RHODE ISLAND DEPARTMENT OF CORRECTIONS
POLICY AND PROCEDURE

	POLICY NUMBER: 13.02-2 DOC	EFFECTIVE DATE: ~~06/28/99~~ 07-12-1999	PAGE 1 OF 6
	REPEALS: 13.02-1 DOC	DIRECTOR: Ashbel T. Wall II	
SECTION: SECURITY AND CONTROL		SUBJECT: ACCESS TO INSTITUTIONAL FACILITIES BY ATTORNEYS AND THEIR AGENTS	

AUTHORITY: Rhode Island General Laws (RIGL) § 42-56-10(v), Powers of the director; § 42-56-1, Declaration of policy

REFERENCES: ACA # 3-4263, Access to Counsel

INMATE ACCESS THROUGH LAW LIBRARY? X YES

I. **PURPOSE:**

To establish procedures governing access to institutional facilities by attorneys and their agents for conducting legal business with their incarcerated clients.

II. **POLICY:**

The Rhode Island Department of Corrections (RIDOC) grants access to institutional facilities to attorneys-of-record and their agents for the purposes of conducting interviews with incarcerated clients and participating in administrative hearings in which they represent a party. Such access is consistent with state and federal law and legitimate security and operational needs of the RIDOC.

III. **PROCEDURES:**

A. For the purposes of this policy, attorneys are defined as members in good standing of the Bar of Rhode Island or members of any other state or federal jurisdiction who represent clients incarcerated at RIDOC.

Public Hearing: N/A (technical revisions) Last Filed 06/18/99

RECEIVED
DEC 28 2001
RI SECRETARY OF STATE
ADMINISTRATIVE RECORDS

B. Attorneys' agents are any individuals employed by attorneys in any of the following categories:

1. Law students - persons enrolled in accredited law schools.

2. Paralegals/Legal Assistants/Investigators/Public Defender Social Workers - persons who work on legal matters under the supervision of attorneys.

3. Interpreters - persons whose profession involves the translation of languages and who provide this service in the presence of attorneys who represent non-English speaking incarcerated clients. Also included are those who communicate in sign language or other communication format the inmate may require.

C. Public Defenders - persons possessing valid identification (ID) badges establishing them as employees of the Public Defender's Office. Such employees may be either:

1. Temporary (ID badges contain expiration dates); or

2. Permanent.

D. Agent Access to Institutional Facilities:

1. Attorneys' agents are granted access to institutional facilities provided:

a. They work under the supervision and authorization of an attorney.

b. The attorney provides the Warden with a letter to that effect at least three (3) days in advance of the agent's initial visit to a facility.

(1) Letters from attorneys requesting access for agents must be on the law firm's stationary and must include the agent's name, title, and date of birth.

c. They are not related to inmates for whom they provide professional services.

d. They are not on the visiting lists of inmates for whom they provide professional services.

e. They are not former inmates.

f. Results of criminal history checks (i.e., BCI and, whenever feasible, NCIC) are satisfactory.

(1) Criminal history checks are conducted on all agents by each facility.

(2) Agents who have been convicted of or pleaded nolo contendere to felonies or misdemeanors in either federal or state courts, or who have pending criminal charges, may be denied access to the institution.

2. Exceptions to items a. through f. above are granted only by the Assistant Director for Institutions and Operations or designee.

3. The Warden or designee of each facility maintains a current list of all agents of attorneys who are authorized to enter the facility. The Warden of the Intake Service Center (ISC) will generate and circulate said list on a regular basis.

   a. Attorneys are responsible for submitting written lists of agents to the Wardens every ninety (90) days.

   b. The Public Defender's Office will also provide Wardens with a list of that Office's permanent employees every ninety (90) days.

4. Agents who are accompanied by supervising attorneys, have received prior authorization from a Warden or designee, and who have proper identification are permitted access into the facility for business visits with inmates.

5. If an attorney wishes to enter the facility with an agent who is not on the current authorization list, s/he must obtain prior approval from the Warden or designee. If s/he is not available and a particular circumstance warrants an exception, the Shift Commander on duty may authorize entry, provided the agent is accompanied by the attorney-of-record and meets other requirements of this policy. BCI and, whenever feasible, NCIC checks must be done by the authorizing person prior to approval.

6. Paralegals, investigators, interpreters, law students, legal assistants, and Public Defender social workers are permitted to meet with inmates in the absence of attorneys-of-record only after receiving approval from the Warden or designee.

7. Attorneys or agents who are denied access to an institutional facility are notified as to the reason(s) by the individual who denied access. In addition, the staff member who denied access files a detailed report with the Warden describing the reason(s) for denial. The Warden approves or denies the denial for future visits and notifies the attorney by letter, after conferring with RIDOC Legal Counsel. Copies of such letters are sent to RIDOC's Legal Counsel and the Assistant Director for Institutions and Operations.

E. Security Requirements:

1. Identification requirements are:

   a. Attorneys - Bar card and photo identification.

   b. Agents - photo identification and name appearing on list of approved agents.

   c. Public Defenders Office - Public Defender photo I.D.

2. **ALL articles which attorneys and their agents are permitted to bring into the institutional facilities are subject to search**.

3. Suit jackets, blazers, and lightweight outerwear are permitted. Bulky outerwear is not permitted and will be stored according the specific facility's procedures.

4. Metal Detector. All attorneys and agents who visit clients in secure facilities are required to pass through metal detectors.

5. Jewelry is permitted. Attorneys and agents may put jewelry on after passing through metal detectors.

6. Briefcases/Pocketbooks. An attorney or agent may bring one receptacle (briefcase, pocketbook, handbag, purse, backpack, etc.) into the visit.

   a. Receptacle must pass through metal detector.

   b. Receptacle must be presented for search.

      (1) Searches will be limited to determining the presence of contraband.

      (2) Sealed envelopes will be opened for inspection.

      (3) Correctional staff will not read documents for content.

   c. Receptacle contents should be limited to those items specified in section III.E.8.-12. and other items necessary for conducting the inmate interview.

7. Keys are permitted.

8. Wallets/Billfolds are permitted.

9. Recording Devices/Cameras/ Lap Top Computers are permitted.

   a. One cassette, film, and/or diskette are allowed.

   b. Their use is limited to the meeting with clients in designated areas of the institutional facilities.

   c. All tapes used during interviews will be removed from the facilities by the attorneys or agents upon conclusion of the interviews.

10. Pagers (Beepers) worn by attorneys and agents are permitted after examination by correctional staff.

11. Papers/Documents. Attorneys and agents are permitted to leave legal papers or documents with their incarcerated clients.

    a. Such documents are subject to inspection for contraband following the visit. Sealed envelopes will be opened for inspection. However, their contents will not be read or copied by correctional staff.

    b. Personal letters will be delivered through the normal mail process.

12. Attorneys and their agents are subject to all other Departmental and institutional policies and regulations governing visitors which are not in direct conflict with this policy.

F. Hours of Visits:

1. Attorneys and their agents are permitted to visit incarcerated clients between the hours of 8:30 AM and 8:30 PM every day, and at other times should special circumstances arise.

   a. Prior approval by the Warden or designee is required for access outside the hours of 8:30 AM to 8:30 PM.

2. Access may be delayed only if an attorney or agent arrives while an institutional count is in progress. The times of the counts in each facility are contained in Attachment 1. The duration of counts is approximately 45 minutes.

3. Visits between attorneys or agents with clients which are in progress when a count begins will not be terminated for the purpose of conducting the count. Correctional staff will count the inmate in the location where the visit is taking place.

4. Visits by attorneys or agents with inmates will not be terminated for meals. In cases where a visit continues through meal time, the Visiting Room Officer will notify the Shift Commander, who will ensure suitable food is reserved for consumption by the inmate following the visit.

G. Complaints:

1. Attorneys and their agents may carry copies of this policy with them on visits in order to clarify issues regarding access which arise with correctional personnel.

2. Attorneys or agents who have complaints about access are encouraged to contact the Warden of the facility in question. If the matter is not resolved to the satisfaction of the attorney or agent, appeal may be made to the Assistant Director for Institutions and Operations.

3. All institutional personnel shall provide an attorney or attorney's agent with last name, rank, and badge number upon request.

H. Emergency Cancellation:

If an emergency exists within an institution, the Warden or designee may temporarily terminate visits by attorneys or their agents.

Rhode Island Department of Corrections
Adult Correctional Institutions - Formal Counts

Facility	Count Times
Intake Services Center	12:00 AM
	3:00 AM
	6:00 AM
	10:30 AM
	3:00 PM
	10:00 PM
High Security Center	12:00 AM
	3:00 AM
	6:30 AM (Stand-up)
	11:15 AM (Stand-up)
	3:15 PM (Stand-up)
	8:30 PM (Stand-up)
Maximum Security	12:00 AM
	3:00 AM
	7:00 AM (Standing count)
	12:00 PM (Standing count)
	3:30 PM (Standing count)
	9:00 PM (Standing count)
Medium Security (John J. Moran Facility)	12:00 AM
	3:00 AM
	6:00 AM
	10:30 AM
	3:15 PM
	10:15 PM
Medium Security II	7:00 AM (Formal standing count)
	11:00 AM (Formal standing count)
	3:30 PM (Formal standing count)
	8:00 PM (Formal standing count)
Minimum Security (includes Work Release)	12:00 AM
	2:00 AM
	4:00 AM
	6:00 AM
	8:00 AM (weekends only)
	12:00 PM
	3:00 PM
	7:30 PM
	10:30 PM
Women' s Facilities	12:00 AM
	3:00 AM
	6:00 AM
	12:00 PM
	2:30 PM (Yard count-when open)
	3:30 PM
	10:00 PM

RECEIVED
DEC 26 2001
RI SECRETARY OF STATE
ADMINISTRATIVE RECORDS