

**MARIN COUNTY SHERIFF'S DEPARTMENT{PRIVATE }
CUSTODY DIVISION POLICY AND PROCEDURE MANUAL**

**CHAPTER 4 - HOUSING
CUS – 4 – 20
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**DATE
December 5, 2005**

ATTORNEY VISITS

POLICY

Attorneys are allowed to visit inmates at any time. These visits are only denied when preparing inmates for court, serving meals, during security lockdown or emergency situations in the facility.

DEFINITION:

ATTORNEY - Must be licensed to practice law in the State of California as evidenced by a current and valid State Bar Card.

PROCEDURE

All private attorneys will present their current and valid State Bar Card along with photographic identification to the Lobby SSA. The SSA will request a business card from the attorney to be kept on file.

The Public Defender's Office will provide the Jail Commander with an up to date list and photographs of all attorneys and staff. The list will have the name, bar card number (for attorneys), title, sex and DOB of the Public Defender staff person. This list will be input into the Tiburon/CompuDyne records management system generating an MNI number which will make further entries into the "professional visitor" name index more efficient for future visits. Public Defender attorneys need not present their County ID or bar card on each and every visit to the jail as long as they are recognized by the SSA or Deputy staffing the lobby and they are still in good standing with the Public Defender's Office and the State Bar. A binder containing the Public Defender staff list and current photographs will be maintained in the lobby and the booking sergeant's office.

The SSA will do a search of any briefcases, etc. brought into the facility. All attorneys go through the metal detector prior to being given a card reader. Anyone not clearing the metal detector on the second try is subject to further scrutiny, however, an attorney shall *not* be subject to a "pat down" search of the person unless the Booking Sergeant has the prior express approval of the Jail Commander.

On October 30, 2003, Marin County Superior Court Judge James R. Ritchie issued a court order that stated in part:

Although there is no evidence that such took place, the Marin County Jail is not to audio monitor or record any conferences between defendant and his attorneys or their representatives. Unless counsel provides a written waiver, conferences between defendant and his attorney or his representative may be conducted only in rooms without audio monitoring or recording capability.

In the past, Marin County Jail staff has sought to accommodate attorneys wanting to see their clients by using regular visiting rooms. The aforementioned court order now prohibits attorneys from using the regular visiting rooms unless a waiver is signed.

If all attorney visiting rooms are occupied in the attorney's client's housing unit, and the attorney wants to proceed and utilize a regular visiting room (which has the capability of being recorded), the attorney must sign a waiver (which can be kept on file for future visits) or wait for the next available attorney visiting room. Attorneys' waiting for an attorney visiting room will be assigned on a first come first serve basis.

If the attorney needs the inmate to sign or review paperwork, they will notify the SSA when they sign up for the visit. If the attorney has a packet which cannot fit in the pass through, they will also tell the SSA. The SSA will have it delivered to the Pod by a MRD.

Once in the visiting room, the Pod Deputy will unlock the pass through and stand by as the paperwork is passed to the inmate. The pass through is then locked and the Deputy leaves the room. When the paperwork has been completed by the inmate, the pass through can be re-opened by the Deputy. The pass through will not be left open during a visit. Generic card readers will be available to attorneys who need to visit with several inmates in different Pods.

RELATED STANDARDS

Title 15, Article 6, Section 1068
Chapter 8, Section 4, 12, 13
Penal Code, Section 825(b)
Penal Code, Section 636 et.seq.
Marin County Superior Court Order, Judge James Ritchie, October 30, 2003

AFFECTED DIVISIONS

Custody

DATE REVISED

7-7-97
4-27-01

By Order of

DENNIS MCQUEENY, CAPTAIN
BUREAU COMMANDER