

Date: July 19, 2024

To: All Personnel

From: Sherea Green, Director
Corrections and Rehabilitation Department

Subject: Revisions to DSOP 15-009 "Inmate Access to Attorney(s) and Courts" - Attorney and Professional Visits

The Miami-Dade Corrections and Rehabilitation Department (MDCR) is committed to ensuring the safety and security of our staff, visitors, and inmate population. Preventing contraband from entering our detention facilities remains a top priority. We strongly encourage attorney and professional visitors to convert all paper documents into electronic format to further reduce the threat of contraband entering our facilities.

Effective immediately, the following procedures shall be followed for facilitating attorney and professional visits:

Attorney and Professional Visits

Safety and security are the primary concerns of MDCR. As a condition of visiting an inmate, all persons (to include attorneys and professional visitors) shall be subject to a thorough search (e.g., frisk search of their person and belongings) upon entry or at any time while in an MDCR detention facility for the purpose of ensuring no contraband is present or a breach in security has not occurred.

A. DEFINITIONS

Regular Visit

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

Attorney Visit

A visit between an inmate and the attorney of record, the attorney of record's approved associate counsel, or attorney granted courtesy 1-hour in-person visit with an unrepresented inmate.

Professional Visit

A contact or non-contact visit between an inmate and clergy, attorney, parole/probation officer, physician, bail bonds agent, etc.

B. PROHIBITED ITEMS

For safety and security, the items prohibited from entering an MDCR detention facility include, but are not limited to:

1. Cell phones, smart watches, fitness trackers (e.g., Fitbit, Whoop), or other portable communication devices as described in Florida Statutes (FS) 944.47(1)(a)(6) and 951.22;
2. Standalone camera equipment or other unauthorized electronic recording/surveillance device, unless approved by the Facility Supervisor or designee;
3. Briefcase, attaché, or similar objects, unless transparent/clear and all contents are visible;
4. Any item that could be used as a weapon as determined by staff (e.g., any metal, plastic, wooden item, etc.);
5. Personal mail to the inmate;
6. Pictures, unless legally relevant materials;

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7. Anything that could be passed to an inmate unrelated to legally relevant materials;
8. Items such as money, highlighters, jewelry, matches, lighters, drugs, postage stamps, books, clothing, cigarettes and/or chewing tobacco/gum;
9. Mobile hotspots, CDs, flash drives, or any storage device;
10. Items from a client's family;
11. Any items as determined by the Shift Supervisor/ Security Supervisor to be a safety or security concern or items considered contraband consistent with FS 944.47(1)(a)(6) and 951.22.

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 that contain the inmate's name and/or case caption prominently displayed on the first page, photocopies of legal reference materials), writing instruments, etc., are permitted.

Inmates may also bring legal materials to the attorney or professional visitor. However, under no circumstance will there be any exchange between an inmate and the attorney or professional visitor during the visit. All materials shall be exchanged only via U.S. Mail or the detention facility's legal mail drop box. Any violation will result in a limitation or denial of professional visits. Refer to Section G for additional information.

Attorneys and professional visitors have been granted authorization for the introduction and use of their tablet/laptop computer within the detention facilities. The tablets/laptop computers are subject to search and inspection by MDCR staff upon entry and at any time while in the detention facility. Attorneys and professional visitors shall be responsible for the safekeeping of all equipment, to include tablets/laptop computers while inside the detention facility. Any equipment or parts thereof that are missing or lost shall be immediately reported to the Shift Supervisor/Commander.

Inmates may have limited access to view and sign documents on the attorney's or professional visitor's tablet/laptop computer. Any other use of the tablet/laptop is strictly prohibited. WiFi connectivity is strictly prohibited.

Note: All attorneys and professional visitors are required to sign the "Professional Visitor Electronic Device Rules and Regulations Acknowledgement" form prior to entry.

D. ENTRY INTO A DETENTION FACILITY

MDCR staff shall ensure the following when granting entry to attorneys and professional visitors:

1. Attorneys must be a member in good standing with The Florida Bar. Upon entering the detention 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's website can be accessed at <http://www.floridabar.org>. Attorneys must sign in on the MDCR Visitor's Log prior to the inmate visit and sign out at the completion of the visit in accordance with DSOP 11-030 "Logs and Other Record Keeping Systems".
2. If an attorney is not a member of The Florida Bar and has to visit an inmate, they shall provide a valid government-issued picture identification and bar card from the state in which they practice law. A search shall be conducted of the American Bar Association's website to affirm the active status of the attorney in the state they are authorized to practice law. The American Bar Association's "Bar Directories and Lawyer Finders" site can be accessed at https://www.americanbar.org/groups/legal_services/flh-home/flh-bar-directories-and-lawyer-finders/.

A Florida Bar attorney in good standing must accompany the out-of-state bar member.

3. All attorney interviews shall be conducted in a private, barrier-free environment, if available, or in a regular glass-partitioned visiting room/booth in an area that allows a degree of privacy. The attorney of record must submit a letter of introduction for all professional visitors (e.g., associate counsel, investigators, interpreters, paralegals, legal secretaries, or other authorized professionals) prior to being granted approval to visit an

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inmate. Court-appointed professional visitors must submit a copy of the certified court order prior to being granted approval to visit an inmate. Please note that all professional visitors must pass a security background check.

Note: A professional visitor who is a relative or social acquaintance of an inmate is prohibited from participating in a professional visit.

- a. The letter of introduction shall be on the firm's letterhead, notarized, and depict the following:
 - 1) The full name of the professional visitor, gender, birth date, ethnicity, driver's license number, and title/occupation (e.g., associate attorney, investigator, interpreter or legal secretary),
 - 2) The name and jail number of the inmate(s) with whom the attorney authorizes the professional visitor to interview,
 - 3) List of all items that will be introduced into the facility and the purpose of each item,
 - 4) Signature of the attorney of record;
 - b. MDCR reserves the right to limit the number of authorized professional staff entering any facility with an attorney or other authorized persons;
 - c. All letters of introduction shall be purged every six (6) months and a new letter of introduction shall be submitted.
4. A review of the inmate's visitation list shall be conducted:
- a. If the professional visitor is also listed on the inmate's visitation list, the visit shall be denied;
 - b. If the attorney of record is listed, the visit shall be conducted in a glass-partitioned visiting room/booth.
5. Each detention facility maintains its own attorney and professional visitor room reservation rules. The Turner Guilford Knight Correctional Center (TGK) and Metro West Detention Center do not reserve rooms in advance for interviews. Due to limited space availability, the Pre-Trial Detention Center accepts reservations for interview rooms on the 7th floor only.
6. An inmate shall only be allowed a one-time 1-hour in-person attorney visit by an attorney that is not listed as the attorney of record by the Clerk of Courts. The Facility Supervisor or designee may approve additional visits.
7. MDCR staff shall query the inmate's case number in the Criminal Justice Information System (CJIS) or the Clerk of Courts website 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.
8. An attorney who is a relative of an inmate is welcome to a regular visit, but not a professional visit, unless listed as the attorney of record by the Clerk of Courts. The visit shall be conducted in a glass-partitioned visiting room/booth.
9. Attorney and professional visits can also be conducted using video visitation. MDCR protocols prior to and during the visit must be followed. Information on how to register for video visitation can found at <http://www.miamidade.gov/corrections/>.

Refer to sections E and F of this procedural directive for additional information regarding the Public Defender's Office.

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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 shall provide a list of their staff on a quarterly basis. The list shall be kept at each MDCR detention facility ingress/egress point to facilitate the verification of such employment. If there is an issue related to a Public Defender's Office staff visit, MDCR staff shall contact the Public Defender's Office at:

(305) 545-1673 - Business Hours: 8:00 a.m. – 5:00 p.m.

(305) 401-2020 - Evening Hours: 5:00 p.m. – 10:00 p.m.

(305) 401-2020 - Weekend/Holiday Hours: 8:00 a.m. – 10:00 p.m.
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. Whether accompanied by an attorney of the Public Defender's Office or not, the Public Defender's Office authorized professional staff (e.g. associate counsels, investigators, interpreters, paralegals. and legal secretaries) or other authorized professionals shall be allowed to visit the inmate. No relative or social acquaintance 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 Master Visitation List, the staff member may have a regular visit (not a professional visit), pursuant to visitation guidelines.

F. THE PUBLIC DEFENDER'S OFFICE INTAKE UNIT

The Public Defender's Office Intake Unit will be located at TGK in a designated office to provide early representation to inmates in MDCR's custody.

1. The intake unit staff is authorized to introduce hot spots, a camera, laptops, and charging cords. All items must be accounted for upon entry and exit.
2. The Shift Supervisor/Security Supervisor shall maintain a daily inventory log of all items introduced into and removed from the facility.
3. The intake unit staff must immediately report any missing or lost items to the Shift Supervisor/Commander.

G. LIMITATION OR DENIAL OF ATTORNEY AND PROFESSIONAL VISITS

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

In all cases of sustained inappropriate actions (e.g., false statements regarding identity, inappropriate physical contact, criminal conduct, attempt or introduction of contraband) at a minimum, the attorney or professional visitor shall be restricted to barrier visits at all MDCR detention facilities 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 the state agency regulating the professional conduct of the visitor. The attorney or professional visitor may appeal any limitation or denial of visits to the Director or designee. Appeal reviews shall be coordinated through the MDCR Legal Unit.

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H. VISITS

Although attorneys have visitation access 24 hours/7 days a week, visits after 10:00 p.m., shall be kept to a minimum, unless it is related to a newly booked client or trial preparation.

There is a limited number of private interview rooms; if these rooms are occupied, the visit may take place in the visitation booth that shall provide visual and/or telephone contact with the inmate through a glass partition.

All visitors shall be properly attired. Suggestive clothing of any kind or articles of clothing that resemble an MDCR inmate uniform (e.g., orange, brown, red scrubs) are strictly prohibited. All visitors shall wear covered shoes, (e.g., no flip-flops, open sandals). No clothing of any sort worn by the visitor shall be exchanged with or provided to the inmate. Persons not in compliance with the visitor dress code shall be denied entry. MDCR reserves the right to limit the number of professional staff entering with an attorney.

The below listed times usually take longer for an inmate to be brought to the visitation area. These access delays include mealtimes, shift change, or any time when security-related issues become evident. Therefore, professional visitors are encouraged to avoid visits during these hours:

Morning 6:00 a.m. – 8:30 a.m.

Afternoon 2:00 p.m. – 4:00 p.m.

Evening 10:00 p.m. – 12:00 a.m.

Note: The Facility Supervisor or designee shall make the final determination to grant, deny, or cancel a visit with an inmate and/or make exceptions.

I. TELEPHONE ACCESS

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

Sunday – Thursday, 8:00 a.m. – 11:00 p.m.

Friday – Saturday/Day before holiday, 8:00 a.m. – 12:00 a.m.

Note: Times may be modified as needed.

J. DO NOT RECORD LIST

All telephone calls are subject to monitoring and/or recording, except calls to and from attorneys whose telephone numbers are listed on the MDCR Do Not Record List. Attorneys must contact the MDCR Security and Internal Affairs Bureau at (786) 263-6500 to ensure their current telephone numbers are listed on the MDCR Do Not Record List.

K. VIDEO SURVEILLANCE

MDCR facilities are under constant non-audio video surveillance and recording, including visitation rooms. All visitors are subject to video surveillance and recording, no exceptions.

This Procedural Directive can be viewed online at <http://www.miamidade.gov/corrections/>.

Any language in a Departmental Standard Operating Policy, General Order, Procedural Directive, Standard Operating Procedure, Post Order, lesson plan, curriculum, form, and/or written correspondence that conflicts with this policy is hereby revoked.



Legal Mail Drop-Off

Miami-Dade Corrections and Rehabilitation Department (MDCR) will now accept legal mail drop-off at all detention facilities. The facility will only accept legal mail for inmates currently incarcerated at that facility.

The legal mail drop-off procedure is as follows:

- A locked, depository drop box will be placed in the security vestibule area of each facility to allow attorney(s) to deliver legal mail.
- The name of the law firm or attorney, the inmate's name, and jail number must be prominently displayed on the outside of the legal mail.
- Prior to drop-off, the attorney or designee is required to complete the facility's Visitor's Sign In/Out Log.
- The attorney or designee must present the package to MDCR staff to verify that the inmate is located at that facility.
- Upon verification, the attorney or designee will place the legal mail in the locked, depository drop box.
- The legal mail will go through the standard security protocols prior to being delivered to the inmate.

Under no circumstance will legal mail be delivered or transferred between facilities.