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|  <p style="text-align: center;"> <b>ADMINISTRATIVE POLICIES<br/>AND PROCEDURES</b><br/>         State of Tennessee<br/>         Department of Correction       </p> | Index #: 105.09               | Page 1 of 3 |
|  | Effective Date: March 1, 2020 |             |
|  | Distribution: A               |             |
|  | Supersedes: 105.09 (4/1/17)   |             |
| Approved by: Tony Parker   |                               |             |
| Subject: ATTORNEY ACCESS TO INMATES  |                               |             |

- I. AUTHORITY: TCA 4-3-603 and TCA 4-3-606.
- II. PURPOSE: To establish uniform standards for attorney access to inmates housed in Tennessee Department of Correction (TDOC) institutions.
- III. APPLICATION: All institutional employees and inmates.
- IV. DEFINITIONS: Attorney: For purposes of this policy only, a person licensed to practice law, including both private attorneys and attorneys employed by a governmental agency other than TDOC staff attorneys or representatives of the Attorney General's Office. This definition shall also include any person working for, on behalf of, or under the direction of an attorney, and includes, but is not limited to, investigators, paralegals, secretaries, and law students, provided that such a relationship has been documented in writing.
- V. POLICY: Attorneys shall be granted liberal access to inmates in all Tennessee Department of Correction (TDOC) facilities for the purpose of providing legal services to such inmates, including necessary interviewing, and consulting.
- VI. PROCEDURES:
  - 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.
  - B. Under emergency situations or for other good cause, reasonable attempts shall be made to provide attorneys access to inmates during days/hours other than those provided in subsection VI.(A). Attorneys who desire such access must contact the Warden/Superintendent or his/her designee in advance of the intended visit to obtain permission to enter the facility; however, failure to make such advance arrangements shall not in itself preclude access if, in the opinion of the Warden/Superintendent or his/her designee, such a visitation request can reasonably be accommodated.
  - C. The Warden/Superintendent or his/her designee may deny an attorney's access to a facility if the attorney's identity cannot be satisfactorily verified or if such access would pose a threat to the safety and security of the facility or would otherwise unduly disrupt the orderly management and operation of the facility.

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- D. An attorney desiring access to an inmate shall advise the Warden/Superintendent or his/her designee of the relationship between the attorney and the inmate. If the inmate is not a client or prospective client, and if access is not otherwise required by law, the inmate shall be required to complete TDOC Release and Permission for Interview/Photograph/Recording, CR-0555, before the attorney is permitted access to the inmate.
  - E. An inmate has an absolute right to refuse to meet with or to be interviewed by an attorney unless such access is required by law.
  - F. An attorney who enters an institution shall be subject to routine visitor search procedures. Attorney briefcases may be searched for contraband, but the papers therein shall not be read or reviewed.
  - 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.
  - H. A request by an attorney or an expert witness employed by an attorney to tour a facility shall be submitted in advance for approval by the Warden/Superintendent. The Warden/Superintendent shall consult with the TDOC chief legal counsel prior to approving any such request.
  - I. Attorneys shall not be permitted access to inmates who are assigned to worksites beyond the grounds of the institution during the inmate's regularly scheduled hours of work.
- VII. ACA STANDARDS: 4-4274 and 4-4500.
- VIII. EXPIRATION DATE: March 1, 2023.

