitor identification for their picture identification. Positive identification of the visitor will be made by viewing the picture identification before allowing them to leave. (Note: At the conclusion of a professional contact visit, the deputy will conduct a search of the incarcerated person and the professional visit area.)
- E. Professional contact visit requests made after hours will not be denied with the understanding all safety and security criteria outlined in this section are met. In the event a professional contact visit is requested after hours at a detention facility that does not staff 24-hour DPD staff, watch commander approval is required.

- F. The professional contact visit will be limited to a reasonable length of time. The amount of time allotted will be based on facility operations and security needs and may not be arbitrary or capricious in the application. The complexity of the case and individual case situations may also be considered.
- G. Any person attempting to visit relatives in custody will not be denied access based solely on their relationship with the person in custody. If there is a question as to whether the visit is social or professional, the watch commander shall make the determination. If the contact visit is not allowed, a social visit may be arranged.
- H. Professional contact visits shall not be permitted when, in the judgment of the watch commander, a contact visit would pose an unacceptable security risk. If a contact visit is not permitted, a social visit may be permitted.
- I. An exception to the above procedures will be made for visits with incarcerated persons facing the death penalty or, for any other reason, are housed in a high-security cell. Due to much greater security concerns, these incarcerated persons must be restrained by the use of leg chains, waist chains or handcuffs, and deputies are required to remain with them during visits. Due to this additional risk and burden, if a legal assistant from Legal Aid seeks a contact visit with this category of incarcerated person, the legal assistant will be advised the incarcerated person is under strict security confinement. Such a visit will normally be non-contact. If a contact visit is deemed necessary, the supervising attorney shall telephone the watch commander and request a contact visit by the legal assistant. If approved, the watch commander will arrange the contact visit between the legal assistant and the incarcerated person.
- J. Any incident involving attorneys or professional visitors will be documented and referred to the facility commander for review. Attorneys or professional visitors who violate the law, detention facility rules or disobey staff direction may be denied future professional contact visits.

## II. PROPERTY BROUGHT INTO DETENTION FACILITIES

- A. All briefcases and parcels entering the facilities are subject to search.
- B. Professional visitors requesting to bring mobile electronic devices into a detention facility must sign a Mobile Electronic Device Authorization (J-310) form annually before entry into the facility. A DIA will archive the J-310 form at the professional visits window for one year and make a JIMS log entry in the Professional Visitations Navigator, under the "address detail" tab ("Notes/expected testimony" section) documenting the signed form was received. Use of such devices must be for necessary and relevant business. Violation of these use restrictions may result in a revocation of the ability to bring mobile electronic devices into any Sheriff's detention facilities. The watch commander will be notified of any violation and will review any alleged misuse to determine whether future authorization will be denied. If the watch commander determines authorization will be denied, they will ensure a JIMS log entry is made in the Professional Visitations Navigator, under the "address detail" tab ("Notes/expected testimony" section). The log entry will include the watch commander's name, ARJIS, date and a brief reason for denying the use of a mobile electronic device.

### III. AUTHORIZED PERSONNEL

- A. **LAW ENFORCEMENT OFFICERS:** Any local, state, or federal law enforcement officer.
- B. **ATTORNEYS:** Attorneys must present a State Bar Admission card or other verification of attorney status, plus a current, valid driver's license or picture identification card to verify identity. The presumption should be that the attorney is visiting a client for legitimate purposes of representation. This includes any attorney employed with the attorney of record's law firm or office. Prior to scheduling the visit, custody information personnel shall ascertain whether the visit is professional or social and schedule accordingly.
- C. **INVESTIGATORS EMPLOYED OR RETAINED BY THE ATTORNEY OF RECORD:** Including any licensed private investigator, public defender investigator or alternate public defender investigator. The investigator must present proof of their professional affiliation with counsel of record. In the case of public defender investigators and alternate public defender investigators, valid county identification cards will suffice as proof of their professional affiliation. Licensed private investigators with or without a court order shall be subject to a criminal records clearance check prior to entering a detention facility. The watch commander or designee will conduct a criminal clearance check prior to allowing licensed private investigators a professional visit. If an individual fails the records check, they will be afforded a professional social visit with the respective incarcerated person. Private investigators in possession of a valid county identification are exempt.
- D. **INVESTIGATORS EMPLOYED OR RETAINED BY THE CITIZENS LAW ENFORCEMENT REVIEW BOARD:** Shall be allowed to visit incarcerated persons if they have valid agency identification.
- E. **PROBATION OFFICERS AND PAROLE OFFICERS:** Shall be allowed to visit incarcerated persons if they have valid agency identification.
- F. **IMMIGRATION AND CUSTOMS ENFORCEMENT (ICE) AGENTS:** ICE agents shall be allowed to visit incarcerated persons for the purpose of conducting interviews. In order to secure an interview, the ICE agent must fill out a Consent Form for Interview with ICE (J-330) form and obtain the incarcerated person's consent to be interviewed [see Detention Services Bureau Policy and Procedure (DSB P&P) section Q.4]. ICE agents will also be required to complete a Request to Interview Prisoner (J-47) card for each incarcerated person that consents to be interviewed. All J-47 cards and J-330 forms will be forwarded to the Detention Processing Supervisor for processing and storage.
- G. **GRAND JURY MEMBERS:** Current members of the Grand Jury shall have unlimited access to the entire detention facility at any time. The watch commander or designee shall accompany members at all times during their tour of the detention facility.
- H. **MILITARY PERSONNEL:** Legal officers, when necessary for signature (not routine counseling).

- I. COUNTY DEPARTMENT OF HEALTH AND HUMAN SERVICES EMPLOYEES:
1. For the purpose of conducting a court-ordered interview.
  2. For the purpose of investigating public health issues.
- J. MEDICAL, PSYCHIATRIC AND MENTAL HEALTH PERSONNEL:
1. Military physicians approved by the watch commander to perform discharge physicals. Such visits should be by appointment.
  2. Private physicians retained by the incarcerated person shall be permitted entry by court order.
  3. Contract physicians authorized by the medical administrator or designee.
  4. Department of Public Health Communicable Disease investigators.
  5. Private physicians/psychiatrists/psychologists/other mental health professionals retained by the Department of the Public Defender (including Primary, Alternate, and Multiple Conflicts Office) shall be permitted entry with a letter of authorization from the Public Defender's Office. In the case of mental health clinicians employed by the public defender or the alternate public defender, valid county identification cards will suffice as proof of their professional affiliation.
  6. LabCorp nurses, on behalf of the Department of Child Support Services, shall be permitted to take a photo of the incarcerated person and obtain a buccal swab sample.
- K. LAB TECHNICIANS: For the purpose of lawfully obtaining a blood or urine sample from an incarcerated person.
- L. INTERPRETERS: All interpreters must be accompanied by an attorney, law enforcement officer, probation officer or other justice or medical personnel. If not accompanied by a law enforcement officer, the interpreter must be a county employee, a licensed court interpreter or designated as an interpreter by court order.
- M. POLYGRAPH OPERATORS: Pursuant to a letter provided by an incarcerated person's defense attorney.
- N. CERTIFIED LAW CLERK: A certified law clerk is a law student authorized by the State Board to perform certain functions if employed by an attorney. The certified law clerk may enter the detention facility unaccompanied by an attorney if they are in possession of a "Letter of Authorization" from the employing attorney. This authorization letter shall be placed in the incarcerated person's custody record.
- O. STUDENTS/INTERNS/TRAINEES: Law student interns working for an attorney may enter the detention facility unaccompanied by an attorney if they are in possession of a "Letter of Authorization" from the employing attorney. This authorization letter shall be

placed into the incarcerated person's custody record (24-hour advance notice will be required to complete a security clearance request by the facility).

Law student interns/volunteers employed by the public defender or the alternate public defender need only show their county identification and a "Letter of Authorization" to be allowed professional contact visits.

- P. **LEGAL AID ASSISTANTS:** Assistants from the Legal Aid Society of San Diego will be granted professional contact visits for the purpose of providing assistance to in pro per incarcerated persons. Assistants shall be designated by an attorney from Legal Aid who will be accountable for the assistant's conduct. Assistants must pass a background security check in order to be allowed contact visits. Each detention facility shall keep a current list of authorized legal aid assistants.
- Q. **PARALEGALS:** Paralegals are persons with legal business with bona fide clients of attorneys who employ the paralegal. Paralegals shall possess a "Letter of Authorization" from the employing attorney. This authorization letter shall be placed in the incarcerated person's custody record.
- R. **DIPLOMATIC AND CONSULAR OFFICIALS:** To comply with the Vienna Convention on Consular Relations – Article 36, when a foreign national is in the custody of the Sheriff, and they are represented by a diplomatic or consular official, they shall be entitled to the same professional visit rights as a legal attorney. All reasonable efforts should be made to accommodate these visits. Diplomatic and consular officials are required to present proper identification issued by the Department of the State. If there is any doubt about the authenticity of the identification card, the State Department's Office of Protocol can verify the identity and status of the official. Call <sup>Phone number - 7922.000</sup> (0900 to 1700 PST) or <sup>Phone number - 7922.000</sup> during all other hours. Should any additional questions or issues arise, contact the Communication Center's watch commander to reach the on-call International Liaison Deputy.
- S. **CLERGY:** A pastor, minister, rabbi, military chaplain, or priest associated with a church, mosque, or synagogue in the community, shall be allowed access to facilities in accordance with DSB P&P section W.3.
- T. **OTHER AUTHORIZED PROFESSIONALS:** Those whom the facility commander has approved a contact visit for a rehabilitative activity or any other purpose