



**FEDERAL BUREAU OF PRISONS
LEGAL VISITING BOOKLET
MDC GUAYNABO**

INTRODUCTION

Welcome to the Metropolitan Detention Center (MDC) in Guaynabo, Puerto Rico. As an Administrative Detention Center we recognize that a major function of this institution is to facilitate trial preparation. In light of that function the legal visiting program was designed to accommodate the legal needs of the pre-trial inmates incarcerated in this institution. Attorneys are encouraged to make proper use of legal visiting, in order to enable MDC Guaynabo to better serve the legal community.

This booklet outlines the procedures governing the communications between attorneys and inmates housed at MDC Guaynabo. Attorneys are encouraged to follow these procedures so that requests regarding their clients may be processed in an expeditious manner while securing the orderly running of this institution. Changes to the procedures outlined in this booklet will be posted on the visiting room bulletin board and updates to the legal booklet will be issued periodically.

If the recipient of this booklet has any questions or concerns regarding the content of this information, please contact the legal department at 787-749-4480, extension 7807, 7808, 7952, and 7821.

MDC GUAYNABO'S ADDRESSES

Mailing address for inmates:

Inmate Name & Register Number
Metropolitan Detention Center
P.O. Box 2005
Cataño, Puerto Rico 00963-2005

Mailing address for the Administration & Legal Department:

Staff Name & Department
Metropolitan Detention Center
P.O. Box 2008
Cataño, Puerto Rico 00963-2008

Physical address:

MDC Guaynabo
652 carretera 28
Guaynabo, Puerto Rico 00965-5700

ADMINISTRATIVE PROCEDURES

Inmates must request access to any institution programs or services (i.e., education, social & special visits, marriage requests, non-emergency medical attention, access to electronic discovery, and housing issues) through the administrative procedures available at the institution. Attorney requests for services or programs submitted on behalf of inmates will not be honored, as the Bureau of Prisons policy requires that the inmate himself request the available programs.

The inmates may request programs or services by filing an informal request through an *Inmate Request to Staff Member (more commonly known as a copout)* form addressed to the department responsible for the program or services sought.

Inmates must request non-emergency medical attention through the *sick call* procedures available in each housing unit.

Sick Call - The way the procedures work is that at least four (4) times during the weekdays, a medical provider will visit the units in the morning. The medical provider will announce that he or she is conducting a sick call. At that time, all inmates wishing to see a medical provider will line up outside the examining room in the unit until the medical provider sees them. If further evaluation and medical treatment is warranted, the inmate will then be given an appointment for further follow up services in the Health Services Unit. If the inmate believes his or her medical condition is of an urgent nature, the inmate can inform the unit officer or any member of his unit team of the same and Health Services will be contacted.

Inmates may appeal any condition of confinement, administrative action and/or disciplinary action through the administrative remedy program described in Title 28 of the Code of Federal Regulations, Sections 542.10 to 542.19. The BOP administrative remedy program, codified in 28 C.F.R. § 542.10 et seq, can be found in Program Statement 1330.13, Administrative Remedy Program, dated August 6, 2002. Under this program, inmates are encouraged to first attempt an informal resolution of their complaints by discussing the matter with a member of their Unit Team. The inmate and a member of the Unit Team through the use of an *Inmate Request to Staff Member* form sign a record of that attempt. See 28 C.F.R. § 542.13. If informal resolution is insufficient to resolve the matter, the inmate may file a formal complaint with the Warden within twenty (20) days of the date on which the basis of the complaint occurred (BP-9). See 28 C.F.R. § 542.14. If the inmate is not satisfied with the Warden's response, he or she may appeal the Warden's response to the Regional Director (BP-10) within 20 calendar days of the date the Warden signed the response. If the inmate is dissatisfied with the regional response, he or she may file a national appeal with the Office of General Counsel in Washington, D.C. (BP-11), within 30 calendar days of the date the Regional Director signed the response. See 28 C.F.R. § 542.15. Appeal to the Office of General Counsel is the final administrative appeal within the BOP.

Inmates may access the formal administrative remedy procedures by obtaining the appropriate forms from their unit team and/or counselor or may complete an electronic Inmate Request To Staff using the computers located in their housing unit.

VISITING DRESS CODE

All visitors, social, official, and/or legal, must strictly comply with the dress code and wear appropriate attire while on institution grounds. Visitors are prohibited from wearing the following articles of clothing:

- Transparent clothing, halter tops, sleeveless shirt, blouses above the waistline, shorts, mini-skirts or dresses (shorter than 4" above the knees), culottes or spandex tights;
- Apparel of a suggestive or revealing nature;
- Sandals without nylons or socks or slippers;
- Removable head wear such as wigs, hats and scarfs. Such items must be removed for inspection prior to being admitted into the institution;
- Jackets;
- Clothing that is similar to that issued to inmates or similar to officers'

uniform, including the Tactical Teams (black's, khakis, camouflage or blue's).

- Any clothing with too much metal that sets off the metal detector (i.e., jumpsuits with metal hooks).

Failure to comply with the dress code will result in denial of the legal visit.

VISITOR'S PERSONAL PROPERTY

All visitors, including attorneys, are strictly prohibited from bringing the following items into the institution:

food, handbags, chewing gum, newspapers, magazines, prescription drugs, cameras, beepers, electronic agendas/calendars, laptop computers, cellular phones, blackberries or any other electronic/recording communication devices.

Attorneys needing to take medication while in the institution must hand the medication to the visiting room OIC, who will hold the medication until the attorney leaves the visiting room.

Be mindful that it is a federal crime to introduce weapons (this includes pocket knives), drugs, or other contraband (unauthorized items) into the institution.

Lockers are available in the front lobby for temporary storage of the visitor's personal belongings. All legal materials and briefcases will be searched in accordance with the Bureau of Prisons national policy.

ATTORNEY PROCESSING

Upon arriving at the front lobby, attorneys should immediately identify themselves to the Front Lobby Officer in order to be processed as an official visit.

Identification Required. Attorneys must present a valid State Bar Card and a valid (official) picture identification (i.e., Federal Bar Card, driver's license). If the attorney does not have a State Bar Card or Federal Bar Card, the front lobby officer will contact the legal department to verify the jurisdiction of admission. Attorneys without bar cards who intend to visit outside the regular business hours (Monday to Friday, 7:30 am to 4:00 pm) must seek clearance from the legal department in advance and during regular visiting hours. Upon verification of admission, the attorney will be given access to the institution.

Attorneys without bar cards who visit during non-business hours, and failed to make

arrangements in advance, may be denied access to the institution.

Forms Required. Attorneys will be required to complete a "Notification to Visitor" form (hereinafter Notification), listing the name of the inmate that will be visited on that day. Attorneys visiting more than one inmate must use one form per inmate. The attorney must also write the names of all the inmates he will be visiting in the log book located in the front lobby.

Attorneys will *only* visit with those clients that were requested on the Notification completed in the front lobby.

The attorneys cannot add inmate names to the Notification after leaving the front lobby area. Attorneys or legal visitors who want to add additional inmates to their visit must return to the front lobby and fill out new Notification forms, and write the additional names in the attorney visiting log book.

In order to expedite and facilitate the entrance of attorneys to MDC Guaynabo, attorneys will be allowed to photocopy an original Notification form and/or print it out of the BOP public website. The Notification form may be filled out prior to arrival to the institution. However, the form must be signed in the presence of the Front Lobby Officer and the time of arrival and officer's name must be filled out when the information becomes available upon entry to the institution.

Reproduction of the Notification in Word or any other format is strictly prohibited in order to avoid changes and/or modifications to the form.

Entry Procedures. Entry search procedures apply to *all* inmate visitors, both social and legal, official visitors, contractors, and volunteers, upon entering Bureau grounds or facilities. Exceptions require the Warden's authorization, and may not exceed limits created by the applicable Federal regulations.

Persons refusing to submit to or comply with authorized Bureau search procedures will be denied entry and/or required to leave.

a. Search Procedures. Inmate visitors, both social and legal, official visitors, contractors, and volunteers, must be searched as follows:

(1) Electronic Searches. All visitors and their property/belongings will be searched by electronic means (walk-through or hand-held metal detector, x-ray screening of bags, briefcases, containers and other personal belongings, etc.).

At administrative facilities (i.e., MDC Guaynabo), *all* visitors are required to clear the metal detector before entering. All official visitors, including attorneys, must clear the metal detector before entering. The attorneys' belongings will be processed through the x-ray machine. The front lobby officer may also visually inspect the attorneys' belongings (i.e., briefcases, documentation) to ensure that no prohibited items (i.e., beepers, cellular phones, electronic agendas, keys, etc ...) are inadvertently introduced into the visiting room. Prohibited items must be secured in the lockers located at the front entrance.

(2) Random Pat Searches. This type of search may occur at any time, and is not based on any particular suspicion that an attorney is attempting to bring a prohibited object into a Bureau facility or Bureau grounds. Random searches will be impartial and not discriminate among visitors on the basis of age, race, religion, national origin, or sex.

Attorneys and their belongings may be randomly pat searched. A pat search of your person or belongings involves a staff member pressing his/her hands on your outer clothing, or the outer surface of your belongings, to determine whether prohibited objects are present. Whenever possible, pat searches of your person will be performed by staff members of the same sex. Pat searches may be conducted by staff members of the opposite sex only in emergency situations with the Warden's authorization.

Attorneys will be given the option of either consenting to random pat searches as a Condition of entry, or refusing such searches and leaving Bureau grounds. All visitors are randomly pat-searched according to a daily random method determined by the described procedures.

(3) Visual Searches of Belongings. At administrative facilities (i.e., MDC Guaynabo) *all* visitors' belongings must be visually searched. These searches may be done by an x-ray screening device.

Staff will visually search legal materials only to determine their qualification as legal materials and the absence of prohibited objects. A Visitors' vehicles could also periodically receive random visual searches per the prescribed procedures.

(4) Reasonable Suspicion Visual Searches of Persons. Visual searches of persons may only be conducted when authorized by the Warden upon reasonable suspicion that such person is engaged, or attempting to engage, in prohibited activities, which may include possession of prohibited objects.

Access/Exit to and from visiting room. Attorneys will be allowed to walk unescorted from the front lobby to the visiting room. Upon arrival to the visiting room, the attorney will provide the Officer in Charge (OIC) with the □Notification□ form(s). The OIC will process the visiting request, call the unit officer, give the name(s) of the inmate(s) requested, and the name of the attorney asking to see the inmate. The inmate will be asked if he or she wants to visit with the attorney requesting the legal visit. Inmates refusing to visit with the attorneys will not be brought down to the visiting room.

Attorneys must meet with only the requested inmates and must not □roam□ the visiting room addressing other non-requested inmates. Attorneys must meet with one inmate at a time, unless a co-defendant meeting has been requested and approved.

Attorneys must be escorted by a staff member when exiting the visiting room and walking to the front lobby.

Access/Exit to and from visiting room during time of count. Attorneys will not be allowed to enter or exit the visiting room before and during the institution□s official counts. No exceptions may be made. For security reasons, the institution conducts five (5) official inmate counts a day. The daily count scheduled for 4:00 p.m. will affect legal visits. Please see the Daily Counts Section (p.14) for more information.

Once the count is cleared, attorneys will be allowed to enter or exit the visiting room. Attorneys must be escorted by a staff member when exiting the visiting room and walking to the front lobby.

ATTORNEY CONFERENCE ROOMS

Five attorney-client rooms are available on a first-come first-serve basis in the visiting room. These rooms afford greater privacy, and have tables and chairs. Attorney rooms have video or computer equipment to review electronic discovery material. During social visiting days, to the extent possible, attorneys are encouraged to visit with their clients in the attorney conference rooms.

ATTORNEY & IMMEDIATE FAMILY MEMBER - ONE TIME LEGAL VISIT

An attorney, accompanied by one of the inmate□s immediate family members, may have a legal visit in order to make financial arrangements and decisions concerning the retention of an attorney or pending criminal proceedings. **The approval for this legal visit does not constitute approval for subsequent social visits.**

The attorney must send a letter to the legal department seeking permission to bring the family member (s), and indicating that the requested visit is for a legal purpose. Each family member must have a picture identification, and complete the Authorization For Release of Information (BP-S660.012 - NCIC form), and send it to the legal department at least three (3) working days before the intended visiting date.

The attorney must be present in the attorney conference room at all times during the legal visit. Failure to comply with this requirement will result in the immediate termination of the legal visit.

ATTORNEYS LICENSED IN FOREIGN COUNTRIES

Attorneys licensed in a foreign jurisdiction must provide verification of their status as licensed attorneys in good standing with the foreign country. The foreign attorney must fax to the legal department a copy of the license to practice law in the foreign country or the Courts certificate of good standing, the attorney identification, and passport. However, the foreign attorney will still be required to show the original documents to the front lobby officer, legal staff, visiting lieutenant, or duty officer, who upon reviewing the documentation, may allow the attorney to enter the institution.

The foreign attorney may also contact the Consulate Office of the country of admission and request a written verification of his good standing to practice law. The Consulate Office can fax the verification to the legal department.

Once the status of the foreign attorney has been confirmed, he will be processed as legal visitors in the future so long as advance notification of the legal visit is received by the legal department.

BAIL BONDING AGENTS

Bail bonding agents may have a one-time visit for the purpose of conducting bail bonding business in the presence of a sponsoring attorney. Bail bonding agents may obtain a "Legal Assistant Application to Enter Institution" form from the front lobby or the legal department. The form must be completed and submitted to the legal department so that an NCIC background check may be conducted prior to the visit. No bail bonding visits will be allowed until the background check has been conducted and the application has been reviewed and approved.

CO-DEFENDANT MEETINGS

Attorneys seeking to hold co-defendant meetings must send a written request, at least three (3) days before the visit, with a copy of the caption of the indictment to the legal department the first time the request is made. The written request must include the names of all attorneys and legal assistants and/or experts (i.e., interpreters, paralegal, Pls) attending, and names and register numbers of all the co-defendants. The written request must confirm that the co-defendant's attorney is aware of the requested co-defendant meeting. The names of the co-defendants and their attorneys will be placed on a list that is located in the visiting room.

If subsequent additions of co-defendants or attorneys are needed, the attorney must send a new written notification to the legal department. Attorneys are encouraged to use the form found in Attachment A of the booklet. See Attachment A.

Attorneys seeking a co-defendants meeting with an inmate and a non-incarcerated defendant must make a special visit request and seek clearance from the United States Pretrial Services (if the defendant is pretrial) or the United States Probation Office (if the defendant is on supervised release) to ensure that contact between the defendants has not been restricted.

COURT ORDERS/SUBPOENAS/CIVIL COMPLAINTS

Court orders and subpoenas can be sent to the institution via a facsimile addressed to the legal department in order to expedite their processing. A confirmation receipt from a facsimile is not a reliable indication that the document was received at the MDC. Therefore, telephonic verification is required. Certified/stamped court orders and subpoenas must be delivered personally to one of the attorney advisors or their representative.

In the event the attorney advisors are not in the institution, the Paralegal Specialist or the Legal Assistant will accept the document. If neither the attorneys, nor the legal assistant or the Paralegal Specialist are available, the Case Manager Coordinator, Inmate Systems Supervisor, Duty Officer, or Operations Lieutenant will be authorized to receive the documents.

For civil complaints naming employees as individual Bivens defendants, arrangements for service of process must be done in advance through the legal department to ensure staff availability. Other than the Warden, the legal department will not accept service of process on behalf of staff.

COURT RELATED EXAMINATIONS

Deposition. A court order is required for the deposition of a federal prisoner. The attorney is required to submit the names of the interpreter, if any, and the Court Reporter. The interpreter and Court Reporter will be required to complete the form identified in the section for Employment of Legal Assistants and be subject to a NCIC Background check. The court reporter must submit a list of the equipment to be used at the deposition for approval at least five (5) working days before the scheduled examination. Only official visitors (i.e., attorneys, paralegals, interpreters, court reporters) will be allowed to attend the deposition.

Polygraph Examinations. A court order is required for all polygraph examinations of inmates housed at MDC Guaynabo. Arrangements for polygraph examinations must be done through the legal department and approved in advance by the Warden. The inmate will be required to sign an "Acknowledgment of Oath" form consenting to the examination before the exam begins.

The polygraphist must complete an Authorization to Release Information and send it to the legal department at least five (5) working days prior to the scheduled examination. The polygraphist must also submit a list of the equipment needed to conduct the polygraph for approval at least five (5) working days before the examination.

Psychological/psychiatric examinations. A court order is required for all mental health evaluations of federal inmates by outside experts. Arrangements for the evaluations must be done in advance through the legal department. The psychologist/psychiatrist must complete an Authorization to Release Information and send it to the legal department at least (5) working days prior to the scheduled examinations. The evaluation may take place in the institution's visiting room.

However, if more privacy and access to the medical records are needed (access to the records must be specified in the order), special arrangements must be done to conduct the evaluation in the institution's Health Services Unit. Evaluations in the Health Services Unit can only be conducted between 7:30 a.m. and 4:00 p.m. No exceptions can be made.

DELIVERY OF LEGAL DOCUMENTS

MDC policy prohibits visitors, including attorneys and legal representatives, from providing documentation or materials directly to inmates during visits. Legal documents may be deposited in the mail box depository located in the front lobby and/or mailed through the US Postal Service.

Unauthorized delivery of legal documents to inmates.

Via Federal Express, United Parcel Service or any other private delivery company. Documents or materials sent to this institution through either one of these means will be returned to sender.

Delivery in the visiting room.

Legal documents given to inmates in the visiting room will be confiscated and returned to the attorney. Attorneys will not be allowed to deliver legal documents to the inmate during legal visits. If the attorneys need to deliver legal materials to their clients, the legal materials should be deposited in the legal mail box located in the front lobby. Legal mail must be marked as such by identifying the sender as an attorney.

Legal mail must contain in the front of the envelope the sender's full name, title (Attorney at Law), address, inmate's name, register number and the following phrase: **"SPECIAL MAIL - OPEN ONLY IN THE PRESENCE OF THE INMATE"**.

Only packages or envelopes that fit through the mail depository slot will be accepted. Documents are delivered to inmates five (5) days a week, Monday through Friday.

In case of emergencies, attorneys must contact legal department staff for alternative arrangements for the delivery of legal documents to their clients. The front lobby officer will not accept envelopes or materials addressed to the legal department.

Authorized delivery of legal documents to inmates.

Mail Box Depository. Legal documents may be deposited in the mail box depository located in the front lobby.

Via regular mail, certified mail, overnight. Documents must be appropriately marked. Documents sent overnight will not receive special processing at MDC Guaynabo. Legal mail must be marked as such by identifying the sender as an attorney. Legal mail must contain in the front of the envelope the sender's full name, title (Attorney at Law), address, inmate's name, register number and the following phrase: **"SPECIAL MAIL - OPEN ONLY IN THE PRESENCE OF THE INMATE"**.

EMPLOYMENT OF LEGAL ASSISTANTS

Required application. Attorneys employing legal assistants (i.e., paralegal,

interpreters, and private investigators) must have their assistants complete an □Application to Enter the Institution or Correspond with Prisoner as Representative of a Licensed Attorney□ and an □Authorization to Release Information□. The application package must be sent at least five (5) working days in advance of the projected visit. An □Application to Enter the Institution or Correspond with Prisoner as Representative of a Licensed Attorney□ must be prepared and submitted for each inmate the legal assistant is approved to visit. These forms can be requested from the legal department.

The legal department maintains a list of approved legal assistants, who have submitted applications and successfully completed the screening process (i.e., NCIC background check and qualifications). A copy of this list is located in the front lobby. Entrance to the institution will not be allowed unless the proper background check is conducted and the person's name is on the approved list. Family members of an inmate will not be processed as legal assistants.

Approved legal assistants may accompany a sponsoring attorney into the visiting room upon presentation of their official picture identification. Paralegals and private investigators are also authorized to independently conduct legal visits only with clients that the sponsoring attorney listed in the initial application addressed to the legal department.

The applications, completed in their entirety, can be mailed or faxed to the legal department. Once the background check has been conducted and the application has been approved, the representative will be allowed to visit *only* with the inmates approved by the sponsoring attorney. Approved legal assistants will not be allowed to □roam□ the visiting room and address inmates who are not in the approved list.

Attorneys are responsible for delivering court orders addressed to the MDC for the inclusion of court appointed legal assistants or experts in the list of approved legal assistants maintained in the front lobby.

Attorneys must send a written notification to the legal department when no longer using the services of the legal assistant.

LEGAL CORRESPONDENCE

Legal mail can only be used for attorney-client privileged correspondence. Attorneys who use legal correspondence for unauthorized purposes may be subject to restrictions in accordance to Title 28 of the Code of Federal Regulations, Section 543.14.

Required Markings. In accordance with the Bureau of Prisons' policy, legal correspondence addressed to an inmate must be marked as follows:

- Bear the inmate's name and register number.
- The front of the envelope must be clearly marked with either of the following phrases: "☐ ***SPECIAL MAIL: Open only in the Presence of the inmate***" or "***LEGAL MAIL: Open only in the Presence of the inmate***". See 28 C.F.R. 540.19 & 540.18.
- The front of the envelope must also bear a return address, the name of the sender, and *language identifying the sender as an attorney*. Correspondence from a legal assistant addressed to an inmate must bear the name of the sponsoring attorney and language identifying the sender as an attorney in front of the envelope.

Because of security concerns, inmates are not allowed to have binders, CDs, folders with metal, or plastic envelopes. Therefore, the institution will return those items to the attorneys who send this type of envelope with legal materials inside.

Mail Depository. MDC policy prohibits attorneys and legal representatives from delivering any documentation or materials directly to inmates during a legal visit or in the visiting room. A mail depository has been placed in the front lobby exclusively for legal mail. The mail depository is not to be used for non-legal matters. Therefore, attorneys should not use this privilege to send personal correspondence to inmates (i.e., Christmas cards, letters from the inmates' family members).

Only legal documents in a sealed envelope may be delivered and placed in the mail depository located in the front lobby. Once the legal package or letter is visually inspected and X-rayed, the front lobby officer will place the package in the mail depository. If the package does not fit through the mail depository slot, the package will be returned to the attorney, who could either place the materials in smaller packages or mail them to the institution via regular mail. *Legal Materials left in the mail box must be properly marked in accordance to the legal correspondence instructions.*

LEGAL TELEPHONE CALLS

The Bureau provides each inmate with several methods to maintain confidential contact with his or her attorney. For example:

- inmate-attorney correspondence is covered under the special mail provisions;
- private inmate-attorney visits are provided; and
- the inmate is afforded the opportunity to place an *occasional* unmonitored call to his or her attorney.

On occasions, attorneys may need to promptly contact their client due to a court related emergency and may not be able to visit the inmate in a timely manner. For example, attorneys from the U.S. Virgin Islands, the mainland United States and/or when the inmate's attorney can demonstrate an imminent court deadline. On such occasions, attorneys shall contact the Unit Staff and/or the legal department to request an unmonitored legal call. The inmate and/or the attorney requesting the call will be responsible for the expense of unmonitored legal call. Three-party calls are not permitted at any time.

The Federal Public Defender's Office, court appointed attorneys, and attorneys residing outside of Puerto Rico, needing to communicate with their clients on an emergency basis can fax a request for a legal telephone call to the legal department at (787) 775-7817 at least 24 hours in advance or contact the institution and make such a request through the Unit Staff. The letter should include the attorney's telephone number, hours of availability and a proposed date for the telephone call, and the inmate's name, register number, and housing unit. Every effort will be made to accommodate the attorney's request. Please be aware that due to the many duties the Unit Team is responsible for, unmonitored call requests should be limited and requested in advance (24 hours) during regular work hours (Monday to Friday, 7:30 am to 4:00pm).

LEGAL VISITS FOR SENTENCED INMATES

Effective September 15, 2002, attorneys who wish to have legal visits with sentenced inmates will be required to send a written request to the legal department at least 24-hours prior to visiting the institution. The requesting attorney must certify that the legal visit is for a legal purpose.

Attorneys who fail to follow these procedures will not be allowed to visit sentenced inmates housed in this institution until the visits are scheduled in accordance with the procedures listed above. Attorneys are encouraged to use the form in Attachment B. See Attachment B.

LEGAL VISITING DAYS

Legal visiting hours. Visiting hours for attorneys are daily day from 8:00 a.m. to 8:00 p.m. However, please keep in mind that on a daily basis there is an official count at 4:00 p.m., and there is no inmate movement during the count. Attorneys are encouraged to arrive no later than 2:45 p.m., in order to have access to the visiting room before the count. On weekends and holidays there is an additional count at 11:00 a.m., meaning that an attorney must arrived no later than 9:45 a.m. Attorneys are allowed to visit any day of the week between the hours of 8:00 a.m. and 8:00 p.m. On Tuesdays, attorneys are advised that they *may* visit before 11:00 a.m. or after 5:00 p.m. It is not a requirement that attorneys visit only on Mondays (legal and official visits only) and Tuesdays before 11:00 a.m. or after 5:00 p.m. The MDC Guaynabo Institution Supplement states:

Visiting hours for attorneys are from 8:00 a.m. to 8:00 p.m. every day, except on Tuesdays, in which attorneys *may* visit before 11:00 a.m. or after 5:00 p.m. See GUA 5267.08 A (J) (1).

The specified Tuesday time period is an option and it does not exclude or prevent attorneys that *may* want to visit on Tuesdays after 11:00 a.m. or before 5:00 p.m. On Tuesdays Special Housing Unit (SHU) inmates have visiting from noon until 3:00 p.m. and require greater security measures. Therefore, attorneys visiting on Tuesdays during SHU inmate visiting will experience delays. To avoid experiencing lengthy waiting times attorneys should visit on Mondays and on Tuesdays before 11:00 a.m. or after 5:00 p.m. However, attorneys are not denied access if they choose to visit on a Tuesday outside of those hours. The general rule is attorney visitation can be done Monday through Sunday between the hours of 8:00 a.m. to 8:00 p.m. Attorneys will not be allowed to enter the institution after 7:00 p.m. Attorneys will be escorted out of the visiting room upon completion of legal visiting hours, promptly at 8:00 p.m.

Legal visits for 4C inmates will be conducted in the Unit's Classroom on a first come first served basis. Also, legal visit for this unit can be conducted during the unit's social visiting days, if it does not conflict with the inmate's social visit. Social visits for inmate housed in unit 4C now rotates. Please call the legal department or the switchboard (787-749-4480 x 0) to verify visiting days for unit 4C. Upon request, the housing unit's visiting schedule maybe be faxed or emailed for your convenience.

Legal visits may also take place during the days designated for social visits, but attorneys cannot conduct a legal visit at the same time the inmate is receiving a scheduled social visits. Inmates will be given a choice to have either the legal or the social visit, but not both at the same time.

Please be aware that the processing of legal visits may be delayed if the inmate chooses to shower or eat before coming down to the visiting room. (Inmates are served lunch at 11:00 a.m., and dinner is served after the 4:00 p.m. count clears.) In those cases, the visiting room OIC may notify the attorney of the delay in processing and the

reasons for it.

Daily counts. For security reasons, the institution conducts five (5) official inmate counts a day. The daily count scheduled for 4:00 p.m. will affect legal visits. Inmate movement must stop one half (½) hour before the count, during the count, and until the count clears. Legal visitors will not be processed after 3:00 p.m. *For security reasons, attorneys staying in the Visiting Room after 3:30 p.m. will not be allowed to exit the institution until after the institution count is cleared. No exceptions will be made.*

Ordinarily, the count clears between 4:40 p.m. and 5:00 p.m., but problems may be encountered lengthening that time. Except for the brief actual count time in the visiting room, attorneys may continue visiting with the inmates already in the visiting room during the time the institutional count is in progress. Inmates will not be brought down to the visiting room during the count.

An additional inmate count is conducted at 10:30 a.m. on weekends and federal holidays. The same procedures described above apply to this count. In order to avoid delays in connection with inmate counts, attorneys should arrive at the institution at least one and one half (1 ½) to two (2) hours before the scheduled count.

Due to security reasons, there are unscheduled (census) counts conducted on a random basis. The same procedures described above apply to random counts.

LEGAL VISITS OFF REGULAR VISITING HOURS

Legal visits after normal visiting hours or extended legal visits, due to exceptional circumstances, can be arranged in advance through a special request to the legal department.

Attorneys should understand that accommodating this type of special legal visit is quite difficult and should only be requested when absolutely necessary. In cases of emergencies, the Warden may approve a legal visit before 8:00 a.m. or after 8:00 p.m., if staff is available to supervise the visit and the attorney can demonstrate a pressing need to see the inmate.

MANNER OF CONDUCTING VISITS

Notification and Attorney Log Book. Attorneys must complete a Notification to Visitor for each of the inmates requested for legal visit. See Section on Attorney Processing.

Attorneys must also sign-in and list the inmates being visited in the official visit log book located in the front lobby. Attorneys are not allowed to read or check the logbook for prior visits. Upon departing the institution, attorneys are responsible for recording the time of departure in the log book.

Conflict with Social Visits. Attorneys cannot conduct a legal visit at the same time the inmate is receiving the scheduled social visitors. Inmates will be given a choice to have either the legal or the social visit, but not both at the same time.

Contact with Non-Requested Inmates. Attorneys should not converse with inmates they did not request on their Notification forms and/or who are not their clients. Attorneys should not roam the visiting room engaging non-requested inmates in conversation.

Processing of Inmates. Attorneys' requests to see several inmates will be processed in groups of up to four (4) at a time. The inmates will be processed in such a way as to not extend the attorneys' waiting time. Attorneys should inform the OIC when he is nearing the end of the meeting with the fourth inmate and when the visit actually ends in order to facilitate the expeditious escorting of the next four (4) inmates to the visiting room.

Legal visits unrelated to federal criminal cases. Attorneys must make prior arrangements through the legal department for legal visits unrelated to a federal criminal case. All legal visits will take place in the visiting room unless special circumstances warrant different arrangements. Processing of legal visits involving inmates housed in the Special Housing Unit (SHU) may take longer than normal due to security concerns.

Professional Conduct. Attorneys and legal assistants are expected to behave according to the ethical standards required of the profession and the applicable Rules of Professional Responsibility & Conduct. Legal visits must not be used for a social purpose. Therefore, physical contact between the attorney and the inmate must be limited to the initial and the final customary handshake. Legal visits will be terminated upon observing inappropriate contact between attorney and client and such incidents will be referred to the United States District Court for the District of Puerto Rico.

Attorneys' visiting inmates due to social reasons (i.e., family member, acquaintance, friend) should request to be placed by the inmate in his social visiting list and should visit the inmate during his social visiting hours. Legal Visiting may not be used for social purposes.

In addition, attorneys should refrain from using foul or offensive language while on institution grounds and/or challenging instructions from correctional staff. Attorneys engaging in this type of behavior will be escorted out of the institution. This type of behavior seriously compromises the security of the institution and will not be tolerated.

MOVEMENT OF PRETRIAL INMATES

The United States Marshal Service (USMS) is the agency responsible for the custody of pretrial inmates. Therefore, the USMS approves bedside visits, funeral trips or furloughs, and transport for pretrial inmates. Attorneys need to contact the USMS in the district where the inmate was indicted for requests associated with any of the above mentioned circumstances.

Information regarding airlifts, escorted trips, and/or inmate movement will not be released to attorneys or the public due to security concerns.

PARKING FACILITIES

MDC Guaynabo's parking facilities are available to all individuals who are visiting the institution. Visitors, including social and legal, are prohibited from leaving their vehicles parked in the institution and leaving the premises.

Moreover, visitors are prohibited from leaving individuals and/or minors in their vehicles parked in the institution while visiting the MDC. Only minors visiting inmates in this institution under adult supervision at all times are authorized to be on institution grounds. Violators will be asked to leave the institution grounds. Visual searches of visitors' vehicles may be conducted randomly.

PRESENTENCE INVESTIGATIONS

Program Statement 1351.05, Release of Information (September 19, 2002) Prohibits Inmates Possession of Presentencing Reports

Effective November 2, 2002, inmates cannot possess new or photocopies of their Pre-Sentence Reports (PSR) and/or the Statement of Reasons (SOR) from their criminal judgments. This Bureau of Prisons policy responds to the problem of inmates pressuring other inmates for copies of their PSR and SOR's to learn if they are informants, gang members, have financial resources, etc. This should reduce the disruptive behavior caused by inmates illicit use of PSR and SOR.

This policy change applies to all inmates in Bureau institutions. The only exception is for

inmates who need to review their PSR before sentencing. Attorneys needing their clients to review the PSR prior to sentencing should deliver the document in a sealed envelope to his Unit Team staff in order to avoid the confiscation of the PSR. The Unit Team will ensure that the inmate has the opportunity to review the document, and will return the document to the attorney. Once sentenced, however, inmates cannot possess copies of their PSR. This policy helps the Bureau to protect the safety and security of its institutions, inmates, staff, and the public.

Inmates are responsible for notifying their legal counsel, and others, that they are not allowed to possess copies of their PSR and SOR, and that such will be seized as contraband.

REQUEST FOR RECORDS OR INFORMATION (FOIA)

Attorneys requesting inmate records or other information from the institution must file a request through the Freedom of Information Act (FOIA). Their address is as follows:

Federal Bureau of Prisons
Director
320 First Street, NW
Washington, D.C. 20534
ATTN: Freedom of Information Request

You may obtain information about the Bureau of Prisons' policy by accessing the Bureau of Prisons' website at www.bop.gov.

SANCTIONS FOR FAILURE TO ABIDE BY INSTITUTIONS POLICY

Attorneys visiting inmates at this institution must comply with the Code of Federal Regulations, 28 C.F.R. § 500 *et seq.*, and MDC procedures. Failure to abide by the established procedures may result in limitations, and denial of legal visits. See 28 CFR § 543.19.

SERVICE OF PROCESS - Inmates

Attorneys attempting to effect service of process upon inmates housed at the MDC must first obtain information about whether the inmate is a pretrial or a sentenced inmate since the procedures vary depending on the inmate's status.

- (a) Pretrial Inmates:** The procedure will be the same as to sentenced inmates. However, since pretrial inmates are under the custody of the United States

Marshal Service (USMS), the effect of service must also include the USMS, who are responsible for all pretrial inmate's movements in and out of the institution.

- (b) Sentenced Inmates:** The arrangements to effect service upon sentenced inmates must be done through the legal department. Specifically, the attorney needs to send a written request, which includes the inmate's name and number, the name of the person effecting service. The person effecting service must complete an Authorization to Release Information form so that a criminal background check (NCIC) may be conducted. The legal department will designate the place to execute the service of process, and a proposed date and time for the service to occur within the institution.

SERVICE OF PROCESS - Staff

Attorneys attempting to serve process on a staff member (in his or her official capacity) must contact the legal department to ensure staff availability. The Legal Department may not accept service on behalf of a staff member.

USE OF CASSETTE/VIDEO/CD PLAYERS AND CD-ROMS COMPUTERS

Review of recordings in the visiting room with the inmate. The word recording refers to video tapes, cassette tapes, CD-ROMS, and CDs.

Attorneys are not allowed to bring their own equipment to review recorded discovery materials into the institution. The equipment (i.e., computer, television, video tape, DVD, and tape players), will be available in the visiting room on a first come, first served basis.

Attorneys wanting to review legal audio cassettes, VHS tapes, Audio CDs, DVDs, and/or CD-R's (commonly referred to as e-electronic discovery) with their clients must request access to one of the attorney rooms where the audio/video players and the computers are located. Attorneys bringing e-discovery for review with a client cannot leave those with the inmate.

Review of electronic discovery by the inmate alone. Review of electronic discovery by the inmate must be arranged through the legal department and the visiting room staff. The attorney must first write a letter to the legal department, which includes the following information:

- Number of recorded items & type of items. (i.e., DVD, CD-R, VHS, etc.)

- Name and register number of the inmate (s) allowed to review the material.
- Trial date or deadline to review recordings.
- Name of the District Judge and Assistant United States Attorney in the case
- Names of the defendants (or caption of indictment) and case number.

Each item must be labeled with the case number, the defendant's name, and the Attorney's name in order to avoid loss of the recordings.

Upon receipt by the legal department the electronic discovery will be made available to the inmate in the visiting room. The electronic discovery will only be made available to the inmates named by the sender in the request. For security reasons, inmates are not allowed to have CD-Rs, DVDs, and/or video/audio tapes in their possession.

This procedure is not available to inmates with short deadlines. Legal department staff will only accept materials for inmates who have more than two (2) months to review the materials. Otherwise, the attorney will need to review the recordings with the client. Attorneys are encouraged to review electronic discovery recordings with the client.

The equipment needed to review the materials will be made available to the inmates on a first come, first served basis. Inmates wanting to review electronic discovery available in the visiting room must submit an *Inmate Request to Staff Member* form to the Visiting Room Lieutenant and/or OIC.

Upon the closing of the criminal matter the electronic discovery will be returned to the sender or destroyed.

Recording materials must be delivered to the legal department staff. For security reasons, videotapes, audio tapes, CD-Rs, DVDs and CDs cannot be deposited in the legal mail box in the lobby. Only legal papers can be dropped off in that box.

The audio cassettes/video tapes/CDs/DVDs/CD-Rs must be delivered directly to legal department staff. Each item must be labeled with the inmate's name, case number, and attorney's name. These materials cannot be left in the front lobby under any circumstances.

VISITING SEPARATEES

Inmates are separated from one another based on security reasons. Therefore, attorneys may encounter delays in visiting if there is a separatee of their clients in the visiting room. This situation may arise more frequently in days of social visits.

When the attorney knows of a separation in advance of the visit, he or she should contact the legal department so that alternative arrangements can be made in the event there is a separatee in the visiting room at the time of the visit.

Co-defendant meetings between inmates who have separatees may be denied, pending approval from the Warden, Captain, and/or the US Attorney's Office.

**SPECIAL NOTICE TO ATTORNEYS HAVING
COMPLAINTS ABOUT LEGAL VISITING**

Attorneys having any grievances regarding legal visiting or legal visiting procedures at the MDC should call the Associate Warden (Programs) (extension 7804), and/or the Captain (extension 7830) prior to leaving the institution in order to resolve any problems in an expeditious manner. If you encounter any problems after normal business hours, please contact the Duty Officer or the Operations Lieutenant.

Institution's Telephone Number (787) 749-4480

Jorge L. Matos, Supervisory Attorney Advisor	Extension 7807
Kaymi Ross, Attorney Advisor	Extension 7952
Jose Cordero, Paralegal Specialist	Extension 7821
Aixa Perez, Legal Assistant	Extension 7808
Associate Warden (Programs)	Extension 7804
Eduardo Serrano, Captain	Extension 7830

Warden's fax number (787) 775-7824

Legal Department fax number (787) 775-7817

METROPOLITAN DETENTION CENTER

REQUEST FOR A CO-DEFENDANT MEETING

GUAYNABO, PUERTO RICO

Date:	
Name of Attorney Requesting Visit:	
State of Admission:	Bar Number:
Criminal Case No.:	Telephone Number:
Date of Visit:	Time of Visit:

Parties Attending the Meeting:

Inmate(s) Name(s) & Reg. No.	Names of Attorney(s)/Legal Assistant(s)

A COPY OF THE CAPTION OF THE INDICTMENT IS ENCLOSED. ___ YES. ___ NO.

I am: attorney of record; prospective attorney; other: Specify: _____

I certify that this visit is strictly for a legal purpose. (No need to specify legal purpose).

Attorney Signature

Date

FOR OFFICIAL USE ONLY: Co-Defendant Meeting Approved:

Legal Department Staff
Comments, if any:

**METROPOLITAN DETENTION CENTER
GUAYNABO, PUERTO RICO**

REQUEST FOR A LEGAL VISIT WITH SENTENCED INMATE(S)

Date:

Name of Attorney
Requesting Visit:

State of Admission:	Bar Number:
Criminal Case No.:	Telephone Number:
Date of Visit:	Time of Visit:

Parties Attending the Meeting:

Inmate(s) Name(s) & Reg. No.	Names of Attorney(s)/Legal Assistant(s)

I am: attorney of record; prospective attorney; other: Specify: _____

I certify that this visit is strictly for a legal purpose. (No need to specify legal purpose).

Attorney Signature

Date

Attorneys seeking to have legal visits with sentenced inmates must follow the listed guidelines:

1. All the blanks in this form should be filled before this request is processed.
2. All requests must be submitted at least 24 hours in advance and no later than 2:00 p.m.

FOR OFFICIAL USE ONLY:

Comments, if any : _____

