



THE CITY OF NEW YORK
DEPARTMENT OF CORRECTION

DIRECTIVE





<input checked="" type="checkbox"/> NEW <input type="checkbox"/> INTERIM <input type="checkbox"/> REVISED		SUBJECT ATTORNEY VISITS		
EFFECTIVE DATE 12/29/00				
CLASSIFICATION # 6002	SUPERSEDES	DATED	DISTRIBUTION A	PAGE 1 OF 6 PAGES
RECOMMENDED FOR APPROVAL BY REVIEW BOARD MEMBER			AUTHORIZED BY THE COMMISSIONER	
ROBERT N. DAVOREN, CHIEF OF DEPARTMENT			WILLIAM J. FRASER	
SIGNATURE			SIGNATURE	

I. PURPOSE

To delineate the policy and procedure to ensure that Attorney Visits commence within forty-five minutes of the time when an attorney or representative or employee of an attorney (collectively, "attorney") registers at the Rikers Island Control Building or within thirty minutes of the time when an attorney registers at the front entrance of a borough facility. For attorneys having multiple visits on Rikers Island, the initial visit shall commence within forty-five minutes as stated above, and subsequent visits on the same day shall commence within thirty minutes of the attorney's registration at the facility front entrance.

II. POLICY

- A. Attorney visiting shall be permitted between 0800 and 2000 hours daily, but shall not be permitted during the afternoon change-of-tour count, which takes place at or about 3 pm. The attorney visit schedule shall be posted at each facility. All attorneys shall be required to sign the Attorney Visit Logbook upon arrival and departure from a facility.
- B. When an inmate is to be interviewed by an attorney all necessary precautions including searching of the inmate shall be taken before the visit to ensure the safety of the attorney, other inmates and Department staff.
- C. Communications between inmates and attorneys during visits are confidential and shall not be monitored except visually. Proper security precautions shall be taken to ensure the protection of the attorney, to prevent an inmate escape, and to prevent injury to other inmates or personnel.

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II. POLICY (continued)

- D. Visits between inmates and their attorneys shall not be included in calculating the total number of visits to which an inmate is entitled.
- E. Departmental passes (e.g. Attorneys, Legal Assistants, Special One Day Passes) are not transferable and shall be retained by the persons to whom they were issued. Departmental passes with elapsed expiration dates will not be honored and will be confiscated.
- F. After the initial registration at the Rikers Island Control Building, attorneys visiting multiple inmates on Rikers Island on the same day need not re-register at the Rikers Island Control Building that day. Depending on the Rikers Island bus schedules, they may travel directly between institutions.
- G. Attorney visits shall take precedence over other visits that may take place in the attorney visit areas.



III. PROCEDURES

A. General

- 1. The fact that one attorney represents an inmate shall not be grounds for preventing that inmate from visiting with other attorneys.
- 2. Attorneys possessing a departmental pass will be permitted to visit any inmate under the jurisdiction of the Department. A Legal Aid Society identification card shall also be a valid pass to visit any inmate under the jurisdiction of the Department.
- 3. If an attorney arrives at a facility for a visit with an inmate while a change of tour count, emergency count or other emergency is in progress, the attorney shall not be permitted to visit until such time as the count/emergency has been completed.

B. Rikers Island Attorney Visits



- 1. Upon presentation of a departmental pass an attorney arriving at the Rikers Island Control Building shall provide the name and housing facility of the inmate being visited. Attorneys conducting more than one interview shall supply the name and housing facility of the first interview. The officer at the Rikers Island Control Building shall verify the housing facility and notify that facility's Control Room of the attorney's arrival.

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III. PROCEDURES (continued)

The attorney shall be required to complete the information on the Attorney Visit tracking card. The card will be time stamped and returned to the attorney to present to the facility counsel visit officer.

2. Immediately upon notification by the Rikers Island Control Building, the housing facility's Control Room shall notify the inmate's housing unit to send the inmate to the counsel visit area. In the event the inmate is not in the housing unit at the time, the housing officer shall contact the area to which the inmate was sent and notify the inmate. The inmate shall be provided a pass or escorted to the counsel visit area immediately upon notification unless a change of tour count is in progress or an emergency exists that prevents the inmate's movement. In the event that the inmate wishes to return to his or her housing area to pick up legal materials for the visit before proceeding to the visit, the inmate shall be permitted to do so. If such a detour causes the time periods set forth in this directive to be exceeded, the detour shall be noted as the cause of the delay.
3. Upon arrival at the facility front entrance the attorney shall sign the Attorney Visit Logbook and inform the officer that he or she is there for an attorney visit. The officer shall verify the inmate's arrival at the counsel visit area. The attorney shall present the time stamped card to the counsel visit officer and upon commencement of the attorney visit the card shall be time stamped in the appropriate section and retained by the officer.
4. An attorney conducting multiple visits on Rikers Island will obtain a new attorney visit card at each facility after the first. At each such facility, the counsel visit officer shall complete a new card, using the front entrance logbook to complete the attorney's time of arrival at the facility. Upon commencement of the attorney visit the card shall be time stamped in the appropriate section and retained by the officer.
5. The counsel visit officer shall bring to the attention of the area supervisor any attorney visit that does not commence within forty-five minutes of the attorney's registration at the Rikers Island Control Building or thirty minutes of the attorney's registration at the facility front entrance. The supervisor shall take immediate steps to locate the inmate for the visit and then initiate an investigation into the reason(s) for the delay. A written report of the results of the investigation shall be submitted to the Program Deputy Warden.



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III. PROCEDURES (continued)

6. Any complaint from an attorney concerning a delay in commencing a visit over forty five minutes from the Rikers Island Control Building or thirty minutes from the front entrance or at a borough facility shall be brought to the attention of the area supervisor. If an attorney's concerns about any such delay are not being reasonably addressed, the attorney may speak with the supervisor. The supervisor shall take immediate steps to locate the inmate for the visit and then initiate an investigation into the reason(s) for the delay. A written report of the results of the investigation shall be submitted to the Program Deputy Warden.

C. Borough Facility Attorney Visits

1. Upon presentation of a departmental pass an attorney arriving at a borough facility shall provide the name of the inmate being visited. The front entrance officer shall verify the inmate's presence and the attorney shall sign the Attorney Visit Logbook. The front entrance officer shall notify the inmate's housing unit to send the inmate to the counsel visit area.
2. In the event the inmate is not in the housing unit at the time, the housing officer shall contact the area to which the inmate was sent and notify the inmate. The inmate shall be provided a pass or escorted to the counsel visit area immediately upon notification unless a change of tour count is in progress or emergency exists. In the event that the inmate wishes to return to his or her housing area to pick up legal materials for the visit before proceeding to the visit, the inmate shall be permitted to do so. If such a detour causes the time periods set forth in this directive to be exceeded, the detour shall be noted as the cause of the delay.
3. The front entrance officer shall verify the inmate's arrival at the counsel visit area. The counsel visit officer shall complete an attorney visit card, using the front entrance logbook to complete the attorney's time of arrival at the facility. Upon commencement of the attorney visit the card shall be time stamped in the appropriate section and retained by the officer.



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III. PROCEDURES (continued)

4. An attorney conducting multiple visits in a borough facility will obtain a new attorney visit card from the counsel visit officer when the attorney requests that an inmate be brought to the counsel visit area for a subsequent visit. The procedures set out in paragraph C.3 above shall then be followed for each subsequent visit.
5. The front entrance officer shall bring to the attention of the area supervisor any Attorney Visit that does not commence within thirty of the attorney's registration at the facility front entrance. The supervisor shall initiate an investigation and forward the results and any recommendations to the Program Deputy Warden .
6. Any complaint from an attorney concerning a delay in commencing a visit over thirty minutes from the front entrance shall be brought to the attention of the area supervisor. If an attorney's concerns about any such delay are not being reasonably addressed, the attorney may speak with the supervisor. The supervisor shall take immediate steps to locate the inmate for the visit and then initiate an investigation into the reason(s) for the delay. A written report of the results of the investigation and any recommendations shall be submitted to the Program Deputy Warden.

D. Scheduling Attorney Visits in Advance

1. Attorneys may call the Department to inquire whether an inmate will be available at a particular time and to leave a message informing the inmate of the time of the attorney's intended visit.
2. Attorneys are also permitted to schedule visits up to forty-eight hours in advance by calling the General Office of the inmate's housing facility. Upon verification that the inmate is housed in that facility and not scheduled for court, the staff member receiving the call will contact the counsel visit officer for space availability and complete the Advance Notification of Attorney Visit form and forward it to the facility Program office. Visits may be scheduled in one-hour blocks for a maximum of two hours. If the space is not needed for another scheduled visit, the visit may extend beyond the two hours.
3. The program officer shall notify the counsel visit officer of the date and time of the scheduled Attorney Visit so that the information can be recorded and an area reserved. A scheduled Attorney Visit shall take priority over an unscheduled Attorney Visit. Upon arrival of an attorney with a scheduled visit the counsel visit officer is authorized to suspend any unscheduled visits

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III. PROCEDURES (continued)

(Attorney for unscheduled visit should be advised that his visit might be suspended) should the space be needed to accommodate the scheduled visit. The unscheduled visit can resume when space is available.

4. Scheduled Attorney Visits shall be processed in the same manner as other Attorney Visits. It is the responsibility of the Program officer to ensure the Attorney Visit space is not overbooked and to maintain a listing of scheduled visits.
5. The counsel visit officer shall notify the area supervisor whenever a scheduled attorney visit is delayed.
6. It is not the responsibility of the Department to immediately accommodate attorneys who arrive more than thirty minutes late for a scheduled Attorney Visit. After thirty minutes the visit will be considered an unscheduled visit and processed according to space availability.

E. Monitoring

1. The Program Deputy Warden shall submit a monthly report to the Warden detailing all investigations relative to delayed Attorney Visits and/or complaints concerning delayed Visits.
2. ISCD shall collect the time stamped Attorney Visit cards and copies of the front entrance and attorney visit logbooks from each facility each week.
3. ISCD shall prepare a quarterly report to the court on the performance of the Department relative to Attorney Visits. This quarterly report shall include the number of unscheduled attorney visits displaced by scheduled attorney visits in accordance with paragraph II.G above.

IV. REFERENCES

- A. Board of Correction Minimum Standards for New York City Correctional Facilities, section 1-09 (c) Access to Counsel.
- B. Benjamin v. Kerik, 75 Civ. 3073, Attorney Visit Order (August 3, 2000)
- C. Directive # 6000, entitled "ATTORNEY, LEGAL, AND OFFICAL VISITS." dated 09/03/96.

V. ATTACHMENT

Form # 6002, "ADVANCE NOTIFICATION OF ATTORNEY VISITS."