DATE: February 15, 2011

TO: All Personnel

FROM: Timothy P. Ryan, Director
Corrections and Rehabilitation Department

SUBJECT: Attorney and Professional Visits – Revised (Replaces PD# D10-028)

This Procedural Directive supersedes Procedural Directive D10-028 dated December 30, 2010. Effective immediately, the following procedures shall be utilized for conducting attorney and professional visits:

**Attorney and Professional Visits**

Safety and security are the primary concerns of the Miami-Dade Corrections and Rehabilitation Department (MDCR); therefore, as a condition of visiting an inmate, all persons, to include attorneys and professionals, shall be subject to a thorough search (i.e., frisk search), upon entry or at anytime, of his or her person and belongings for the purpose of ascertaining, if contraband is present or a breach in security has occurred.

A. **DEFINITIONS**

1. **Regular Visit**

   A visit between the inmate and the family, friends and/or associates of the inmate as listed on the Master Visitation List. A regular visit is conducted in a glass partitioned visiting room/booth.

2. **Contact Visit**

   A visit with an inmate in a barrier or partitioned free environment. No contact visiting is permitted for any inmate, except as granted by the Facility Supervisor or designee under extenuating circumstances.

3. **Professional Visit**

   A contact or non-contact visit, depending on the circumstances, between the inmate and clergy, attorney, parole/probation officer, physician, bail bondsman, etc.

B. **PROHIBITED ITEMS**

Pursuant to the primary concern of safety and security, the following items are prohibited from entering any facility to include, but not limited to:

1. Cell phones or electronic devices;

2. Briefcase, attaché, or similar objects;
3. Any item that could be used as a weapon as determined by staff (e.g., any metal, plastic, wooden items, etc.);

4. Personal mail to the inmate;

5. Pictures, unless legally relevant materials;

6. Anything that could be passed to an inmate unrelated to legally relevant materials;

7. Items such as money, highlighters, jewelry, matches, lighters, drugs, postage stamps, books, clothing, cigarettes and/or chewing tobacco/gum are considered contraband and are strictly prohibited;

8. Items from a client’s family are strictly prohibited from being given to an inmate;

9. Any items as determined by staff to be a safety or security concern.

C. PERMITTED ITEMS

Legal materials (e.g., inmate pleadings and documents that have been filed with the court, drafts of pleadings to be submitted to the court which contain the inmate’s name and/or case caption prominently displayed on the first page, photocopies of legal reference materials, etc.); file folders, writing instruments, etc. are permitted.

Representatives of the Public Defender’s Office have been granted authorization for the introduction and use of netbook/laptop computers and other equipment (e.g., cameras); for inmate interviews and during bond hearings within the facilities. All equipment will be subject to search and inspection by MDCR staff upon entry. The representatives of the Public Defender’s Office shall be responsible for safekeeping of all equipment to include netbook/laptop computers while inside the facility. Inmate access to or use of the netbook/laptop computer is strictly prohibited.

D. ENTRY

MDCR staff shall ensure the following when granting entry to attorneys. Refer to section E for requirements of the Public Defender’s Office.

1. Attorneys must be a member in good standing with the Florida Bar. Upon entry to the facility, the attorney shall provide a valid government issued picture identification and bar card. A search shall be conducted of the Florida Bar’s website to affirm the active status of the attorney. The
Florida Bar Association's website can be accessed at the following link: https://www.floridabar.org/names.nsf/MESearch?OpenForm. Attorneys must sign in on the MDCR Visitors Log prior to the inmate visit and sign out at the completion of the visit;

2. If an attorney is not a member of the Florida Bar and wishes to visit an inmate, he/she will have to provide a valid government issued picture identification and bar card from the state in which he/she practices law. A search shall be conducted of the American Bar Association's website to affirm the active status of the attorney in the state the attorney is authorized to practice law. The American Bar Association's Lawyer Regulation section can be accessed at the following link: https://www.abanet.org/cpr/regulation/directory.pdf. A Florida Bar attorney in good standing must accompany the out of state bar member;

3. All attorneys’ interviews will be conducted in a private barrier free environment, if available, or in a regular glass partitioned visiting room/booth in an area to allow a degree of privacy;

a. If accompanied by the attorney of record, professional staff (e.g. associate counsels, investigators, interpreters, paralegals and legal secretaries) or other authorized professionals will be allowed to visit the inmate. Professional staff, upon entry to the facility, shall be required to provide a valid government issued picture identification. No relative or social acquaintances of the inmate may be used in this capacity.

b. If the attorney of record is not present, the professional staff (e.g. associate counsels, investigators, interpreters, paralegals and legal secretaries) or other authorized professionals shall, 24 hours prior to the visit, submit a notarized letter of introduction addressed to the Facility Supervisor, which shall depict the following items:

(1) Attorney’s letterhead and signature of the respective attorney;

(2) The full name, sex, birth date, race, driver’s license number, and title/occupation (e.g., investigator, interpreter or legal secretary);

(3) The name of the individual inmate(s) with whom the attorney authorizes the professional staff to interview;

The Facility Supervisor or designee, after reviewing the letter, will stamp and/or write approved or disapproved on the document and a copy will be provided to the front booth officer. All letters of introduction over a year old shall be purged and a new request
must be submitted to the Facility Supervisor by the attorney of record for future professional staff visits.

Visitation shall be denied if the letter(s) fail to meet the above criteria.

4. A review of the inmate's visitation list shall also be conducted. If the professional staff is also listed on the inmate's visitation list, the visit shall be denied. If the attorney of record is present, the visit shall be conducted in a glass partitioned visiting room/booth.

5. Interview rooms cannot be reserved in advance for attorney interviews;

6. The inmate shall only be allowed a 1 hour attorney visit, twice per day, by an attorney that is not listed as the attorney of record by the Clerk of Courts.

7. MDCR staff shall query the inmate's case number in the Criminal Justice Information System (CJIS) to establish the identity of the attorney of record. If the inmate is a new arrestee, the attorney of record may not have been entered in the system. If the attorney is not listed, a visit will be allowed pursuant to this directive. The passes shall be placed in a folder designated for "Non-Listed" attorneys. This folder shall be used to check the number of times the attorneys have been granted visitation for that day. All shift paperwork shall be submitted to the Facility Supervisor or designee according to each facility's standard operating procedure.

E. PUBLIC DEFENDER'S OFFICE

MDCR staff shall ensure the following when granting entry to staff from the Public Defender's Office:

1. The Public Defender's Office will provide, on a monthly basis a list of their staff, which shall be kept at MDCR facility ingress/egress points, to facilitate the verification of such employment. Should any issues related to a Public Defender's Office professional staff visit surface, contact the Public Defender's Office at:

   Business Hours: (8:00 am – 5:00 pm) Ms. Moreno (305) 545-1989
2. Representatives from the Public Defender's Office to include attorneys, associate counsels, investigators, interpreters, paralegals, legal secretaries, interns, etc., shall be permitted access to inmates in MDCR facilities, upon displaying their Public Defender's identification;

3. Attorney interviews will be conducted in a private barrier free environment, if available, or in a regular glass partitioned visiting room/booth in an area to allow a degree of privacy;

4. If accompanied by an attorney of the Public Defender's Office or not, the Public Defender's Office professional staff (e.g. associate counsels, investigators, interpreters, paralegals and legal secretaries) or other authorized professionals will be allowed to visit the inmate. No relative or social acquaintances of the inmate may be used in this capacity;

5. If a staff member from the Public Defender's Office is listed on an inmate's visitation list, the professional visit shall be conducted in a glass partitioned visiting room/booth.

F. LIMITATION OR DENIAL OF PROFESSIONAL VISITS

Any act by an attorney or any person, who acts on behalf of the attorney or other authorized visitors, which violates MDCR visiting rules and regulations and/or which threatens the security, good order or discipline of an MDCR facility is grounds for limitation or denial of the visit. A MDCR Incident Report shall be generated in all cases where a professional visit is denied or a violation occurs.

In all cases of sustained inappropriate actions, (e.g., false statements as to identity, inappropriate physical contact, criminal conduct, attempt or introduction of contraband) access to all MDCR facilities shall, at a minimum, be restricted to barrier visits for a minimum of 1 year. MDCR may refer the matter to the State Attorney's Office for criminal charges, the Florida Bar and/or to the state agency regulating the professional conduct of the professional visitor. The professional visitor may appeal any limitation or denial of visits to the Director or designee. Appeal reviews are to be coordinated through the MDCR Legal Unit.

G. VISITS

Although the legal professional has access 24/7, visits after 10:00 p.m. should be kept to a minimum unless it is related to a newly booked client or trial preparation.

There are a limited number of private interview rooms. If these rooms are occupied, visits may take place in the visitation booth which will provide visual and/or telephone contact with the inmate through a glass partition.

All visitors shall be properly attired. Suggestive clothing of any kind is strictly prohibited. All visitors must wear covered shoes, (e.g., no flip-flops, open
sandals). No clothing of any sort worn by the visitor may be exchanged with or provided to the inmate. Persons not in compliance with the visitor dress code shall be denied entry.

To minimize the “wait time” for professional visits, the following times are considered the times in which it may take longer for an inmate to be brought to the visitation area. These access delays include meal times, shift change or any time where security related issues become evident. However, visitation should be specifically avoided, if possible, during the following times:

Morning (6:00 am – 8:30 am)

Afternoon (2:00 pm – 4:00 pm)

Evening (10:00 pm – 12:00 am)

The Facility Supervisor or designee shall make the final determination to grant, deny or cancel a visitation with an inmate and/or make exceptions according to the situation as demonstrated by an attorney.

H. TELEPHONE ACCESS

Inmates have telephone access by outgoing collect telephone calls. Inmates are allowed telephone privileges during the following times:

Sunday – Thursday (8:00 am – 11:00 pm)

Friday – Saturday/Holidays (8:00 am – 2:00 am)

I. DO NOT RECORD LIST

All telephone calls are subject to monitoring and/or recording, except calls to and from an attorney whose telephone numbers are listed in the MDCR’s Do Not Record List. Attorneys must contact the MDCR Security Operations Unit of the Professional Compliance Division to ensure their current telephone numbers are listed in the Do Not Record List. The contact number is (786) 263-6500.

MDCR now offers the rules and procedures online for Attorney and Professional Visits at http://www.miamidade.gov/corrections/.

Any language in a DSOP, Procedural Directive, Standard Operating Procedure, Post Order, and/or written correspondence that conflicts with this procedure is hereby revoked.

TPR/MK/rcb