



**DISTRICT OF COLUMBIA  
DEPARTMENT OF CORRECTIONS**

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# Program Statement

**OPI:** SECURITY  
**Number:** 4160.3G  
**Supersedes:** 4160.3F (5/15/09)  
**Date:** December 12, 2011  
**Subject:** Access to Legal Counsel  
(Attorney Visits)

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1. **PURPOSE AND SCOPE.** To establish procedures for inmate attorney/legal visits at the Central Detention Facility (CDF).
2. **POLICY.** It is the policy of the District of Columbia Department of Corrections (DOC) to ensure inmates' rights to have access to counsel and the courts.
3. **APPLICABILITY.** This procedure applies to the inmate's attorney of record, their agents, DOC employees, contract staff, volunteers and inmates.
4. **PROGRAM OBJECTIVES.** The expected results of this program are:
  - a. Inmates shall have access to courts, counsel and/or their authorized representatives via telephone communications, uncensored correspondence and visits. Legal telephone calls and correspondence are addressed in other policies (see directives referenced).
  - b. Inmates' constitutional right to access counsel shall be protected while maintaining facility safety, security and order.
5. **NOTICE OF NON-DISCRIMINATION**
  - a. Staff. In accordance with the D.C. Human Rights Act of 1977, as amended, D.C. Official Code § 2.1401.01 et seq., (Act) the District of Columbia does not discriminate on the basis of race, color, religion, national origin, sex, age, marital status, personal appearance, sexual orientation, gender identity or expression, familial status, family responsibilities, matriculation, political affiliation, genetic information, disability, source of income, status as a victim or an intrafamily offense, or place of residence or business. Sexual harassment is a form of sex discrimination that is also prohibited by the Act. Discrimination in violation of the Act will not be tolerated. Violators will be subject to disciplinary action.
6. **AUTHORITY.** DC Code § 24-211.02, Powers; Promulgation of Rules.

## 7. DIRECTIVES AFFECTED

### a. Directives Rescinded

PS 4160.3E Attorney-Client Relationship (2/28/09)

### b. Directives Referenced

- 1) PS 1280.2 Reporting and Notification Procedures for Significant Incidents and Extraordinary Occurrences
- 2) PS 1282.1 Duty Administrative Officer
- 3) PS 4070.1 Inmate Telephone Access
- 4) PS 4070.4 Inmate Correspondence and Incoming Publications
- 5) PS 5010.2 Accountability for Inmates
- 6) PS 5010.3 Contraband Control
- 7) PS 5020.1 Entrance and Exit Procedures
- 8) PM 5300.1 Inmate Disciplinary and Administrative Housing Hearing Procedures

## 8. STANDARDS REFERENCED

- a. American Correctional Association 4<sup>th</sup> Edition, Performance-Based Standards for Adult Local Detention Facilities: 4-ALDF-6A-01 and 4-ALDF-6A-02.

## 9. GENERAL REQUIREMENTS

- a. *Attorney Decorum.* Attorneys and their agents shall not display over-familiarity with inmates, they shall not give inmates any items other than printed legal materials to be reviewed during visitation, and they shall, at all times, maintain a professional decorum and adhere to protocols consistent with a correctional environment. Attorneys shall not give their clients cds/dvds, tapes or other audio/visual recordings of legal materials to keep after visitation.
- b. *Visiting Hours.* Attorneys and their agents (i.e., investigators, law clerks, law students, and interpreters) shall have twenty-four (24) hour access to their clients, seven (7) days a week.
- c. *Point of Entry.* Attorneys and their agents shall enter the facility via the Visitors Control entrance between 12:00 noon and 8:00 p.m.

d. Visiting Areas

- 1) *12:00 noon to 8:00 p.m.* Legal visits shall be conducted in the Visiting Hall on the same floor as the inmate's assigned housing unit, except as stated below:
  - a) In the event that all legal booths are occupied on the respective floor, the Visiting Hall Officer shall contact Visiting Hall Officers on other floors to arrange for a booth and inform the attorney or agent of the change. The Administrative Module Officer shall inform the inmate of the change and record the change on the inmate's pass accordingly.
  - b) Attorneys and their agents shall be moved to other floors as needed if booths on a particular level are unavailable. If an attorney or agent requests to use the visiting phone instead of waiting for a booth, this request shall be granted and documented in the Visiting Hall logbook.
- 2) *8:00 p.m. and 11:30 p.m.* All legal visits shall be conducted in Visiting Hall Two on the second floor.
- 3) *11:30 p.m. and 8:00 a.m.* All legal visits shall be conducted in front of the Command Center.
- 4) *8:00 a.m. and 12:00 noon.* All legal visits shall be conducted in Visiting Hall Two on the second floor.
- 5) *Saturday and Sunday.* All legal visits shall be conducted in Visiting Hall Two on the second floor.
- 6) Overflow Visiting Hall. An alternate Visiting Hall shall be designated for overflow legal visits.

e. Visiting Multiple Inmates

- 1) The Attorney of record or their agents requesting to successively or simultaneously meet with more than one inmate during a visit to the facility shall fax their request to the Deputy Warden for Programs not less than twenty-four (24) hours in advance of the interview date. This will ensure that separations are checked, and to the extent possible, that accommodations are made consistent with the safety and security of the facility.
- 2) With 24-hour notice, and agency approval, the attorney of record and their agents may arrange to visit all of his/her clients at one location regardless of their housing unit. Otherwise attorneys and agents may have to go to each floor where his/her clients are housed.

f. Hospital Visits

- 1) If an attorney wishes to visit a client who is at a medical outpost, they can contact the Hospital Desk (202)698-7024 to learn at what hospital the inmate is staying.
- 2) The attorney or agent should go to the D.C. Jail attorney visitation and advise the staff that their client is in the hospital.
- 3) The officers at the Jail will provide the attorney with the hospital and room number of the inmate and the paperwork necessary to present to the correctional officers at the medical outpost.
- 4) DOC staff will contact the officers at the hospital and notify them that the attorney or agent is coming over directly for a visit.
- 5) Officers on medical outposts cannot terminate sight supervision of the inmate during the attorney visit in the hospital room, but efforts will be made to allow as much sound privacy as possible under the circumstances.

g. Title 16 Juveniles

- 1) Attorneys and their agents shall fax a request to visit Title 16 Juveniles held in the Juvenile Unit of the CTF to the Warden of the CTF.
- 2) The CTF will contact the D.C. Jail staff to ensure advance notice for escort to visitation.
- 3) Failure to provide one days notice in advance of visitation may result in delays.

**10. PRE-APPROVAL OF AGENTS**

a. Investigators and Practicing Law Students

- 1) Law firms, agencies, and attorneys shall submit a list of the names of their agents *in each case* to the Wardens Office for the Central Detention Facility, at 1901 D Street, SE, Washington, D.C. 20003. This list shall be submitted on the law firm's official letterhead stationery.
- 2) Attorney letters on behalf of their agents that conform with 10(a)(1) above are valid for one (1) year or until rescinded in writing by the attorney, whichever comes first.
- 3) If an attorney wishes to submit a request for entry of agents *without*

*specifying the cases*, the attorney must submit a request every thirty (30) days.

- 4) CJA and Public Defenders or other government investigators do not require advance approval to enter the facility but must show their valid work ID to access the facility. All other agents must show a copy of the letter on letterhead and present a valid photo ID.

b. Experts

- 1) Law firms, agencies and experts shall fax their request for an expert to visit an inmate not less than twenty-four (24) hours in advance of the interview date to the CDF Warden.
- 2) The request shall be submitted on the law firm's official letterhead stationery and include the name of the expert, the inmate(s) he/she wishes to visit and any electronic or other equipment the expert will bring into the facility.
- 3) If visiting more than one inmate, the request shall include the order that he/she wishes to visit the inmates.

c. Diplomatic Representation

- 1) Attorneys not licensed in the United States but licensed in a foreign country must present a letter from his/her country's embassy on embassy letterhead confirming he/she is a licensed attorney in his/her country and a valid form of identification such as a passport at the time of seeking a visit.

## 11. EX-OFFENDERS AS AGENTS

- a. Law firms, agencies, and attorneys shall submit a written request to the Warden in advance of a legal visit seeking approval before an agent with a felony or misdemeanor conviction in any jurisdiction can be permitted entry into the CDF and have contact visits with inmates.

## 12. LIST OF APPROVED AGENTS

- a. The Deputy Warden for Programs shall ensure that a current list of approved agents is forwarded to the Visitors Control and Staff Entrance.
- b. A list of approved agents and contacts shall be maintained in the Office of the Deputy Warden for Programs should questions arise regarding the validity of the identification card.
- c. Law firms, agencies, and attorneys are responsible for updating the lists of

approved agents in conformity with 10(a) above, or earlier if necessary.

- d. The Deputy Warden (or after hours the Major of Duty Administrative Officer (DAO) on duty) shall be contacted for further disposition when the attorney and agent is not on the approved list.

### 13. REQUESTS FOR ELECTRONIC EQUIPMENT

#### a. TV/VCR Availability

- 1) Upon receipt of a written request from an attorney, agency or law firm, DOC will provide a TV/VCR to allow an inmate to review official videotapes.
- 2) The attorney, agency or law firm shall fax notice requesting such equipment to the Deputy Warden for Programs at least two (2) business days in advance.
- 3) TV/VCR usage shall be restricted to 8:00 a.m. and 9:00 p.m. including Saturday and Sunday.
- 4) The Warden's written permission shall be faxed to the attorney, agency or law firm with a copy to the Visitors and the Staff Entrance at least one (1) working day in advance of the requested visit date.

#### b. Photographing/Audio Recording Inmate Clients. The following procedures shall be followed when an attorney or agent requests to photograph, videotape, tape record or use other forms of electronic devices, i.e., other audio equipment to record the likeness of an inmate or specific areas of CDF:

##### 1) Request Process

- a) The law firm, agency or attorney shall fax a copy of a court order to photograph, videotape, tape record or use other electronic equipment twenty-four (24) hours in advance of the interview date to the Deputy Warden for Programs.
- b) Absent a court order, the law firm, agency or attorney shall fax a request to photograph, videotape, tape record or use other electronic equipment at least two (2) business days in advance of the interview date to the Deputy Warden for Programs. The request shall include:
  - (1) The inmate's name and DCDC number or the area to be photographed or recorded;
  - (2) The requested date for the photographing or recording; and



- l. Any other items that may compromise the safety and security of the facility.
- m. *Questionable Attire.* If attire is questionable, a Visitors Control or Staff Entrance Officer shall call for a Shift Supervisor. The Shift Supervisor shall respond and determine the appropriateness of the attorney's or agent's clothing.
  - 1) Attorneys and agents not adhering to the dress code shall not be permitted to enter the facility.
  - 2) In the event that a legal visit is denied due to prohibited attire, the Shift Supervisor shall immediately contact the Deputy Warden of Operation or the next highest ranking official prior to denying the visit and will prepare a written report to the Warden.

**15. AUTHORIZED ITEMS. Attorneys may bring in with them:**

- a. Small purses and/or wallets sufficient in size to carry personal identification;
- b. Official identification cards, keys, and feminine hygiene items;
- c. Standard briefcases containing only work related material;
- d. Life-sustaining, condition-stabilizing medication on their person. All medication shall be in its original pharmacy container with the patient's name indicated on the pharmacy label;
- e. Legal books, legal papers such as case law, correspondence and pleadings, and
- f. Electronic Equipment. Without prior approval from the Warden or designee, *only attorneys* are authorized to enter a DOC facility with laptop computers, kindles, ipads, calculators, cds/dvds, videotapes, pagers and any legal documentary materials to include, but not be limited to, photographs and diagrams.

**16. PROHIBITED ITEMS.** Any other items not listed in ¶ 15 are prohibited. Attorneys may not bring in (but not limited to):

- 1) Cellular phones and/or their accessories, Personal Digital Assistants (PDAs), blackberries and other communication devices;
- 2) ipods, MP3 players, walkmans, and other such devices;
- 3) Walkie-talkies, audio and video recorders, cameras, radios and televisions, batteries, cords or plugs;

- 4) Any item that is unlawful to possess under local or federal law;
  - 5) Any unauthorized, non-legal letter or message intended to be received by an inmate;
  - 6) Alcohol or tobacco;
  - 7) Firearms, ammunition, flammable liquid or explosive powder;
  - 8) Knife, screwdriver, needle, razor or other item that can be used for stabbing or cutting;
  - 9) Hypodermic needle or syringe;
  - 10) Tear gas or pepper spray;
  - 11) Layered civilian clothing, officer, medical or other staff uniforms;
  - 12) Gang related personal property such as clothing;
  - 13) Magazines and newspapers;
  - 14) Items which may facilitate escape, such as hacksaws, files, wire cutters;
  - 15) Rope, handcuffs, handcuff keys, security restraints;
  - 16) Picks, gum, paste or other materials that can interfere with locking devices;
  - 17) Food, or
  - 18) More than \$20.00 in cash
17. **SIGN-IN/REGISTRATION.** All attorneys and agents shall sign in the designated logbook indicating:
- a. Name;
  - b. Agency or organization representing;
  - c. Destination;
  - d. Purpose of Visit , and
  - e. Time In and Time Out.

18. **IDENTIFICATION.** The attorney of record and the attorney's agents shall present approved identification which he/she shall surrender at the entrance to be held until he/she exits the facility.
- a. Attorneys. The attorney of record shall present approved photo identification and a current DC Bar card or authorized government attorney ID to enter into the facility. The following documents are approved photo identifications:
    - 1) A valid DC or state issued driver's license;
    - 2) A valid DC or state issued non-driver's ID card with picture and address, or
    - 3) A picture ID card issued by a federal, state or local government agency.
  - b. Practicing Law Students. Practicing Law Students shall present photo identification as listed above in section 18(a)(1-3) and their law school identification card to enter into the facility.
  - c. Investigators. Investigators shall present photo identification as listed above in section 18(a)(1-3) and an ID card issued by the respective law firm, agency or attorney.
    - 1) Photo Identification. Law firms, agencies or attorneys can furnish their investigators with a photo identification card. The ID cards must bear the name of the attorney of record, agency or law firm, investigator's signature, full name, height, weight, social security number, the attorney's bar number, attorney signature, telephone number and date card was issued.
    - 2) Attorney Letters. An approved letter on the law firm's letterhead stationery containing the social security number and date of birth of the investigator, name of the inmate, time and date of the visit, may be substituted for a photo identification card issued by the respective firm. The letter shall be fax to the Deputy Warden of Programs and shall include the attorney's bar number and signature. The fax must be submitted at least twenty-four (24) hours in advance of visits and by 12:00 p.m. on Friday for all weekend visits.
    - 3) A CJA investigator ID issued by Superior Court shall substitute for a law firm, agency or attorney ID.
    - 4) Investigators may accompany attorneys during all legal visits. The investigator must present the required identification as stated in this section of this directive.
  - d. Experts. Experts shall present proper photo identification as listed above in

section 16(a)(1-3) and an approved letter from the respective law firm, agency or attorney.

## 19. REQUEST FOR LEGAL VISIT FORM

- a. Attorneys and agents requesting to visit with an inmate shall complete a Request for Legal Visit Form (Attachment B) and submit it to the Visitors Control or Staff Entrance Officer.
- b. The Visitors Control or Staff Entrance Officer shall then enter the information from the legal visit form into the Jail and Community Corrections System (JACCS).
- c. The Visitors Control or Staff Entrance Officer shall be responsible for informing an attorney or agent of the inmate's special status.

## 20. SEARCH PROCEDURES

- a. *Search of Person*
  - 1) Attorneys and agents shall enter the facility through the walk-through metal detector and shall be pat searched.
  - 2) All personal property shall be subject to search. Items not permitted in the institution may be stored in lockers at the visitor's own expense.
  - 3) The facility shall not be responsible for the loss or theft of personal items left in lockers.
- b. *Inconclusive Searches.* When a pat or visual search does not eliminate staff suspicions that an attorney or agent may be introducing contraband, a Shift Supervisor shall be notified. The Shift Supervisor shall:
  - 1) Determine whether to allow or deny the visit;
  - 2) Prior to denying the visit, immediately contact the Deputy Warden of Operations or the next highest ranking official, and
  - 3) Prepare a written report to the Warden if the visit was denied.
- c. *Refusal to be Searched.* Attorneys or agents who refuse to be searched shall be denied entry and referred to the Shift Supervisor on duty who shall prepare a written report to the Warden.
- d. *Searching Approved Equipment*
  - 1) The Visitors Control or Staff Entrance Officer shall inspect and search any

approved equipment.

- 2) It is advisable that film should not be loaded into any approved equipment until after the search is completed.
- 3) The attorney or agent shall be responsible for opening the electronic device, including storage areas and cover, and removing all batteries for a security inspection.
- 4) Refusal to disassemble equipment shall be grounds for denial of equipment access.

21. **CONTRABAND.** If an illegal substance or item that significantly affects the security and safe operation of the facility is found in the possession of an attorney or his/her agent or representative, staff shall notify the Shift Supervisor. .

- a. If the item is illegal, the shift supervisor shall:
  - 1) Immediately contact the Deputy Warden of Operations or the next highest ranking official prior to denying the legal visit;
  - 2) Prepare a written report to the Warden detailing the denial of the visit; and
  - 3) Notify the Office of Internal Affairs and the appropriate law enforcement agency, if applicable.
- b. If the item is legal but is contraband within a DOC facility, the individual can return it to their personal vehicle or store it in a locker at Visitors Control or Staff Entrance.
- c. Attorneys or agents who introduce or attempt to introduce illegal substances/materials into the institution may be subject to immediate suspension of the visit and referral for possible criminal prosecution.

22. **VISITOR'S IDENTIFICATION CARD.** Following proper identification, registration, and search, attorneys and agents shall surrender their photo identification card to the Visitor Control or Staff Entrance Officer and shall be issued a visitor's pass to be displayed in plain view on their person at all times while inside the facility.

### 23. **ESCORTING ATTORNEYS AND AGENTS**

- a. Attorneys and agents who enter the facility through Staff Entrance shall be escorted to the visiting area.
- b. Attorneys and agents who enter the facility through Visitors Control shall proceed to the visiting area without an escort.

## 24. COUNTS

- a. Authorized Persons. Attorneys or agents shall not be held at Visitors Control or Staff Entrance pending the count. They shall be allowed entrance to the interview area to await their client.
- b. Inmates. Inmate movement shall cease in accordance with PS 5010.2, Accountability for Inmates, except upon approval of the Count Supervisor.
- c. Exception: When an attorney or agent is present in the legal visiting area prior to the start of the actual count, the Count Supervisor may authorize the inmate's escort. The following procedures shall be followed:
  - 1) The Visiting Hall Officer shall call the cellblock and advise the officer that a legal visit is authorized.
  - 2) The inmate shall be escorted to the visiting area once the unit count is conducted.
  - 3) The Visiting Hall Officer shall submit the required out-count sheet.
  - 4) If the Count Supervisor denies the inmate's movement, the attorney or agent shall be notified and informed of the reason it was denied.
- d. *Official Count Times*. Counts are conducted daily at the following times: 12:00 midnight, 4:00am, 8:00am, 3:00pm, and 8:00pm. Emergency counts are conducted as needed.

## 25. NOTIFICATION OF LEGAL VISITS

- a. The Visitors Control or Staff Entrance Officer shall call the cellblock and inform the Cellblock Officer that a legal visit is authorized.
- b. The Cellblock Officer shall:
  - 1) Immediately inform the inmate that he/she has a legal visit;
  - 2) Verify each inmate's identity before the inmate exits the unit, and
  - 3) Pat search all inmates having legal visits prior to their leaving the cellblock.

## 26. INMATE REFUSAL OF LEGAL VISITS

- a. If an inmate refuses a legal visit, the Cellblock Officer shall:
  - 1) Document the refusal in the cellblock logbook;
  - 2) Notify the appropriate Visiting Hall Officer;
  - 3) Notify the Shift Supervisor, and
  - 4) Prepare a DCDC Form 1.
- b. The Visiting Hall Officer shall:
  - 1) Document the refusal in the cellblock logbook, and
  - 2) Notify the attorney or agent that the inmate has refused the legal visit.

## 27. ESCORTS

- a. *Female, juvenile/youth and inmates on the mental health unit.* These inmates shall be escorted to the visiting area at all times.
- b. *Status Inmates.* Status inmates, (i.e., inmates in a segregation unit) shall be escorted to the visiting area in handcuffs and leg irons. The escorting officer shall remain with the inmate until the visitor arrives.
- c. If an inmate is not escorted to the Visiting Hall within fifteen (15) minutes from the initial call to the housing unit, the Visiting Hall Officer shall call the housing unit officer to determine the cause of the delay.
- d. If the inmate is not in the Visiting Hall after ten (10) more minutes, the Visiting Hall Officer shall notify the Shift Supervisor and enter the same in the logbook.
- e. The Shift Supervisor shall personally contact the inmate's housing unit to determine the reason for the delay and promptly notify the legal visitor of the approximate time the inmate shall be escorted to the Visiting Hall.

## 28. VISITING HALL PROCEDURES

- a. Inmate Identification. The Administrative Module Officer shall verify the inmate's identity before allowing the inmate to enter into the visiting area.
- b. Inmate Search
  - 1) The Administrative Module Officer shall pat search the inmate prior to him/her entering the visiting area.

- 2) An inmate who refuses to be searched, either before or after a visit, shall be placed on Administrative Segregation pending disciplinary procedures in accordance with PM 5300.1, Inmate Disciplinary and Administrative Housing Hearing Procedures.
  - 3) Documents related to legal representation are the only items which inmates may take to the visiting area.
- c. Restraints. The restraints on status inmates shall only be removed and removed from only one (1) hand when the inmate has to write or sign a document. Otherwise the inmate shall remain in full restraints.
- d. Visiting Hall Officers
- 1) Officers assigned to the Visiting Hall shall monitor and coordinate all social and legal visits. He/she shall record the names of attorneys, agents and inmates and their time of arrival and departure into the computer-based Inmate Visitation program. In addition to the information listed, officers can also enter miscellaneous information pertaining to inmate refusals, tardiness, attorney/inmate conduct, etc.
  - 2) Attorneys and agents are prohibited from giving an inmate any item, including legal documents.
  - 3) The attorney or agent may inform the Visiting Hall Officer of the need to give the inmate legal documents and surrender them to the Officer. The Officer shall inspect the documents but shall not read them.

## 29. **PHOTOGRAPHING/AUDIO RECORDING INMATE CLIENTS**

- a. Transporting the Equipment. The Shift Supervisor or designee shall escort the attorney or agent who shall carry his/her own equipment to and from the designated area.
- b. Using the Equipment
  - 1) Attorneys and agents shall only be permitted to use the photographic, video or electronic equipment once at the designated area. Inmates and DOC employees are prohibited from operating the equipment.
  - 2) The Shift Supervisor or designee shall be present with the attorney or Agent from the time the individual is escorted into the facility until the attorney or agent exits the facility.
  - 3) Any attorney who requests photos of the Central Detention Facility must submit a request to Security or DOC Internal Affairs. Attorneys are

prohibited from taking facility photos at any time.

c. **Discontinued Use of Equipment**

- 1) The Shift Supervisor or designee may at any time discontinue the use of photographic, video or electronic equipment for security purposes.
- 2) Attorneys and agents shall be permitted to resume the use of equipment when the Shift Supervisor determines that there is no longer a safety or security concern.
- 3) Attorneys or agents may reschedule the recording or photographing with the Deputy Warden for Programs if he/she cannot complete it during the visit because of safety or security concerns.
- 4) If an attorney or agent believes the Shift Supervisor or designee stopped his/her use of the photographic, video, or other electronic equipment for reasons other than safety or security concerns, the attorney or agent should contact the Major or designee for a decision on whether the attorney can resume the photographing or recording the inmate or area.

30. **INMATE DISCOVERY REVIEW**

The Department of Corrections cannot accept printed discovery on discs or laptops. Documentary discovery shall be provided in hard copy format. Where the discovery is voluminous and will not fit in "legal mail" envelopes, counsel can deliver up to two (2) boxes of printed material at a time to the Office of the General Counsel where DOC will pick it up and deliver it to the inmate. When counsel for the inmate indicates that review of the documents is complete, the DOC may, through the Office of the General Counsel, exchange the two boxes for two more for that inmate.

31. **INMATE REVIEW OF RECORDED AUDIO AND VIDEO SURVEILLANCE.** When an inmate has large numbers of hours of audio and video surveillance to review that are recorded, there are a number of options for how an inmate can review them.

a. **Review in Attorney Visitation**

- 1) The inmate's attorney, the attorney's staff including investigators, law clerks, law students and interpreters can enter the Jail and CTF in accordance with DOC rules and procedures with a laptop computer with the surveillance recordings downloaded on cds/dvds and/or the hard drive of the computer and review the surveillance with their client in attorney visitation.

- 2) The visitor shall not give the cds/dvds to the inmates to bring back to their cells. The visitor must account for the cds/dvds at departure from the Jail. Cds/dvds are contraband in the Jail and if passed to an inmate by an attorney, the attorney may have their visiting rights suspended or revoked and may be reported to the Bar and the Court.
- b. **Review in the Central Detention Facility and Correctional Treatment Facility**
- 1) Attorneys may request that their clients at the Jail be allowed to review their surveillance cds/dvds on a laptop computer. Upon advanced request, the Department of Corrections Office of the General Counsel will accept custody of audio and video surveillance cds/dvds for an inmate to review so long as they are submitted by the attorney of record with a letter certifying that the cds/dvds contain only video/audio surveillance and no printed discovery materials or contraband. This allows DOC to accept the tapes without having to review them.
  - 2) Each inmate's disc(s) should be prepared and marked with the name or names and DCDC number(s) of the inmates who are to review them printed clearly on the front. Printed discovery material shall not be included on the discs and must be submitted in hard copy. Any printed material or otherwise unauthorized material concealed in the discs shall be deemed contraband and the attorney introducing it to the DOC may be banned from the facility or face disciplinary action by the Court and Bar. Imbedded and formatting information contained in the video and audio surveillance supplied by the government shall not be deemed contraband and may remain in the cds/dvds.
  - 3) The inmate's defense counsel should advise the inmate of the surveillance review procedure in advance in order to reduce the likelihood that the inmate will refuse the procedure because of misunderstanding. If an inmate refuses to the procedure, he will be provided a waiver indicating it was offered to him and then declined. If he refuses to sign the waiver, it shall be noted by the staff on the document. An inmate may change his mind at a later date and can request the process be initiated again through his counsel and the DOC General Counsel. An inmate can re-review his tapes upon request following the same procedures.
  - 4) At the Jail, the inmate identified for surveillance review shall be moved from his housing unit and placed in administrative segregation. The inmate will be provided a laptop in his cell and his discs full time. While on the surveillance review unit, the inmate will receive the same out of cell time as other inmates in administrative segregation including recreation,

social and legal visits, phone use, commissary and the other privileges accorded an inmate in segregation.

- 5) Inmates shall be placed in designated cells on South 1 that have been wired with electrical outlets for the use of the laptop equipment. If those cells are not available, they may use the laptop battery. Charges for the laptops are located on the Unit and laptops shall be recharged by the staff when the battery runs low. It takes approximately 4-5 hours to recharge a battery in full and the computer should run for 4 to 12 hours. It should be noted that some surveillance review will run down a charge much faster and will require more frequent charging.
- 6) When the inmate indicates that he has completed his review, he will return to his previous housing unit.
- 7) No inmate will be provided extra law library time to review surveillance evidence.

## 32. EXIT PROCEDURES

### a. Attorneys and Agents

- 1) At the completion of the visit, attorneys and agents shall exit the facility through the same point in which they entered the facility unless correctional staff direct them otherwise.
- 2) Attorneys and agents shall turn in their visiting forms and numbered visitor's passes.
- 3) Under no circumstances shall an attorney or agent be allowed to exit the facility without positive identification by comparing the person to their photo identification card.
- 4) If there is any question regarding the identity of a person, a Shift Supervisor shall be contacted. The Shift Supervisor shall not approve an attorney or agent to exit the facility until all inmates are accounted for.
- 5) Attorneys and agents shall sign out in the designated logbook.
- 6) When the requirements listed in section (1) through (5) above have been met, the Visitors Control or Staff Entrance Officer shall allow the attorney or agent to exit the facility.

### b. Inmates

- 1) When the visit is completed, each inmate shall be escorted to the strip

search room and strip-searched by the Administration Module Officer.

- 2) Only an officer of the same sex as the inmate shall conduct the strip search.
- 3) If the inmate is on status and is in restraints, he/she shall remain in the strip search room until the Escort Officer arrives. At that time, the restraints shall be removed and the inmate shall be strip-searched. Both officers shall be present when the restraints are removed and during the search. The restraints shall be placed back on the inmate before leaving the strip search room for escort back to their housing unit.

### 33. **CONTRABAND**

- a. Any contraband or unauthorized item(s) found in an inmate's possession shall be confiscated and processed in accordance with PS 5010.3, Contraband Control.
- b. The inmate shall be subject to disciplinary action in accordance with PM 5300.1, *Inmate Disciplinary and Administrative Housing Hearing Procedures*.
- c. Attorneys and agents shall be subject to action as stated in section 21(c) of this directive.

### 34. **ATTORNEY SUGGESTIONS/COMMENTS**

- a. Attorneys and agents should contact the Major or designee when an incident occurs or a question needs to be addressed concerning this visiting procedure. The telephone number for the Major's office is (202) 673-8311.
- b. Attorneys and agents may provide informal feedback on their visit by filling out a comment card found at the exit area of each visiting hall and submitting it in the secured suggestion box.

### 35. **COMPLAINTS AND APPEAL PROCESS.** If an attorney has a complaint having to do with a visit with his/her client, the attorney may bring their complaint to the attention of the DOC.

- a. Complaints may initially be reported verbally, however, all complaints should be submitted in writing to the Warden.
- b. The complaint should contain as much detail as possible, including but not limited to, the date, time, location of the incident, name of the staff involved and the badge number if uniform staff is involved.
- c. The Major shall contact the complainant within three (3) business days to

- acknowledge receipt of the complaint and/or to request additional information as needed.
- d. The Major shall notify the complainant in writing of the findings of the investigation within fourteen (14) business days of the filing of the complaint.
  - e. If legal visitation is restricted or prohibited, the complainant may appeal the Major's decision to the Warden within fourteen (14) business days of receipt of the findings and conclusions.
  - f. The Warden shall review the basis for the decision including all documentation and notify the complainant in writing of his/her decision within three (3) business days of receipt of the appeal.

A handwritten signature in black ink, appearing to read "Thomas Faust". The signature is written in a cursive style with a horizontal line above the letters.

Thomas Faust  
Acting Director