

50 State Chart – Statutes, Regulations and Guidance Regarding Access to Counsel in Correctional Facilities

Alabama	Phone	Visitation	Mail
<p><i>Regulations/ Guidance</i></p> <p>* The state of Alabama maintains oversight of prisons, community corrections and county jails. County jails must adhere to the <a href="#">Criminal Detention Facility Standards</a></p>	<p><a href="#">Alabama Dept. of Correction Administrative Regulations Number 431 Inmate Telephone System</a> V(G.) All telephone calls, except those involving attorney-client privileges, are subject to being recorded and investigated where necessary to maintain institutional security</p> <p><a href="#">Arkansas Criminal Detention Facility Standards (jails)</a> SECTION 10-1008 A telephone shall be made available for inmate usage to notify family and legal counsel at time of incarceration. The Chief Executive shall establish policy for other telephone usage.</p>	<p><a href="#">Alabama Dept. of Correction Administrative Regulations Number 303 Visitation</a> V(C)(2)(h). Unless specifically approved by the Warden, or his/her designee, all meetings between attorneys and an inmate shall be one-on-one. The Warden, or his/her designee, shall make every reasonable effort to provide a room where an attorney can meet confidentially with an inmate. A meeting place shall be provided in which others cannot reasonably overhear the discussion between an inmate and attorney.</p> <p><a href="#">Arkansas Criminal Detention Facility Standards (jails)</a> SECTION 16-1027 VISITATION AND CONSULTATION AREA The area for visitation by the public shall be outside the security perimeter, visiting area for the inmate shall be inside the security perimeter. The visiting area shall be acoustically treated to reduce noise. These areas may also be used as private consultation rooms for law enforcement officers, attorneys, clergy, etc. Optional contact visitation spaces may be provided.</p>	<p><a href="#">Alabama Dept. of Correction Administrative Regulations: Number 448 Inmate Mail</a> Legal Mail: 1. Outgoing: a. Inmates shall be provided two (2) free stamps per week for legal mail only. i. The names of inmates receiving the free stamps shall be maintained in a log. ii. The log shall reflect the name of the inmate, the recipient’s name and address, and the date. Each Warden shall designate a box for “Legal Mail.” 2. Incoming: a. A log shall be maintained by mail staff members that lists each piece of legal mail received, the date inspected, delivered, sender’s name and recipient’s signature. b. The inmate shall sign for all “Legal Mail” prior to receipt. c. All “Legal Mail” shall be opened and inspected for contraband in the presence of the inmate. d. Improperly addressed “Legal Mail” (to include, but not limited to, incorrect or missing bed / housing assignment and / or AIS number) shall be forwarded to the Warden / designee for verification and delivery, if appropriate.</p> <p><a href="#">Arkansas Criminal Detention Facility Standards (jails)</a> SECTION 10-1005 WRITTEN POLICY REQUIRED FOR INSPECTION OF MAIL The Chief Executive shall establish a written policy for inspection of incoming mail and packages, in order to intercept cash, checks, money orders and other contraband items. Items seized shall be properly receipted and copy of same furnished to the inmate. The policy should include a provision that states that mail will not be held for more than 24 hours, excluding holidays and weekends.</p>

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			SECTION 10-1006 WRITTEN POLICY REQUIRED FOR OUTGOING INMATE CORRESPONDENCE The Chief Executive shall establish a written policy to provide for an inmate to send sealed letters to courts, officials of the confining authority, counsel, government officials, administrators of grievance organizations and parole or probation authorities. Letters to and from such cited persons or agencies may be opened for contraband inspection but only in the presence of the inmate.
<b>Alaska</b>	Phone	Visitation	Mail
<i>Statutes</i>	<p><a href="#">Title 33. Probation, Prisons, Pardons, and Prisoners § 33.30.231.</a> Telephone access and monitoring inside correctional institutions:</p> <p>(c) Notwithstanding AS 42.20.300 and 42.20.310 , in order to preserve the security and orderly administration of the correctional facility and to protect the public, the commissioner shall monitor or record the telephone conversations of prisoners. The commissioner shall post a warning by each telephone informing prisoners that calls may be monitored or recorded. The monitoring or recording may be conducted on all calls or selectively or in some other limited manner as determined by the commissioner to be appropriate. A recording of a telephone call made under this subsection shall be kept confidential, and access to the recording and its contents is limited to persons who are acting within the scope of their official duties and whose access to specific recordings has been authorized by the facility superintendent. A telephone call between an attorney and a prisoner or between the office of the ombudsman and a prisoner may not be monitored or recorded except when authorized by a court.</p>		
<i>Regulations/Guidance</i>	<a href="#">22 AAC 05.530 Prisoner phone calls</a>	<a href="#">22 AAC 05.545 Access to Attorneys.</a>	

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<p>Alaska has a “unified” prison and jail system. The Department of Corrections regulations apply to all facilities.</p>	<p>(b) In order to preserve the security and orderly administration of the correctional facility and to protect the public, facility staff members may monitor or record prisoner telephone calls and conversations on visitor intercommunication phones as long as a sign placed near the prisoner's extension advises the prisoner that the conversation is subject to monitoring or recording. A prisoner's call to an attorney may not be monitored unless authorized by a court.</p>	<p>(a) Upon proof of identity, an attorney entitled to practice in the State of Alaska, whether generally or by permission of the court, may visit a prisoner regarding legal matters at any reasonable time during normal business hours, and at other times with the approval of the superintendent.</p> <p>(b) An attorney, as described in (a) of this section, may visit a prisoner at any time of day or night within 24 hours after the prisoner's initial admission to the facility or upon the filing of new criminal charges, subject to 22 AAC 05.010.</p> <p>(c) An agent employed by an attorney described in (a) of this section has the same right to access to prisoners as the attorney, unless the superintendent has reason to believe that the agent poses a threat to a security interest of the facility. The superintendent may require the attorney to specify in writing the identity of the agent and the identity of the prisoner to be interviewed.</p> <p>(d) Upon a prisoner's request, writing materials must be furnished, as well as access to the services of a person authorized to administer oaths and take acknowledgments.</p>	
<p><b>Arizona</b></p>	<p>Phone</p>	<p>Visitation</p>	<p>Mail</p>
<p><i>Regulations/Guidance</i></p> <p>* While these rules apply to state run prisons, the extent to which they also apply to county run jails is unclear.</p>	<p><a href="#">902 – Inmate Legal Access to the Courts.</a></p> <p>14.6 Legal phone calls shall not be monitored or recorded.</p> <p>14.7 Staff members shall not listen to the conversation, but shall maintain visual contact of the inmate when the inmate is in an area where security or information may be compromised.</p>	<p><a href="#">902 – Inmate Legal Access to the Courts.</a></p> <p>15.1 Attorney/Agent of an Attorney Visits</p> <p>15.1.1 Attorney or agent visits shall be held in a location within the institution designated by the Warden, Deputy Warden or Administrator of the institution.</p> <p>15.1.2 Attorneys or their agents shall contact the Warden, Deputy Warden or Administrator at least 48 hours in advance of the requested visit and provide their name and date of birth. Attorneys shall also provide their Bar number.</p>	<p><a href="#">902 – Inmate Legal Access to the Courts.</a></p> <p>11.1 Inmates shall identify outgoing legal mail by writing "LEGAL MAIL" on the lower left-hand corner of the envelope. (See the Glossary of Terms for guidance on what constitutes “legal mail.”)</p> <p>11.2 Inmates must address the mail and include the name of the attorney, court or judge. Staff members who process the mail shall return the mail to the inmate if he/she requests mail to be sent as legal mail and it is not to an attorney, judge, or court.</p>

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		<p>15.1.3 Contact or non-contact visits by attorneys or their agents shall be allowed (consistent with the safe, secure and orderly operation of the institution) only when they are approved in advance by the Warden, Deputy Warden or Administrator.</p> <p>15.1.4 In an emergency, the Warden, Deputy Warden or Administrator may waive the advance notice requirement.</p> <p>15.1.4.1 In such cases, the attorney or agent shall provide, at the time of the visit, written justification for the emergency.</p> <p>15.1.4.2 When a justified emergency exists, space for the visit shall be provided, consistent with the safe, secure and orderly operation of the institution.</p> <p>15.1.5 Attorneys and agents shall be advised the inmate shall be questioned to determine if the inmate wishes to meet with the requesting attorney or agent.</p> <p>15.1.6 If the inmate agrees to meet with the attorney or agent, the visit shall be approved and scheduled.</p> <p>15.1.7 If the inmate does not agree to meet with the attorney or agent, the attorney or agent shall be contacted within the same 48 hour period of the initial request and informed the visit has been denied. The appropriate staff member shall ensure a Visitation Waiver, Form 911-2, is completed in accordance with Department Order #911, Inmate Visitation.</p>	<p>11.3 In inmate-initiated lawsuits, mail sent to a judge, court or ADCRR defendant prior to an Assistant Attorney General being assigned shall not be considered legal mail.</p> <p>11.3.1 If an inmate disagrees with this decision, he/she may request to have the Paralegal review by submitting a Paralegal Assistance Request form to determine whether it may be approved as Qualified Legal Claim service. The Paralegal may contact the Legal Access Monitor for direction.</p> <p>11.4 Outgoing mail not labeled as legal mail shall be processed as regular mail.</p> <p>11.5 All legal mail, outgoing or incoming, shall be logged in accordance with Department Order #914, Inmate Mail.</p> <p>11.6 Staff members who process incoming or outgoing inmate mail shall:</p> <p>11.6.1 Generally identify all legal mail and record it on a log by indicating the inmate's name and the sender's name.</p> <p>11.6.2 Inspect such mail for contraband as outlined in this section, stamp the envelope "LEGAL MAIL, ARIZONA DEPARTMENT OF CORRECTIONS, REHABILITATION AND REENTRY" using a commercial stamp, and log it before it is placed in the envelope and sealed by the inmate. {5-ACI-7D-06}</p> <p>11.6.2.1 All incoming legal mail shall be opened in the presence of the inmate and checked for contraband items, but staff members may not read, skim, scan, or review the written contents of any incoming legal mail, but should remain vigilant in searching for suspicious features that can be identified without reading the words on a page. Examples include, but not limited to, maps of prison complexes, shift change documents, and the like.</p> <p>11.6.2.1.1 Staff members may seize the mail if it does not qualify as legal mail, following consultation with, and approval from, the Deputy Warden or designee. The</p>
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			<p>envelope and sealed in the presence of the inmate. Staff may not read, skim, scan, or review the written contents of any outgoing legal mail but should remain vigilant in searching for suspicious features that can be identified without reading the words on a page. Examples include, but not limited to, maps of prison complexes, shift change documents, and the like.</p> <p>11.6.2.3.1 If an inmate is ineligible to bring outgoing legal mail to the mail room, staff shall visually inspect, but not read, skim, scan, or review the written contents, and seal the mail in front of the inmate’s cell.</p> <p>11.6.2.3.2 Staff may seize the mail if they determine it contains contraband items, following consultation with, and approval from the Deputy Warden or designee.</p> <p>11.6.2.3.3 The Deputy Warden or designee may contact the Legal Access Monitor for direction. Seized mail requires that an Inmate Property/Contraband/Disposition Tracking form be completed in accordance with Department Order #909, Inmate Property.</p> <p>11.6.3 Send legal mail as first class mail regardless of the inmate's ability to pay the required postage</p> <p>11.6.4 Submit names of inmates claiming to have inadequate funds for postage to the Business Office, indicating postage due from the inmate. The Business Office shall either debit the inmate ITA or place a hold on the inmate’s ITA if there are insufficient funds to pay the postage.</p> <p>11.7 Designated staff shall not rely solely on the words “LEGAL MAIL” having been stamped on the envelope. Designated staff shall verify via online resources or contact the law firm or legal organization in a good faith effort to determine the name of the addressee responsible for the mail and that the addressee is a licensed attorney. Once verified, staff shall stamp “LEGAL MAIL” on the envelope.</p>
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			access policy that inmates should “communicate legal matter through the mail whenever possible.” 11.9.2.2.1 Inmates, offenders and parolees receiving forwarded legal correspondence shall notify the sender of their new address
<b>Arkansas</b>	Phone	Visitation	Mail
<i>Regulations/Guidance</i>  * It appears that Arkansas Board of Corrections rules apply to both prisons and DOC jails.	<a href="#">Administrative Regulations Board of Corrections and Administrative Rules Board of Corrections ADC AR 867 / ACC AR 7.29 Use of Telephone (V)(B)</a> . Telephone contact with offenders' attorneys may be approved upon presentation of evidence the call is necessary.	<a href="#">Administrative Regulations Board of Corrections and Administrative Rules Board of Corrections AR 0865 Visitation (VI)(C)(3)</a> . An attorney visiting area shall be provided to ensure privileged communications between offenders and their attorneys; however, the area used for these visits is subject to general staff supervision.	
<b>California</b>	Phone	Visitation	Mail
<i>Statutes</i>	<a href="#">California Penal Code § 5058.7</a> (a) The department shall approve an attorney’s request to have a confidential call with the inmate that they represent. The approved confidential call shall be at least 30 minutes once per month, per inmate, per case, unless the inmate or attorney requests less time. (b) For purposes of this section, “confidential call” means a telephone call between an inmate and their attorney that both the inmate and attorney intend to be private		
<i>Regulations/Guidance</i>  * It appears that the California Department of Corrections and Rehabilitation’s Operations Manuals apply to both prisons and jails.	<a href="#">Department of Corrections and Rehabilitation Adults Institutions, Programs and Parole Operations Manual</a> <b>12070.14</b> Privacy of Authorized Calls. Authorized personal phone calls by an employee shall not be monitored or recorded. The wiretapping or monitoring of authorized/unauthorized personal calls, confidential or not, by CDCR employees over	<a href="#">Department of Corrections and Rehabilitation Adults Institutions, Programs and Parole Operations Manual</a> <b>54020.32</b> Attorney Visitations and Consultation. Inmates have a right to access the courts and the judicial system. It is the policy of the CDCR to facilitate both correspondence and personal consultation for this purpose. An attorney visit is a	<a href="#">Department of Corrections and Rehabilitation Adults Institutions, Programs and Parole Operations Manual</a> <b>54010.12.1</b> Persons with Whom Inmates May Correspond Confidentially. Persons and employees of persons with whom inmates may correspond confidentially, and receive correspondence confidentially from, include:



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	<p>CDCR or State telephone systems is prohibited except as authorized by an order of a court having jurisdiction over the institution, facility, or office, and obtained under Penal Code (PC) Section 629.50 et seq., or as authorized under PC 633. These exceptions apply only to the investigation of cases involving criminal conduct by employees and/or inmates. In all cases where CDCR investigators request court orders under PC 629.50 et seq., or through local law enforcement involvement under PC 633, the Deputy Director, Law Enforcement and Investigations Unit will first be notified. Wiretapping or monitoring of employee telephone calls in cases involving administrative violations is prohibited.</p> <p><b>52060.8 Confidential Telephone Calls.</b> Wardens may delegate authority to specific staff members to authorize confidential telephone calls between an inmate and the inmate’s attorney, or any other person when designated staff determines that confidentiality is warranted. Approval and clearance for a confidential phone call between an inmate and their attorney shall be conducted according to Section 3282 of the Title 15. The CDCR Form 106-A shall be used to document clearance. The information in the CDCR Form 106-A shall be updated regularly, but no less frequently than annually. Authorized confidential calls shall not be monitored or recorded. However, inmates will be under constant visual observation during the confidential phone call. Confidential calls shall not be placed on designated inmate telephones</p>	<p>private consultation between an inmate and his/her attorney or representative. Conversations between an inmate and an attorney or attorney representative shall not be listened to or monitored with the exception of visual observation by staff as required for the safety and security of the institution/facility. Attorneys or attorney representatives shall not be permitted to attend or participate in any conference or committee meeting of staff and the inmate concerned, except as may be authorized by law or regulation.</p> <p><b>54020.32.4 Location of Attorney Visits.</b> Attorney visits shall be conducted in institution/facility visiting rooms. Inmates shall be granted contact or non-contact visits, according to their visiting status at the time of the attorney visit.</p> <ul style="list-style-type: none"> <li>• When a compelling need exists, the institution head or designee may grant an inmate on non-contact visiting status a contact attorney visit. Such visits shall occur in private visiting accommodations specified by the institution facility in accordance with this Section.</li> <li>• If an attorney or attorney representative does not desire private accommodations, the attorney or attorney representative may visit the inmate on any regularly scheduled visiting day and shall be provided the same accommodations as a regular visit, with the exception that, notwithstanding the limitations of DOM 54020.15, legal documents may be exchanged in accordance with CCR Section 3178(o)</li> </ul>	<ul style="list-style-type: none"> <li>• Any attorney at law, on active status or in good standing, listed with a state bar association</li> </ul>
<b>Colorado</b>	Phone	Visitation	Mail
<i>Regulations/Guidance</i>	<a href="#">850-12 Telephone Regulations for Offenders.</a>		

<p>* While these rules apply to state run prisons, the extent to which they also apply to county run jails is unclear.</p>	<p>M. Legal Calls:</p> <ol style="list-style-type: none"> <li>1. DOC will ensure and facilitate access to counsel and assist offenders in making confidential contacts with attorneys and their authorized representatives; such contact includes, but is not limited to, telephone communications.</li> <li>2. All authorized representatives will provide a copy to the CIPS office of their supervising attorney’s current Supreme Court attorney registration card, or the equivalent form of identification issued by the state in which they are admitted to practice law, along with a notarized letter signed by the supervising attorney on the attorney’s letterhead. The letter will specifically state that the agent is representing the attorney.</li> <li>3. If the offender fails to adhere to the procedures contained in this section, the call is not considered a properly placed legal call and may be recorded and/or monitored by employees. Notice of the potential for monitoring will be posted on or near offender telephones.</li> <li>4. If an offender wishes to make an unmonitored or unrecorded legal call, the offender must provide the attorney registration number for the legal counsel on AR Form 850-12A, Colorado Inmate Phone System Offender Phone List along with the business address and telephone number of the attorney.</li> <li>5. Once the request has been received in the CIPS office, the attorney registration number, address, and phone number will be verified. Positive acceptance is not required on verified attorney calls placed by debit to allow offenders who reach an automated attendant to input an extension number. Positive acceptance is required on verified attorney</li> </ol>		
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	<p>calls placed collect as the called party must agree to pay for the call before it is connected.</p> <p>6. A business telephone number for attorneys will be given the status of unmonitored or unrecorded. Attorney cellular and/or home numbers CAN be entered as unmonitored or unrecorded numbers if the CIPS office has verified the phone numbers belong to an attorney. If the number cannot be verified, they will be entered as recorded phone numbers. Exceptions may be made by CIPS supervisor or designee.</p> <p>7. Offenders or attorneys who are notified of an imminent, previously unknown, court deadline within the next ten days or less may be allowed to communicate with one another by telephone on an emergency basis.</p> <p>a. Offenders may be allowed to place an emergent call, collect or debit, or to receive an emergent call from their attorney of record. The attorney of record will contact the facility litigation coordinator to facilitate the call.</p> <p>b. Upon notification of the emergent situation, the offender will contact their case manager, who will contact the facility litigation coordinator, to facilitate an emergency call.</p> <p>c. The facility litigation coordinator will require the attorney and/or offender to provide verifiable documentation of the emergency.</p> <p>8. It will be the responsibility of both the attorney and offender to ensure that the offender has requested that the attorney be placed on the offender’s CIPS list to make unmonitored legal calls. Attorneys may contact their clients in writing or in person to inform them that verbal communications may be necessary and that it is the offender’s responsibility to make the request. The</p>		
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	attorney should send correspondence to the offender immediately upon agreeing to provide representation so that necessary time is afforded DOC employees to process the request.		
<b>Connecticut</b>	<b>Phone</b>	<b>Visitation</b>	<b>Mail</b>
<p><i>Regulations/Guidance</i></p> <p>* Connecticut has a “unified” prison and jail system. The Department of Corrections regulations apply to all facilities.</p>	<p><a href="#">Connecticut Administrative Directive 10.7 Inmate Communications</a></p> <p>5(F). Privileged Telephone Calls. An inmate shall be provided a reasonable accommodation to make non-recorded telephone calls to any person enumerated in Section 3(H) of this Directive on telephones without the recording and/or listening provided for in Section 5(D) of this Directive, and provided the person enumerated in Section 3(H) called agrees to accept the call. Inmates shall be allowed two privileged calls a month in addition to calls initiated by the inmate's attorney. Calls answered by a busy signal shall not be counted. Calls answered by a person or machine, capable of taking a message, shall be counted as a contact. An inmate's request for a call to an attorney shall be honored either by the close of the first business day following the day on which the request was received or on the day specified by the inmate, whichever shall occur later. Requests by attorneys, to include paralegals and law students working under an attorney's supervision, for privileged calls to inmates shall be honored by the close of the first business day following the day on which the request was received from the attorney or at the time specified by the attorney, whichever shall occur later. Requests by attorneys shall be honored without limitations as to number or frequency. Privileged calls shall be placed by staff who shall verify the party's identity prior to placing the inmate</p>	<p><a href="#">Connecticut Administrative Directive 10.6 Inmate Visits.</a></p> <p>c. Privileged Visits Provisions and Standards. General Provisions.</p> <p>1. Privileged visits shall be reasonably accommodated. When any questionable circumstance arises regarding accommodation of a privileged visitor, the shift supervisor, in consultation with the duty officer, shall personally investigate the situation using face to-face contact and shall obtain any additional information necessary, to try to accommodate the visit. If a privileged visit is not accommodated, the shift supervisor or higher authority shall complete CN 6601, Incident Report, in accordance with Administrative Directive 6.6, Reporting of Incidents, detailing all actions taken and the reason(s) the visit was not accommodated or was denied. The incident shall be reported as a Class 3 incident. Privileged visitors shall present valid identification containing a photograph and certification of status prior to being allowed to visit as detailed in this section. Privileged visitors shall not be required to submit to the standard security screening but must successfully pass through the metal detector.</p> <p>2. A privileged visitor may not visit that same inmate in a social capacity. Likewise, a social visitor may not have a privileged visit with the inmate</p>	

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	<p>on the line. The staff member shall then move out of listening range of the inmate's conversation. The employee placing the call may maintain visual observation of the inmate. Privileged calls shall normally be limited to 10 minutes duration. In the absence of exigent circumstances, this limitation may be increased at the oral or written request of the attorney. A log shall be kept for privileged telephonic communications in accordance with Administrative Directive 6.2, Facility Post Orders and Logs, denoting the following:</p> <ol style="list-style-type: none"> <li>1. Inmate name and number;</li> <li>2. Date and name of person making request;</li> <li>3. Date and time of call;</li> <li>4. Authorizing authority;</li> <li>5. Staff placing call;</li> <li>6. Number called;</li> <li>7. Person contacted;</li> <li>8. Duration of call;</li> <li>9. Inmate signature (at completion of call); and,</li> <li>10. Date and time call completed. When an inmate's call is terminated due to exigent circumstances, an incident report shall be completed in accordance with Administrative Directive 6.6, Reporting of Incidents. A copy of the report shall be forwarded to the appropriate District Administrator for review.</li> </ol>	<p>unless he or she is first removed from the social visitor list.</p>	
<b>Delaware</b>	<b>Phone</b>	<b>Visitation</b>	<b>Mail</b>
<i>Statutes</i>	<p><a href="#">Title 11, §1431.</a></p> <ol style="list-style-type: none"> <li>1. Telephone messages received or overheard by police as evidence. ---In any prosecution for a gambling offense, evidence that a police officer, when making an arrest for a gambling offense, received or overheard telephone messages intended for the accused or an associate of the accused which tend to prove that gambling activity was being</li> </ol>		

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	conducted is admissible. The gathering and disclosure of such evidence, including the contents of the telephone messages received or overheard, does not violate any law of this State.		
<p><i>Regulations/ Guidance</i></p> <p>* Delaware has a “unified” prison and jail system. The Department of Corrections regulations apply to all facilities.</p>	<p><a href="#">Policy of State of Delaware Dept. of Correction. Policy Number 3.7 – Telephone Access</a></p> <p>V(I). All Offender calls may be monitored and recorded for security purposes with the following exceptions:</p> <ol style="list-style-type: none"> <li>1. Legal calls</li> </ol>		<p><a href="#">Policy of State of Delaware Dept. of Correction. Policy Number 4.0 – Offender Mail</a></p> <p>D. Legal/ Privileged Mail</p> <ol style="list-style-type: none"> <li>2. Outgoing legal/privileged mail will be recorded and shall not be opened for inspection or any other purpose or otherwise impeded in its transmission if it:             <ol style="list-style-type: none"> <li>a. Is addressed to a person eligible to receive legal/privileged mail under this policy;</li> <li>b. Included the offender’s name and return address on the outside of the envelope;</li> <li>c. Has been marked by the institution to indicate to the addressee that:                 <ol style="list-style-type: none"> <li>1. The letter was sent by an inmate in a State Prison</li> <li>2. The State is not responsible for debts incurred, or for the contents of the letter</li> </ol> </li> <li>d. Successfully passes a fluoroscope examination for contraband.</li> </ol> </li> <li>4. Incoming legal/privileged mail will be recorded and may be required to successful pass a fluoroscope examination for contraband but shall not be opened or scanned except in the presence of the addressee offender, unless waived in writing, for the sole purpose of ascertaining that its contents are free of contraband</li> </ol>
<b>Florida</b>	<b>Phone</b>	<b>Visitation</b>	<b>Mail</b>
<p><i>Statutes</i></p>	<p><a href="#">944.151</a></p> <p>Safe operation and security of correctional institutions and facilities.—It is the intent of the Legislature that the Department of Corrections shall be responsible for the safe operation and security of the correctional institutions and facilities. The safe operation and security of the state’s correctional</p>		

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	<p>institutions and facilities are critical to ensure public safety and the safety of department employees and offenders, and to contain violent and chronic offenders until offenders are otherwise released from the department’s custody pursuant to law. The Secretary of Corrections shall, at a minimum:</p> <p>(10) Direct appropriate department staff to adopt and enforce minimum safety and security standards and policies that include, but are not limited to:</p> <p>(a) Random monitoring of outgoing telephone calls by inmates.</p>		
<p><i>Regulations/ Guidance</i></p> <p>* While prisons are state run, Florida jails are administered by counties and required to follow the <a href="#">Florida Model Jail Standards</a></p>	<p><a href="#">33-602.205 Inmate Telephone Use.</a></p> <p>(3) Calls to attorneys.</p> <p>(a) Inmates shall be allowed to make private telephone calls to attorneys upon presentation to the warden or his designee of evidence that the call is necessary. Such evidence shall be a letter from the attorney requesting the return call or a court order containing a deadline the inmate cannot meet if he must communicate by letter with the attorney. The letter shall be on attorney letterhead, signed by the attorney requesting the telephone call, and include the bar association number of the attorney. Alternatively, an attorney shall be permitted to request prior arrangements be made with the warden or warden’s designee to have an inmate receive a private telephone call from the attorney on an unmonitored telephone by submitting a signed copy of form DC6-20001 and a copy of the attorney’s bar admission card along with the request letter, email with attached required documents, or FAX. Form DC6-20001 is hereby incorporated by reference. Copies of this form are available from the Forms Control Administrator, 501 South Calhoun Street,</p>		

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	<p>Tallahassee, Florida 32399-2500.  <a href="http://www.flrules.org/Gateway/reference.asp?No=Ref-14204">http://www.flrules.org/Gateway/reference.asp?No=Ref-14204</a>. The effective date of this form is 05/22. Unmonitored calls shall be limited to those which are necessary and cannot reasonably be accomplished through other available means of communication. Except as authorized by warrant or order of court, telephone calls to attorneys made pursuant to this section shall not be monitored or electronically recorded. These calls will be placed on telephones designated for this purpose and shall be collect calls; there shall be at least one telephone at each institution that is not connected to the monitoring system for these calls.</p> <p>(b) If an inmate places a call to their attorney’s telephone number outside of the parameters above, it will be collect, subject to monitoring and recording, and limited to 30 minutes, in accordance with subsection (2) of this rule. If the inmate and the attorney want to have non-monitored conversations, the procedures in paragraph (3)(a) must be followed.</p>		
<b>Georgia</b>	<b>Phone</b>	<b>Visitation</b>	<b>Mail</b>
<p><i>Regulations/ Guidance</i></p> <p>* It appears that the policies pertaining to state run prisons in Georgia do not also apply to county run jails. Jail policies appear to be county specific.</p>	<p><a href="#">Offender Access to Telephones (Policy Number 227.01)</a>            IV(H)(2). Call Monitoring Procedures            2. The offender telephone system automatically records all offender calls unless a number has been blocked for recording purposes. Calls placed to the offender’s Attorney and to the Indigent Defense Council will be entitled to attorney-client confidentiality and will not be recorded or monitored if the offender designated the number as being that of their Attorney on the Call Allow list. The recording feature must be blocked on all calls to</p>	<p><a href="#">Visitation of Offenders (Policy Number 227.05)</a>            IV(Z). Attorneys            1. For the purpose of visitation, the term attorney includes an offender's attorney of record or any other attorney licensed to practice in State or United States Courts, Court of Appeals, or the Supreme Courts with whom the offender has or is attempting to establish an attorney-client relationship.            2. Attorney’s requesting visits shall be required to submit the Attorney Visitation Request form, Attachment 6, along with a copy of their State Bar</p>	



	<p>this number so these calls are NOT recorded. When monitoring calls, it is the responsibility of the person monitoring to ensure they are not monitoring an attorney call. It is the responsibility of the Warden/Superintendent, or their designee to ensure they are not monitoring calls protected by attorney-client privilege</p>	<p>Card and a copy of an acceptable photograph identification card.</p> <ul style="list-style-type: none"> <li>a. Attorneys shall be permitted to visit their clients at the facility during prescribed visiting periods with prior approval.</li> <li>b. In addition, reasonable flexibility shall be exercised in permitting attorneys, by prior appointment, to visit with their clients during normal business hours.</li> <li>c. Offenders shall be instructed to advise their attorneys that appointments are required to visit except in bona fide emergencies.</li> <li>d. Appointments must be made through the Warden's or Superintendent's Office twenty-four (24) hours in advance.</li> <li>e. Surveillance and general supervision during the visit shall be maintained by correctional staff. The correctional staff member shall be positioned so as to permit the attorney and client to converse privately (uncensored) and maintain the privileged nature of their relationship.</li> <li>f. No special provisions shall be made for attorneys during normal visiting hours</li> </ul> <p>3. By prior arrangements with the Warden or Superintendent or their designee, the offender may be visited by a paralegal, investigator, law assistant or other person employed by the attorney to represent the offender. This visit will be supervised in the same manner as described above.</p> <ul style="list-style-type: none"> <li>a. Before allowing such a visit, the Warden or Superintendent or their designee shall require the attorney to contact the Warden or Superintendent or their designee and identify the person desired to be sent in the attorney's stead.</li> <li>b. At each visit the Warden or Superintendent, or their designee, shall require the presentation of</li> </ul>	
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		<p>a letter, dated no later than one (1) week prior to presentation, signed by the attorney, and identifying the holder and the offender to be visited. This letter should be placed in the offender's institutional file.</p> <p>c. The Warden or Superintendent or their designee may refuse permission for these visits for cause. Cause may include misrepresentation made by the attorney, paralegal, investigator, law assistant or other persons employed by the attorney concerning the visits, as well as, the existence of facts, which give the Warden or Superintendent or their designee reason to believe the visit would pose a threat to facility security.</p>	
<b>Hawaii</b>	<b>Phone</b>	<b>Visitation</b>	<b>Mail</b>
<p><i>Regulations/ Guidance</i></p> <p>* Hawaii has a “unified” prison and jail system. The Department of Corrections regulations apply to all facilities.</p>	<p><a href="#">Corrections Administration Policy and Procedures. Inmate Legal Activities</a></p> <p>5(11)(d) Telephone calls</p> <p>1. It is the department’s goal to provide telephone access that is effectively regulated and handled in a manner which does not compromise legitimate penological interests. All telephone calls, with the exception of legal calls, are subject to monitoring and recording.</p> <p>In accordance with PSD, P&amp;P, COR.15.03, attorneys of record including landlines and cell phones, shall be identified as a legal call on PSD 8733, personal Allowed Numbers.</p>	<p><a href="#">Corrections Administration Policy and Procedures. Inmate Legal Activities</a></p> <p>5(11)(b) Attorney Visits</p> <p>1. Attorneys shall be advised by the facility to give prior notice of their intent to visit the inmate outside of regular visiting hours. Attorneys shall be encouraged to visit their clients during the normal visiting hours set by the facility. Each facility shall establish contingency plans for necessary attorney visits during the evenings or weekends where there is an emergency situation with the inmate’s case. Attorneys shall be required to furnish their active bar number for identification purposes whenever visiting or making appointments for visits outside of regular visiting hours.</p> <p>2. Attorneys and all their belongings and equipment are subject to search for contraband upon entry to the facility. Attorneys must show documentation they are attorneys prior to their admission into the facility.</p>	<p><a href="#">Corrections Administration Policy and Procedures. Inmate Legal Activities</a></p> <p>5(11)(c) Correspondence</p> <p>1. Incoming and outgoing correspondence between an inmate and an attorney shall be treated as privileged mail in accordance with PSD, P&amp;P, COR.15.02, Correspondence</p>

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		3. All inmate and attorney visits shall be in an areas where the attorney client privilege can be honored, but that staff may keep visual contact with the inmate without monitoring the conversation,	
<b>Idaho</b>	Phone	Visitation	Mail
<p><i>Regulations/ Guidance</i></p> <p>* While prisons are state run, Idaho jails are administered by counties and required to follow the <a href="#">Idaho Jail Standards Manual</a></p>	<p><a href="#">Idaho Dept of Correction, Standard Operating Procedure. Telephones and Electronic Communication Systems: Resident. 503.02.01.001</a></p> <p>8. Attorney Telephone Calls</p> <p>Telephone calls between a resident and an attorney, placed to the attorney’s business telephone number as listed with the Idaho State Bar, are not monitored or recorded. Voice messages left by an attorney using the resident phone system for an resident are not privileged, are recorded, and can be monitored.</p> <p>The contract administrator or RCMS vendor must obtain, from the Idaho Bar, the business telephone numbers of all Idaho attorneys and provide the numbers to the RCMS vendor. The RCMS vendor must program the RCMS so that calls made to Idaho attorney telephone numbers cannot be monitored or recorded. Attorneys may request to have their business telephone number added to the nonmonitored list. Requests must be sent to the contract administrator on the attorney’s official letterhead. The contract administrator must use the appropriate state bar website to confirm the attorney is active and in good standing with the bar, and verify the name, address, and telephone number of the attorney. If the telephone number is verified, the contract administrator provides the name and contact information to the SIU chief investigator or designee and the prison division’s chief for review prior to adding it to the RCMS. Once approved by</p>	<p><a href="#">Idaho Dept of Correction, Standard Operating Procedure. Attorney and Professional Individual Access to Inmates. 604.02.01.002.</a></p> <p>2. Attorney and Attorney Agent Access</p> <p>The IDOC allows meetings between inmates and attorneys or their agents, or both, to work on a legal claim or proceeding. Attorneys or their agents may have social visits with inmates pursuant to standard visiting procedures (see Visiting, SOP 604.02.01.001). To the extent possible--based on staffing and facility design--facility heads must identify an area that allows the inmate and the attorney, or the attorney’s agent, the opportunity to conduct legal business where staff members are able to observe the meetings but cannot overhear or record the conversation.</p>	<p><a href="#">Idaho Dept of Correction, Standard Operating Procedure. Mail Handling in Correctional Facilities. 402.02.01.001</a></p> <p>16. Incoming Confidential Mail</p> <p>Incoming confidential mail must be delivered to the unit sealed. A unit staff member will open and inspect the envelope in the presence of the inmate but will not read it. However, incoming confidential mail may be scanned to ensure that it does not violate the provision of this SOP. If contraband or materials are found that violate the provisions of this SOP, the mail will be withheld and immediately forwarded to the facility head or designee.</p>

	<p>the SIU chief investigator and prison division’s chief, the contract administrator adds the number and notifies the attorney in writing when the programming is complete. An attorney can request to add a secondary number to the non-monitored list. The request must be made using the attorney’s letterhead, signed by the attorney representing the resident, and sent to the contract administrator. Proof of ownership by means of a billing statement for the number must be provided. Personal information can be redacted from the billing statement, but name, date, account number, and telephone number must be visible. If the number is a second office and the contract administrator can independently verify that is the attorney’s place of business, the billing statement is not required. The contract administrator forwards the request to the SIU chief investigator and the division of prisons chief. The division of prisons chief approves or denies the request and notifies the contract administrator who must take appropriate action, notifying the requesting attorney in writing of the decision and actions taken.</p> <p>Unintended Recording of a Resident/Attorney Telephone Call If a resident-attorney telephone call (to the attorney’s business number) is inadvertently recorded, the staff member must not listen to the call or immediately stop listening when the staff learns that the call is to an attorney and must not share any of the conversation with other staff, except as noted in the next subsection. The staff member must immediately notify his manager or facility head or designees. The manager or facility head or designees must verify that it is an attorney’s authorized business number and if verified, ensure</p>		
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	<p>the number is programmed as a non-monitored number in the RCMS. Once verified that it was an attorney business number, any recorded call to that number must be deleted from the RCMS. If the attorney telephone call was to a number that was not an authorized business number, the facility head or designee must notify the attorney of the following:</p> <ul style="list-style-type: none"> <li>• That the telephone number is not on the non-monitored list</li> <li>• That the attorney’s business number recorded with the Idaho Bar is on the nonmonitored list he process if the attorney wants to request adding an additional number to the nonmonitored list</li> </ul>		
<b>Illinois</b>	<b>Phone</b>	<b>Visitation</b>	<b>Mail</b>
<p><i>Regulations/ Guidance</i></p> <p>* While prisons are state run, Idaho jails are administered by counties and required to follow the <a href="#">Illinois County Jail Standards</a>. Municipal jails are administered by municipalities and required to follow the <a href="#">Municipal Jail and Lockup Standards</a>. The Jail and Detention Standards Unit of the Illinois Department of Corrections, monitors jails to ensure compliance with the County and Municipal Standards</p>	<p><a href="#">Illinois Joint Committee on Administrative Rules. TITLE 20: CORRECTIONS, CRIMINAL JUSTICE, AND LAW ENFORCEMENT CHAPTER I: DEPARTMENT OF CORRECTIONS SUBCHAPTER e: OPERATIONS PART 525 RIGHTS AND PRIVILEGES Section 525.150 Telephone Privileges</a></p> <p>g) Offenders who are the subject of a new criminal indictment, information, or complaint shall be permitted to make reasonable telephone calls to attorneys for the purpose of securing defense counsel, regardless of the individual's institutional status.</p>	<p><a href="#">Illinois Joint Committee on Administrative Rules. TITLE 20: CORRECTIONS, CRIMINAL JUSTICE, AND LAW ENFORCEMENT CHAPTER I: DEPARTMENT OF CORRECTIONS SUBCHAPTER e: OPERATIONS PART 525 RIGHTS AND PRIVILEGES Section 525.40 Attorney Visitation – Adult Division</a></p> <p>a) Licensed attorneys and any investigators, law students, or paralegals working under their supervision may visit an offender during regularly scheduled visiting hours unless permission has been granted by the Chief Administrative Officer to visit during other hours.</p> <p>.....</p> <p>c) Attorneys or those working under their supervision are requested to notify the Chief Administrative Officer of the designated time and date of the visit at least two days in advance of the visit in order to make special visiting room arrangements</p>	<p><a href="#">Illinois Joint Committee on Administrative Rules. TITLE 20: CORRECTIONS, CRIMINAL JUSTICE, AND LAW ENFORCEMENT CHAPTER I: DEPARTMENT OF CORRECTIONS SUBCHAPTER e: OPERATIONS PART 525 RIGHTS AND PRIVILEGES Section 525.140 Incoming Mail</a></p> <p>a) Incoming privileged mail must be clearly marked as "privileged" and be clearly marked with the name, title, and address of the sender.</p> <p>b) Incoming privileged mail may be opened in the presence of the offender to whom it is addressed to inspect for contraband, to verify the identity of the sender, and to determine that nothing other than legal or official matter is enclosed.</p> <p>c) Incoming privileged mail may contain communications only from the privileged correspondent whose name and address appear on the envelope. If non-privileged material or correspondence from a third party is found to be enclosed, such material shall be treated as non-privileged mail.</p>

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Indiana	Phone	Visitation	Mail
<p><i>Regulations/ Guidance</i></p> <p>* While the Department of Corrections Manual of Policies and Procedures appear to apply only to state run facilities, the Indiana Department of Correction includes a County Jail Services Division that conducts inspections to ensure best practices consistent with the Indiana Jail Standards (210 IAC 3-1), American Correctional Association (ACA) and the National Institute of Corrections (NIC)</p>	<p><a href="#">Indiana Department of Corrections. Manual of Policies and Procedures. Telephone Privileges. Number 02-01-105</a></p> <p>VII. TELEPHONE CALLS TO LEGAL REPRESENTATIVES</p> <p>Offenders shall be permitted to make telephone calls to attorneys in accordance with Policy 00-01-102, “Offender Access to the Courts” and these procedures. Offenders shall be provided the opportunity to make calls to the legal representatives without offender calling system monitoring. Offender telephone calls to legal representatives shall not be considered one of the offender's regular telephone calls. An offender's legal representative may either call or write the Facility Head to request that his/her offender client be allowed to make an unmonitored telephone call. It shall be the responsibility of the offender to advise staff when a telephone call to a legal representative is being made. Failure to so advise staff may result in the offender’s telephone call being monitored. Offender telephone calls to legal representatives shall typically be made using the offender calling system; however, facilities may approve direct dial calls under certain circumstances (e.g. when the legal representatives telephone system cuts off the offender's call when it is transferred). The facility shall establish operational procedures for placing direct dial calls to legal representatives including designating staff to oversee these calls. The facility shall not apply any frequency limitations, within reason, on offender telephone calls to legal representatives when the offender can demonstrate that communication by correspondence, visitation or regular telephone use</p>	<p><a href="#">Indiana Department of Corrections. Manual of Policies and Procedures. Offender Visitation. Number 02-01-102</a></p> <p>VIII. PERSONS EXEMPTED FROM THE VISITATION SCHEDULE</p> <p>Staff must verify the qualifications of exempted visitors and may request background information and official assignment documentation from the potential visitor for this purpose. Whenever possible, exempted visitors should schedule. their visits at least 24 hours in advance so that the facilities can ensure that suitable accommodations are available. Attorneys, government officials, or persons from other agencies/organizations providing an approved service for the facility or the offender (e.g., Mental Health professionals, Indiana Vocational Rehabilitation counselors, etc.) may be approved for visitation on a case by case basis. Such visits shall not be considered as part of the offender's regular visitation schedule and these visitors need not be on the visitation list (as determined in the operational procedures required by Procedure VI). If the attorney or government official is not on the authorized visiting list, approval from the Superintendent or designee is required. Where space is available and the security of the facility and safety of the people involved will not be impaired, a special area may be set aside for attorney-client visits. If space is available, arrangements also may be made to allow clergy to have a separate space, outside of the regular visiting room/area, to meet with the offender. The area shall be observable by staff; however, staff shall not listen to the conversations.</p>	<p><a href="#">Indiana Department of Corrections. Manual of Policies and Procedures. Offender Correspondence. Number 02-01-103</a></p> <p>VII. LEGAL MAIL</p> <p>Offenders shall be allowed unrestricted access to legal representatives and courts through the mail. Only that mail to or from an offender which is clearly identified as legal mail shall be treated as such. It is the responsibility of the sender to indicate that the correspondence is legal mail. Mail from a court, an attorney, or legal organization (such as LSO, ACLU, ICLU, etc.) shall be treated as legal mail. Also, mail identified as a Tort Claim sent to the Commissioner shall be treated as legal mail.</p> <p>Offenders who are foreign nationals shall be permitted to correspond with the embassy or consulate of their home nation. This mail shall be considered legal correspondence and shall be subject to the same requirements as other correspondence designated as legal mail. Staff shall not interfere with a foreign national offender attempting to correspond with their embassy or consulate. If the item is legal mail or privileged correspondence, the facilities shall adhere to the following procedure:</p> <p>A. Staff shall inspect the incoming Legal Mail or Privileged Correspondence by making a visual inspection of the outside of the mail. If anything appears unusual or suspicious, staff shall confiscate the item in accordance with this policy and administrative procedure and submit the envelope to the Office of Investigations and Intelligence for further investigation.</p> <p>B. If the incoming mail passes visual inspection, staff shall confirm the address on the envelope. The address must be an actual physical location and staff shall make contact with the attorney’s office or government office listed on the envelope. If contact cannot be made within a reasonable amount of time (twenty-four [24] hours), Mail</p>

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	<p>is inadequate. Each facility shall develop operational procedures to provide for unmonitored telephone conversations with legal representatives. These operational procedures shall ensure that offenders are provided with necessary information to request and place these telephone calls. Should an offender fail to follow these procedures for making an unmonitored telephone call to an attorney, the call may be monitored.</p>		<p>Room staff shall inform the offender of the delay in correspondence.</p> <p>C. If, after reasonable efforts, contact and address location cannot be confirmed with the attorney or attorney’s office or someone from the listed government office, the incoming mail shall be properly confiscated and documented, and submitted to the Office of Investigations and Intelligence for further investigation.</p> <p>D. If contact and confirmation with the attorney or attorney’s office or government office is made, and the contents verified, the incoming mail may be released to the offender.</p> <p>E. Legal mail or privileged correspondence shall not be opened by the Mail Room staff. If there are concerns regarding contents of the mail, the correspondence shall be immediately properly confiscated and submitted to the Office of Investigations and Intelligence.</p> <p>F. Staff shall inspect any legal mail or privileged correspondence returned to the facility from the Post Office. If a visual inspection of the mail does not indicate anything unusual or suspicious (e.g., when the returned item is noted on facility logs of outgoing mail), the mail shall be treated as incoming Legal mail or privileged correspondence and opened in the presence of the offender only to check for contraband/prohibited property. If no contraband/prohibited property is found, it shall be given to the offender. G. In the event that suspicion is raised that the returned legal mail or privileged correspondence is tainted with a foreign substance or contains contraband/prohibited property, it shall be treated in the same manner as non-legal mail or privileged or non-privileged correspondence which raised similar suspicion.</p>
<p><b>Iowa</b></p>	<p>Phone</p>	<p>Visitation</p>	<p>Mail</p>
<p><i>Regulations/ Guidance</i></p>		<p><a href="#">Iowa Administrative Rules - Corrections Dept 201.20.3(10)(b). Attorneys.</a> Attorneys must complete an initial visitor application form to visit an</p>	<p><a href="#">Iowa Administrative Rules - Corrections Dept 201.50.19(1) Prisoner Mail.</a></p>

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<p>* While these rules apply to state run prisons, the extent to which they also apply to county run jails is unclear.</p>		<p>incarcerated individual; however, this initial application shall apply to multiple visiting lists. After initial approval is established, attorneys must contact the central visiting authority at 319 385 9511 to be added to the visiting lists of additional incarcerated individuals. Background checks are not required and attorneys shall not be counted as a friend on an incarcerated individual’s visiting list as set forth in 20.3(3)”b). Attorneys shall present proof of identity upon entrance to the institution, the incarcerated individual must express a desire to visit with an attorney before the attorney will be admitted, Attorney visits shall be during normal visiting hours unless a special visit has been requested by the incarcerated individual and approved by the warden or designee prior to the visit.</p>	<p>d. Privileges communication if so marked may only to opened in the presence of the prisoner and then only to detect the presence of contraband; it may not be read except by the prisoner. Privileged correspondence is defined as incoming and outgoing mail to or from (1) an attorney.</p>
<p><b>Kansas</b></p>	<p>Phone</p>	<p>Visitation</p>	<p>Mail</p>
<p><i>Regulations/ Guidance</i></p> <p>* While these policies apply to state run prisons, the extent to which they also apply to county run jails is unclear.</p>	<p><a href="#">Kansas Dept of Corrections. Internal management Policy and Procedure: Inmate Telephone Service. Section Number 10-111.</a> An Inmate Telephone Service [ITS] shall be available at all facilities for inmates to place collect or prepaid telephone calls. (ACO 2-CO-5D-01, ACI 3-4439) Inmates who wish to make use of the ITS shall be required to prepare and update a list of up to twenty (20) persons, including attorneys, with whom they wish to have telephone contact. Except where otherwise provided by this IMPP, the facility may monitor and record any non-attorney calls placed by any inmate on the ITS. D. Inmate telephone calls, except for attorney calls, may be subject to monitoring and recording.</p>		



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Kentucky	Phone	Visitation	Mail
<p><i>Regulations/Guidance</i></p> <p>* Kentucky’s Department of Corrections policies apply to state run prisons, while jails are subject to the <a href="#">Jail Standards for Full-service Facilities</a></p>	<p><a href="#">Kentucky Dept of Corrections Policies and Procedures. Chapter 16. Communication, Mail and Visiting. 16.3 Inmate Access to Telephones.</a> (prisons)</p> <p>II.(D) Staff shall not listen to a call from an inmate to his attorney</p> <p><a href="#">501 KAR 3:140.Prisoner rights.</a> (jails) Section 3.Telephone.</p> <p>(1)A newly admitted prisoner shall be permitted a reasonable number of local or collect long distance telephone calls to an attorney of the prisoner's choice, or to a family member, as soon as practical, generally within one (1) hour after arrival, until one (1) call has been completed.</p> <p>(2)The jailer, jail administrator, or jail personnel shall maintain a log of telephone calls made by a prisoner during the admission procedure unless those calls are made on a telephone in the housing area. The log shall document the date, time, and party contacted.</p> <p>(3)Any prisoner admitted to a facility for a temporary stay of forty-eight (48) hours or less before proceeding or returning to another destination shall be considered in transit and therefore not entitled to a phone call.</p> <p>(4)Written policy and procedure shall permit each prisoner to complete at least one (1) telephone call each week. The expense incurred for a call shall be borne by the prisoner or the party called.</p> <p>(5)A minimum of five (5) minutes shall be allotted for each phone call.</p> <p>(6)If calls are monitored, the prisoner shall be notified.</p>	<p><a href="#">501 KAR 3:140.Prisoner rights.</a> (jails)</p> <p>(4)The jailer, jail administrator, or jail personnel shall ensure the right of a prisoner to have confidential access to his attorney or authorized representative.</p> <p>(a)To the extent available in the jail and reasonable for use by an attorney, "confidential access" shall include a meeting with counsel in a private room in the jail. The room may be used for purposes other than attorney-client visits, but shall meet the conditions established in this paragraph:</p> <ol style="list-style-type: none"> <li>1.Jail employees and other prisoners shall not enter the room during the attorney-client meeting, unless an emergency or the security of the jail requires.</li> <li>2.The room should be located so that conversations in ordinary tones with the door closed cannot be overheard by others outside the room.</li> <li>3.If the room is located so that jail personnel could not hear a call for aid from the room with the door closed, then the room shall contain some other means to summon aid.</li> <li>4.The room shall contain a desk or table and seating for an attorney, an assistant, and a prisoner.</li> <li>5.The room shall have a means to access electricity suitable for plugging in a laptop or portable television, if the jail allows these items to be brought into the jail by an attorney, for the purpose of viewing discovery or other litigation materials. The jail may provide a laptop, portable television, or other means for viewing discovery.</li> <li>6.The attorney shall be permitted access to a telephone, unless an emergency or the security of the jail requires otherwise. The jail may provide a phone in the meeting room or in another location within the jail.</li> </ol>	<p><a href="#">Kentucky Dept of Corrections Policies and Procedures. Chapter 16. Communication, Mail and Visiting. 16.2 Inmate Correspondence.</a> (prisons)</p> <p>II. C. Privileged Mail</p> <ol style="list-style-type: none"> <li>1. Incoming privileged mail shall be opened in the presence of the inmate and inspected for contraband.</li> <li>2. The identity of the sender shall be evident on the face of the envelope or mailing container. Incoming privileged mail shall not be read if the sender is adequately identified on the envelope and the purpose of the mail is not an issue in determining whether it should be considered privileged mail. In the absence of adequate identification or a question about the purpose, staff may open and inspect the mail to ascertain whether it is, in fact, privileged mail.</li> <li>3. If an inmate has placed adequate postage on the item, outgoing privileged mail shall be sealed by the inmate and not inspected by staff so long as the inmate has clearly indicated an addressee that meets the definition of privileged mail.</li> <li>4. If an inmate seeks to send mail after signing a written money authorization for payment from his inmate account that allows payment when funds are received, the outgoing privileged mail shall be presented to staff in an unsealed envelope in the manner determined by the institution. The institution shall not require the inmate to leave unsealed outgoing privileged mail for later review. In the presence of the inmate, staff shall scan or read only those sections of the mail that are necessary to determine if it meets the definition of privileged mail. Privileged mail shall not be removed from the inmate’s presence before being sealed.</li> <li>5. If it is determined that the outgoing mail does not comply with the privileged mail policy, the inmate shall receive an appropriate disciplinary charge and the mail shall be rejected.</li> <li>6. Incoming privileged mail shall be recorded as to the date and time of delivery to the inmate.</li> </ol>

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	(7)Telephone privileges may be suspended for a designated period of time if telephone rules are violated.		The inmate may be required to sign for receiving privileged mail  <a href="#">501 KAR 3:140.Prisoner rights.</a> (jails) Section 2.Mail. (1)The jailer or jail administrator shall have written policy and procedure for receiving and sending mail that: (a)Protects prisoners' personal rights; and (b)Provides for security practices consistent with the operation of the jail. (2)A prisoner shall be allowed to correspond with anyone if the correspondence does not violate state or federal law. Caution shall be taken to protect prisoner rights in accordance with court decisions regarding correspondence. A jailer or jail administrator may enact a policy prohibiting the sending or receipt of prisoner-to-prisoner mail. The policy shall permit the jailer or jail administrator discretion to grant the privilege. (3)Incoming mail may be opened and inspected for contraband prior to delivery. Mail received from the court, an attorney of record, or a public official may be opened and inspected only in the presence of the prisoner.
<b>Louisiana</b>	Phone	Visitation	Mail
<i>Statutes</i>			
<i>Regulations/Guidance</i>	<a href="#">LA Administrative Code Title 22. § 315. Telephone Use and Policy on Monitoring of Calls</a> D(2)(c) Dormitory Housing Legal Calls. The warden shall establish a schedule for legal calls. Offenders are generally able to place legal calls during the lunch period “non-working hours,” or after the afternoon count (when "normal office hours" are in effect for attorneys.) The warden shall establish an alternate procedure if this is not adequate D(3)(c) Cellblock Housing Legal Calls. The warden shall establish a procedure for placing legal	<a href="#">LA Administrative Code Title 22. § 317. Attorney Visits</a> D. General 1. Offenders may refuse to see any attorney; such refusal shall be in writing and filed in the offender's master record. 2. A log shall be maintained of all visits by attorneys, paralegals, legal assistants, law clerks and investigators. 3. Visits may be visually observed, but conversations between offenders and counsel shall not, under any circumstance, be monitored.	<a href="#">LA Administrative Code Title 22. § 313. Offender Mail and Publications</a> F. 8. Identification of Privileged Correspondence. It is the responsibility and duty of institutional staff to verify the legitimacy of the official listed on the envelope. For purposes of this regulation, “identifiable” means that the official or legal capacity of the addressee is listed on the envelope and is verifiable. If not, then the letter is to be treated as general correspondence and an appropriate inquiry made into the offender’s intent in addressing the envelope as privileged mail. 9. All outgoing privileged correspondence shall include:

	<p>calls on a reasonable basis during "normal office hours." Each housing unit shall maintain a legal telephone log for the purpose of monitoring the number of legal calls made by offenders on a weekly basis. All legal calls are to be logged with the attorney's full name, bar number, telephone number called, date, time and whether completed.</p> <p>D(4)(b) Incoming Calls. Legal Calls. Offenders may be given notice that their attorney has requested contact. Complete verification is required prior to processing. If minimum or medium custody, the offender may call from the dormitory during lunch or after work. If maximum custody, the offender may be allowed to call during "normal office hours" at a time which does not interfere with the orderly operation of the unit.</p> <p>D(6)(a)(iii). Monitoring. Telephone calls to the offender's designated attorney(s) will not be routinely monitored. Any telephone calls placed on offender telephones to attorneys shall be recorded but not monitored unless the warden determines a security need exists. Prior to examination of the content of the conversation with the attorney, the party requesting examination must put in writing the factors supporting the good cause and submit to the warden for approval. Only after approval has been received, shall the conversation be examined. Only investigators approved by the chief of operations shall be allowed to monitor the calls.</p> <p>MINIMUM JAIL STANDARDS §3107. Telephone</p> <p>A. Inmates shall have reasonable access to telephones on a regular schedule.</p> <p>B. Inmates shall be permitted to complete two local telephone calls at institution expense</p>	<p>4. Visits between death row offenders and attorneys, paralegals, legal assistants, law clerks and investigators may be non-contact at the warden's discretion.</p> <p>5. Attorneys, paralegals, legal assistants, law clerks and investigators are subject to searches according to established procedures, as are all other visitors.</p> <p>MINIMUM JAIL STANDARDS §3103. Visiting</p> <p>A. Inmates shall have maximum freedom and duration for visiting consistent with the security and management needs of the institution.</p> <p>B. Each inmate shall be permitted a minimum of one personal visiting period per week.</p> <p>C. Visitors shall be notified by posted signs that they and their possessions are subject to search at any time within the security perimeter of the institution.</p> <p>D. Visitors shall register before admission and may be denied admission for refusal to register, for refusal to consent to search, or for any violation of posted institutional rules.</p> <p>E. Inmate visits shall be conducted under visual surveillance of security staff, but conversations with visitors shall not be monitored.</p> <p>F. Space shall be provided for all activities required by the visiting program.</p>	<p>a. a complete legible name and address of the party the correspondence is being sent to;</p> <p>b. the offender's name, DOC number, housing unit, and the address of the institution on the upper left hand corner of the envelope. Drawings, writing, and marking on envelopes, other than return and sending address, are not permitted. All outgoing privileged correspondence shall be stamped in the mailroom to indicate it originates in a correctional institution;</p> <p>c. outgoing privileged correspondence may be posted sealed, and will not be opened and inspected without express authorization from the warden or deputy warden as specified in Paragraph F.11 of this Section.</p> <p>10. Incoming Privileged Correspondence</p> <p>a. All incoming privileged correspondence must contain the return address of the sender and the name and DOC number of the offender and the name and mailing address of the facility. All incoming privileged correspondence shall be opened in the presence of the offender to whom it is addressed and inspected for the presence of cash, checks, money orders and contraband and to verify as unobtrusively as possible, that the correspondence does not contain material that is not entitled to the privilege. When the material is inspected and it is found to be bound or secured in any manner that would prevent the thorough inspection of the document, the offender shall have the option of allowing staff to take the document apart for adequate inspection or returning the material to the sender to require that the material be returned in a loose manner to allow for proper inspection. Additionally, offenders receiving legal material in the form of a compact disc shall have the option of paying for copies to be made by the facility or returning the disc to the sender in order to require that the material be converted to paper copies. Payment for paper copies of legal material from a compact disc shall be in accordance with established</p>
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	<p>immediately after arrest, or two collect long distance calls if they are not local residents.</p> <p>C. Inmates shall have maximum freedom and duration of telephone privileges consistent with the security and management needs of the institution.</p> <p>D. Inmate telephone calls shall be confidential and shall not be monitored</p>		<p>policy and procedures. b. Incoming privileged mail may be opened and inspected outside the offender’s presence in the circumstances outlined in Paragraph F.11 of this Section.</p> <p>MINIMUM JAIL STANDARDS</p> <p>§3105. Mail</p> <p>G. Outgoing letters to courts, recognized attorneys at law, governmental agencies and elected officials shall not be opened or read unless for security reasons, and will be submitted sealed by the inmate with the title or position of the addressee clearly marked on the envelope.</p> <p>H. Incoming letters from courts, recognized attorneys at law, governmental agencies and elected officials may be opened for inspection, but only in the presence of the inmate recipient and without being read for content.</p>
<b>Maine</b>	<b>Phone</b>	<b>Visitation</b>	<b>Mail</b>
<i>Statutes</i>	<p><a href="#">15 MRSA §712</a></p> <p>2. Investigative officers.</p> <p>It is not a violation of this chapter for an investigative officer, or for another employee of the Department of Corrections authorized to exercise law enforcement powers as described in Title 34-A, section 3011, to intercept, disclose or use that communication in the normal course of employment while engaged in any activity that is related to the administration of criminal justice as defined in Title 16, section 703, subsection 1 for the purposes of the Criminal History Record Information Act or as defined in Title 16, section 803, subsection 2 for the purposes of the Intelligence and Investigative Record Information Act; or while engaged in any activity that is related to the administration of juvenile justice if:</p> <p>A. Either the sender or receiver of that communication is a person residing in an adult or</p>		

	<p>juvenile correctional facility administered by the Department of Corrections; and [PL 2009, c. 93, §1 (AMD).]</p> <p>B. Notice of the possibility of interception is provided in a way sufficient to make the parties to the communication aware of the possibility of interception, which includes:</p> <ul style="list-style-type: none"> <li>(1) Providing the resident with a written notification statement;</li> <li>(2) Posting written notification next to every telephone at the facility that is subject to monitoring; and</li> <li>(3) Informing the recipient of a telephone call from the resident by playing a recorded warning before the recipient accepts the call.</li> </ul> <p>C. This subsection does not authorize any interference with the attorney-client privilege.</p> <p>3. Jail investigative officer. It is not a violation of this chapter for a jail investigative officer, as defined in this chapter, or for a jail employee acting at the direction of a jail investigative officer to intercept, disclose or use that communication in the normal course of employment while engaged in any activity that is related to the administration of criminal justice as defined in Title 16, section 703, subsection 1 for the purposes of the Criminal History Record Information Act or as defined in Title 16, section 803, subsection 2 for the purposes of the Intelligence and Investigative Record Information Act if:</p> <ul style="list-style-type: none"> <li>A. Either the sender or the receiver of that communication is a person residing in an adult section of the jail; and [PL 2011, c. 507, §5 (AMD).]</li> </ul>		
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	<p>B. Notice of the possibility of interception is provided in a way sufficient to make the parties to the communication aware of the possibility of interception, which includes:</p> <ul style="list-style-type: none"> <li>(1) Providing the resident with a written notification statement;</li> <li>(2) Posting written notification next to every telephone at the jail that is subject to monitoring; and</li> <li>(3) Informing the recipient of a telephone call from the resident by playing a recorded warning before the recipient accepts the call.</li> </ul> <p>This subsection does not authorize any interference with the attorney-client privilege.</p>		
<p><i>Regulations/Guidance</i></p> <p>* Maine’s Department of Corrections policies apply to state run prisons, while jails are subject to the <a href="#">Detention and Correctional Standards for Maine Counties and Municipalities</a></p>	<p><a href="#">State of Maine Dept of Corrections, Policy Number 21.3: Prisoner Telephone System</a></p> <p><a href="#">State of Maine Dept of Corrections, Policy Number 16.2(JF): Access to Telephones</a> (juvenile)</p> <p>Jail and County Standards: <a href="#">Microsoft Word - Adopted Rule DETENTION AND CORRECTIONAL STANDARDS FOR MAINE COUNTIES AND MUNICIPALITIES.docx</a></p> <p>SEE ATTACHED</p>	<p><a href="#">State of Maine Dept of Corrections, Policy Number 21.4: Prisoner Visitation</a></p> <p><a href="#">State of Maine Dept of Corrections, Policy Number 16.3: Visitation</a> (juvenile)</p> <p>SEE ATTACHED</p> <p>Jail and County Standards: <a href="#">Microsoft Word - Adopted Rule DETENTION AND CORRECTIONAL STANDARDS FOR MAINE COUNTIES AND MUNICIPALITIES.docx</a></p>	<p><a href="#">State of Maine Dept of Corrections, Policy Number 21.2: Prisoner Mail</a></p> <p><a href="#">State of Maine Dept of Corrections, Policy Number 16.1: Communication, Mail and Visitation</a> (juvenile)</p> <p>SEE ATTACHED</p> <p>Jail and County Standards: <a href="#">Microsoft Word - Adopted Rule DETENTION AND CORRECTIONAL STANDARDS FOR MAINE COUNTIES AND MUNICIPALITIES.docx</a></p>
<b>Maryland</b>	Phone	Visitation	Mail

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<p><i>Regulations/Guidance</i></p> <p>* Maryland’s Department of Public Safety and Correctional Services order apply to state run facilities. The <a href="#">Adult Detention Center Standards Manual</a> applies to adult detention centers. The <a href="#">Adult Correctional Institution Standards Manual</a> applies to adult correctional institutions.</p>	<p><a href="#">Maryland Dept of Public Safety and Correctional Services, Executive Directive OPS.200.0002: Inmate Telephone System</a></p> <p>J(3) A recording block shall be established to prevent the Department from recording and monitoring an inmate telephone call to the inmate’s attorney, made related to PREA, and to a hot line specified to offer caller anonymity.</p> <p>(a) An attorney’s home telephone may not be called unless the attorney’s office of record and residence are the same.</p> <p>(b) An attorney’s telephone number is subject to verification, including the existence of a valid attorney-client relationship</p>	<p><a href="#">Maryland Dept of Public Safety and Correctional Services, Dept Directive OPS.195.0003: Inmate Visits</a></p> <p>10. Legal Visits. A. The Department shall provide reasonable opportunities and accommodations for an inmate to obtain or consult in confidence with the inmate’s attorney of record.</p> <p><a href="#">Adult Detention Center Standards Manual</a></p> <p>.05 INMATE RIGHTS</p> <p>C. Legal Matters</p> <p>...</p> <p>Compliance Explanation</p> <p>...</p> <p>The constitutional right to legal counsel of choice must be protected. Attorneys of record must be permitted to consult with inmates in a private and confidential setting. Attorneys should be allowed unlimited visits including the opportunity for communication during other than normal visiting hours upon request and on the basis of special circumstances. Attorney visits should not count against the approved number of visits. Only those restrictions necessary to maintain facility order and security should be imposed.</p> <p><a href="#">Adult Correctional Institution Standards Manual</a></p> <p>.05 INMATE RIGHTS</p> <p>C. Legal Matters</p> <p>...</p> <p>Compliance Explanation</p> <p>...</p> <p>The constitutional right to legal counsel of choice must be protected. Attorneys of record must be permitted to consult with inmates in a private and confidential setting. Attorneys should be allowed</p>	<p><a href="#">Maryland Dept of Public Safety and Correctional Services, Dept Directive OPS.250.0001: Mail Room Procedures</a></p> <p>.05(C) Incoming Inmate Mail</p> <p>(2) Mail room staff receiving what is known to be or what may be legal mail for an inmate shall:</p> <p>(a) only open and inspect the known to be or what may be legal mail in the presence of the inmate to whom the legal mail is addressed.</p> <p>(b) if other than mail room staff deliver known to be or what may be legal mail to an inmate, instruct the non mail room staff to only open and inspect the known to be or what may be legal mail in the presence of the inmate to whom the legal mail is addressed</p> <p><a href="#">Adult Detention Center Standards Manual</a></p> <p>.05 INMATE RIGHTS</p> <p>C. Legal Matters</p> <p>...</p> <p>Compliance Explanation</p> <p>...</p> <p>Inmates must be permitted to send sealed letters to: attorneys of record; the courts; officials of the confining authority; state and local chief executive officers; administrators of grievance systems; and, members of the paroling authority. All mail from these special classes of persons are to be opened only to inspect for contraband, and then only in the presence of the inmate.</p> <p><a href="#">Adult Correctional Institution Standards Manual</a></p> <p>.05 INMATE RIGHTS</p> <p>C. Legal Matters</p> <p>...</p> <p>Compliance Explanation</p> <p>...</p> <p>Inmates must be permitted to send sealed letters to: attorneys of record; the courts; officials of the confining</p>
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		<p>unlimited visits including the opportunity for communication during other than normal visiting hours upon request and on the basis of special circumstances. Attorney visits should not count against the approved number of visits. Only those restrictions necessary to maintain facility order and security should be imposed.</p>	<p>authority; state and local chief executive officers; administrators of grievance systems; and, members of the paroling authority. All mail from these special classes of persons are to be opened only to inspect for contraband, and then only in the presence of the inmate.</p>
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Massachusetts	Phone	Visitation	Mail
<p><i>Regulations/Guidance</i></p> <p>* While these directives apply to state run prisons, the extent to which they also apply to county run houses of correction is unclear.</p>	<p><a href="#">103 CMR 482.00: Telephone Use and Access</a>                      482.07: Inmate Telephone Use for Court, Attorney Contact, Consular Officer/Diplomat Contact, Pre-approved Ordained Clergymen Contact, and Licensed Psychologist, Social Worker, and/or Mental Health and Human Service Professionals Contact.                      (1) Telephone calls to pre-authorized attorney, consular officer/diplomat numbers, or the Global Access numbers, shall not be suspended or curtailed except in accordance with 103 CMR 482.06(4) or 482.08. Telephone calls to pre-authorized attorney numbers, consular officer/ diplomat numbers, or the Global Access numbers, shall not be subject to telephone monitoring or recording</p>	<p><a href="#">103 CMR 483.00. Visiting Procedures</a>                      483.06: Institution Visiting Rules and Procedures                      (1) Each Superintendent shall develop written institution visiting rules and procedures which, although tailored to the particular institution, and/or to specific populations within that institution, are consistent with 103 CMR 483.00. At a minimum, institution rules shall specify the following aspects of visiting at the institution:                      ...                      (f) Designation of an area where inmates have access to counsel and confidential contact with attorneys and/or legal professionals</p> <p>See also <a href="#">103 CMR 486.00: Attorney Access at Massachusetts Correctional Institutions</a></p>	<p><a href="#">103 CMR 481.00: Inmate Mail</a>                      481.10: Privileged Mail                      (3) Attorneys shall be allowed to provide self-addressed, meter- stamped envelopes to their inmate clients. The envelope should be addressed to the law firm or to the individual attorney, contain only a meter-stamp (not a postage stamp) and may not be altered in any way. Should an inmate alter or attempt to utilize the meter-stamped envelope to send mail to anyone other than the original addressee, a disciplinary report shall be issued.                      (4) In order to prevent fraudulent privileged mail from entering DOC facilities, the DOC may implement an Attorney Verification System (AVS).                      (a) Any attorney wishing to send privileged correspondence must attempt to participate in the AVS.                      (b) Forms/applications to participate in the AVS must be completed in their entirety, including the attorney’s name, address, telephone number, and one email address as well as their Board of Bar Overseers identification number.                      (c) Mail from an attorney that does not attempt to comply with the AVS requirements will be treated as non-privileged mail.                      (d) Incoming privileged mail may not be opened by a Department employee except in the presence of the addressee inmate and for the purpose of receiving and receipting of any funds enclosed for the inmate and/or ascertaining that its contents are free of contraband. Legal mail which complies with the AVS is presumed to have no contraband. Notwithstanding the use of an AVS, the Department retains and reserves the right to employ in its discretion internal procedures including, but not limited to, the use of K-9 Units, fluoroscopes, and field testing, to ensure that the mail is legitimate privileged correspondence, and does not include contraband, and to conduct further investigation as warranted. (e) If the</p>

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			Department is not able to verify the privileged correspondence through the AVS, the Department shall initiate personal contact with the sending attorney listed on the return address. If the Department does not receive confirmation of the mailing from the sending attorney within ten business days then the privileged correspondence will be processed as non-privileged Correspondence.
<b>Michigan</b>	Phone	Visitation	Mail
<p><i>Regulations/Guidance</i></p> <p>* The Michigan DOC Policy Directives apply only to state run prisons and not to county run jails</p>	<p><a href="#">Michigan Dept. of Corrections Policy Directive 05.03.130: Prisoner Telephone Use</a></p> <p>EE. Staff shall verify the business telephone number of an attorney licensed in the State of Michigan by using the most recent directory issue of the Michigan Bar Journal or through the State Bar of Michigan website. Staff shall contact the Litigation Manager in OLA to verify the telephone number of an attorney who is not licensed in the State of Michigan. Staff shall verify the business number of the Legislative Ombudsman, DRM, an Embassy, a Consulate, or a legitimate legal service organization using the most recent directory issue of the Michigan Bar Journal or through other reasonable means. If the telephone number is listed in the Michigan Bar Journal or is verified through the State Bar of Michigan website, it shall be presumed to be the business telephone number. Upon verification, staff shall document the attorney’s State Bar of Michigan Member Number (“P” Number) on the Telephone Agreement and Number List form (CAJ-370). Prisoner calls to their attorney shall be made via the prisoner telephone system unless otherwise coordinated by a court or for urgent situations as determined by the Warden.</p>	<p><a href="#">Michigan Dept. of Corrections Policy Directive 05.03.140: Prisoner Visiting</a></p> <p>R. At multi-level facilities accommodations shall be made for attorneys to visit their clients at any custody level during the facility’s scheduled visiting hours (e.g., if an attorney’s client is Level IV and the attorney arrives during the visiting hours scheduled for Level II prisoners, accommodation shall be made for the visit to take place, rather than require the attorney to return during the hours scheduled for Level IV prisoners).</p> <p>HH. Except at RGC, prisoners who are housed in a security Level V facility or housing unit, temporary segregation, punitive segregation (detention), or are classified to administrative segregation shall be limited to non-contact visits, except that a contact visit shall be allowed with an attorney upon request of the attorney subject to Paragraphs P and JJ.</p>	<p><a href="#">Michigan Dept. of Corrections Policy Directive 05.03.118: Prisoner Mail</a></p> <p>FF. A prisoner may have his/her incoming legal mail receive special handling by submitting a completed Mail Requiring Special Handling form (CSJ-246) to the institution's mailroom supervisor or designee. Only mail received directly from an attorney or a law firm, a legitimate legal service organization, the Department of Attorney General, a prosecuting attorney's office, a court, a clerk of the court, a Friend of the Court office, or the Office of the Legislative Corrections Ombudsman is considered legal mail, and only if the mail is clearly identified on the face of the envelope as being from one of the above. It is not sufficient for the envelope to be simply marked “legal mail.”</p> <p>GG. Each prisoner received at a reception facility shall be asked if s/he wants his/her legal mail to receive special handling. If the prisoner does not request special handling at that time, s/he shall be told that s/he may submit a request to the institutional mailroom supervisor or designee at any time during his/her incarceration by completing a Mail Requiring Special Handling form (CSJ-246).</p>

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Minnesota	Phone	Visitation	Mail
<p><i>Statutes</i></p>	<p><a href="#"><u>481.10 CONSULTATION WITH PERSONS RESTRAINED.</u></a></p> <p>Subd. 2. Telephone access in local correctional facilities.</p> <p>Except as provided in subdivision 3 and except in cases where imminent danger of escape or injury exists, all officers or persons having in their custody a person restrained of liberty whether or not the person restrained has been charged, tried, or convicted, shall provide private telephone access to any attorney retained by or on behalf of the person restrained, or whom the restrained person may desire to consult at no charge to the attorney or to the person restrained. Reasonable telephone access under this subdivision shall be provided following the request of the person restrained and before other proceedings shall be had regarding the alleged offense causing custody.</p> <p>Subd. 3. Telephone access in state correctional facilities.</p> <p>Except in cases where imminent danger of escape or injury exists, all officers or persons having in their custody a person restrained of liberty while serving an executed sentence in a state correctional facility, shall provide private telephone access to any attorney retained by or on behalf of the person restrained, or whom the restrained person may desire to consult at no charge to the attorney or to the person restrained. Telephone access under this subdivision shall be provided following the request of the person restrained and in accordance with</p>	<p><a href="#"><u>481.10 CONSULTATION WITH PERSONS RESTRAINED.</u></a></p> <p>Subdivision 1. Consultation. All officers or persons having in their custody a person restrained of liberty, except in cases where imminent danger of escape or injury exists, shall admit any attorney retained by or on behalf of the person restrained, or whom the restrained person may desire to consult, to a private interview at the place of custody. Such custodians, upon request of the person restrained, as soon as practicable, and before other proceedings shall be had, shall notify the attorney of the request for a consultation with the attorney.</p>	

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	<p>policies adopted by the institution that meet constitutional requirements.</p> <p>Subd. 4.Criminal penalty.</p> <p>(a) Except as provided in paragraph (b), whoever violates subdivision 1 or 2 is guilty of a misdemeanor and shall also forfeit \$100 to the person aggrieved, to be recovered in a civil action.</p> <p>(b) The penalties described in paragraph (a) do not apply to officers or persons having in their custody persons restrained of liberty while serving an executed sentence in a state correctional facility.</p>		
<p><i>Regulations/Guidance</i></p> <p>* Minnesota has separate administrative rules for state run prisons and county run jails. The state inspects jails to ensure compliance with rules.</p>	<p><a href="#">MN Department of Corrections Policy Number 302.210 – Offender Telephone Use</a> (prisons)</p> <p>B.4. Legal calls Attorneys must communicate with clients through legal mail. However, when legal deadlines require expedited communication, staff may provide access to legal counsel by telephone. If necessary, an in-person visit may be arranged.</p> <p>a) Attorney calls are limited to current active cases.</p> <p>b) Attorneys must contact the designated facility staff to schedule a call at a mutually agreeable date and time. Telephones for approved attorney calls are not subject to any monitoring activity and the facility does not charge offenders for approved attorney calls.</p> <p>c) Attorney calls are limited to 30 minutes in length.</p> <p>d) Calls to/from the clerk of court or law enforcement are not considered legal calls.</p>	<p><a href="#">2911.3200 INMATE VISITATION</a>. (jails) The facility administrator or designee shall develop and implement an inmate visiting policy. The policy shall be in writing and include:</p> <p>A. attorney/client interviews allowed in a manner consistent with Minnesota Statutes, section 481.10;</p> <p>B. a schedule of visiting hours that includes the days and times for visits that includes visits during the normal business day, and evenings or weekends;</p> <p>C. establishment of a uniform number of permissible visits and the number of visitors permitted per visit;</p> <p>D. that an adult inmate be permitted an initial visit with a member or members of the inmate's immediate family at the next regularly scheduled visiting period;</p> <p>E. that all facilities schedule a minimum of eight visiting hours per week:</p> <p>(1) a minimum of three separate and distinct visiting days per week; and</p> <p>(2) 20 minutes' duration minimum for each visit unless the number of persons attempting to visit</p>	<p><a href="#">MN Department of Corrections Policy Number 302.020 – Mail</a> (prisons)</p> <p>L. Special/legal mail</p> <p>1. Incoming and outgoing mail meeting the definition of special or legal mail is opened and inspected only in the presence of the offender. Staff must refer to the Special Mail List (attached) to determine whether an item is special mail.</p> <p>2. When delivering sealed special/legal mail to an offender, staff must (in the offender's presence):</p> <p>a) Open the envelope, remove the contents, search the contents for physical contraband, and skim the contents to ensure that it is legal/official in nature; and</p> <p>b) If the item passes inspection, staff must deliver the envelope and contents to the offender.</p> <p>c) The offender must sign acknowledging receipt of legal mail.</p> <p>3. An incoming or outgoing item purporting to be special/legal mail that fails to meet the policy requirements for designation as special/legal mail, or is otherwise</p>

	<p><a href="#">2911.3400 TELEPHONE ACCESS</a> (jails)                  A facility shall have a written policy and procedure that provides for inmate access to a telephone. Attorney/client telephone consultation shall be allowed in a manner consistent with Minnesota Statutes, section 481.10.</p> <p>Newly admitted inmates shall be permitted a local or collect long-distance telephone call to a family member or significant other during the admission process.</p> <p>Inmates shall be allowed telephone access to maintain contact with family members or significant others. Nonlegal calls may be made at the expense of the inmate. The minimum time allowed per call shall be ten minutes except where there are substantial reasons to justify limitations. Nonlegal telephone conversations may be monitored and recorded.</p> <p>Reasons for denial of telephone access shall be documented</p>	<p>exceeds the facility's ability to meet this requirement, or the inmate's behavior dictates a need to terminate a visit earlier;</p> <p>F. allowed visits for identified members of an inmate's immediate family;</p> <p>G. when a visit to an inmate is denied for reasonable grounds on the belief that the visit might endanger the security of the facility, the action and reasons for denial shall be documented;</p> <p>H. that visitors register, giving names, addresses, and relationship to inmate;</p> <p>I. that any area used for inmate visiting may be subject to audio monitoring, recording, or both. The facility shall use signs and the inmate handbook to inform the inmate about audio monitoring and recording. Professional visits shall not be audio recorded, unless a court order has been issued;</p> <p>J. that policies for parents, guardians, and attorneys visiting juveniles are unrestrictive as administratively possible and the initial visit of a juvenile by parents, guardians, and attorneys be permitted at any time;</p> <p>K. picture identification of visitors be required for identification purposes;</p> <p>L. that juvenile children be allowed to visit parents, regardless of age, as deemed appropriate by the parent or guardian accompanying the child and when a dispute over children visiting occurs between the inmate and the parent or legal guardian, the inmate be referred to the court for resolution; and</p> <p>M. facility policy and procedures setting forth criteria for authorized friend visiting</p>	<p>questionable, is opened in the offender's presence by a supervisor.</p> <p>a) If the contents meet the definition of special/legal mail, the supervisor must instruct the offender on the policy requirements regarding how special/legal mail is to be addressed.</p> <p>b) If the contents do not meet the definition of special/legal mail, the supervisor must return the envelope and its contents to the mailroom. c) The mailroom returns opened non-special/legal mail to the sender at the offender's expense with a Notice of Non-Delivery.</p> <p>4. If the item contains contraband, staff must write an incident report and enter the envelope and contents into evidence.</p> <p>5. Mailroom staff in adult facilities must log all incoming and outgoing legal mail in the offender mail computer application</p> <p><a href="#">2911.3300 CORRESPONDENCE</a>. (jails)                  Subpart 1. Policy and procedure. A facility shall have a written policy and procedure that governs inmate correspondence. Policies are available to all staff and inmates and are reviewed annually, and updated as needed.</p> <p>Subp. 2. Volume of mail. The volume of written mail to or from an inmate shall not be restricted. The amount of mail stored in an inmate's cell may be limited by facility administration.</p> <p>Subp. 3. Inspection and censorship. A facility must have a written policy and procedure that requires that:</p> <p>A. inmate letters, both incoming and outgoing, may be opened and inspected for contraband;</p> <p>B. inmates are notified in writing when incoming or outgoing letters are rejected; and</p> <p>C. letters shall not be read or censored if they are between an inmate and an elected official, officials of the DOC, attorneys, or other officers of the court, but inspection of</p>
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			<p>incoming mail from the specified class of persons noted may be opened only to inspect for contraband and only in the presence of the inmate.</p> <p>Subp. 4. Money. Cash, cashiers checks, or money orders received from incoming mail shall be processed according to facility policy.</p> <p>Subp. 5. Postage allowance for indigent inmates. Indigent inmates shall receive a postage allowance sufficient to maintain communications with the persons listed in subpart 3, item C. Written policy, procedure, and practice must provide that an indigent inmate is provided with a system enabling the inmate to send a minimum of two letters or postcards per week to individuals not listed in subpart 3, item C.</p> <p>Subp. 6. Material detrimental to security. A facility shall have a written policy that restricts inmate access to materials and information that is considered detrimental to the security and orderly function of the facility.</p>
<b>Mississippi</b>	Phone	Visitation	Mail
<p><i>Regulations/Guidance</i></p> <p>* (Mississippi Department of Corrections policies and procedures must be requested in writing)</p> <p><a href="https://www.mdoc.ms.gov/Admin-Finance/Documents/PublicAccessPolicies.pdf">https://www.mdoc.ms.gov/Admin-Finance/Documents/PublicAccessPolicies.pdf</a></p>			
<b>Missouri</b>	<a href="#">Missouri Core Jail Standards</a> 5.4: Telephone Detainees are provided with access to telephones.		<a href="#">Missouri Core Jail Standards</a> 6.5.3: Mail or Correspondence of Detainees "Legal mail" is entitled to more protection. Jail officials must not interfere with a detainees' reasonable correspondence with an attorney. Generally, mail to or from a detainee's attorney, and identified as such, should not be opened for inspection for contraband
<p><i>Regulations/Guidance</i></p> <p>* Jails in Missouri must follow the <a href="#">Missouri Core Jail Standards</a></p>			

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			except in the presence of the detainee. Legal mail must not be delayed any longer than is necessary for handling and sorting. Censorship of legal mail may violate a detainee's right to freedom of petition.
<b>Montana</b>	Phone	Visitation	Mail
<i>Regulations/Guidance</i>  * (webpage at <a href="https://cor.mt.gov/Policy">https://cor.mt.gov/Policy</a> contains links to policies, but links not functional)			
<b>Nebraska</b>	Phone	Visitation	Mail
<i>Statutes</i>	<a href="#">47-101.01. Telephone services for inmates; use of funds.</a> (2) Under a prepaid system, funds may be deposited into an inmate account in order to pay for telephone calls. The provider of the inmate telephone services, as an additional means of payment, shall permit the recipient of inmate collect telephone calls to establish an account with that provider in order to deposit funds for advance payment of those collect telephone calls. The provider of the inmate telephone services shall also allow inmates to communicate on the telephone, or by videoconferencing, with an attorney or attorneys without charge and without monitoring or recording by the county jail or law enforcement.		
<i>Regulations/Guidance</i>  * Nebraska’s Department of Corrections policies and regulations apply to state facilities, while jails must adhere to the <a href="#">Jail Standards</a> .	<a href="#">Department of Corrections Policy 205.03: Inmate Calling System.</a> V. RECORDING/MONITORING/BRANDING A. All inmate telephone calls utilizing the ICS and not eligible for confidential status shall be electronically recorded and may be monitored by authorized NDCS team members. At the discretion of the Director, telephone recording and monitoring may be suspended.	<a href="#">Title 81. Jail Standards Board</a> Ch. 9. Standards for Jail Facilities – Mail, Visiting and Telephone Service 003 Visiting Services. All jail facilities shall make provisions for inmate visitation in accordance with the following requirements: 003.01B Attorneys or their legal assistants shall be allowed to visit their clients at any reasonable time for any reasonable length of time. However, in the	<a href="#">Department of Corrections Policy 205.01: Inmate Mail.</a> E. Privileged Mail (ACI-3D-02, ACI-7D-06, ACRS-6A-01) 1. Inmates may send and receive sealed letters to and from the following entities: ... h. Active Licensed Attorneys Mail from these individuals will be treated as confidential and opened and inspected only in the presence of the inmate, unless waived in writing. The warden of the

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	<p>Attorney/client calls and calls to individuals with confidential call status are eligible for confidential status and are not recorded by ICS equipment or monitored by team members</p> <p><a href="#">Title 81. Jail Standards Board</a> Ch. 9. Standards for Jail Facilities – Mail, Visiting and Telephone Service 004 Telephone Services. All jail facilities shall make provisions for inmate telephone services in accordance with the following requirements: 004.03 Telephone calls to or from legal counsel shall be of reasonable lengths of time and shall not be monitored.</p>	<p>event of an emergency, then attorneys or their legal assistants shall be allowed to visit their clients at any time. The facility administrator may establish reasonable procedures to require identification of any person who presents himself or herself to be an attorney or an attorney's authorized representative representing an inmate detained in the facility. Unless otherwise indicated by the inmate or the visitor, all attorney-client visits shall be contact visits.</p> <p>003.01C Contact visits between inmates and their attorneys or the attorneys' legal assistants, clergy, physicians, probation/parole officers, mental health and addiction therapists shall be in a private area or room so as to allow for confidential communication among up to four (4) people with adequate writing space. No physical barriers such as wire mesh, glazed barriers, or other physical obstructions shall be placed between inmates and any of the above specified visitors during contact visits. Such visits shall not be monitored, except that facility employees may visually observe the visitation through glazed observation panels or by means of closed circuit television as necessary to maintain appropriate levels of security.</p>	<p>facility from which such mail originates may choose to stamp any such outgoing mail disclaiming any administrative responsibility for the nature or contents of such mail.</p> <p><a href="#">Title 81. Jail Standards Board</a> Ch. 9. Standards for Jail Facilities – Mail, Visiting and Telephone Service 002 Mail Services. All jail facilities shall make provisions for the handling of incoming and outgoing inmate correspondence in accordance with the following requirements: 002.03 Inmates shall be allowed to send sealed confidential mail to a specified class of persons or organizations to include, at a minimum, their legal counsel, courts, elected officials, members of the confining authority, the State Ombudsman, and the Board. 002.03A Confidential mail received from this specified class of persons or organizations may be opened only in the presence of the inmate. Delivery of confidential mail shall be documented. 002.03B Confidential mail may be inspected for contraband, cash, checks, or money orders but shall not be read. 002.03C The facility administrator may choose to attach a letter to any outgoing confidential correspondence, disclaiming any responsibility for the nature of the contents of such correspondence.</p>
<p><b>Nevada</b></p>	<p>Phone</p>	<p>Visitation</p>	<p>Mail</p>
<p><i>Statutes</i></p>	<p><a href="#">NRS Sec. 209.419.</a> Except as otherwise provided in NRS 239.0115, a communication made by an offender is confidential if it is made to: ...</p>		



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	(d) An attorney who has been admitted to practice law in any state or is employed by a recognized agency providing legal assistance.		
<p><i>Regulations/Guidance</i></p> <p>* Nevada Department of Corrections administrative regulations apply to state run correctional facilities, while jails must adhere to <a href="#">regulations specific to county and city jails.</a></p>	<p><a href="#">Nevada Dept of Corrections AR 718: Inmate Personal Telephone Use</a> (prisons)</p> <p>718.01</p> <p>2. Telephone calls, except approved calls between an inmate and his attorney/legal representative, must be monitored and/or recorded</p> <p>...</p> <p>6. Legal telephone numbers may be registered by the inmate through the inmate telephone system</p>	<p><a href="#">Nevada Dept of Corrections AR 722: Inmate Legal Access</a> (prisons)</p> <p>722.06. Attorneys</p> <p>1. Attorney, and their legal representatives retained by the inmate or his family shall be permitted visits;</p> <p>A. Department staff should assist inmates in making confidential contact with attorneys and legal representatives</p> <p>B. Attorneys or legal representatives shall be required to furnish proper identification for visits by presenting evidence that they are members of a state bar.</p> <p>...</p> <p>10. Visits between an attorney and client are confidential.</p> <p>A. An attorney may make recordings during their visits.</p> <p>B. All recording devices must be provided by the attorney and approved in advance by the Warden or designee</p> <p>C. No recording devices will be left with the inmate.</p> <p>D. Recordable CDs are not an acceptable medium for inmate recordings.</p> <p>E. The institution should provide an areas which meets the security needs of the institution, where the attorney and client may confer in private.</p>	<p><a href="#">Nevada Dept of Corrections AR 722: Inmate Legal Access</a> (prisons)</p> <p>722.08 Outgoing Legal Mail and Correspondence</p> <p>5. All legal mail is privileged correspondence.</p> <p>...</p> <p>7. The legal mail must be addressed to an attorney or legal representative.</p> <p>A. The word “confidential” must be include don the face of the envelope or the mail will be processed as general correspondence.</p> <p>722.09 Incoming Legal Mail</p> <p>5. Incoming correspondence will be treated as legal mail only if the envelope clearly identifies an attorney, legal representative, or other privileged correspondent in the return address.</p> <p>...</p> <p>8. Incoming legal/ privileged mail will be opened, scanned and inspected for contraband in the presence of the inmate recipient, unless the inmate waives this process in writing.</p>
<b>New Hampshire</b>	Phone	Visitation	Mail
<p><i>Regulations/Guidance</i></p> <p>* New Hampshire’s Department of Corrections administrative regulation’s</p>		<p><a href="#">Cor 305.10 Official Business Visits</a></p> <p>(a) Space shall be set aside for attorney visits that shall provide privacy when attorney-client confidentially is required.</p>	<p><a href="#">Cor 314.12 Legal Mail</a></p> <p>Cor 314.12 <a href="#">Legal Mail</a>.</p> <p>(a) Correspondence between a resident and his or her attorney(s) shall be opened in the presence of the resident to</p>

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<p>apply to its state facilities. Jails are managed by individual counties.</p>		<p>(b) All attorneys visiting a resident shall be subject to the visitor approval process pursuant to Cor 305.11, Cor 305.12, Cor 305.13, and Cor 305.14.</p> <p>(c) The following shall apply to all attorney visits:</p> <ol style="list-style-type: none"> <li>(1) Attorney visits shall occur during normal business hours;</li> <li>(2) Attorney visits shall be coordinated through the warden’s office at the facility where the client resides;</li> <li>(3) If an attorney visit is requested outside of a NHDOC resident’s normal visiting time, and the attorney can articulate why he or she cannot wait until the resident’s regularly scheduled visit, the warden or designee shall approve an exception and allow a visit, which shall be considered a “special visit;”</li> <li>(4) An attorney visit shall be made for the purpose of conducting legal business and not for the purpose of social visitation;</li> <li>(5) All attorneys shall be subject to the same rules as regular visitors except as noted within Cor 305.20(h);</li> <li>(6) Attorneys shall not be required to be on the resident’s approved visitors list;</li> <li>(7) An attorney wishing to visit his or her client at a NHDOC facility shall be required to complete and submit all applicable forms pursuant to Cor 305.13 and Cor 305.14 to be registered as a NHDOC business visitor;</li> <li>(8) No attorney visits shall be authorized prior to an attorney completing all requisite paperwork, having a background check completed, and being granted access to NHDOC facilities by the approving authority;</li> </ol>	<p>ensure the authenticity of the correspondence and to check for contraband.</p> <p>(b) The phrase “Legal Mail” shall be written on the address side of the envelope in order to assure confidential handling in either in-bound or out-bound legal mail.</p> <p>(c) Incoming legal mail found in violation of this rule shall be forwarded to the investigations bureau for appropriate action with the person(s) or firm(s) involved.</p> <p>(d) Legal mail shall not be bound. No legal correspondence shall be accepted with any type of binding attached to the pages of the documents. The NHDOC shall not consider a single staple to be “bound.” Staff shall remove the staple and forward the mail to the resident.</p>
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		<p>(9) An attorney shall not switch from being an attorney to an active visitor on a resident’s approved visitors list; and</p> <p>(10) Attorney visits shall not count toward the authorized allotment of visits a resident is entitled.</p>	
<b>New Jersey</b>	<b>Phone</b>	<b>Visitation</b>	<b>Mail</b>
<p><i>Regulations/Guidance</i></p> <p>* State run correctional facilities are subject to Department of Corrections regulations. Separate DOC regulations apply to municipal and county facilities. Additionally, the Department of Corrections conducts annual inspections of county run correctional facilities and municipal detention facilities.</p>	<p><a href="#">N.J.A.C. 10A:18-8.6 Legal Telephone Calls</a> (state facilities)</p> <p>(a) The Administrator of the correctional facility shall establish written rules and regulations by which legal telephone calls may be made by:</p> <ol style="list-style-type: none"> <li>1. Inmates;</li> <li>2. Inmate paralegals; and</li> <li>3. Professional staff.</li> </ol> <p>(b) Legal telephone calls may be made to the following individuals or agencies for assistance in legal research and/or preparation of legal documents:</p> <ol style="list-style-type: none"> <li>1. Office of the Public Defender;</li> <li>2. Regional Legal Services;</li> <li>3. Court Clerks;</li> <li>4. Attorneys; and</li> <li>5. The Corrections Ombudsperson.</li> </ol> <p><a href="#">N.J.A.C. 10A:31-15.5 Legal telephone calls</a> (county facilities)</p> <p>Telephone access to attorneys, courts, probation officers, and parole officers shall be provided for all inmates who so request.</p>	<p><a href="#">N.J.A.C. 10A:18-6.7 Attorneys and court related personnel visits</a> (state facilities)</p> <p>(a) Attorneys licensed in any jurisdiction and representatives of attorneys shall be permitted contact visits during regular business hours when sufficient space and staff are available.</p> <p>(b) At the request of the attorneys referenced in (a) above, representatives of attorneys may be granted contact visits. Such representatives shall include, but not be limited to, the following:</p> <ol style="list-style-type: none"> <li>1. Investigators;</li> <li>2. Investigative aides;</li> <li>3. Expert witnesses;</li> <li>4. Paralegals; and</li> <li>5. Law students.</li> </ol> <p>(c) A written notice or a telephone request from an attorney shall be required a minimum of 24 hours in advance of an intended visit. The purpose of the advance notice is to ensure the availability of:</p> <ol style="list-style-type: none"> <li>1. Space;</li> <li>2. Staff; and</li> <li>3. The inmate.</li> </ol> <p>(d) The advance written notice or telephone request from an attorney shall include the following information:</p> <ol style="list-style-type: none"> <li>1. Name of the attorney or representative;</li> <li>2. Name of the inmate to be interviewed;</li> </ol>	<p><a href="#">N.J.A.C. 10A:18-3.2 Identification of outgoing legal correspondence</a> (state facilities)</p> <p>(a) All outgoing legal correspondence shall be clearly marked with the inmate's name and number on the envelope.</p> <p>(b) An inmate who is sending legal correspondence out of the correctional facility shall be responsible for clearly marking "legal mail" on the front and back of the envelope.</p> <p>(c) The absence of the "legal mail" designation shall not mean that the correspondence may be treated as non-legal correspondence if the address on the envelope clearly indicates that it is being sent to a legal correspondent as enumerated in the definition of "legal correspondence" in N.J.A.C. 10A:1-2.2 or in the definition of "legitimate public official" in N.J.A.C. 10A:18-1.3.</p> <p><a href="#">N.J.A.C. 10A:18-3.3 Identification of incoming legal correspondence</a> (state facilities)</p> <p>(a) The return address on the outside of an envelope should clearly indicate that the correspondence is being sent from a legal correspondent as established in the definition for "legal correspondence" in N.J.A.C. 10A:1-2.2.</p> <p>(b) Mail sent from a legal correspondent shall be considered legal correspondence and shall be handled in accordance with this subchapter.</p> <p>(c) The absence of a particular name of an attorney or judge shall not preclude the correspondence from being treated as legal correspondence if the return address indicates an</p>

		<p>3. Name of the attorney for whom the representative is acting;</p> <p>4. Name of the organization the attorney or their representative represents (if any);</p> <p>5. A written statement from the attorney or their representative providing any disclosures set forth in N.J.A.C. 10A:18-6.3 and 6.9 and affirming compliance with the provisions set forth in this subchapter; and</p> <p>6. Date and time the interview is sought.</p> <p>(e) Form 292-I Request for Attorney-Client Contact Visit may be used to verify the inmate's desire to meet with the requesting attorney in the context of an attorney-client relationship.</p> <p>(f) Appropriate identification is required of attorneys and attorney representatives who visit the inmate at a correctional facility.</p> <p>(g) Contact visits with attorneys or their representatives may be restricted or prohibited when, in the judgement of the correctional facility Administrator or designee, the inmate is exhibiting inappropriate behavior or is especially dangerous, or when necessary to ensure the safe, secure and orderly operation of the correctional facility. Contact visits may also be denied where the attorney or representative poses a threat to the security or orderly operation of the correctional facility.</p> <p>(h) In those cases in which contact visits have been denied, every effort shall be made to provide a non-contact visit that is consistent with the safe, secure and orderly operation of the correctional facility.</p> <p>(i) The Administrator or designee may authorize a visit without prior written notice, under exceptional circumstances.</p>	<p>office or court as established in the definition for "legal correspondence" in N.J.A.C. 10A:1-2.2.</p> <p><a href="#">N.J.A.C. 10A:18-3.4 Inspection of incoming legal correspondence</a> (state facilities)</p> <p>(a) Incoming legal correspondence shall be opened and inspected by designated correctional facility staff for contraband only.</p> <p>(b) Incoming legal correspondence shall be opened and inspected only in the presence of the inmate to whom it is addressed.</p> <p>(c) Incoming legal correspondence shall not be read or copied. The content of the envelope may be removed and shaken loose to ensure that no contraband is included. After the envelope has been inspected the correspondence shall be given to the inmate.</p> <p>(d) The correctional facility may require that the inmate sign a slip acknowledging receipt of the incoming legal correspondence.</p> <p>(e) Where there is substantial reason to believe that the incoming correspondence is not legal in nature or that it contains disapproved content pursuant to N.J.A.C. 10A:18-2.14, the Administrator shall immediately notify the appropriate Assistant Commissioner. The incoming legal correspondence shall not be inspected in a manner other than as outlined in this subchapter without first obtaining instructions from the appropriate Assistant Commissioner.</p> <p><a href="#">N.J.A.C. 10A:31-15.4 Legal correspondence</a> (county facilities)</p> <p>(a) All incoming legal correspondence should clearly indicate on the outside of the envelope that the correspondence is being sent from a legal correspondent as established in the definition for "legal correspondence" at N.J.A.C. 10A:31-1.3. The absence of a particular name of</p>
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		<p><a href="#">N.J.A.C. 10A:31-15.4 Attorneys and court related personal visits</a> (county facilities)</p> <p>(a) Suitable meeting facilities shall be provided for inmates to meet with attorneys and representatives of attorneys in privacy with reasonable comfort.</p> <p>(b) Representatives of attorneys may include:</p> <ol style="list-style-type: none"> <li>1. Investigators;</li> <li>2. Investigative aides;</li> <li>3. Paralegals; and</li> <li>4. Law students.</li> </ol> <p>(c) Visits of attorneys and representatives of attorneys shall be permitted without notice, or upon reasonable notice, during at least six hours each business day.</p> <p>(d) Only necessary security requirements may be permitted to interfere with such visits.</p>	<p>an attorney or judge shall not preclude the correspondence from being treated as legal correspondence if the return address indicates it was sent by an office or court as established in the definition for "legal correspondence" at N.J.A.C. 10A:31-1.3.</p> <p>(b) Incoming legal correspondence shall be opened and inspected by designated adult county correctional facility staff only in the presence of the inmate to whom it is addressed.</p> <p>(c) All incoming legal correspondence shall be opened and inspected by designated adult county correctional facility staff only for contraband. Incoming legal correspondence shall not be read or copied. The content of the envelope may be removed and shaken loose to ensure that no contraband is enclosed. After the envelope has been inspected, the correspondence shall be given to the inmate.</p> <p>(d) The Administrator may establish internal management procedures requiring that the inmate sign a slip acknowledging receipt of the incoming legal correspondence.</p> <p>(e) Letter-writing materials shall be provided to inmates by staff at each adult county correctional facility and the facility shall assume the cost of mailing legal correspondence for indigent inmates (see "indigent inmate" as defined at N.J.A.C. 10A:31-1.3). The cost of mailing legal correspondence shall extend only to First Class or standard postage and shall not include:</p> <ol style="list-style-type: none"> <li>1. Registered mail;</li> <li>2. Certified mail;</li> <li>3. Preferential mail; or</li> <li>4. Insured mail.</li> </ol> <p>(f) Whenever an inmate is transferred from one adult county correctional facility to another facility, the inmate shall be responsible for notifying his or her correspondents of the change of address. The Administrator or designee of the adult county correctional facility from which the inmate</p>
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			<p>is transferred shall develop internal management procedures that establish a time period that reasonably enables the inmate to have sufficient time to provide such notification to his or her correspondents via mail. This time period shall not exceed three months during which all incoming legal correspondence shall be forwarded to the correctional facility to which the inmate has been transferred. Any legal correspondence received after the time period established shall be returned to the sender.</p> <p>(g) All outgoing legal correspondence shall be clearly marked with the inmate's name and number on the envelope.</p> <p>(h) An inmate who is sending legal correspondence out of the adult county correctional facility shall be responsible for clearly marking "legal mail" on the front and back of the envelope.</p> <p>(i) The absence of the "legal mail" designation shall not mean that the correspondence may be treated as non-legal correspondence if the address on the envelope clearly indicates that it is being sent to a "legal correspondent" as enumerated in the definitions of "legal correspondence" or "legitimate public official" in N.J.A.C. 10A:31-1.3.</p>
<b>New Mexico</b>	<b>Phone</b>	<b>Visitation</b>	<b>Mail</b>
<p><i>Regulations/Guidance</i></p> <p>* New Mexico Corrections Department policies apply to state fun facilities. County and city jails are locally managed.</p>	<p><a href="#">CD-150300 Access to Telephones, Telephone Monitoring, Attorney Phone Calls</a></p> <p>D. Attorney Phone Calls:</p> <ol style="list-style-type: none"> <li>1. Facilities will provide access to unmonitored telephones for attorney telephone calls.</li> <li>2. Attorney telephone calls must be requested in writing using the Attorney Telephone Call Request form (CD-150302.1) and tracked by completing an Attorney Telephone Call Log Attachment</li> <li>3. Every effort should be made to allow access as soon as practicable, especially in the event of an emergency or urgent need. However, the facility</li> </ol>	<p><a href="#">CD-100200 Inmate Visitation</a></p> <p>2-CO-5D-01</p> <p>B. Each NMCD facility and contract facility shall provide a visiting program designed to enhance the inmates' opportunities to establish or maintain family and personal relationships and provide for confidential contact with their attorney or attorney's agent within the security limits of that facility.</p> <p>Approval of Visitors:</p> <p>19. An attorney visit requires a 24-hour notice. An attorney may be limited to meeting with only one client at a time due to security risks. Special</p>	<p><a href="#">CD-151200 Correspondence Regulations</a></p> <p>A. Inmates are permitted to send sealed legal mail or privileged correspondence. Staff, in the presence of the inmate, may inspect outgoing legal mail and privileged correspondence for contraband before it is sealed. Incoming legal mail and privileged correspondence to inmates may be opened only to inspect for contraband and only in the presence of the inmate, unless waived in writing or in circumstances which may indicate contamination.</p> <p>...</p> <p>H. Legal Mail and Privileged Correspondence:</p> <ol style="list-style-type: none"> <li>1. Incoming and outgoing legal mail and privileged correspondence may be opened, inspected, and read to the</li> </ol>

	<p>will provide access to unmonitored telephones for attorney telephone calls within two working days of receipt of an approved written request.</p> <p>4. Telephone calls will be placed by a facility staff member who will verify the identity of the receiving party. The telephone call between the inmate and the attorney or attorney’s representative will take place in a location that assures the confidentiality of the conversation. This provision does not preclude NMCD staff from carrying out a visual observation of the inmate during a telephone call.</p> <p>5. Attorney telephone calls will be made collect if long-distance charges are applicable to the extent possible. In instances when a collect telephone call is not possible, the inmate will be informed in writing, prior to the telephone call being placed, that the cost of the telephone call will be \$.20 a minute deducted from the inmate's account and the inmate will sign a debit memo. After termination of the call, the staff member will post the time the telephone call started and ended and the cost of the telephone call to the debit memo and forward to inmate accounts for processing. The debit will be carried on the inmate's account until such time as there are funds to cover it.</p> <p>6. The Classification Officer is responsible for documenting the date and time any attorney telephone call takes place on both the Attorney Telephone Call Request form (CD150302.1) and the Attorney Telephone Call Log Attachment (CD-150301.A). 7. The Warden of each facility will designate an individual or office responsible for collection, review and retention of all documentation relating to attorney telephone calls.</p> <p>8. The Classification Officer shall submit all Attorney Telephone Call Logs and all corresponding</p>	<p>permission must be granted by the Warden for an attorney to meet with more than one inmate client at any one time. Attorney visits should be limited to times outside the normal visiting hours in order to better accommodate and facilitate an attorney visit. All attorney visits require prior approval of the Deputy Warden</p>	<p>limited extent necessary to determine its legitimacy; in the presence of the inmate in an appropriate, secure area of the facility by the Warden or a designee to help determine if the mail is legitimate, contains contraband, or when there is an indication of contamination. Opened privileged correspondence will be documented on the Receipt for Open Privileged Mail form (CD-151201.3).</p> <p>2. Staff will physically hand over the Privileged mail and legal mail will be scanned by the inmate to whom it is addressed and a copy will be made. The inmate will dispose of the original.</p> <p>3. Legal mail and privileged correspondence will not be routinely opened for inspection.</p> <p>4. Incoming legal mail and privileged correspondence will be tracked and signed for on the Incoming Legal Mail and Privileged Correspondence Log form (CD-151201.2).</p> <p>5. Letters in this category should be sealed by the inmate and dropped in the special box provided for such letters. 6. All PREA mail is considered privileged correspondence</p>
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	<p>Attorney Telephone Call Requests to the designated person or office on a monthly basis.</p> <p>9. The designated person or office shall sort and file all Attorney Telephone Call Logs and all corresponding Attorney Telephone Call Requests by month</p>		
<b>New York</b>	Phone	Visitation	Mail
<p><i>Regulations/Guidance</i></p> <p>* State run facilities are subject to Department of Corrections regulations. Local facilities are subject to regulatory standards established by the <a href="#">State Commission of Correction</a>.</p>		<p><a href="#">7 CRR-NY 201.2</a> (state facilities)</p> <p>(4) The superintendent will designate an area for confidential meetings which will insure the privacy of conversations during professional visits of attorneys or their duly authorized representatives or visiting clergy.</p>	<p><a href="#">7 CRR-NY 721.3</a> (state facilities)</p> <p>Unless otherwise provided for in this directive, the general correspondence procedures set forth in Part 720 of this Title, “Inmate Correspondence Program,” (such as the requirement to put return addresses on the front and back of outgoing envelopes) shall be followed.</p> <p>(a) Outgoing privileged correspondence.</p> <p>...</p> <p>(2) Outgoing privileged correspondence may be sealed by the inmate, and such correspondence shall not be opened, inspected, or read without express written authorization from the facility superintendent as specified in subdivision (c) of this section.</p> <p>...</p> <p>(b) Incoming privileged correspondence.</p> <p>(1) Incoming privileged correspondence shall not be opened outside the presence of the inmate to whom it is addressed, and shall not be read without express written authorization from the facility superintendent (see subdivision [c] of this section).</p> <p>(2) A log entry should document any incoming privileged correspondence erroneously opened outside the presence of the inmate to whom it is addressed (see paragraph [3] of this subdivision). If appropriate, a photocopy of an erroneously opened envelope shall be included.</p> <p>(3) Incoming privileged correspondence shall be given priority handling and shall be delivered in a consistent manner at a time when the inmates are available to receive it and which does not interfere with programming. If the</p>



			<p>inmate to whom privileged correspondence is addressed is not currently at the facility, the provisions of Part 722 of this Title shall be followed.</p> <p>(4) A log shall be created to record receipt and delivery of incoming privileged mail. It shall identify the sender and include the inmate's name and number, the delivery date and time, the title of the delivery person, and note if the inmate refused to sign a receipt, refused delivery of the mail, or would not respond to delivery calls. If privileged mail is erroneously opened outside the presence of the inmate, that fact and any relevant explanation shall be noted in the log.</p> <p>(5) Inspection.</p> <p>(i) Where x-ray capability exists, incoming privileged correspondence should be x-rayed prior to being opened.</p> <p>...</p> <p>(6) Receipt.</p> <p>(i) The inmate to whom privileged correspondence is addressed shall sign a receipt for such correspondence. All receipts for incoming privileged correspondence shall be retained in an appropriate file.</p> <p>(8) Privileged correspondence originally sent out of the facility by an inmate, but subsequently returned to the inmate sender by the postal service, shall be processed as incoming privileged correspondence in accordance with the procedures as set forth in paragraphs (1) and (2) of this subdivision.</p> <p>(c) Authorization to read privileged mail.</p> <p>(1) The superintendent shall not authorize the reading of incoming or outgoing privileged correspondence unless there is a reason to believe that the provisions of this or any directive or rule or regulation have been violated, that any applicable State or Federal law has been violated, or that the content of such correspondence threatens the safety, security, or good order of a facility or the safety or well being of any person. Such authorization by the</p>
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			<p>superintendent shall be in writing and shall set forth facts forming the basis for the action.</p> <p>(2) The superintendent is advised to consult with the department's office of counsel before issuing such authorization. If the facility superintendent authorizes the reading of privileged correspondence, it shall be read only by the superintendent, a deputy superintendent or central office staff.</p> <p>(3) If after reading the contents of privileged correspondence there is reason to believe that the provisions of this or any directive or rule or regulation have been violated, or that any State or Federal law has been violated, or that the content of such correspondence threatens the safety, security good order of a facility or the safety or well-being of any person, then the correspondence may be confiscated, and the inmate must be given written notice of the confiscation, unless doing so would be inconsistent with the need to safeguard an investigation. The notice must include the reason(s) for the confiscation, and it must inform the inmate of the right to appeal the confiscation to the deputy commissioner for program services. In the case of incoming correspondence, the correspondent must also be given a copy of such notice and accorded the right to appeal, unless doing so would be inconsistent with the need to safeguard an investigation. Reason to believe that privileged correspondence is being used to introduce contraband or other materials not entitled to the privilege shall be sufficient reason for confiscation.</p> <p>(4) This subdivision shall not be deemed to require the express written authorization of the superintendent to inspect incoming privileged correspondence, in the presence of the inmate, to ensure that the materials contained in the correspondence are entitled to the privilege.</p> <p><a href="#">9 CRR-NY 7004.4</a> (county jails)</p>
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			<p>Privileged incoming and outgoing correspondence</p> <p>(a) As used in this Part, legal privileged correspondence shall mean correspondence to or from attorneys and individuals under the direct supervision of attorneys, legal assistance agencies and individuals under the direct supervision of legal assistance agencies, and courts. General privileged correspondence shall mean correspondence to and from the State Commission of Correction and other correctional officials, local, State and Federal law enforcement agencies, and the media.</p> <p>(b) Incoming general and legal privileged correspondence shall not be opened and inspected for contraband except in the presence of the recipient prisoner.</p> <p>(c) Outgoing general and legal privileged correspondence shall not be opened and inspected for contraband except where the chief administrative officer determines there is reasonable suspicion to believe that the contents of such privileged correspondence threaten the safety or security of the facility or the safety and security of another person. A prisoner shall be present when his outgoing general or legal privileged correspondence is opened pursuant to this subdivision.</p> <p>(d) Incoming or outgoing prisoner legal privileged correspondence shall not be read except pursuant to a lawful search warrant. Such warrant shall be obtained within 24 hours of the facility's receipt of such correspondence and shall be enforced immediately after its issuance. A prisoner shall be present when his privileged correspondence is read pursuant to this subdivision.</p> <p>(e) Incoming and outgoing general privileged correspondence shall not be read except where the chief administrative officer determines there is reasonable suspicion to believe that the contents of such general privileged correspondence endanger or threaten the safety or security of the facility or the safety and security of another person. When the chief administrative officer</p>
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			makes such a determination, he shall issue a written order which shall state the specific facts and reasons why such action is necessary to maintain the safety and security of the facility or the safety and security of another person. The recipient inmate shall be present when his incoming and outgoing general privileged correspondence is read pursuant to this subdivision.
<b>North Carolina</b>	(no information located)		
<b>North Dakota</b>	Phone	Visitation	Mail
<i>Regulations/Guidance</i>  * The <a href="#">Correctional Facility Standards</a> appear to apply to all correctional facilities in the state.	<a href="#">North Dakota Correctional Facility Standards 2022</a> Standard 77: Inmate Telephone Usage Correctional facilities may allow an inmate to make telephone calls to persons other than the inmate’s attorney within limitations set by the correctional facility. Correctional facilities shall notify inmates at intake and shall post a notice in a location accessible to all inmates that phone calls, except to attorneys, are subject to monitoring and recording.  Standard 84: Inmate Attorney Telephone and Electronic Contact Correctional facilities shall allow inmates to make telephone calls to their attorneys at reasonable times. Calls to and from contacts verified as legal representation may not intentionally be audio monitored or recorded. Correctional facilities shall obtain the telephone number of an attorney who has called an inmate and permit the inmate to return the call at a reasonable time. Correctional facilities shall inform inmates electronic messaging is not a confidential means of communication.	<a href="#">North Dakota Correctional Facility Standards 2022</a> Standard 85: Attorney Visits Correctional facilities shall allow inmates to have visits from their legal counsel. Upon an inmate’s request, legal counsel may visit an inmate after admission or as soon as reasonably possible. All subsequent visits by legal counsel may be restricted to reasonable hours. Visits by legal counsel may be subject to staff or video visual observation, but without audio monitoring; however, when there may be observation, a notice must be posted in visiting areas. Audio or video recording of attorney visits is prohibited.	<a href="#">North Dakota Correctional Facility Standards 2022</a> Standard 81: Incoming and Outgoing Inmate Mail Correctional facilities shall have a written policy, procedure, and practice governing incoming and outgoing general, official, and legal mail that includes: a. Mail depository or mail collection process; b. Procedures for screening incoming and outgoing general correspondence; c. Procedures for documenting and verifying incoming and outgoing legal and official mail and searching it for contraband; and d. Process for inmates to challenge mail rejections.
<b>Ohio</b>	Phone	Visitation	Mail
<i>Regulations/Guidance</i>  *State facilities are regulated by Ohio Department of	<a href="#">59-LEG-01 – Inmate Access to Courts and Counsel G. Communication with Attorneys</a> (state facilities) 3. An attorney may request to confer with his/her client by telephone when there is not enough time	<a href="#">59-LEG-01 – Inmate Access to Courts and Counsel</a> (state facilities) Communication with Attorneys	<a href="#">59-LEG-01 – Inmate Access to Courts and Counsel</a> (state facilities) G. Communication with Attorneys

<p>Corrections rules. County and municipal jails are locally run but are subject to <a href="#">Minimum Standards for Jails</a>. The DOC conducts inspections on county and municipal jails.</p>	<p>for the attorney to either correspond with or personally visit the inmate due to the circumstances of the inmate’s litigation. Such requests shall be directed to the managing officer or the person designated by the managing officer. Such conversations between the inmate and the attorney shall be considered confidential; the same as in person visits.</p> <p>4. Inmates may contact attorneys by telephones placed in the institution for general inmate use; however, because calls from such phones may be monitored and/or recorded, these phones should not be used to discuss confidential attorney/client matters.</p> <p><a href="#">76-VIS-02 – Inmate Access to the Telephone and Electronic Mail</a></p> <p>C. Legal Calls</p> <p>1. On occasion, courts will schedule pre-trial hearings via conference calls between the plaintiff, plaintiff’s attorney, defendant, defendant’s attorney and the courts. In such cases, it is imperative that all factors are properly coordinated to ensure availability of the inmate, private telephone access, and visual monitoring. Upon receipt of such hearing notice, the managing officer will assign a specific employee to coordinate the telephone pre-trial hearing. All such calls shall be visually monitored, but not voice monitored.</p> <p>2. Inmates’ use of telephones to place calls to parties outside of the institution is conditioned on their consent to these calls being monitored. As such, these telephone calls are not appropriate for legally recognized privileged communication. If an inmate wishes to have a privileged communication, then this generally should occur in person or through the U.S. mail, subject to the provisions</p>	<p>2. Attorneys shall be permitted to visit inmates under the procedures set forth in Administrative Rule 5120-9-20, Visits by Attorneys and Inmates Access to Legal Services. Attorney visits shall take place in a room designated for that purpose where they can talk in private but be subject to visual observation.</p> <p>H. Communication with Attorneys at Privately Operated Prisons</p> <p>1. In the case of a state correctional institution that is privately operated and managed pursuant to Ohio Revised Code (ORC) section 9.06, if normal meeting locations for attorneys and their inmate/resident clients are in areas where video cameras are present, the managing officer shall establish local procedures for accommodating an attorney request for a camera-free meeting area unless:</p> <ul style="list-style-type: none"> <li>a. Doing so would violate requirements of the ODRC as set forth in its administrative rules and policies;</li> <li>b. Doing so would interfere with the secure, safe, and orderly operation of the facility; or</li> <li>c. Doing so would endanger the security or safety of any person.</li> </ul> <p>2. The managing officer of a state correctional institution that is privately operated and managed pursuant to ORC section 9.06 may limit the number of simultaneous camerafree meetings and require advance scheduling of camera-free meeting spaces by visiting attorneys to ensure the orderly operation of the facility is not disrupted.</p> <p><a href="#">Rule 5120:1-8-06   Communication</a> (jails)</p>	<p>1. Legal mail, including inmate mail to and from attorneys, shall be handled pursuant to Administrative Rules 5120-9-17, Incoming Mail, and 5120-9-18, Outgoing Mail. Letters to or from staff members of the ODRC do not qualify as legal mail under this provision</p> <p><a href="#">75-MAL-03 – Incarcerated Population Legal Mail</a> (state facilities)</p> <p>A. Processing Incoming Legal Mail</p> <p>2. Staff shall visually inspect the envelope for obvious signs of contraband or anomalies. If there is no obvious indication that the mail contains contraband, staff shall proceed to the next step of this procedure. If there are obvious indications that the mail contains contraband, staff shall proceed to subsection VI.B below.</p> <p>...</p> <p>4. The contents of legal mail should never be copied.</p> <p><a href="#">Rule 5120:1-8-06   Communication</a> (jails)</p> <p>(C) (Important) Legal mail or correspondence shall be opened and inspected in the presence of the inmate to intercept contraband. The jail shall document procedures for the appropriate disposition of intercepted items.</p>
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	made in regulations governing legal services, mail, printed materials and visitation. In the event of an urgent legal matter, an inmate may contact unit personnel to request arrangement of an unmonitored telephone call. Telephone calls with an attorney, that have been cleared and approved by the managing officer/designee, shall not be voice monitored, but shall be visually monitored.  <a href="#">Rule 5120:1-8-06   Communication</a> (jails) (H) (Important) Inmates shall have access to legal counsel of record including telephone contact, written communication, and confidential visits.	(H) (Important) Inmates shall have access to legal counsel of record including telephone contact, written communication, and confidential visits.	
<b>Oklahoma</b>	Phone	Visitation	Mail
<i>Regulations/Guidance</i>  *State facilities are regulated by the Oklahoma Department of Corrections policies. County jails are run by local law enforcement..	<a href="#">OP-030119 – Inmate Telephone Privileges</a> II. Monitoring of Telephone Calls 1. Calls, other than those deemed legal, may be monitored by facility staff officials. 2. Legal calls are those by inmates to their attorney(s) and those persons working for the attorney(s). Inmates shall request to have attorney telephone numbers entered into the telephone system as privileged. The requests should be processed by the facility, as designated by the facility head, and entered into COMIT. Once submitted, the General Counsel’s office will verify the attorney’s telephone number and enter the verification into the inmate telephone system	<a href="#">OP-030118 – Visitation</a> C. Attorney Visits Attorney visits are visits that occur between the inmate and his or her attorney or paralegal, investigator, law student, or expert witness working for the attorney representing the inmate. Inmates will be allowed the same general visiting privileges during an attorney visit as what is permitted for regular visits. Attorneys may be required to present an Oklahoma Bar Association membership card upon their arrival at the facility. Paralegals, investigators, law students, or expert witnesses appearing for an attorney visit may be required to present a letter on the attorney’s letterhead stating that the paralegal, investigator, law student or expert witness is working for the attorney on the case involving the inmate who is also the attorney’s client. Attorneys are encouraged to visit their clients during normal visiting hours of the facility. With advance notice, and approval of the facility head, attorney visits may occur during non-visiting hours; however, such attorney visits will normally be	<a href="#">OP-030117 - Correspondence, Publications, and Audio/Video Media Guidelines</a> 1.B. Legal Mail/Correspondents Mail to/from attorneys must be protected in recognition of the attorney-client privilege, 12 O.S. § 2502. 1. Mail to/from a paralegal service is not considered legal mail, as there is no attorney/client relationship or privilege. 2. Mail to/from the Attorney General of the State of Oklahoma and the courts will be processed as legal mail. V. Handling of Legal Mail A. The facility head or designee will ensure that the name and address of sender, name and address of the recipient, and the date of all incoming and outgoing legal mail is entered in a mail log and identified as legal mail. B. All outgoing legal mail will be correctly addressed and the envelope marked “Legal Mail.” If incorrectly marked or addressed, the mail will be returned to the inmate to be corrected. Legal mail will be submitted unsealed and a cursory inspection for foreign substances and suspicious features such as, escape plans, maps, music, art, coloring diagrams, and other documents obviously not legal material will be conducted. Reading legal mail for content review is

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		<p>restricted to normal business hours and the date, time and duration of the visit may be set by the facility head. With approval of the facility head, attorney visits may be barrier free, contact visits. Facility heads may approve an attorney, paralegal, investigator, law student or expert witness to bring a computer or tablet to the visit, if necessary for document review by the inmate or for testing that requires software/technology. Each facility head shall develop procedures for attorney visit requests and approval of attorney visits and should address all other matters that require approval of the facility head. Attorney visits may be visually observed by staff but are not to be audio recorded or occur in a location where the conversations between the inmate, attorney, paralegal, law student, investigator or expert can be overheard by staff.</p>	<p>not allowed unless authorized by the facility head upon reasonable suspicion that unauthorized activities or material has been placed in the outgoing legal mail. The envelope will then be sealed by the inmate in the staff member's presence.</p> <p>C. Incoming mail marked "Legal Mail" that does not contain a return address will be returned to the post office.</p> <p>D. All incoming legal mail will be opened in the presence of the inmate addressee and a cursory inspection for foreign substances and suspicious features such as, escape plans, maps, music, art, coloring diagrams, stickers, unnecessary labels and other documents obviously not legal material will be conducted including leafing through the material to ensure nothing is concealed between the pages; however, reading legal mail for content review is not allowed unless authorized by the facility head upon reasonable suspicion that unauthorized activities or material has been placed in the incoming legal mail.</p> <p>1. If the inmate has transferred, the legal mail will be forwarded within one business day to the inmate's current facility. However, certified mail will not be accepted in accordance with Section II. F. item 2. of this procedure.</p>
<b>Oregon</b>	<b>Phone</b>	<b>Visitation</b>	<b>Mail</b>
<p><i>Regulations/Guidance</i></p> <p>*State facilities are subject to Oregon Department of Corrections rules while local facilities are subject to <a href="#">separate rules</a>.</p>	<p><a href="tel:291-130-0021">291-130-0021</a>  <a href="#">Legal Calls</a> (state facilities)                      (1) The department shall maintain a list of legal telephone numbers entitled the "legal call list." Inmate calls to attorneys whose telephone numbers appear on the legal call list will not be monitored or recorded by the department. The legal call list shall include the official telephone numbers of all attorneys registered with and provided to the Oregon State Bar Association, official telephone numbers of attorneys who have requested and been added to the list as specified in subsection (2) below and business telephone numbers of other</p>	<p><a href="tel:291-127-0450">291-127-0450</a>  <a href="#">Professional Visits</a> (state facilities)                      (1) Professional visits shall be approved in advance by the superintendent or designee. Such visits should be made by appointment during regular visiting hours or hours as designated by the facility.                      (2) Persons approved for these types of visits with an inmate must present credentials or identification at the facility visiting desk or reception area sufficient to identify themselves.                      (3) These types of visits are not subject to a point deduction.</p>	<p><a href="tel:291-131-0030">291-131-0030</a>  <a href="#">Examination/Inspection of Legal and Official Mail</a> (state facilities)                      (1) Legal or official mail shall be afforded special processing as provided in subsections (2) and (3) of this rule.                      (a) To qualify for special processing, mail that otherwise qualifies as legal or official mail under OAR 291 131 0010 (14) or (18) must have affixed to the addressee side of the envelope or parcel the words "LEGAL MAIL" or "OFFICIAL MAIL", as appropriate. The "LEGAL MAIL" or "OFFICIAL MAIL" designation should be set apart from both the return address and the mailing address, and should</p>

	<p>organizations as deemed appropriate by department and whose communication with inmates shall be considered confidential. The list of official numbers of attorneys registered with the Oregon State Bar will be updated twice a year.</p> <p>(2) Upon request of an attorney whose official telephone number is not on the legal call list or upon request of the attorney's inmate client, the department will verify the number with the appropriate state bar and add the attorney's official telephone number to the list. However, the department will not include an attorney's home, cell or other telephone number on the department's legal call list that is not the attorney's contact telephone number provided to the appropriate state bar. Inmate calls to telephone numbers not on the legal call list will be subject to monitoring or recording by the department.</p> <p>(3) An inmate with an active or pending case with an imminent court deadline of ten business days or less who does not have regular access to the inmate telephone system (e.g., the inmate is in disciplinary segregation or Intensive Management Unit) may be permitted a legal call to his/her attorney as approved by the officer-in-charge or the inmate's counselor.</p> <p>(a) Use of Inmate Telephone System: Designated staff will make arrangements for the inmate to make the call.</p> <p>(b) Use of Staff Phones: Designated staff will facilitate the call and verify the identity of the person called. The staff member shall leave the area where the call is taking place; however, the inmate shall be kept under observation. The call should be placed as collect, if possible. Use of staff phones for such calls shall be held to a minimum.</p>	<p>(4) Professional visitors may be permitted to bring necessary documents or paperwork into the visiting area for exchange with the inmate with prior approval of visiting staff.</p> <p>(5) Computers, tape recorders, and other electronic devices may be permitted upon the approval of the superintendent or designee. All articles shall be searched for contraband.</p> <p>(6) These types of visits shall be permitted with only one inmate at a time, except as otherwise authorized in advance by the superintendent or designee.</p>	<p>be of sufficient size, to permit easy recognition by facility mailroom employees.</p> <p>(b) Mail that otherwise qualifies as legal and official mail but lacks the proper designation shall be processed as ordinary mail ( shall be subject to inspection; for example, opening, examination, reading or photocopying)outside the inmate's presence.</p> <p>(2) Legal and official mail sent from or received in a Department of Corrections facility in sealed envelopes or parcels shall be opened and examined for contraband in the presence of the inmate, but shall not be read or photocopied, except as authorized in subsection (3) of this rule.</p> <p>(3) Legal and official mail may be inspected (i.e., opened, examined, read or photocopied) outside of the inmate's presence only when directed by the Department of Corrections facility functional unit manager or designee, and approved by the Assistant Director of Operations or the Inspector General, based on specific circumstances or specific information indicating that an inmate or other person has or may be in the process of violating provisions of law, department administrative rules, or may otherwise be engaged in activity that threatens or impairs the security, good order, or discipline of the facility and officials, staff, or inmates.</p>
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Pennsylvania	Phone	Visitation	Mail
<p><i>Statutes</i></p>	<p><a href="#">Title 66 Pa.C.S.A. Public Utilities § 2907. State correctional institutions</a>                      (a) Identification of calls.--Telecommunication service providers which provide telecommunication services to State correctional institutions shall identify to the called party any call made by an inmate as originating from a correctional institution.                      (b) Payment of calls.--                      (1) The Department of Corrections may direct that calls made by an inmate shall be collect calls.                      (2) The Department of Corrections may provide guidelines for alternative payment methods for telephone calls made by inmates, provided that the alternative methods are consistent with security needs, orderly operation of the prison and the public interest.                      (c) No cause of action created.--This section shall not be construed to create any cause of action or any legal right in any person or entity. In addition, this section is not intended to create any right of an inmate to make a telephone call or to compel a particular method of payment.</p>		
<p><i>Regulations/Guidance</i></p> <p>* The Pennsylvania Department of Corrections policies and regulations apply to all facilities operated under the jurisdiction of, or conducting business with the Department of Corrections. It is not clear if DOC rules apply only to state facilities or to both state and county</p>	<p><a href="#">DC-ADM 818 Automated Inmate Telephone System</a>                      D. Facility Authorized Telephone Calls                      1. Facility staff may authorize the use of the facility-owned telephone system for the following reasons:                      a. serious illness, hospitalization, or death of an immediate family member;                      b. contact with an attorney in matters of immediate need, which will last no longer than five to ten minutes. If additional time is needed, the attorney will be directed to contact the facility to set up a telephone conference;</p>	<p><a href="#">37 Pa. Code § 93.3 - Inmate visiting privileges</a>                      (c) Attorneys. An inmate may designate attorneys for whom the inmate desires visiting privileges at any time. The designation shall be in addition to the names on the approved list and will not be counted against the total approved by the Department.                      (1) The confidentiality of the attorney-client relationship will be honored. Personnel will not be stationed in a manner as to be able to overhear normal conversation.                      (2) An attorney who has been designated by an inmate as the inmate's legal advisor may permit persons, such as law students or investigators to</p>	<p><a href="#">DC-ADM 803 – Inmate mail and Incoming Publications</a>                      1(D) Incoming Inmate Mail Procedures – Privileged Mail                      3. Processing of Incoming Privileged Correspondence.                      a. All incoming, privileged inmate correspondence must be addressed and sent to the inmate at the address of the institution where he or she is housed.                      ...                      d. Privileged correspondence shall only contain essential, confidential, attorney-client communication.                      ...                      h. Incoming privileged correspondence shall not be opened by the mailroom staff.</p>

<p>facilities (there are separate chapters within the state code, but the chapter pertaining to jails contains very little). The DOC inspects county correctional institutions.</p>	<p>c. when the attorney will not accept a collect call and the inmate has no funds available for a pre-paid call;  d. contact with an attorney regarding a legal matter which, because of an immediate deadline, cannot be handled in person or via correspondence; and  e. an extraordinary or unusual circumstance.  2. The inmate must establish that an actual emergency exists. The staff member authorizing the inmate telephone call must verify the emergency exists prior to placing the call, document the call on a DC-121, Part 3, Employee Report of Incident, and forward the report to the Security Office and the Facility Manager/designee. In addition, a facility authorized call is to be monitored by the staff member providing this privilege. If the inmate does not agree to have this phone call monitored, he/she will not be granted the privilege of placing a telephone call on the facility-owned telephone system. An attorney phone call shall not be monitored; however, staff will first verify that the call is received by the attorney and the attorney is representing the inmate.</p> <p><a href="#">37 Pa. Code § 93.7 - Telephone calls</a>  (a) Inmates in general population may make phone calls in accordance with 66 Pa.C.S. § 2907 (relating to state correctional institutions) and the Department of Corrections Inmate Handbook. Phone calls, except confidential communications between attorneys and inmates, will be subject to monitoring in accordance with 18 Pa.C.S. § 5704 (relating to</p>	<p>visit the inmate to act as the attorney's agents. Each person shall present to the facility at the time of the visit a written statement signed by the attorney on the letterhead of the firm of the attorney identifying each person as the attorney's agent and attesting that the visit is for the purpose of a legal consultation.  (3) Attorneys and their agents are subject to the same rules and regulations as other visitors.</p>	<p>i. Mailroom staff will ensure that all the information below is entered into the Digital Master Log prior to the privileged correspondence being forwarded, unopened, to the facility Security Office:  (1) inmate name and institutional number;  (2) institution;  (3) ACN/CCN/MCN;  (4) TC;  (5) verification of sender/address; and  (6) accepted/rejected with reason  ...  4. Incoming privileged correspondence may only be read upon the written approval of the Secretary/designee when there is reason to believe that there is a threat to facility security or criminal activity.</p> <p><a href="#">37 Pa. Code § 93.2 - Inmate correspondence</a>  (c) Incoming mail. Mail sent to a facility will be opened and examined for contraband in the facility's mailroom or designated area except when permitted under paragraph (1).  (1) The Department may permit sealed mail to be opened in the presence of an inmate under the following conditions:  (i) An attorney or authorized representative/designee may hand-deliver a sealed confidential client communication to an inmate if the attorney is unable to communicate through alternative means, if the following conditions are met:  (A) The person making the delivery does so during normal business hours unless granted permission in advance by the Secretary or a designee.  (B) The person making the delivery shall provide valid identification and information sufficient to verify that the person is the inmate's attorney or authorized representative of the attorney.  (C) The person making delivery shall present the</p>
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	<p>exceptions to prohibition of interception and disclosure of communications).</p>		<p>documents for inspection for contraband, unsealed and unbound.</p> <p>(D) Upon inspection, the documents will be sealed and delivered to the inmate where they will be unsealed and searched again for contraband.</p> <p>(ii) An attorney may obtain a control number from the Department's Office of Chief Counsel if the attorney wishes to have correspondence addressed to an inmate client opened in the presence of the inmate.</p> <p>(A) An attorney shall submit a written request for a control number to the Office of Chief Counsel. The request must include the attorney's name, address, telephone and facsimile numbers, State attorney identification number and a verification subject to the penalties of 18 Pa.C.S. § 4904 (relating to unsworn falsification to authorities) that all mail sent to inmates using the control number will contain only essential, confidential, attorney-client communication and will contain no contraband.</p> <p>(B) The attorney shall place the control number on each envelope that the attorney wishes to have opened in an inmate's presence. The number is confidential. It shall only be placed on the outside of the envelope so that it can be obliterated before it is delivered to an inmate client.</p> <p>(C) If a control number does not appear on the envelope, the mail will be treated as regular mail and opened in the mailroom unless the procedures in subparagraph (i) are followed.</p> <p>(D) The Department may change the control number for any reason upon notice to the attorney who requested it.</p> <p>(iii) A court may direct delivery of court documents sealed from public disclosure to an inmate by specific order. The court's representative shall deliver the sealed documents and the specific court order to the facility.</p>
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			Under no circumstances will documents filed in a court of public record be delivered sealed to an inmate.
<b>Rhode Island</b>	<b>Phone</b>	<b>Visitation</b>	<b>Mail</b>
<p><i>Regulations/Guidance</i></p> <p>* Rhode Island has a “unified” prison and jail system. The Department of Corrections regulations apply to all facilities.</p>	<p><a href="#">240-RICR-30-00-2 - Inmate Telephone Privileges / Monitoring</a></p> <p>2.3(D)(2). Inmate calls are limited to:</p> <ol style="list-style-type: none"> <li>a. Up to ten (10) social numbers;</li> <li>b. Up to five (5) attorney numbers.</li> </ol> <p>Only attorneys whose names and business telephone numbers appear in the State of Rhode Island and Providence Plantations Supreme Court ACS Attorney Registration will be recognized for this privilege, unless authorization is given by the Warden or designee.</p>	<p><a href="#">240-RICR-20-00-3 - Access to Institutional Facilities by Attorneys and Their Agents</a></p> <p>A. For the purposes of this Part, attorneys are defined as members in good standing with the Bar of Rhode Island or members of any other state or federal jurisdiction who represent clients incarcerated at RIDOC. See § 1.4(D)(1) of this Part for identification requirements.</p>	<p><a href="#">240-RICR-10-00-1 – Inmate Mail</a></p> <p>1.4.2 Privileged Mail</p> <p>A. General Guidelines</p> <ol style="list-style-type: none"> <li>1. Privileged mail, whether it is incoming or outgoing, cannot be read by RIDOC staff.</li> <li>2. Inmates are permitted to send and receive letters from the following persons: <ol style="list-style-type: none"> <li>a. Any official of a court of the United States or the State of Rhode Island or acting on behalf of the court (judge, attorney, clerk, probation and parole officers);</li> <li>b. The President of the United States;</li> <li>c. The Governor of the State of Rhode Island;</li> <li>d. Any member of the Congress of the United States;</li> <li>e. Any member of the General Assembly of the State of Rhode Island;</li> <li>f. The Attorney General of the United States;</li> <li>g. The Attorney General of the State of Rhode Island;</li> <li>h. The Director or any agent of the Federal Bureau of Investigation (FBI);</li> <li>i. The senior administrator of any state’s State Police;</li> <li>j. The Director of the Rhode Island Department of Corrections; <ol style="list-style-type: none"> <li>k. Any Assistant Director of the Rhode Island Department of Corrections;</li> <li>l. Any member of the Parole Board;</li> <li>m. RIDOC Inmate Grievance Coordinator;</li> <li>n. Any public official or agency, where the mail appears on its face to relate to legal matters;</li> <li>o. The American Civil Liberties Union (ACLU), its affiliates and sections, i.e., The National Prison Project;</li> <li>p. Public Defender;</li> <li>q. Attorney;</li> </ol> </li> </ol> </li> </ol>

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			<p>r. Legal Aid Society.</p> <p>...</p> <p>B. Incoming Privileged Mail</p> <p>1. Incoming privileged mail may be opened and inspected in the presence of the inmate addressee. RIDOC staff is prohibited from reading privileged incoming mail.</p> <p>2. Incoming privileged mail is treated as privileged only if the name and/or official status of the sender appear clearly on the envelope.</p> <p>C. Outgoing Privileged Mail</p> <p>1. Outgoing privileged mail may only be inspected if a reasonable belief exists that the security of the institution is at risk. In such cases, it may be inspected for contraband only in the presence of the inmate. RIDOC staff is prohibited from reading outgoing privileged mail.</p>
<b>South Carolina</b>	<b>Phone</b>	<b>Visitation</b>	<b>Mail</b>
<p><i>Regulations/Guidance</i></p> <p>The South Carolina Department of Corrections administrative operations manual applies to state run facilities. City, County and regional jails must adhere to the <a href="#">Minimum Standards for Local Detention Facilities in South Carolina</a></p>	<p><a href="#">ADM-15.02, "Telephone Use"</a> (state facilities)</p> <p>3.3 Inmates and called parties will hear an announcement that their calls may be monitored and recorded prior to the acceptance of the call. All telephone calls will be monitored except for calls to the inmate's attorney of record, if the attorney has requested that those calls not be monitored. Attorneys may request that calls not be monitored by providing their telephone number, the name and inmate # of the inmate they represent, and their bar association membership number in a formal request on their firm's letterhead. This request must be sent to: South Carolina Department of Corrections Office of the General Counsel PO Box 21787 4444 Broad River Road Columbia, SC 29221-1787 NOTE: Any questions regarding attorney telephone privileges or requests that calls not be monitored should be addressed to the RIM Help Desk.</p>	<p><a href="#">OP-22.09, "Inmate Visitation"</a> (state facilities)</p> <p>5.4 Attorneys: The SCDC recognizes that inmates have a guaranteed right to communicate with their attorneys and to be provided access to state and federal courts. The SCDC will ensure that inmates are afforded sufficient access to visit with their attorneys and authorized agents, e.g., paralegal or an investigator, who can show they are working for the attorney of record. An attorney desiring to visit an inmate who is not a member of his/her immediate family may gain admission to any SCDC institution by calling Monday through Friday during normal business hours and making an appointment with the Institution the inmate is housed at (on or about 8 A.M. - 4 P.M.) The Institutions will make every effort to accommodate attorney visits, but may require advance notice for the visit. The attorney will be required to present his/her bar identification card and a photo identification card as described in</p>	<p><a href="#">PS-10.08, "Inmate Correspondence Privileges"</a> (state facilities)</p> <p>8.3 Legal, Privileged, and Certified Mail: The Postal Director/designee will be responsible for date stamping and documenting all incoming legal, privileged, and certified correspondence on SCDC Form 10-12, "Legal/Privileged/Certified Mail Delivery Log." The disposition of such mail (e.g., inmate picked up mail, inmate refused mail - returned to sender, inmate released from the SCDC-mail forwarded, etc.) must be documented on the Legal/Privileged/Certified Mail Delivery Log. The Postal Director will be responsible for verifying the identity of the inmate by his/her SCDC identification card prior to delivering the mail.</p> <p>...</p> <p>11.1 Legal: Inmates will be permitted to send legal mail as needed regardless of his/her indigent status, E.H. Cooper Trust Fund account cash balance, or canteen spending limit to the following recipients:</p>

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	<p><a href="#">Minimum Standards for Local Detention Facilities in South Carolina</a> (local facilities)                  2014 - 33 TELEPHONES Telephones are available for inmate use.                  Discussion: Telephone facilities should permit reasonable and equitable access for all inmates and permit a reasonable amount of privacy.</p> <p>2033 TELEPHONE Each facility shall develop and implement a written plan for the use of the telephone. Inmates may be required to pay for telephone calls. If telephone calls are to be monitored and/or recorded, notice shall be provided.</p>	<p>Procedure 5.2, above, to the Officer(s) at the entrance of the institution.</p>	<p>Officials of federal, state, and local courts - the inmate shall be required to demonstrate that s/he has an action pending in the court or that s/he is initiating an action in the court. For indigent inmates, all pending/initiated legal actions in court must relate to challenging or appealing the inmate's sentence or to challenging the conditions of his/her confinement.                  Attorneys (and their authorized representatives) - limited to inmate's attorney of record; attorney(s) representing the defendant in civil actions in which the inmate is a plaintiff. (An attorney/client relationship must be established by correspondence from the attorney confirming representation in a particular matter or court documents proving appointment in an on-going, not past case.)</p> <p><a href="#">Minimum Standards for Local Detention Facilities in South Carolina</a> (local facilities)                  2032 CORRESPONDENCE Each facility shall develop and implement a written plan for the handling of inmate mail. Such a plan shall include the following provisions: (a) Inmate mail shall not be read except where there is reasonable suspicion that a particular item of correspondence threatens the safety or security of the institution, the safety of any person, or is being used for furtherance of illegal activities. All official mail shall be opened in the presence of the inmate to whom it is addressed. Official mail is defined as mail from officials or organizations including, but not limited to: courts, counsel, officials of the confining authority, government officials, administrators of grievance systems, Department of Corrections, Jail and Prison Inspection Division, Department of Juvenile Justice, and members of the Parole Board.</p>
<p><b>South Dakota</b></p>	<p>Phone</p>	<p>Visitation</p>	<p>Mail</p>
<p><i>Regulations/Guidance</i></p>	<p><a href="#">1.5.D.4 Inmate Access to Telephones and Tablets</a></p>	<p><a href="#">1.5.D.1 Inmate Visiting</a></p>	<p><a href="#">1.5.D.3 Inmate Correspondence</a></p>

<p>Department of South Dakota policies apply to state run facilities. County and police jails and locally run.</p>	<p>7. Attorney or Privileged Calls:                  A. When a caller who has identified themselves as the inmate’s Attorney at Record or a privileged source calls a DOC institution and requests to speak to an inmate, the call will be transferred to a member of the inmate’s unit team. If a staff member not available to take the call, the call will be transferred to the Officer-In-Charge (OIC). The contact may choose to leave a message or voicemail. Staff will notify the inmate of the contact within two business days of receipt of the attorney contact.                  1. Staff may contact the State Bar of South Dakota at (605) 224-7554 to confirm whether the person holds a State Bar of South Dakota Certificate of Membership (only applicable to SD attorneys).                  2. Staff will provide the inmate with the name and contact information of the contact, as provided.                  3. The inmate may use the telephone system. Inmates must contact unit staff to arrange for a privileged/non-monitored telephone call.                  4. If the inmate’s telephone privileges are temporarily suspended, or the inmate is indigent, the inmate may request unit staff or the OIC arrange a time and day for the inmate to call the contact. Return calls requested by the inmate to contact should be scheduled within two (2) business days of the inmate’s request. The inmate may be granted additional telephone access until the contact is successfully reached, or a message can be left.                   a. Attorney/privileged telephone calls are generally limited to weekdays (MondayFriday,</p>	<p>5. Attorney of Record and Recognized Officials:                  A. Attorneys, judges, Chief Justice, Justice of the Supreme Court, Governor, Lieutenant Governor, Governor’s staff and cabinet, current legislators, parole board members, or other recognized federal or state officials (VIPs) may be exempted from a criminal background check by the Warden or Deputy Warden, provided the person’s identify and position can be verified.                  1. Attorneys entering the institution for an Attorney of Record visit should be prepared to present a valid “Certificate of Membership” (State Bar card) AND a valid government photo ID (See ARSD 17:50:02:21). If the person refuses or is not able to produce a valid State Bar card and valid government issued ID, the person is required to complete a Visit List Verification form and is subject to approval by the Warden or Deputy Warden prior to admittance to the institution.                  B. Any request by an inmate for an attorney visit, which may include the Attorney of Record or any representative of an approved attorney (i.e. paralegal or another attorney from the same firm) that is requested for a time or day outside the regularly scheduled visitation hours or days, must be forwarded to unit staff at least one business day prior to the requested attorney visit.                  1. Approval of attorney visits outside regular visit hours or days may be contingent on the existence of extenuating circumstances, such as an imposed deadline for filing or a hearing date. Extenuating circumstances will be considered on a case-by-case basis.                  ...                  K. Audio monitoring (either electronically or in-person) of attorney visits is not permitted. DOC</p>	<p>3. Incoming Privileged/Legal Correspondence:                  A. Only privileged/legal correspondence readily and clearly identifiable as privileged/legal correspondence shall be treated as such. It is the responsibility of the sender to clearly indicate the correspondence contained within the envelope or package is privileged/legal.                  B. Correspondence/envelopes and package clearly designated privileged/legal shall remain secure and in the control of authorized staff until personally delivered to the inmate addressee.                  C. Privileged/legal correspondence or packages will be examined, scan searched and inspected by designated staff in the presence of the inmate, to ensure the contents meet policy requirements and do not contain contraband (See ACA 4-4492). Correspondence and packages may be searched outside the presence of the inmate in emergency situations, such as correspondence or packages perceived to pose an immediate threat. An emergency exception requires authorization from the Mail Security Coordinator or Special Investigation Unit staff. During the inspection of privileged/legal correspondence, staff will determine the genuineness of the addressor (See ARSD 17:50:10:04).                  1. Staff shall not read, censor or unreasonably delay privileged/legal correspondence or packages, unless, after opening the envelope or package, there is a reasonable belief supporting the correspondence contained is not privileged/legal correspondence, poses an immediate threat or otherwise violates policy or correspondence requirements. Such inspection will be completed in the presence of the inmate. If any of the content is withheld from delivery, the inmate shall be notified of reason and this shall be noted on the Inmate Legal Mail Acknowledgement form                  2. Inspection may include opening all seams of any</p>
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	<p>excluding state or federal holidays) and regular business hours (8:00 a.m.-5:00 p.m.) and must not interfere with the daily operation of the unit or institution.</p> <p>b. Telephone calls may be scheduled to take place in a staff member’s office on a staff telephone.</p> <p>c. Telephone calls scheduled by a staff member are generally limited to no more than fifteen (15) minutes. The time limit does not apply to court-ordered telephonic hearings.</p> <p>d. Staff will not audio monitor the phone call. Visual monitoring of the inmate during the call is permitted.</p> <p>1) If there are no windows to facilitate visual monitoring of the inmate, the office door must remain partially open to permit visual observation of the inmate by the supervising staff member.</p> <p>2) If there are windows that allow for visual monitoring of the inmate, the office door may be closed during the call. Staff will maintain visual monitoring of the inmate for the duration of the telephone call.</p> <p>e. Collect calls are limited to a maximum of 30 minutes.</p> <p>B. Inmates will have access to the telephone system to contact their Attorney of Record or privileged source, unless otherwise prohibited (See ACA 4-4275). Inmates who do not have telephone privileges, have not been assigned a PIN number, do not have access to telephones, tablets or kiosks, or are indigent, must submit a written request to unit staff to call their Attorney of Record or privileged source. Staff will respond to the inmate’s request</p>	<p>staff may visually monitor attorney visits. A private visiting area will be made available to inmates for the purpose of discussing legal matters (See ARSD 17:50:02:06). Inmates may be restricted to non-contact visits with an attorney, based on risk and status.</p>	<p>envelope containing legal/privileged correspondence. If the envelope is to be withheld from delivery to the inmate for safety and security reasons, the inmate may request a photocopy of the outside portion of the envelope showing the sender’s name, return address and postmark date. Privileged/legal correspondence/envelopes may be on colored/non-white envelopes and paper and shall be delivered to the intended recipient.</p> <p>3. The inmate will be informed in writing if privileged/legal correspondence properly marked and intended for delivery to an inmate, is accidentally opened by staff outside the presence of the inmate.</p> <p>...</p> <p>6. Outgoing Privileged/Legal Correspondence:</p> <p>A. Inmates shall be permitted to mail privileged/legal correspondence to designated officials (privileged correspondence). Only correspondence properly designated as privileged/legal correspondence will be considered privileged/legal correspondence.</p> <p>B. Each housing unit will maintain regular and designated times on weekdays for inmates to mail privileged/legal correspondence. The correspondence must be delivered to staff by the inmate in an unsealed, self-addressed envelope or provided to staff making rounds to collect correspondence prepared for mailing.</p> <p>C. Outgoing privileged/legal correspondence will be inspected. Staff shall not read, censor, copy or unreasonably delay privileged/legal correspondence without cause.</p> <p>1. Staff will not read privileged/legal correspondence but may inspect the correspondence pageby-page in the inmate’s presence (ACA 4-4492).</p>
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	<p>within two (2) business days of receipt of the request.</p> <p>C. When utilizing the DOC telephone service to contact the inmate’s Attorney of Record or privileged source, it is the inmate’s responsibility to request a non-monitored telephone line. Calls placed from inmate tablets or kiosks are not confidential and may be monitored and/or recorded.</p> <p>D. All inmates, regardless of their assigned unit or status shall be permitted to participate in telephonic or electronic court hearings, as directed/ordered by the court. Accommodations may be provided if an attorney requests the inmate participate in a telephonic hearing, as deemed appropriate by unit staff.</p> <p>1. Participation in court hearings must be arranged with unit staff in advance. Confirmation may be required from the inmate’s attorney or representative of the court. The DOC must be provided sufficient advance notice of the time and date set for the hearing. Courtordered telephonic hearings are typically at the expense of the DOC.</p> <p>2. Telephonic judicial hearings are not typically subject to recording or audio monitoring, unless otherwise deemed a public hearing. The inmate will be visually monitored by staff.</p> <p>E. The DOC may not apply limitations to inmate telephone calls or access to telephones when an inmate demonstrates communication with their Attorney of Record or privileged source through privileged correspondence or privileged visitation is not adequate to meet the inmate’s legal needs (ARSD 17:50:02:17). In emergency cases, during normal business hours, a telephone phone number can be added to an inmate’s approved contact list the</p>		
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	<p>same business day, or as soon as possible to facilitate communication with the Attorney of Record or privileged source.</p> <p>F. Privileged source or Attorney of Record phone calls may be denied or terminated if there is reasonable belief the call is a threat to the safety or security of the institution. The Deputy Warden shall be notified if staff deny or terminate such a call.</p>		
<b>Tennessee</b>	<b>Phone</b>	<b>Visitation</b>	<b>Mail</b>
<p><i>Regulations/Guidance</i></p> <p>* Tennessee Department of Corrections policies and procedures apply to state run institutions. Jails are locally run but are inspected by the state.</p>	<p><a href="#">503.08 – Telephone Privileges</a></p> <p>E. Monitoring/Recording at Facilities with ITS Equipment:</p> <p>1. Telephone calls to an attorney shall not be monitored or recorded.</p>	<p><a href="#">105.09 – Attorney Access to Inmates</a></p> <p>VI. A. Attorneys shall be permitted access to inmates when such access is directly related to the provision of legal services. Such access shall be during the hours established by the facility, but not less frequently than from 8:00 a.m. to 4:30 p.m. local time, five days a week. Attorneys who desire such access must contact the Warden/Superintendent or his/her designee in advance of the intended visit to facilitate entry into the facility and make meeting arrangements.</p> <p>...</p> <p>G. Unless specifically authorized by the Warden/Superintendent or his/her designee, all meetings between attorneys and inmates shall be one-on-one; however, all videoconference meetings between attorneys and inmates shall always be one-on-one. The Warden/Superintendent or his/her designee shall make every reasonable effort to provide a room where an attorney can meet confidentially with an inmate. In any event an inmate must be maintained under visual supervision. A meeting place shall be provided in which the discussion between the inmate and attorney cannot reasonably be overheard by others.</p>	<p><a href="#">507.02 – Inmate Mail</a></p> <p>VI.</p> <p>C. Incoming mail shall be handled as follows:</p> <p>1. Incoming privileged mail shall be opened only by a staff member in the presence of the inmate addressee in order to examine the contents for contraband, and then documented. Any mail which has papers which are bound together by metal clips shall be disassembled by removing the metal clip. The staff members shall not read the privileged mail or listen to legal tapes unless the Warden/Superintendent has, on the basis of reasonable suspicion, determined that privileged mail or tapes may contain information relating to criminal activity. The privileged mail/tape may be read or listened to outside the presence of the inmate if doing so is necessary to avoid compromising an on-going criminal investigation. A bound ledger shall be maintained by mail room staff that lists each of privileged mail received/sent, the date inspected and delivered, and recipient’s signature. Mail relating to the implementation of Policy #511.05 is not considered privileged mail.</p> <p>2. All incoming inmate privileged mail, staff mail, and packages shall be fluoroscoped for contraband prior to leaving the mail room.</p> <p>...</p> <p>K.</p>

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			<p>4. Outgoing privileged mail shall have the envelope date stamped immediately upon its receipt by a designated employee, who will also make an entry in the log for privileged mail. The mail must be identified as privileged by the inmate, who may write “privileged” on the front of the envelope or who may inform the mail room staff. This requirement shall apply for all inmates, including those in segregation or protective custody status.</p> <p>...</p> <p>7. Privileged mail may only be opened and/or read with the written permission of the Assistant Commissioner of Prisons/designee. A written request stating the reason for this action must be submitted by the Warden/Superintendent/designee to the Assistant Commissioner of Prisons/designee for approval. Excluding weekends and holidays, approval must be obtained within 24 hours of the mailrooms receipt of the outgoing correspondence.</p>
<b>Texas</b>	<b>Phone</b>	<b>Visitation</b>	<b>Mail</b>
<p><i>Regulations/Guidance</i></p> <p>*The Texas Department of Criminal Justice Board Policy rules apply to state facilities. Counties are responsible for jails and subject to <a href="#">minimum standards under state law</a>.</p>	<p><a href="#">BP-03.81 – Rules Governing Inmate Access to the Courts, Counsel and Public Officials</a> (state facilities)</p> <p>VI. Attorney and Inmate Telephone Calls</p> <p>A. General Guidelines</p> <p>...</p> <p>2. Attorneys are not permitted to use an attorney and inmate telephone call to provide contact between the inmate and any other person.</p> <p>...</p> <p>4. Inmates may place telephone calls to their attorney of record using the Inmate Telephone System (OTS). OTS telephone calls shall be placed in accordance with ED-03.32, “Inmate Access to Telephones.” Calls between an inmate and the attorney registered as the attorney of</p>	<p><a href="#">BP-03.81 – Rules Governing Inmate Access to the Courts, Counsel and Public Officials</a> (state facilities)</p> <p>V. Attorney Visitation</p> <p>A. Periods of Visitation: Except as limited by this policy, an inmate may visit with an attorney or designated representative on business days for any length of time between 8:00 a.m. and 5:00 p.m., including lunch and dinner hours. In compelling circumstances, the warden or designee may permit the visit to extend past 5:00 p.m. On Saturdays, Sundays, and state and national holidays, attorneys or designated representatives may visit subject to the rules governing non-attorney visits. At the warden’s discretion, the warden may permit an</p>	<p><a href="#">BP-03.91 – Uniform Inmate Correspondence Rules</a> (state facilities)</p> <p>III. Legal Correspondence</p> <p>A. Permissible Correspondence</p> <p>To facilitate the attorney-client privilege, an inmate may send sealed and uninspected letters directly to legal correspondents. No correspondence from an inmate to any legal correspondent shall be opened or read. All incoming correspondence from any legal correspondent shall be opened and inspected for contraband only. The inspection shall be in the inmate’s presence. No correspondence to an inmate from any legal correspondent shall be read.</p>

	<p>record with the OTS vendor shall not be recorded or monitored.</p> <p>5. Inmate requests for telephone contact with their attorneys may be granted in critical circumstances, such as the inmate receives correspondence from a court requiring immediate contact with the attorney or when a foreign national needs to call the consulate. In such circumstances, the inmate shall submit an I-60 to the unit ATC supervisor with an explanation of the critical circumstance. If the scheduled date for the court appearance or hearing precludes a personal visit or correspondence, the request for telephone contact shall be approved. Telephone calls shall be arranged between 8:00 a.m. and 5:00 p.m. during business days unless there are compelling circumstances.</p> <p>6. All other requests for telephone contact shall be made in writing by the inmate’s attorney using the I-162, Attorney/Inmate Telephone Call Application, and the attorney shall provide the unit with at least 24 hours notice, unless the need is preempted by a legal emergency. 7. Frequency and duration of attorney and inmate telephone conversations shall be decided on a case-by-case basis according to need. 8. The telephone call can be scheduled on the same day as the request or on a day that is convenient for all parties. 9. Except as authorized by warrant or court order, telephone calls to attorneys pursuant to this policy shall not be monitored or recorded; however, security staff shall maintain visual surveillance of the inmate for the duration of the call.</p> <p>B. Telephone Call and Attorney of Record Approval</p>	<p>attorney to visit an inmate on Death Row on a non-business day if the attorney offers a reasonable explanation for the necessity of a visit.</p> <p>B. Notice: By 3:30 p.m. of the business day immediately preceding the date that an attorney or designated representative wishes to visit an inmate, the attorney shall provide the warden or designee the name and profession of each visitor, the name of each inmate to be visited, and the estimated arrival time. If visiting multiple inmates, the attorney shall propose a time at which the attorney or designated representative would visit each inmate. The warden or designee shall produce the inmate for the scheduled visit without unreasonable delay</p> <p>C. Identification This section does not apply to SCFO attorneys or employees of the Office of the Attorney General (OAG). 1. Attorneys: Attorneys shall satisfactorily identify themselves to the warden or designee and complete and sign a copy of the I-163, Attorney Application to Visit TDCJ Offender. An attorney bar card and either a valid driver license, identification (ID) card issued by a governmental agency that includes a photograph, or valid United States passport are satisfactory ID. Any other individuals accompanying an attorney shall have the attorney complete the I-166, Attorney Authorization for Approved Representative to Visit TDCJ Offender, before the visit is considered. 2. Upon arrival at the unit, the representative shall present a valid driver license, ID card issued by a governmental agency that includes a photograph, or a valid United States passport, to the warden or designee and provide a copy of the I-166, if not already provided</p> <p>...</p>	
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	<p>1. Designation of Attorney of Record for OTS Purposes Attorneys of record shall register with the OTS vendor by submitting a letter on the attorney’s letterhead stating the attorney’s name; phone number, which shall be verified as matching the number registered with the State Bar of Texas; attorney’s state bar association number and state of registration; a list of TDCJ number and inmate first and last name(s); and a statement that the attorney has an attorney-client relationship with the listed inmate(s). If the attorney is not listed with the State Bar of Texas, the phone number of the bar association where the attorney is licensed shall be included.</p>	<p>G. Visitation Procedures 1. Privacy: Unless requested to do otherwise by either the attorney or the inmate, the warden or designee shall respect the privacy of the visit and maintain a sufficient distance from the visiting inmate and attorney or designated representative to preserve the privacy of communications between them. This rule does not limit the ability of the warden or designee to maintain visual surveillance during the visit or to terminate the visit in case of a threat to security. Attorney visits shall be conducted in the designated attorney visitation area</p>	
<b>Utah</b>	(no information located)		
<b>Vermont</b>	Phone	Visitation	Mail
<p><i>Regulations/Guidance</i></p> <p>* Vermont has a “unified” prison and jail system. The Department of Corrections policies apply to all facilities.</p>	<p><a href="#">DOC Policy#325 Telephone Use</a></p> <p>6. A. Monitoring of Inmate Telephone Conversations Inmate telephone conversations, with the exception of privileged communications, shall be recorded and may be monitored. Each facility shall ensure that inmates receive advance notice of recording and/or monitoring of their telephone calls through:</p> <ol style="list-style-type: none"> <li>1. A recorded message at the beginning of each phone call that advises both the inmate and the other party to the call that the call is subject to recording and/or monitoring;</li> <li>2. The Inmate Telephone System Number Request Form – A statement that the acceptance of an account and use of inmate telephones is deemed as consent to recording and/or monitoring of inmate telephone calls.</li> </ol> <p>B. Monitoring of or Access to Recorded Inmate Telephone Conversations</p>	<p><a href="#">DOC Policy #327.01 Inmate Visits</a></p> <p>4c. Attorney and Legal Visits</p> <p>...</p> <ol style="list-style-type: none"> <li>i. Attorneys or other legal representatives may visit the facility provided there is reasonable advance notice and that permission is granted by the Superintendent or designee.</li> <li>ii. Attorneys or their legal assistants do not need to be on the inmate visitor list; however, their visit will be logged. Legal assistants must have a letter of introduction signed by the attorney on the firm’s stationary. Legal assistants may not have been on their visiting list previously. The attorney’s name, etc., will be posted on the back of the visiting card. They must have a current/valid photograph identification at the time of the visit.</li> <li>iii. All conversations between the inmate and their legal visitor may be visually observed by supervising correctional staff, but not overheard, listened to or recorded in any manner in order to</li> </ol>	<p><a href="#">DOC Policy #409.05 Inmate Mail, Publications, and Audio/Video Regulations</a></p> <p>4. Privileged Correspondence</p> <ol style="list-style-type: none"> <li>a. Outgoing Privileged Correspondence <ol style="list-style-type: none"> <li>i. Outgoing privileged correspondence will meet the same requirements as outgoing general mail except that the words “Privileged Mail” or “Legal Mail” will be written by the inmate on the front of the envelope.</li> <li>ii. An inmate may not use an official Department of Corrections envelope to mail privileged correspondence.</li> <li>iii. Staff will handle outgoing privileged correspondence in the same manner as outgoing general mail, except that it may not be opened without the inmate being present unless it is necessary to open the correspondence for the sole purpose of determining the identity of the inmate who sent it.</li> <li>iv. Outgoing privileged correspondence may be opened and inspected in the presence of the inmate when the Superintendent or designee has reasonable suspicion that the mail contains contraband or is otherwise in violation</li> </ol> </li> </ol>

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	<p>The contents of a recorded/monitored inmate telephone call shall only be disclosed in accordance with 28 V.S.A. § 601(10). However, the department may provide copies of recorded phone calls to the Human Resources Investigation’s Unit in response to investigations into employee misconduct.</p>	<p>reasonably preserve the confidentiality of the attorney client relationship.  iv. No limit will be set to the number of legal visits an inmate may receive. Legal visits will be kept within the framework and times of normal business hours whenever possible. Prior approval from the Superintendent or designee should be received for legal visits expected to exceed normal business hours. v. Pertinent legal materials may be brought for use during the visit but must be inspected by correctional staff and must leave the institution with the legal visitor, unless other arrangements have been made.</p>	<p>of this directive.  ...  b. Incoming Privileged Correspondence  i. Incoming correspondence will be treated as privileged only if it is in an official envelope, with a verifiable return address and from an individual, agency, or organization covered by definition as “privileged” in this directive.  ii. Incoming privileged correspondence will be handled in the same manner as incoming general mail, and will not be opened outside the presence of the inmate to whom it is addressed.</p>
<b>Virginia</b>	<b>Phone</b>	<b>Visitation</b>	<b>Mail</b>
<p><i>Regulations/Guidance</i></p> <p>The Virginia Department of Corrections operating procedures apply to state facilities. Jails and lockups must conform to the <a href="#">Minimum Standards For Jails And Lockups</a></p>	<p><a href="#">Operating Procedure 803.3 Offender Telephone Service</a> (state facilities)  C2. Blocking Attorney Calls from Recording and Monitoring  a. It is the offender’s responsibility to request a recording block to prevent recording and monitoring of an attorney call using a Request to Block Attorney Numbers.  b. Facility staff will email the completed Request to Block Attorney Numbers to GTL at <a href="mailto:va_att_form@gtl.net">va_att_form@gtl.net</a>.  c. GTL staff should process the Request within two days.  i. When GTL staff cannot process the Request within two days for any reason, they must notify the Facility Unit Head and the Operations Support Manager.  ii. The Facility Unit Head will ensure that the offender is provided the opportunity to speak to their attorney using the administrative phone system.</p>	<p><a href="#">Operating Procedure 851.1 Visiting Privileges</a> (state facilities)  B. Legal Visits  1. An attorney or representative acting on the attorney's behalf on official business may qualify for a legal visit with an inmate or probationer/parolee.  a. An attorney or the attorney’s legal representative may request to visit with an inmate or probationer/parolee by submitting a Legal Visit Request to the Facility Unit Head or designee.  i. In the absence of Court documents requiring the visit, legal visits will be limited to attorneys and legal representatives of law firms with a current attorney-client relationship with the inmate or probationer/parolee.  ii. The Legal Visit Request must be submitted with reasonable advance notice, normally 48 hours but not less than 24 hours, of the intended visit.</p>	<p><a href="#">Operating Procedure 803.4 Central Mail Distribution Center</a> (state facilities)  I. Legal Correspondence Processing  A. All inmate and CCAP probationer/parolee legal correspondence must be mailed directly to the Central Mail Distribution Center at 3521 Woods Way, State Farm, Virginia 23160 for screening and inspection, prior to delivery to the facility and issuance to the inmate or CCAP probationer/parolee.  1. Facility mailroom staff will return all legal correspondence received at the facility that is not received from the Central Mail Distribution Center to the sender and will notify the sender of the reason for return using the Notice of Unauthorized Correspondence 803_F2.  2. Facility mailroom staff will provide the inmate or CCAP probationer/parolee with a copy of the Notice of Unauthorized Correspondence as notification that the correspondence was returned.  B. Initial Check-in Process</p>

	<p>d. Numbers are subject to verification, including the existence of a bona fide attorney-client relationship.</p> <p>e. Home numbers of attorneys will not be permitted unless the attorney’s office of record and their residence are the same.</p> <p>f. Paralegals and investigators are not considered attorneys for the purpose of blocking call recording and monitoring.</p> <p>g. A recording block will only be provided upon verification by the vendor that the telephone number is for an attorney or law firm.</p> <p>h. The offender will not receive a confirmation that the recording block is in effect. When a recording block is in effect, the message at the beginning of the call will not say that the call is being monitored and recorded.</p> <p>i. If an area code split affects a number with a recording block, it is the offender’s responsibility to resubmit the changes to continue to have the number blocked from monitoring and recording.</p> <p><a href="#">Minimum Standards For Jails And Lockups</a> (jails and lockups) 6VAC15-40-660. Access to telephone facilities. Written policy, procedure, and practice shall ensure inmates have reasonable access to telephone facilities, except where safety and security considerations are documented.</p>	<p>iii. Visits will occur during normal working hours of the facility unless otherwise approved by the Facility Unit Head or designee.</p> <p>iv. The Facility Unit Head or designee will review the Request and notify the attorney or attorney’s legal representative of the decision.</p> <p>b. A Court Order is required to take an inmate’s or probationer’s/parolee’s deposition in a facility; video depositions will never be required nor will they be allowed.</p> <p>c. A Court Order is required for an expert to evaluate an inmate or probationer/parolee for a Court proceeding, unless the evaluation is initiated by the DOC or the Office of the Attorney General.</p> <p>d. Attorneys and their legal representatives will be required to present a government-issued identification card in order to enter the facility for a scheduled legal visit.</p> <p>i. An attorney must also present their State Bar Association card.</p> <p>ii. Legal representatives must present a letter on official letterhead signed by the attorney or law firm authorizing the representative to visit on the attorney’s behalf.</p> <p>e. Conditions for inmate or probationer/parolee visits with an attorney or a legal representative must maintain the confidentiality of the attorney-client conversations while ensuring proper security and sight supervision.</p> <p>i. Conversations between attorneys and an inmate or probationer/parolee are monitored only by sight.</p> <p>ii. Attorneys and legal representatives must not give any articles directly to the inmate or probationer/parolee.</p>	<p>1. Upon receipt of legal correspondence, Central Mail Distribution Center staff will enter the following information into the center’s electronic log system:</p> <ol style="list-style-type: none"> <li>Date received</li> <li>Inmate or CCAP Probationer/Parolee Name</li> <li>DOC Number</li> <li>Sender’s information from the outer envelope</li> <li>Correspondence Acceptance or Rejection based on but not limited to the following: <ol style="list-style-type: none"> <li>Unable to identify recipient due to full name or DOC number not provided</li> <li>Package does not appear to be legal correspondence</li> <li>Unable to identify sender as an attorney, law firm, legal services provider, court, or governmental office</li> </ol> </li> </ol> <p>2. Central Mail Distribution Center staff will conduct a preliminary review to confirm the validity of the legal correspondence prior to forwarding the incoming legal correspondence to the screening area for inspection.</p> <ol style="list-style-type: none"> <li>Central Mail Distribution Center staff must not open legal correspondence under any circumstances.</li> <li>Central Mail Distribution Center staff must not reject or return the legal correspondence to the sender without approval from the Central Mailroom Distribution Supervisor.</li> <li>When applicable, the reason for rejection, i.e., unable to verify law office, or attorney denies affiliation, etc. must be provided unless doing so would compromise an investigation.</li> </ol> <p>3. After completing the preliminary review, Central Mail Distribution Center staff must forward the legal correspondence to the screening area before the legal correspondence is returned to the sender.</p> <p>C. Screening and Inspection (5-ACI-7D-08; 2-CO-5D-01)</p> <ol style="list-style-type: none"> <li>All unopened legal correspondence, accepted and rejected, must be forwarded to the screening area where</li> </ol>
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			<p>maintain the integrity of the chain of custody process.</p> <p>d. When contraband is found, Central Mail Distribution Center staff will provide written notification of the rejected, nondelivered correspondence to the sender using the Notice of Unauthorized Correspondence 803_F2 with a copy provided to the inmate or CCAP probationer/parolee unless doing so would compromise an investigation. (5-ACI-7D-05; 4-ACRS-6A-08)</p> <p>e. Central Mail Distribution Center staff must not reject legal correspondence without approval of the Central Mailroom Distribution Supervisor.</p> <p>3. When contraband is not detected, staff will forward the unopened legal correspondence to the all-clear area where the legal correspondence will be sent by USPS priority express delivery to the appropriate facilities daily for processing and delivery to the inmate or CCAP probationer/parolee in accordance with Operating Procedure 803.1, Inmate and Probationer/Parolee Correspondence.</p> <p><a href="#">Minimum Standards For Jails And Lockups</a> (jails and lockups) 6VAC15-40-640. General and legal correspondence. All general correspondence may be opened, examined, and censored by authorized personnel as per the USPS Administrative Support Manual, Section 274.96. If searched, all legal correspondence shall be opened in the presence of the inmate.</p>
<b>Washington</b>	<b>Phone</b>	<b>Visitation</b>	<b>Mail</b>
<p><i>Regulations/Guidance</i></p> <p>* Washington Department of Corrections policies and regulations apply to state</p>	<p><a href="#">WAC 137-48-080 Telephone usage</a> (state facilities) (3) The superintendent shall promulgate written regulations outlining the hours of telephone availability, maximum length of calls (not less than five minutes), limitations on telephone use, and</p>	<p><a href="#">WAC 137-48-030 Inspection of Mail</a> (state facilities) (3) Mail (incoming or outgoing) which is clearly identified on the outside of the envelope as legal mail, as defined in WAC 137-48-020, shall be inspected only in the presence of the individual.</p>	<p><a href="#">DOC 150.150 Visits and Tours of Department Facilities and Offices</a> (state facilities) F. Professional visitor (eg attorney, clergy, social worker not escorting a minor, victim advocate) visiting a Department facility will be processed per local procedures</p>

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<p>facilities. County and city jails are locally managed.</p>	<p>provisions for monitoring, recording, and operator-announced calls as provided for in RCW 9.73.095.</p> <p><a href="#">DOC 450.200 Telephone Use by Incarcerated Individuals</a> (state facilities)</p> <p>E. Calls to the Office of Correctional Ombuds (OCO), Attorneys, and Consular Officers</p> <p>1, Calls on a telephone designated for incarcerated individuals to call their attorney or OCO will not be intercepted, recorded, or monitored. This includes calls placed on a TTY/TTD or VRS.</p> <ul style="list-style-type: none"> <li>a. To ensure that calls from individuals are not recorded, attorneys will provide their telephone number to the Chief of Investigative Operations/designee, who will verify the number with the applicable bar association</li> <li>b. Individuals may call their attorney at another telephone number, but those calls may be recorded</li> </ul> <p>See also <a href="#">Attorney Communication with Individuals Incarcerated at DOC</a></p>	<p>Legal mail shall not be read but may be inspected in the presence of the individual to verify legal mail status and that the mail is free of contraband.</p>	
<p><b>West Virginia</b></p>	<p>(no information located)</p>		
<p><b>Wisconsin</b></p>	<p>Phone</p>	<p>Visitation</p>	<p>Mail</p>
<p><i>Regulations/Guidance</i></p> <p>* Wisconsin Department of Corrections policies and regulations apply to state facilities. County and city jails are locally managed.</p>	<p><a href="#">DOC 309.405 Telephone calls to attorneys.</a> (state facilities)</p> <p>(1) Inmates may call attorneys regarding legal matters with the permission of the appropriate staff member. Such calls may be made regardless of the inmate's security status.</p> <p>(2) An inmate's telephone calls to an attorney are not subject to the maximum limit in number, and an attorney's name need not be on the inmate's approved visiting list.</p>	<p><a href="#">DOC 309.10 Special visits.</a> (state facilities)</p> <p>(1) Public officials, elected tribal officials, tribal judges, and members of private and public organizations who provide services to inmates may visit institutions with the approval of the warden. These visitors shall make arrangements for all such visits in advance with the warden to minimize interference with normal operations and activities. The warden may limit the duration of such visits for security reasons. A person who has not attained the</p>	<p><a href="#">DOC 309.04 Inmate mail</a> (state facilities)</p> <p>(3) Institution staff may not open or read for inspection mail sent by an inmate to any of the parties listed in pars. (a) to (j), unless the security director has reason to believe that the mail contains contraband. Institution staff may open mail received by an inmate from any of these parties in the presence of the inmate. Staff may inspect the document but only to the extent necessary to determine if the mail contains contraband, or if the purpose is misrepresented. Staff may read the mail if staff has reason</p>

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	<p>(3) An inmate's telephone calls to an attorney shall be made collect unless payments from the inmate's general account is approved.</p> <p>(4) Staff shall give permission for calls to attorneys for the following reasons:</p> <p>(a) To allow an inmate to return a call from an attorney.</p> <p>(b) When there is a statutory time limit that would be missed and the inmate needs to convey information to the attorney.</p> <p>(c) When it appears to staff that a call to an attorney is in the best interest of the inmate.</p> <p>(d) When an inmate is unable to write.</p> <p>(e) When an emergency exists.</p>	<p>age of 18 may not participate in any group visit except with the approval of the warden, unless the person is a family member on the inmate's approved visitor list.</p>	<p>to believe it is other than a legal document. The department shall process contraband in accordance with sub. (4) (e) (intro.) and 1., (f) and (g). This subsection applies to mail clearly identifiable as being from one or more of the following parties:</p> <p>(a) An attorney.</p>
<b>Wyoming</b>	<b>Phone</b>	<b>Visitation</b>	<b>Mail</b>
<i>Statutes</i>			
<i>Regulations/Guidance</i>	<p><a href="#">Wyoming DOC Policy and Procedure 5.402 Inmate Telephone Access</a> (state facilities)</p> <p>IV(D. Monitoring and Recording of Inmate Calls</p> <p>1. All inmate calls may be monitored and recorded for security purposes, with the following exceptions:</p> <p>i. Legal Calls. Calls between an inmate and an attorney, court or court official, legal aid bureau, or other agency providing legal services to inmates must generally be placed using the automated inmate telephone system.</p> <p>a. Calls between an inmate and an attorney, court or court official, legal aid bureau, or other agency providing legal services to inmates, which are made using the inmate telephone system to pre-registered attorney phone numbers recognized by the automated inmate telephone system, will not be monitored or recorded.</p> <p>b. Either the inmate or the attorney, court or court official, legal aid bureau, or other agency</p>	<p><a href="#">Wyoming DOC Policy and Procedure 5.403 Inmate Access to Attorneys</a> (state facilities)</p> <p>IV(A)(3)</p> <p>i. When authorized, visitation in a WDOC correctional facility is permitted, neither as a matter of right nor as a privilege of the inmate or the inmate's visitor. Rather, visitation is permitted when it is consistent with the safe, secure and orderly management and operation of the facility.</p> <p>a. Attorney visits requested in accordance with this policy will normally be authorized unless WDOC has reasonable suspicion that permitting the visitation would jeopardize the safety, security, health or good order of the facility, and/or the safety and security of other inmates, staff, visitors, contractors, or the community.</p> <p>b. Specific reasons for denial of a visiting request pursuant to this policy include, but are not limited to, the following:</p>	<p><a href="#">Wyoming DOC Policy and Procedure 5.401 Inmate Mail</a> (state facilities)</p> <p>B. General Guidelines for Privileged Mail</p> <p>1. Legal Mail and Official Mail Treated as Privileged Mail. Both legal mail and official mail qualify as privileged mail and will be handled in accordance with this section. (ACI 5-7D-4492)</p> <p>2. Mail To or From WDOC.</p> <p>i. Mail addressed to or from the Director of WDOC will be handled as "Official Mail" and may be mailed or placed into intra-agency mail by mail room staff.</p> <p>ii. Mail to WDOC staff other than the Director is not "Official Mail". Mail sent to a staff not located at the inmate's home institution, outside of the inmate grievance process and disciplinary appeals, will require individual postage and will be handled as non-privileged mail.</p> <p>a. Grievance and disciplinary appeals will not require postage; facilities shall ensure a procedure is in place for processing said appeals.</p>

	<p>providing legal services to inmates, whose phone numbers are not pre-registered with and recognized by the automated inmate telephone system, may request registration of the number in writing to the CEO.</p> <p>c. Inmates may do so by listing the attorney and his/her contact information on the WDOC Form #507, Inmate Calling List Request Form.</p> <p>d. Legal telephone number registration requests will not be counted as modifications, deletions or additions to the approved calling list under section IV.A.3, of this policy.</p>	<p>(1) The prospective visitor has previously introduced contraband into a jail or other corrections facility, or there is reasonable suspicion that the prospective visitor will introduce contraband into a WDOC correctional facility through the visiting process; or</p> <p>(2) The inmate or prospective visitor has Previously disrupted the visiting process or violated visiting rules and procedures within a jail or other corrections facility by words or acts, or there is reasonable suspicion that the inmate or prospective visitor will disrupt the visiting process or violate visiting rules and procedures within a WDO Ccorrectional facility by words or acts.</p> <p>B. Arrangements for Attorney Visits. Arrangements may be made for an attorney/authorized legal representative to meet with the inmate who is his/her client during any regularly scheduled inmate visiting period.</p> <p>1. The attorney shall be required to contact the correctional facility where the inmate is located by telephone or fax, at least one (1) work day prior to the attorney or the attorney’s authorized representative’s arrival at the correctional facility, to schedule the inmate for a visit. Notice is normally expected to also occur at least twenty-four (24) hours in advance of the requested visit.</p> <p>2. At the time of contact, the attorney will be asked to provide the name and institution number of the inmate to be visited; the name, address, telephone number and Bar Card Number of the attorney; the expected time of arrival and projected length of the visit, and if the visit is a personal social visit or a legal visit.</p> <p>...</p>	<p>3. Mail More than Three (3) Inches Thick. Mail, other than “official mail” or “legal mail” more than three (3) inches in thickness, regardless of other dimensions, will be handled as a package and will be returned to the sender unless receipt has been pre-approved using WDOC Form #522, Package Authorization.</p> <p>4. Privileged Mail Not Marked As Such. Mail which otherwise qualifies as legal or official mail, but that lacks the proper designation as “LEGALMAIL” or “OFFICIAL MAIL,” shall be processed as non-privileged mail (i.e., opened and inspected) outside the inmate’s presence and shall not be considered privileged mail accidentally opened.</p> <p>i. Mail that is received by a WDOC correctional facility, addressed to an inmate, and which has a return address that is clearly from a court or official shall be treated as “Legal Mail” or “Official Mail”, even if it is not properly marked.</p> <p>ii. Correspondence from attorneys must be marked as “Legal Mail” in order for it to be processed as privileged mail, even if the address appears to be from an attorney.</p> <p>5. Privileged Mail to Be Logged. All incoming and outgoing legal mail and official mail will be logged by the warden or designee.</p> <p>i. The log shall include date, sender and recipient, and logging staff member.</p> <p>ii. The log will also reflect any accidental opening of privileged mail.</p> <p>iii. The full name and initials of the staff member doing the logging must appear on each page of the log book to allow for identification of the staff member for future reference.</p> <p>iv. Outgoing legal mail shall be date stamped the day it is received by mailroom staff despite any necessary time for processing.</p>
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