

LEGAL PROCEDURES FOR INSTITUTION HEARING PROGRAM (IHP) ATTORNEYS:

VISITING, CALLS AND MAIL

FCI Dublin, California

Effective June 18, 2020

Legal Visits: (Subject to immediate change/suspension pursuant to operational needs, e.g., Nationwide Modified Operations to address COVID-19.)

Legal visits at FCI Dublin are afforded a private area, but not necessarily a private room, which will depend on availability for that particular date and time. Legal visits will be processed and coordinated centrally, and then assigned to a Counselor to be the main point of contact for that particular visit. Legal visits are generally provided Monday – Friday, from 6 am – 2 pm. Legal visits may occur during social visiting hours on the weekends, with the parties' understanding the degree of privacy may be impacted with the social visitation going on at any particular time.

An email request for a legal visit shall be sent to the following email box:

DUB/ExecAssistant@bop.gov

The email request must include the following:

- *Attorney's name, bar number, and contact information
- *Client's name and BOP register number
- *Representation that this request is related to representing a BOP inmate in the IHP
- *List of attorney assistants, translators, and/or experts who will be accompanying the attorney
- *For experts, there must be representation from the sponsoring attorney, that their presence is exclusively for the use of IHP-related matters
- *Requested date(s) and time(s) of visit (listing alternative dates will improve chances of approval via first email)
- *Estimated duration of visit
- *Any equipment you may want to bring in with you to the visit
- *When an attorney or attorney group is visiting multiple clients, a single email will suffice

Within one week of the email's receipt, you will either receive an email confirmation for the requested date/time, or receive an email or phone call asking for an alternative date/time. We cannot guarantee accommodating requests for legal visits or changes when there is less than a week's notice; but, for extraordinary and unforeseen reason(s), we will exercise all reasonable efforts to accommodate last-minute requests/changes. For requests with less than a week's notice, it will be at the discretion of the Warden or designee, who may consult with BOP legal staff, to approve or disapprove.

The email confirmation will include the name of the assigned Counselor, and the Counselor's contact information. Changes or cancellation should be communicated through this same email box.

Background checks: All first-time visitors need to submit to a background check. FCI Dublin reserves the right to ask a visitor to resubmit to another background check; but ordinarily, not more frequently than every six months. FCI Dublin will maintain a list of those individuals who have successfully completed a background check, along with the date completed and cleared.

There will be internal calendaring of legal visit(s), and the Front Lobby Officer will be provided an Entrance Memo listing approved legal visitors, along with a list of approved items they may bring in. Regular Visiting Regulations still apply, which are available on the FCI Dublin webpage at: <https://www.bop.gov/locations/institutions/dub/>

The IHP Coordinator at FCI Dublin is the Case Management Coordinator (CMC), who can be reached through the main institution number, 925-833-7500. For complex legal issues, you may also contact the Regional Counsel's Office at 209-956-9739. BOP legal staff will help ensure you and your client are being afforded the privileges set forth in Program Statement (PS) 1315.07, Legal Activities, Inmate, available on www.bop.gov

Phone Calls and Legal Phone Calls:

Attorneys should be aware when inmates use the institution telephone system (ITS), all calls are monitored and recorded. See PS 5264.08, Inmate Telephone Regulations, available on www.bop.gov

Unmonitored legal phone calls are only allowed when the inmate or inmate's attorney demonstrates communication by other means is not adequate, e.g., an imminent court deadline. See pages 12-13 of PS 5264.08.

There are two ways to facilitate an unmonitored, unrecorded legal call:

- 1) Staff will initiate the call from a staff phone and then hand the phone to the inmate. The staff member is ordinarily in the same room as the inmate during these calls because of the sensitive nature of materials in the office, and to ensure no new number is dialed.
- 2) Staff will initiate the call on a phone in a private room and allow the inmate to be alone in that room; staff will monitor the call from outside the room.

When an attorney requests a legal call with their client because legal mail and legal visitation is not sufficient, an email should be sent similar to a request for a legal visit. The subject line should specify the name and register number of the inmate, and include "Request for Legal Call."

In the body of the email requesting a legal call, please provide the following information: 1) degree or nature of urgency; while we are not asking for the contents of your call, knowing, for example, that you have a court deadline will help our staff prioritize your call if there are other urgent legal calls that need to be accommodated at the same time; 2) possible dates/times when you can receive the call; 3) estimated duration of the call, and 4) whether you have a preference in the manner the legal call is arranged given the above-described two ways at FCI Dublin.

If the email is received Monday – Friday, excluding weekends and holidays, staff will respond within 48 hours. If your request cannot be accommodated as submitted, staff will make every effort to work out an alternative arrangement.

If your request for a legal phone call needs a response sooner than 48 hours, please email your request and then follow-up with a phone call to FCI Dublin to let appropriate staff know you submitted a request for an urgent legal call that needs immediate action. Calls for this purpose can be made through the main FCI Dublin number, 925-833-7500, and you may ask for any of the following staff: 1) appropriate Unit Manager, 2) CMC/IHP Coordinator, or 3) Warden’s Secretary. As long as you speak personally to one of these staff members, they will follow-up on that email and ensure that particular request receives immediate attention.

Mail and Legal Mail:

All general correspondence is opened and searched. There are many other mailing limitations. See PS 5800.16, Mail Management Manual; PS 5265.14, Correspondence; and PS 5266.10, Incoming Publications, all available on www.bop.gov. For increased security and safety due to an influx of narcotics being embedded within incoming mail, there are also new procedures to be aware of:

- *Incoming general correspondence envelopes and paper must be white in color
- *Materials included in general correspondence like glitter, lipstick, crayon, etc. will be rejected
- *Postage stamps and envelope flaps will be removed prior to delivery to the inmate
- *Incoming general correspondence using a label may be rejected
- *Homemade greeting cards will be rejected; commercial greeting cards will be copied, and only the copy will be provided to the inmate; the original will be maintained for 30 days and then discarded.

For “Special Mail” privileges, the incoming envelope must include the following:

- *Marked “Special Mail – To Be Opened Only In The Presence Of The Inmate”
- *Above the return address, the sender must be specifically identified so mailroom staff can ascertain whether the mailer is an attorney. For example, “John Smith, Attorney-at-Law,” would make it clear this is an attorney who is entitled to the "Special Mail" privilege.
- *With correct markings, the inmate will pick up their legal mail from their Unit Team who will open it in the inmate’s presence. Unit Team will perform a cursory scan ensuring the item(s) are legal mail before providing the contents to the inmate. Due to increased security concerns, only a copy of the envelope will be provided to the inmate. The original envelope will be held for 30 days and then discarded.