

SHERIFF OF GARFIELD COUNTY

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GARFIELD COUNTY SHERIFF'S OFFICE

POLICY / PROCEDURE

DETENTIONS

SUBJECT: ATTORNEY-INMATE VISITATION

EFFECTIVE DATE: January 01, 2024

POLICY:

The Garfield County Sheriff's Office Detention staff shall insure that all requests from attorneys seeking visitation with an inmate shall be verified by asking the inmate in question whether or not they are being represented or seeking representation from the requesting attorney, law firm or legal organization.

PURPOSE:

In order to prevent unethical solicitation by an attorney, maintain the privacy interests and safety of inmates, ensure the safety of Detention Facility staff and visitors, and to ensure efficient use of staff, the Garfield County Sheriff's Office will require inmates to verify whether they are represented by counsel, and identify their counsel prior to or at the time of a professional visit.

METHOD:

The Garfield County Sheriff's Office respects the attorney-client privilege. Attorneys should notify Detention Staff 24 hours in advance in order to schedule visitation. Detention staff will be as accommodating as possible regarding attorney-inmate visitation and allow such visits with as little disruption as possible. Notwithstanding the fact that many local attorneys are known by the Detention staff and often times which inmate is being represented by that attorney, it may be necessary to verify that relationship in order to protect inmates, staff and visitors within the Detention Facility as well as reduce the need for staff to unnecessarily maintain secure control of a specific inmate.

Attorneys:

When an attorney presents themselves to the Detention Facility and requests visitation with an inmate, the Detention staff will verify with that inmate, the existence of an attorney-client relationship, or whether the inmate is seeking representation, by asking the inmate:

- **“WHO IS YOUR ATTORNEY OR ARE YOU SEEKING REPRESENTATION FROM AN ATTORNEY, LAW FIRM OR LEGAL ORGANIZATION”?**
- If the inmate identifies the presenting attorney, their law firm or legal organization as representing them, or indicates that they are seeking representation from the presenting attorney, law firm or organization, the Detention staff will arrange the attorney-inmate visit as soon as practically possible.
- If the inmate does not acknowledge any of the above, the visit will be denied.
- The denied attorney may visit with the inmate via the inmate family/friend visitation process which requires the inmate to initiate.

Public Defender:

When an attorney from the Public Defender's Office presents themselves to the Detention Facility and requests visitation with an inmate who is not represented and has not yet been appointed a Public Defender, Detention staff will verify with that inmate whether they consent to speak with the Public Defender by asking the inmate:

- **“AN ATTORNEY WITH THE PUBLIC DEFENDER'S OFFICE IS HERE, DO YOU WANT TO SPEAK WITH THEM”?**
- If the inmate consents to meet with the Public Defender, the Detention staff will arrange the attorney-inmate visit as soon as practically possible.
- If the inmate declines to meet with the Public Defender, the visit will be denied.
- The denied attorney may visit with the inmate via the inmate family/friend visitation process which requires the inmate to initiate.
- If the Public Defender's Office is later appointed to represent the inmate, the Public Defender's Office is subject to the provisions regarding Attorneys.

Other Professional Visits:

The Sheriff allows in person confidential professional visits, such as with expert witnesses, investigators, and psychiatrist, to assist with the Defendant's preparation of a defense. The proper procedure to secure a professional visit is for the defense attorney to contact the jail and schedule an appointment in advance. At the time the attorney schedules an appointment, the attorney must inform jail staff that a professional retained by the attorney will be attending the visit, identify the professional, and the professional must present valid identification for inspection by jail staff at the appointed visit.