



## PROFESSIONAL VISITS

### POLICY.

Members will allow inmates to visit attorneys in a manner that maintains jail safety, security, and good order and meets legal requirements. Inmates are constitutionally entitled to visit with their attorneys.

### PURPOSE.

The purpose of this policy is to provide guidelines for the Deschutes County Sheriff's Office – Adult Jail (AJ) members for professional visits.

### OREGON JAIL STANDARDS:

- B-312 Attorney Visits
- D-205 Contact Visits
- D-212 Providing and Regulating Attorney Visits
- D-213 Privacy
- E-318 Visitor Searches
- E-319 Professional Visitors

### REFERENCES:

- ORS 40.225 Rule 503, Lawyer-Client Privilege
- ORS 165.540(2)(a)(B), Obtaining Contents of Communications, exceptions
- ORS 169.076, Standards for Local Correctional Facilities
- AJ Policies:
  - [CD-3-5, Use of LEDS](#) [Law Enforcement Data System]
  - [CD-11-7, Religious Exercise](#)
  - [CD-12-2, Inmate Visiting Control](#)
  - [CD-12-5, Social Visiting](#)

### DEFINITIONS.

**Attorney visit.** A visit covered by lawyer (attorney)-client privilege under Oregon statute with the attorney-of-record or an investigator or Legal Assistant employed by the attorney of record. Investigator or Legal Assistant must first have verification and approval of their current employment prior to the visit (Refer to Section A-7, Representatives for Attorneys).

**Contact visit.** Visits conducted without contraband barriers or other physical separation of inmates and professionals.

**Frisk search.** Touching a person's outer clothing in various ways to detect contraband in the clothing or on the body. Contact with the genital, anal, or female breast areas is only incidental.

**Non-contact visit.** Visits conducted with barriers or other physical separation of inmates and professionals.

**Personal recognition.** Personally known to members from past association.

**Private visiting room.** A visiting area that meets sound control design and prevents others from overhearing a visit.

**Professional visit.** Any visit specifically designed to aide in an inmate's defense or transition while in-custody. These visits typically involved in the following verified and approved professionals: Defense or District Attorney Investigators, Legal Assistant, Department of Human Services, Foreign Consulate, Court-Appointed Interpreter, Behavioral Health or certified Medical Practitioners performing court-appointed evaluations.

## **PROCEDURES.**

### ***SECTION A: ATTORNEY VISITS***

**A-1. Attorney Visiting Guidelines.** All inmates are allowed attorney visits including inmates held in administrative or disciplinary segregation. The attorney visit may be regulated, but regulations must have a valid, rational connection to legitimate penological interests.

- a. Visit should be limited to reasonable hours to avoid pulling inmates out for visits during sleeping hours;
- b. Visit should be limited to non-meal hours. An attorney visit may not interfere with an inmate's opportunity to eat a meal.
- c. Visits may be restricted when visits would substantially interfere with jail operations at times of peak activity or when exigent circumstances exist to facilitate and ensure jail safety and security.
- d. Members will permit an inmate to have an attorney visit following the admission process.
- e. Attorneys do not have a right to visit inmates who have not asked for their assistance.
- f. Members will treat an attorney who is not the attorney-of-record as a social visitor. (See AJ Policy [CD-12-5, Social Visiting.](#))
- g. Special requests for assistance or modifications to the visiting guidelines will be reviewed by a lieutenant (or designee) on a case-by-case basis.

- A-2. Attorney Visit Modification.** Attorney visits may not be denied as a management convenience for inmates in administrative (non-disciplinary) segregation, nor as a disciplinary punishment. Modification of how inmates in segregation status visit with attorneys may be required, to accommodate security, safety, or other legitimate interests.
- A-3. Attorney Security Process.** Security procedures apply to attorneys the same as they do for inmates, members, visitors, and others. Attorneys can be required to submit to reasonable search processes such as metal detectors, inspection of brief cases, legal material for inmates, and, if there is sufficient justification, frisk or clothed searches.
- A-4. Attorney Authorization.** Prior to visiting with an inmate, attorneys will complete the following procedures:
- a. Complete a *Professional Visitor Agreement Form No. 334*
  - b. Criminal History Record;
  - c. Approval from Administrative Lieutenant;
  - d. Present required identification; refer to (Section C).
  - e. Complete a *Contact Visiting Agreement Form No. 329* (annually), after requesting a contact visit from an Administration member.
- A-5. Attorney Visit Privacy.** Visits between inmates and their attorneys shall not be audio recorded or monitored. Members will avoid being within hearing distance of attorney visits. The Corrections Captain will have attorney visiting areas meet sound control designs that prevent others from overhearing an attorney visit. If an area cannot accommodate a confidential conversation, members will allow an attorney visit to take place without other visitors in the area. Members will not end other visits in progress to accomplish this, but may delay starting them.
- A-6. Method of Attorney Visit.** Attorneys will normally visit inmates in the non-contact visiting booths.
- a. **Contact Room:** If an attorney requests a contact room, they must have a current and approved *Contact Visiting Agreement Form No. 329* on file. All contact visit requests must be made 24 hours in advance, unless special modifications have been granted by a lieutenant or their designee prior to the visit. *Refer to Sections A (f.)* for further information.
  - b. **Court Holding Rooms:** Attorney visits with inmates at the courthouse are usually not permitted. Only a lieutenant or the Court Security/Transports Sergeant may approve an attorney visit at the court holding facility. All special requests and approvals will be documented by deputies in the Jail Management System (JMS).
- A-7. Representatives of Attorneys.** Attorney investigators and legal assistants must have an authorization from the attorney. The authorization must be on the attorney or firm's letterhead and signed by the attorney. Faxed copies are acceptable if administration members has verified the legitimacy by telephone with the attorney's office. Legal assistants and investigators will visit inmates in the non-contact attorney rooms. Use of a contact room will require lieutenant review of the inmate's status and behavior to

determine if the inmate's current safety and security concerns permit a contact visit, completion of the *Contact Visiting Agreement*, criminal history check, a 24-hour notice/request to visit, and verification of identification.

- A-8. Passing Legal Documents.** Attorneys and their investigators and legal assistants will be allowed to pass legal documents to inmates while visiting inmate as long as they are free of staples, paperclips and/or other metal binders. Attorneys, investigators, and legal assistants may bring documents for members to pass to an inmate thru the inmate internal mail system. Members will check documents for contraband before they are passed to the inmate by any means. Members must not read, review, or copy any document protected by attorney-client privilege.

### ***SECTION B: OTHER PROFESSIONAL VISITORS***

- B-1. Court Interpreters.** Visits by certified court interpreters to interpret documents usually occur during regular lobby hours. A shift supervisor may expand these hours based on the arraignment docket. A lieutenant may approve regular, unescorted visits to the video arraignment area of the jail for court interpreters. Court interpreters may request to visit inmates in a non-contact room. Use of a contact room will require a lieutenant review of the inmate's status and behavior to determine if the inmate's current safety and security concerns permit a contact visit, completion of the *Contact Visiting Agreement*, criminal history check, a 24 hour notice/request to visit, and verification of identification.
- B-2. Health Care Professionals.** Inmate visits by health care professionals must be court ordered or authorized by the Corrections Captain or their designee. The visit will be a non-contact visit, unless special authorization is granted by the Corrections Captain or their designee. Special requests for contact visits for any medical or mental health evaluation requires a valid court order specifically requesting a testing procedure to take place for the inmate or authorization from the Corrections Captain or their designee. In addition, completion of *Contact Visiting Agreement*, criminal history check, verification of identification, a 24-hour notice/request to visit, and authorization from the Corrections Captain or their designee must be in place. A lieutenant will review the requested inmate's status and behavior to determine if safety and security procedures will permit a contact visit. If a contact visit is denied, other arrangements may be made for the evaluation to take place.
- B-3. Consular Officers.** Visits by consular officers take place during normal lobby hours and be a non-contact visit unless special permission by a supervisor has been granted. Members will work with consular officers on their visiting needs if they must travel long distances for the visit. They may permit an inmate to have a consular officer visit during or immediately after booking. However, members may delay a visit for the same reasons as set out under *Section A-1*.
- B-4. Polygraphers.** Visits by certified polygraphers must comply with all regulations as stated in Section D of this policy, including completing the *Contact Visiting Agreement Form No. 329*; criminal history check, present proper identification, a 24-hour

notice/request to visit, proof of payment, and authorization from the Administrative Lieutenant. Due to the nature of the testing, polygrapher's visits require use of a contact visiting room. Prior to the visit, a lieutenant will review the inmate's status and behavior to determine if the inmate's current safety and security concerns permit a contact visit.

- B-5. Clergy.** Refer to *Policy No. [CD-11-7, Religious Exercise](#)* for specific guidelines regarding clergy visitation.
- B-6 Other Professionals:** Professional service providers may require a visit with an inmate currently in-custody at the AJ. These professionals can include, but are not limited to, Workers Compensation, Social Security, and Veterans Affairs Investigators. Additional service providers who qualify as a professional visit would be those who demonstrate a legitimate need to visit an inmate for the following; aiding in the inmate's defense, to complete a public investigation, or to assist with an inmate's transition while in-custody. These professional level visits will be non-contact and must have the approval of a lieutenant.

### ***SECTION C: VISITOR CONTROL***

- C-1. Visiting Hours.** Visits should take place during scheduled visitation hours. A visit may not take place during meals, "lights out", an inmate's health care appointment, jail program class, or work assignment, or when safety and security are involved. Exceptions for attorney visits are under *Section A* of this policy.
- C-2. Visiting Information.** Members will provide (upon request) the social and/or professional visitors guide to those seeking further information regarding AJ visitation practices and policies. Both guides provide information as to established policies for visitation times, days, practices, and security measures.
- C-3. LEDS Checks and Computer Entry.** Professional visitors must complete the *Professional Visitor Agreement Form No. 334* before they are eligible to visit an inmate. AJ administrative members will conduct the checks and maintain the records in administration. The Administrative Lieutenant will review provided records and approve each professional visitor for access. If AJ administrative members find any factors that make a professional visitor ineligible, they will notify a lieutenant or the shift supervisor in order to cancel a scheduled visit or deny a visitation request. See AJ Policy [CD-12-5, Social Visiting](#), for a list of ineligibility factors. The Administrative Lieutenant will ensure staff run an annual records check on all recurring professional visitors on record.
- C-4. Professional Visitor Approval.** Members will maintain a list of approved professional visitors. Those approved, will be allowed inmate visitation for official business only. This list will be reviewed on an annual basis at the direction of the Administrative Lieutenant. The list of professional visitors eligible includes social service providers and other professionals requesting access to an inmate for professional business only (see Professional Visitor definition). If an approved professional visitor no longer needs visitation privileges, they will be purged from the list. This can occur during an annual

review or prior if necessary. Files for those who were approved, but are now purged (ineligible), will be maintained for a period of three years, unless successful application is made again.

**C-5. Visitor Registration.** All professional visitors must check-in and out with members in the AJ lobby, or with deputies if after-hours. To check visitors in and out, staff will do the following:

- a. Confirm the identity of each visitor with picture identification or through personal recognition.
- b. Confirm the visitor is on the approved professional list.
- c. If authorized to visit an inmate in a contact room, the Contact Visiting Agreement **MUST** be completed and approved by a lieutenant.
- d. Verify the professional credentials of each visitor. (Members must contact a supervisor if the credentials do not appear legitimate.) Specific examples of needed credentials visitors must present are the following:
  - 1) Attorney – Bar card
  - 2) Attorney's representative – Court order, authorizations from attorney
  - 3) Health care provider – Agency identification or state license
  - 4) Consular officers – Foreign consulate identification
- e. Contact the control center member to see if the inmate is available for the visit. If the inmate is not in the housing unit and it is an attorney visit, a deputy will contact the area where the inmate is located to notify them of the visit. If the inmate is willing and able, they will go to the attorney room.
- f. Have the visitors sign the Professional Visit Log Form No. 330. (The Professional Visiting Log must be kept confidential and not shared with law enforcement, prosecutors or the public absent a court order.)
- g. Assign the visitors to a non-contact visiting room. (A professional visitor may voluntarily use an open visiting area.)
- h. Document the date, type of visit, and visit start and stop time of the Professional Visit on AJ form No. 330.

**C-6. Personal Belongings.** Members shall control what visitors take into a visiting area. Members will let professional visitors only take those items needed for the business of the visit. Members shall not read attorney-client privileged documents when doing a check of items. (See AJ Policy [CD-12-2, Inmate Visiting Control](#), for more on personal belongings.) Personal items will not be stored in the waiting area during a visit. All items, with the exception of keys, must be secured in the visitor's vehicle. Cell phones are not allowed in the inmate visitation areas.

**C-7. Standard Visiting Controls.** Members will refer to AJ Policy [CD-12-2, Inmate Visiting Control](#), for guidance on standard visiting controls that apply to all visitors, such as dress standards, contraband control, searches, and visiting rules.

**SECTION D: CONTACT VISITS**

- D-1. Approval of Contact Visits.** Each contact visit between a non-attorney professional visitor (not including an attorney's investigator or legal assistant), and an inmate will have completed all of the procedures stated in this section, and must be scheduled in advance. All contact visits must be approved by a lieutenant or their designee. Social visitors may not have contact visits with an inmate without a court order.
- When considering whether to allow a professional visit, a lieutenant or their designee must determine whether there is a court order or court document directing payment for a professional service.
  - Contact visitors must read and sign a *Contact Visiting Agreement Form No. 329* before their first contact visit, and again every year after administrative review. Members will maintain a file of signed forms. The Administrative Lieutenant will ensure this process is completed and reviewed annually or sooner if necessary.
  - All contact visits are subject to a review by the Corrections Captain or their designee. Review by AJ staff is to identify safety and security risks presented by the inmate requested for a contact visit.
- D-2. Scheduling a Contact Visit.** Members will schedule approved contact visits. The visitor must contact AJ administration at least 24-hours before the desired visit. Members will only take requests during normal business hours. The professional visitor must explain why they need a contact visit. Members will confirm if the visitor has a Contact Visiting Agreement on file that they signed within the last year.
- D-3. Moving Inmates to and from Contact Visiting Rooms.** Members will notify the control center members when inmates are scheduled for contact visits. A deputy will escort the inmate to a contact visiting room if necessary. The inmate is required to stay in the room until escorted by the deputy. When the visit is completed, a deputy will search the inmate prior to escorting them back to the housing unit. (*Refer to policy [CD-8-7, Inmate Searches](#)*)
- D-4. Metal Detector and Frisk or Clothed Searches of Contact Visitors.** All attorney and professional contacts will be required to walk through the metal detector before the visit. Deputies may frisk search all professional contact visitors before they will let them enter the secure perimeter of the jail. Visitors declining such a search will not be allowed to visit the inmate in a contact or non-contact situation. A deputy that is the same sex as the visitor will do the search in a private setting and in a thoroughly professional manner.
- D-5. Personal Belongings on Contact Visits.** Members must do a close inspection of all containers and other personal belongings that a visitor needs to take in on a contact visit. (See Section D-5 on page 6 and policy [CD-12-2, Inmate Visiting Control](#), for more on personal belongings.) Cell phones are prohibited in the contact and non-contact rooms.

- D-6. Intercom System.** The conference rooms are equipped with an intercom system. Visitors will be instructed how to use the intercom system if an emergency occurs. The intercom system will contact either the control center staff or administration members. Members are not permitted to listen in on conversations between inmates and attorneys or their representatives while in the conference rooms. The intercom system is designed to have a light indicating when the intercom system is on and listening to the conversation.
- D-7. Conference Calls with Contact Visits.** As part of a contact visit, a lieutenant may approve an attorney's use of a telephone to have a conference call with the inmate and others on an inmate's defense team. Social calls are prohibited. The attorney must ask to use the telephone when they schedule the contact visit. The jail will not pay or authorize for any long distances calls.

**FORMS USED:**

- Social Visitation Guide DCAJ, Form No. 327
- Guide for Official, Professional, and Media Inmate Visitors, Form No. 328
- Contact Visiting Agreement, Form No. 329
- Professional Visit Log, Form No. 330
- Approved Professional List, Form No. 332
- Professional Visitor Agreement, Form No. 334