

	<b>DEPARTMENT OF PUBLIC SAFETY</b>  <b>CORRECTIONS ADMINISTRATION</b> <b>POLICY AND PROCEDURES</b>	<b>EFFECTIVE DATE:</b> JUN 28 1993	<b>POLICY NO.:</b> COR.12.11
		<b>SUPERSEDES (Policy No. &amp; Date):</b> 493.12.11 7/13/88	
<b>SUBJECT:</b> <b>INMATE ACCESS TO LEGAL COUNSEL</b>		Page 1 of 2	

No. 93-19930

1.0 PURPOSE

To establish guidelines which will ensure access to the courts for inmates by providing reasonable opportunity for legal counsel.

2.0 REFERENCES

Administrative Rules of the Department, Title 17, Section 17-203-8(g).

3.0 POLICY

The schedule of many attorneys require that they spend a good deal of their time during normal working hours in court. As a result, it may be difficult for an attorney to schedule a consultation with their client during the regular visiting hours established by a facility. Therefore, every inmate shall be afforded the opportunity to consult with legal counsel of their choice at any reasonable time as long as the safety, security, and good government of the facility are not jeopardized and unreasonable demands are not placed on the resources of the facility.

4.0 PROCEDURES

.1 The burden of providing sufficient information to corroborate the fact that an attorney represents an inmate shall be the responsibility of the attorney and the inmate.

An attorney shall not be allowed to visit with or interview any inmate except their client.

.2 Attorneys shall be encouraged to visit their clients during normal visiting hours set by a facility. As a contingency when this is not possible, each facility shall establish an early evening visitation schedule for attorneys during weekdays. This schedule does not necessarily have to be daily, depending on the resources of the facility.

.3 Attorney visits shall not be counted as one of an inmate's regular visits from family or friends.

.4 Attorneys will be allowed to take with them to the visiting room legal papers, note pad, writing implements, and related items. Tape recordings may be used by the attorney during the course of the visit if the attorney

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certifies in writing, in advance, that the only purpose of the recording is to facilitate the counseling process. Attorneys and all the materials they bring with them shall be subject to search for contraband.

Attorneys shall be allowed to bring a camera with them for the sole purpose of taking pictures of the inmate. The attorney shall not be permitted to take pictures of other inmates or of the facility.

- .5 Consultations between an attorney and inmate shall not be subject to auditory monitoring.
- .6 Attorneys shall be advised to give prior notice of their intent to visit a client during or outside normal visiting hours. The notice shall include the time and date. This prior notification, if possible, is intended to insure that inmates will be available to consult with their attorney with a minimal amount of delay in the processing of the visit or locating of the inmate.

Exceptions may be allowed under exigent conditions by the facility administrator or designated representative.

4.0 SCOPE

This policy applies to all correctional facilities of the Department.

RECOMMEND APPROVAL:

*Emi Peranda*

Deputy Director for Corrections

*6/24/93*

Date

APPROVED/~~DISAPPROVED~~:

*Greg Sumner*

Director

*6-28-93*

Date