
  <b>MONROE COUNTY SHERIFF'S OFFICE</b>	BUREAU DIRECTIVE: BOC - 5:001	<b>REFERENCES:</b> FMJS 13.10, 15.2 ALDF-6A-01, 6A-02, 6A-04 CORE-6A-01, 6A-02
	RESCINDS:	
	BUREAU: Corrections	NO. OF PAGES: 3
	CHAPTER: Inmate Communication	 _____ Sheriff of Monroe County
	TOPIC: Attorney Visits and Telephone Calls	

### **PURPOSE:**

The purpose of this directive is to establish policy for the Monroe County Detention Facilities to monitor attorney movements and visits throughout the facilities.

Inmate access to counsel is ensured. Attorneys and their authorized representatives are allowed to see their clients between the posted attorney hours seven days per week. Inmates may also call their attorney during non-lockdown hours. [ALDF-6A-02] [CORE-6A-02]

### **SCOPE:**

This directive applies to all Certified Personnel.

### **PERSON RESPONSIBLE:**

All Certified Personnel.

### **POLICY AND PROCEDURES:**

One way inmates have access to courts is through attorney visits and telephone calls. [ALDF-6A-01] [CORE-6A-01]

Each facility will have a personnel identification system which will ensure that employees, visitors, and inmates are positively identified and that security measures are not bypassed. [FMJS 13.10]

It is the attorney's responsibility to inform us that he or she has a client in our jail and request that his or her phone number not be recorded, on the inmate phone or video visitation systems. This information will be verified before the phone number and/or video visitation login is programmed not to be recorded. [ALDF-6A-02] [CORE-6A-02]

If requested, assistance (e.g., how to use the phone or mail out privileged mail) will be given to inmates who need help in making confidential contact with attorneys and their authorized representatives. [ALDF-6A-02] [CORE-6A-02]

All attorneys will abide by the dress code, attorney hours, and attorney rules (posted in the Lobby) of the Monroe County Detention Facilities.

Attorneys are required to display their valid Florida Bar Card and valid photo identification prior to admission, each time they visit the facility. (The Florida Bar cards will be checked each visit for active licensed in the State of Florida, via the internet at [www.floridabar.org](http://www.floridabar.org)) or the clerk/deputy will call The Florida Bar at 850-561-5600, Hours: 8:00 am - 5:30 pm., Monday-Friday) If unable to verify, the attorney will not be allowed the visit.

If the Monroe County Public Defender has a Florida Bar Card that is under a different name than their government issued ID, they must be

preapproved before entry into the secure envelope. Also, all investigators working for the Monroe County Public Defender's office will be preapproved.

All non-attorney legal visitors/authorized representatives (investigators, interpreters, stenographer, medical experts, notaries, etc.) must receive prior approval before being granted access to the secured envelope. The attorney or agency requesting access for the non-attorney visitor must request approval on their firm's letterhead or by court order at least 72 hours in advance and submit it to the Operation Captain's Administrative Assistant for review and approval. This does not include weekends or holidays. The representative must provide a valid identification.

**NOTE: Attorneys and their authorized representatives from other states must have a court order from a Florida Judge, usually called an Order of Admission Pro Hac Vice, approving them to practice on a particular inmate's case in order to be considered that inmate's attorney in Florida. The court order must be shown to the Main Control Deputy/Clerk prior to admission along with their valid state bar card.**

Attorney visits will not start before 8:00 a.m.

No attorneys will be allowed to visit an inmate during meals or lockdown hours. [ALDF-6A-04]

No attorney will be allowed in less than thirty (30) minutes prior to attorney hours being secured (i.e., when inmate's are in lockdown/eating).

All attorney visits will be completed and the attorney will exit the secure envelope by 1100, 1600, and 2300 hours daily.

The Dorm/Unit Deputies will be notified by the Main Control Room Deputy of an inmate attorney visit so the inmate can prepare for the visit.

The Main Control Room Deputy will call the Rover to come to the main lobby to search the attorney's and/or their authorized representatives' belongings and then escort him/her through the magnetometer. ALL attorneys are subject to a search. ALL personal

property (e.g., car/house keys, purses, wallets, lap tops, cell phones, briefcases, medication, food, etc.) will be secured in their vehicle or a locker in the lobby.

**NOTE: Attorneys are not allowed to introduce money, laptops, cell phones, cameras, radios, tape players, MP3 players, or other electronic items into the facility without prior permission from the Site Commander/designee.**

Laptops are allowed when using the visitation rooms with divider.

Attorneys and/or their authorized representative must be dressed appropriately. Visitation will not be permitted if the attorney and/or their authorized representative is dressed in a manner that violates the visitor's dress code.

If the attorney and/or their authorized representative wants a direct contact visit with the inmate, they are to contact the Administrative Assistant or the Programs Staff Assistant via telephone or email to arrange an appointment. All appointments must be made at least seventy-two (72) hours in advance.

The attorney will be escorted to the attorney/inmate visitation area. The following areas will be primarily utilized for attorney inmate visits:

- The appropriate visitation booth for the inmate's housing area.
- With the approval of the Shift Commander, attorneys will use the appropriate conference rooms as follows:
  - Dorms E, F, G and H: Utilize the exam/conference rooms directly across from the multi-purpose room.
  - Units A, A-1, B and B-1: Utilize the two (2) conference rooms (1-A01 and 1-A02) in front of the Zone "D" Control Room.
  - Units C & D: Utilize the two (2) conference rooms (1-C01 and 1-C02) directly across from the Zone "E" Control Room.

- Upper Keys Facilities: An appropriate space will be utilized for attorney inmate visits.

All attorneys and/or their authorized representative will be monitored by the Detention Deputies while in the facility. No item of any kind will be given to or received directly from an inmate by an attorney except for legal paperwork required for the inmate's case. [ALDF-6A-04]

The introduction or attempts to introduce into or upon facility grounds of weapons, drugs, medication, narcotics, alcoholic beverages or any other unauthorized items is a violation of Florida Laws, as stated in Florida State Statutes 944.43 and 944.47.

Attorneys and/or their authorized representative under the influence of alcoholic beverages, narcotics or other drugs, or exhibiting irrational behavior for any reason will not be allowed to visit or remain on county property.

Any disturbances or emotionally disruptive behavior exhibited at any time will result in the visit being canceled, and the attorney and/or their authorized representative will not be allowed to remain on county property.

There will be no smoking, eating or drinking in the secured envelope of any Monroe County Detention Facility.

Attorneys and/or their authorized representative will refrain from physical contact with an inmate (e.g., kissing, hugging, holding hands, etc.). Attorneys may offer a handshake as a way of greeting or saying goodbye to an inmate.



The officer-in-charge may terminate a visit at any time a rule violation warrants such action.

**Dress Code - The following will NOT be permitted:**

- **Trousers/Pants** – Hot pants, shorts, pants with holes in inappropriate places. All pants will be worn at waste level; any showing of shorts, boxers, undergarments, bare midriffs, swimsuits, and spandex will not be permitted

in the secured envelope.

- **Shirts** – See-through blouses, tank tops, low-cut necklines, shirts/blouses without sleeves and bralessness will not be permitted in the secured envelope.
- **Dresses/Skirts** – Mini-skirts, dresses more than 1 ½ inches above the knee and skirts with slits up the side will not be permitted in the secured envelope.
- **Shoes** – Bare feet, bedroom slippers, sandals, flip-flops, open-toed shoes or heels will not be permitted in the secured envelope.
- **Head Wear** – Hats, bandanas, scarfs, wraps, or headgear of any kind will not be permitted in the secured envelope.

  <b>MONROE COUNTY SHERIFF'S OFFICE</b>	<b>BUREAU DIRECTIVE:</b> BOC - 5:002	<b>REFERENCES:</b> FCAC 29.01-29.05 FMJS 11.3(D,G) ALDF-5B-05 thru 5B-10, 5B-18, 6A-01, 6A-02, 6A-04, 6A-09 CORE-5B-02, 5B-02-1, 5B-02-2, 6A-01, 6A-02, 6A-08 PBNDS 2008, 2011
	<b>RESCINDS:</b>	
	<b>BUREAU:</b> Corrections	<b>NO. OF PAGES:</b> 6
	<b>CHAPTER:</b> Inmate Communication	 Sheriff of Monroe County
	<b>TOPIC:</b> Inmate/Detainee Mail, Video messages, Text messages and Photographs	

#### PURPOSE:

The purpose of this directive is to establish policy for the Monroe County Detention Facilities to handle inmate/detainee Non-privileged/special correspondence, Legal mail, video messages, texts and photographs without delay.

Non-privileged mail, video messages, texts and photographs are sent to the inmate tablet, they are reviewed, censored, or rejected based on legitimate facility interests of order and security as noted throughout this policy. All special correspondence and legal mail, paperback reading books, newspapers and magazines will be delivered directly to the detention facility. [ALDF-5B-08] [CORE-5B-02-1]

#### SCOPE:

This directive applies to all facilities, the Key West Mail Clerk, Property Clerks / KV/PK Rover/Dorm Deputies.

#### PERSON RESPONSIBLE:

Key West Mail Clerk and KV/PK Rover/Dorm Deputies.

#### DEFINITIONS:

Special Correspondence and Legal Mail: is the term for inmates/detainees' written communications to or from private attorneys and other legal representatives; government attorneys; judges, courts; embassies and consulates; the President and Vice President of the United States, members of Congress, the Department of Justice (including the DOJ Office of the Inspector General), the Department of Homeland Security Office for Civil Rights and Civil Liberties, the Department of Homeland Security (including U.S. Immigration and Customs Enforcement, the Office of Detention and Removal Operations, and the DHS Office of the Inspector General); the U.S. Public Health Service including the Division of Immigration Health Services; health care practitioners; administrators of grievance systems; and representatives of the news media. This mail will be delivered directly to the detention facility.

#### POLICY AND PROCEDURES:

Inmate/detainee non-privileged mail is to be sent through the postal system to the addressed inmate mail processing center to be scanned directly to the inmate tablet (e.g., United States Postal Service, Fed Ex, UPS). When the inmate/detainee bears the mailing cost, there will be no limit on incoming or outgoing mail.

[FCAC 29.05] [CORE 5B-02] [ALDF-6A-04] The source of inmate/detainee mail or publications, language, and/or content is limited only when there is reasonable belief that limitation is necessary to protect public safety or maintain facility order and security. [ALDF-5B-05]

#### **Opening of Inmate/Detainee Mail** [ALDF-5B-08] [CORE-5B-02-1]

Open the mail and check for cash/money orders and contraband.

The Mail Clerk (KW)/Marathon/ Plantation Key (KV/PK) Rover/Dorm Deputy are responsible for processing and sorting of all inmate/detainee incoming and outgoing mail. No list of correspondents will be made. [FCAC 29.05]

Excluding weekends and holidays, or emergency situations, incoming and outgoing letters are held for no more than 48 hours. [ALDF-5B-10]

The following items will be needed to process inmate/detainee mail:

- Letter opener
- Current alphabetized roster of inmates/detainees or inmate/detainee jail booking in computer
- Return to Sender stamp
- Undeliverable Return to Sender stamp
- This Mail Originated from MCDC stamp
- Unauthorized Inmate-to-Inmate Correspondence stamp
- Rejection Forms
- Gloves
- Scissors
- Mail must be sent to the correct address stamp
- Copy machine & copy paper
- Access to the ICS Command Center Website

#### **Receipt of Inmate/Detainee Mail**

Utilizing the alphabetical roster or jail booking in computer, verify that the inmate/detainee is in one of the facilities. Record and circle the housing area "Letter" (e.g., A) in the top middle portion of the envelope. If the inmate/detainee is in one of the other Monroe County Detention Facilities, forward the mail to the correct facility.

**NOTE: All incoming mail must have a return address including full name. Mail without a full name and return address will be returned to the post office.**

If the inmate/detainee is not in jail and there is a return address on the mail, stamp with "Return to Sender" and return to the post office. [ALDF-5B-18]

If the inmate/detainee is not in jail and there is no return address on the mail, stamp "Undeliverable Return to Sender" and return to the post office. [ALDF-5B-18]

**NOTE: To maintain order and security, inmates/detainees are not permitted to correspond with ANY inmate/detainee incarcerated in ANY detention facility, court ordered program, or prison.** [ALDF-6A-04]

- Mail received from inmates/detainees to inmates/detainees at other detention facility, court ordered program or prisons will be stamped with the unauthorized inmate-to-inmate correspondence and returned to sender stamps.
- If the mail is between inmates/detainees at our facilities, it will be destroyed.

The Mail Clerk (KW) /Marathon /Plantation Key (KV/PK) Rover/Dorm Deputy will maintain a log of all incoming inmate/detainee Special Correspondence, Legal, Certified, Priority or Overnight Mail/Packages, Checks from the Treasury, or Department of Corrections, Payroll, Insurance or Settlement checks delivered. [PBND 2011]

- The log book will include the date mail is received, name of inmate/detainee, name of sender (person attorney, business, agency, etc.), name of delivery service (UPS, USPS,

Federal Express, etc.), and inmate/detainee signature of receipt and date.

- The mail will be opened in front of the inmate/detainee. The inmate/detainee will sign for receipt of the mail.
- The log will be available for review if requested.

### Checks Received by Mail

The mail clerk will log the check in the legal/certified mail log. The check will be taken to the inmate for signature and acknowledgement of receipt of the checks arrival. No checks will be left with inmates.

The inmate will have three options:

1. The inmate will sign the back of the check to have it deposited into the inmate's commissary account.
2. The inmate can provide the mail clerk with a stamped addressed envelope filled in by the inmate, for the check to be mailed out of the facility to whomever the inmate decides.
3. If the inmate refuses to sign the check. The check will be returned to sender.

**NOTE:** If an inmate receives a payroll, insurance or settlement checks in the mail (**No personal checks, money orders or cashier checks**) (**Do not sign the check.**) The mail clerk will log the check in the legal/certified mail log. The check will be taken to the inmate for acknowledgement of receipt of the check's arrival. If the inmate would like to have the check deposited into his/her inmate account, the check must be taken to the finance department for approval before it will be deposited into the inmates commissary account.

- The mail clerk will provide the inmate with the check approval form to complete. (The inmate will not sign the check at this time.)
- The mail clerk will take the check and the form to finance for review and approval by the MCSO Finance Director. If the check is approved or disapproved by finance, finance

will contact the mail clerk.

- If the check is approved it will be taken back to the inmate for signature, and deposited into the inmates account. If the check is disapproved, the inmate will be notified and the inmate will have the choice to select option (2) or (3) of the checks received by mail process above.

### Contraband

All unauthorized items will be noted on a Mail Rejection Form, and a copy will be sent to the inmate/detainee. The unauthorized items will be stamped and returned to the sender. [ALDF-5B-08] [CORE-5B-02-1]

For ALL illegal items/activity, the Mail Clerk (KW) / KV/PK Rover/Dorm Deputy shall write a full Incident Report, attach the contraband as evidence, and deliver it to the Programs Services Director / Shift Lieutenant or Shift Sergeant / KV/PK Site Commander who will notify/bring the items/activity to the Operations Commander. The illegal items/activity will be turned over to the Criminal Investigations Division or properly disposed of.

Any identity documents (e.g., passports, birth certificates, driver's license, credit/debit cards, etc.) mailed in for an inmate, must be pre-approved. If pre-approved the item(s) will be logged in the special mail log, a rejection will be completed, the inmate must sign the log book as receiving the item(s) and sign the rejection form allowing the item(s) to be placed into their property bag. The mail clerk will deliver the items to the property clerk. The property clerk will sign for receipt of the inmate items and a copy of the signed form will be placed into the inmates property bag. If the document(s) are not pre-approved it is returned to sender.

The Mail Clerk (KW) will visually scan all incoming non-privileged letters on the inmate tablet via website for approval or disapproval to see if any mail may contain information related to an escape attempt, threats of physical harm, criminal activity, plans for activities in violation of jail rules, or if the letters are in code or contain information which if communicated would create a clear and present danger of violence or physical harm to a human being. All non-

privileged mail received at any MCDC will be returned to sender, stamped on the back with the correct address where the inmate's mail must be sent for processing and scanned into the tablet. [ALDF-5B-05 and 5B-08] [CORE-5B-02-1]

**Privileged Mail, Special Correspondence, and Legal Mail** [ALDF-5B-09] [CORE-5B-02-2]

One way inmates/detainees have access to courts, attorneys and their authorized representatives is through incoming and outgoing mail. Confidential contact is ensured by following the below procedures. [ALDF-6A-01 and 6A-02] [CORE-6A-01 and 6A-02]

Privileged mail, special correspondence, and legal mail including mail from attorneys, courts, consulate, and public officials (e.g., officials of the confining authority, state and local chief executive officers, administrators of grievance systems, members of the paroling authority) shall not be opened for inspection except for the sole purpose of determining that it is privileged mail and contains no contraband. In such cases, the incoming privileged mail shall be opened and inspected only in the presence of the inmate/detainee to whom the mail is addressed and only the signature and letterhead may be read. [FCAC 29.03]

The Mail Clerk and/or (KV / PK) Dorm/Unit Deputy must write the inmates full name and housing location for all privileged mail received. The privileged mail envelopes will be opened in the presence of the inmate/ detainee only.

Outgoing privileged mail and pro se privileged mail may be held for a reasonable time not to exceed forty-eight (48) hours, pending verification that it is properly addressed to that person or agency. The Dorm/Unit Deputy will inspect outgoing privileged mail and pro se privileged mail for contraband items (e.g., pornographic drawings, pictures, etc.) before being sealed by the inmate/detainee. However, the deputy is not allowed to read the mail for content during this inspection. [FCAC 29.03] The deputy will place his/her identification number on the back of the sealed envelope and forward the items to the Mail Clerk or KV/PK Sergeant for processing

For outgoing pro se privileged mail, forward the pro se privileged mail to the Programs Services Staff Assistant / KV/PK Sergeant for special postage paid by the agency.

**NOTE: No receipt from staff will be provided stating the mail was sent out or received.**

**Restricted/Rejected Mail, Magazines, and Periodicals, Items Available through Commissary** [ALDF-5B-05]

Inmates/detainees are not permitted to correspond with ANY inmate/detainee incarcerated in ANY detention facility or prison. Mail sent from our inmates/detainees to any other inmate/detainee at any detention facility or prison will be destroyed. [FCAC 29.02]

The following items are restricted. The Mail Clerk (KW) / KV/PK Rover/Dorm Deputy shall, return the restricted items to sender, or turn it over to the proper authority: [FCAC 29.02]

- The material contains instructions for the manufacturing or use of explosives, drugs, or other unlawful substances, guns, or knives
- Material depicting activities that present a significant risk of physical violence or group disruption, for example, material dealing with the subjects of self-defense or survival, weaponry, armaments, explosives, or incendiary devices
- A cryptographic or other surreptitious code that may be used as a form of communication
- Other contraband. A package received without the facility administrator's prior authorization is considered contraband
- The material advocates racial, religious, or national hatred in such a way that would create a serious danger of violence in the facility
- The material encourages sexual behavior which is criminal and/or in violation of facility rules or detrimental to rehabilitation. This includes any sexually explicit material that is

defined as any material that clearly shows or depicts sexual acts and/or the sexual organs, or any material that may cause sexual arousal or encourage sexual behavior (e.g., Playboy, Playgirl, Hustler, Penthouse, Easy Rider, Cycle, High Society, Chic, Cherry, Variety, Swingers, X-rated books, etc.)

- Pictures of people wearing swim wear or lingerie.
- If known, communication in violation of a restraining orders.
- Any envelopes or paper that has been colored with crayons, colored pencils, or markers will be considered contraband. The items will be removed and disposed of.
- Items which are available for purchase through our Commissary Department must be purchased and are not allowed to be ordered/purchased or sent in by any outside source.

**NOTE: ICE Detainees identity documents, such as passports, birth certificates, etc will be turned over to ICE.**

#### **Notifications Denying Correspondence** [ALDF-5B-08] [CORE-5B-02-1]

When an inmate/detainee is denied correspondence, a Mail Rejection Form will be sent by the Mail Clerk / KV/PK Rover/Dorm Deputy to the inmate/detainee explaining why he or she did not receive his or her mail or why outgoing mail was not sent. [FCAC 29.02]

#### **Books and Magazines** [ALDF-5B-05 and 5B-07]

Due to security and contraband problems, hard cover books are not allowed. Cutting or tearing any part of a book(s) or magazine(s) is considered "altering", which in effect changes it from the original state and constitutes it becoming "contraband", and it will then be confiscated and destroyed. Only magazines and paperback books that are received directly from the publisher or legitimate retailer will be accepted.

Inmates/detainees may not have more than the specified amount per month in the inmate handbook per inmate/detainee. Amounts in excess of this and/or hard cover books will be returned to sender.

Books received from sources other than the publisher or legitimate retailer will be returned to sender.

Inmates can send excess amounts of books/magazines to the property room to hold for family or friends to pick up within thirty (30) days or the books will be destroyed.

**NOTE:** Inmates may not have more than the specified amount in the inmate handbook in their possession at one time whether they are their own items or MCDC books. The inmate will need to have their books released to a family member or friend, or donate the books to the inmate library by placing them on the shelf in their housing area before receiving more books. The inmate may throw away their magazines or have them released using the same process for excessive books. If they have more than the specified amount in the inmate handbook in their possession, they will be confiscated as contraband.

#### **Newspapers**

Inmates/detainees are allowed to subscribe to any newspaper(s) of their choice. The maximum amount allow to subscribe to is specified in the inmate handbook. It will be their responsibility to order the newspaper and have it delivered by U.S. mail directly from the publisher or legitimate retailer to the appropriate Monroe County Detention Facility. The newspaper is to be addressed to the inmate/detainee with their complete name and identification number.

Daily and weekly newspapers are on a "one for one" exchange. The assigned deputy will take possession and properly discard the old newspaper prior to dispensing the new newspaper to the inmate/detainee.

Newspapers will not be put inside an inmate/detainee's property bag. The maximum allowed is specified in the inmate handbook. Cutting any part of the newspaper is considered

“altering”, which in effect changes the paper from its original state and constitutes it becoming “contraband”, and it will then be confiscated and destroyed.

### **Outgoing Mail**

The inmate/detainee will take outgoing mail to the Dorm/Unit Deputy unsealed. The deputy will ensure the inmate/detainee's full name, identification number, housing assignment, and the facility address is in the upper left corner of the envelope

That deputy will ensure that the inmate/detainee did not insert contraband or use non-authorized paper to write the letter and will visually scan it for threats, escape attempts, etc. Privileged mail will not be visually scanned. [ALDF-5B-08] [CORE-5B-02]

The inmate/detainee will then seal the letter in the envelope and hand it to the deputy for processing.

### **Dispatch of Mail** [FCAC 29.01]

All incoming and outgoing mail is handled without delay and is received only through the facility approval.

At no time shall mail be distributed by an inmate/detainee nor be accessible to any inmate/detainee other than the addressee.

Towards the end of the day and night shift, the Rover shall collect outgoing mail from the Dorm/Unit Deputies and deliver it to the Key West Mail Clerk(Box) / KV/PK Sergeant without delay.

The Mail Clerk (KW) / KV/PK Rover shall deliver incoming special/privileged mail and money receipts directly to the Dorm/Unit mail boxes during work days to exclude weekends and holidays. The night shift dorm/unit assigned deputy will pick-up incoming mail/receipts/paperwork for the inmate from the inmate mail box before reporting to their assigned duty location. The deputy will deliver mail directly to the inmate named on the mail after dinner excluding weekends and holidays.

### **Indigent Inmates** [ALDF-5B-06] [CORE-5B-02]

All indigent inmates shall be provided with writing materials and postage as stated in the Inmate Handbook. For the purpose of this directive, indigent inmates have less than \$0.99 in their account. [FCAC 29.04] [ALDF-6A-09] [CORE-6A-08]



### **Video Messages, Text Messages and Photographs**

The Mail Clerk KW is responsible for processing all inmate/detainee incoming Video Messages, Text Messages and Photograph daily, excluding weekends and holidays, or emergency situations. The incoming Video Messages, Text Messages and Photographs will not be held for no more than 48 hours.

The Mail Clerk (KW) will review all incoming Video Messages, Text Messages and Photograph to be sure that it meets the same criteria, use to process non- privileged mail.

All restricted/inappropriate items will be disapproved or turned over to the proper authority:

The inmate and sender will notified of the denied restricted/inappropriate items via the inmate tablet.

  <b>MONROE COUNTY SHERIFF'S OFFICE</b>	<b>BUREAU DIRECTIVE:</b> BOC - 5:003	<b>REFERENCES:</b> FMJS 2.10(f) FCAC 11.14(a-e) ALDF- 6B-01 CORE-6B-01 Prison Rape Elimination Act of 2003 (Public Law 108-79) §115.52(b)
	<b>RESCINDS:</b> Policy Directive 16	
	<b>BUREAU:</b> Corrections	<b>NO. OF PAGES:</b> 8
	<b>CHAPTER:</b> Inmate Communication	 Sheriff of Monroe County
	<b>TOPIC:</b> Inmate Request Forms	

#### **PURPOSE:**

The purpose of this directive is to establish policy for the Monroe County Detention Facilities to provide all inmates with a method of requesting information or services. Inmates shall be able to address their complaints regarding the policies, conditions, or the staff of the Monroe County Detention Facilities.

No staff member will subject an inmate or detainee to harassment, curtailment of privileges or any type of punishment (i.e., disciplinary reports) or retaliation because of a grievance.

No staff member will attempt to prevent or interfere with the reporting of a grievance.

#### **SCOPE:**

This directive applies to all personnel.

#### **PERSON RESPONSIBLE:**

All personnel.

#### **DEFINITIONS:**

Grievance - Dissatisfaction with a policy, procedure, service or condition of incarceration,

or any employee's conduct or performance within the Bureau of Corrections that directly impacts the inmate filing the grievance.

Request - A request for information, assistance, or service.

#### **POLICY AND PROCEDURES:**

All inmate requests except grievances and request for medical services will use the kiosk. The form used by inmates for grievances is called the "Inmate Request Form".

Any inmate who desires to see the doctor report allegations of employee or inmate misconduct, etc., will use this form.

The inmate request, grievance, and appeal procedures are available to all inmates in the Inmate Handbook. [ALDF-6B-01] [CORE-6B-01]

#### **Inmate Request Form Procedures [FCAC 11.14b]**

Deputies must attempt to resolve all requests and grievances at their level. If the Deputy is unable to satisfy the request or to resolve the problem, the Deputy will then give the inmate a blank Inmate Request Form in order to write their request or grievance.

The agency shall not require an inmate to use any informal grievance process, or to otherwise attempt to resolve with staff, an alleged incident of sexual abuse. Such grievance is not referred to a staff member who is the subject of the complaint. [Prison Rape Elimination Act of 2003 (Public Law 108-79) §115.52(b)]

Upon request, an inmate will be given one Inmate Request Form per shift (2 per day) to forward requests for services (e.g., release date, gain time, court dates). If an inmate wishes to file a grievance/complaint, the inmate will be given one Inmate Request Form per shift (2 per day).

Inmates requiring special assistance to complete the Inmate Request Form will be provided assistance.

Each Inmate Request Form may contain only one subject matter. Multiple topics must be addressed with multiple Inmate Request Forms.

The Inmate Request Form will be completely filled out and given to the Dorm/Unit Deputy. The Deputy will give the inmate another Inmate Request Form if additional space is needed. The inmate is to write legibly and large enough that their request can be reasonably read. The inmate is not to write in the respondent's answer area.

The Dorm/Unit Deputy on duty must complete the "SEND TO" address block of the form on all non-medical requests. The Dorm/Unit Deputy receiving a completed Inmate Request Form will read the form, print their name, sign, date, and place the time on the form. The Deputy will also address the form to the proper division. If it is a grievance, the Deputy will write grievance in the top corner of the form. The Deputy will then give the pink copy to the inmate immediately.

Rovers shall collect all request/grievance forms at least once per shift. Collected request forms shall be forwarded without delay to the appropriate division for response. All grievances will be forwarded to the Shift Sergeant.

The Shift Sergeant will review all grievances to verify they are grievance and not requests. If it is a grievance, the Shift Sergeant will place the grievance in the Grievance Coordinator's (i.e.,

currently the Executive Assistant) wall box. If it is a request, they will scratch the word grievance off the form and place the request form in the appropriate division's basket. [FCAC 11.14a]

The Shift Sergeant on duty will investigate multiple requests that are written during their shift that address the same issue.

Grievance from the KV and PK facilities shall be scanned and e-mailed to the Grievance Coordinator when received and when answered. If it is an appeal of the Site Commander's answer, the original and yellow copy shall be sent to the Grievance Coordinator.

#### **Non-Grievable Issues [FCAC 11.14c]**

- Inmate housing
- Court imposed sanctions
- Administrative agency's sanctions
- Group signatures on a grievance

#### **Medical Requests**

Inmate medical requests consist of sick call requests, medical diet requests, allegations of employee or inmate sexual misconduct, or mental illness counseling. [ALDF-5A-03]

- **Do NOT read or write on Inmate Request Forms pertaining to medical issues.**
- Instruct the inmate to place all three parts (original white, yellow, and pink copies) of the medical request into the locked medical request box.
- A nurse will pick up these requests, stamp them "Received by Medical" with the date, initial them, fold the pink copy over, tape it close, and stamp "confidential" on the outside.
- This pink copy will then be given to the Dorm/Unit Deputy who will return it to the appropriate inmate without opening the request.

## **Allegations of Employee or Inmate Misconduct**

The Shift Lieutenant/Site Commander shall review allegations of employee or inmate misconduct. If the Shift Lieutenant/Site Commander feels the complaint is justified, the complaint shall be forwarded to the Operations Commander. If the Shift Lieutenant/Site Commander feels the complaint is not justified, he or she shall write the inmate back stating why and forward a copy of the complaint and response to the Operations Commander. The Operations Commander will decide if the complaint needs to be forwarded to Internal Affairs.

**Note: ICE Detainees. Any allegation of employee misconduct will be forwarded to the Operations Commander, who will forward the information to ICE.**

### **Answering Individuals [FCAC 11.14d]**

All personnel who receive an Inmate Request Form shall respond in writing to the inmate within a reasonable time. This period should be less than ten days.

If there is an investigation surrounding a particular request that will go beyond ten days, the responsible person shall notify the inmate in writing of that fact.

After answering the request, place the white copy in the Classification basket and the yellow copy in the appropriate Unit/Dorm basket in the Muster Room.

### **Grievance Appeal Process [FCAC 11.14e]**

If an inmate is dissatisfied with the first response, that inmate may file an appeal to the division supervisor within five working days of receipt of the response. The division supervisor or designee should respond to the appeals within ten days.

If the inmate is dissatisfied with the response of the division supervisor, that inmate may file an appeal to the supervisor responsible for that

division with five working days of receipt of the division supervisor's response. That supervisor's final decision should be provided within ten days of receipt of the appeal.

Grievances requiring extensive research and documentation may require a longer period of time for response. The responsible person shall notify the inmate in writing of that fact.

There is no time limit for filing a grievance. [Prison Rape Elimination Act of 2003 (Public Law 108-79) §115.52(b)]

## **Abuse of Grievance Procedures**

Inmate grievances will not be processed if they are determined to be frivolous, excessive, repetitive, or have been previously answered. They will be returned to the inmate with a written explanation.

### **Grievance Coordinator**

The Grievance Coordinator shall date stamp, record, and assign a log code number for each grievance received. If the form is not a grievance, it will not be logged as a grievance.

Log all grievances in the computer on the Inmate Grievance Log. Include the inmate's name, date of grievance, date received, nature of grievance, and whom the grievance was assigned to.

Log completed grievances in the computer as date returned and response sent back to inmate. Place the original copy in the Classification basket and the yellow copy in the Unit/Dorm basket.

Audit the process to assure time lines are followed.

## **Dorm/Unit Deputy Procedures for Processing Incoming Inmate Request Forms (yellow copy)**

Prior to going on duty, the Dorm/Unit Deputies will receive from their Shift Sergeant in the Muster Room the completed yellow inmate responses for distribution to the inmates within

their dorm/unit.

## **Classification**

The Classification Division is responsible for maintaining all original copies of Inmate Request Forms except for medical requests in the inmate's classification folder.

The inmate's classification folder is a component of the inmate's incarceration file and is a public record in accordance with Florida Statutes Chapter 119.

Classification will forward Inmate Request Form responses to the Plantation Key or Marathon Detention Facilities if the inmate has been transferred.

## **Emergency Grievance Procedure**

An emergency grievance involves an immediate threat to a detainee/inmate's safety, welfare or substantial risk of imminent sexual abuse. Once an inmate raises an issue requiring urgent attention, an emergency grievance will apply. Any grievance determined to be of Medical nature will be referred to Health Service Administrator (HSA) immediately.

All emergency grievances will be brought to the immediate attention of the shift supervisor, even if it is later determined that it is not a true emergency, and the grievance is subsequently routed through normal, nonemergency channels.

If the shift supervisor or designee concurs that the grievance needs immediate attention, it will immediately be forwarded to a level of review at which immediate correction action may be taken.

If the emergency grievance pertains to risk of imminent sexual abuse there will be an initial response provided within forty-eight hours. A completed final agency decision will be provided within five calendar days.

If the emergency grievance pertains to a risk of imminent sexual abuse, a determination as well as action taken will be documented in the final decision.

An inmate should not consider the time between the initial emergency grievance notification and the final decision as a denial of the grievance.

## **United States Marshal (USM) Requests**

If a United States Marshal inmate's request cannot be answered by detention personnel and needs to be forwarded to the U.S. Marshals, it shall be sent to Intake/Release to be placed in the USM basket for them to answer.

## **Immigration and Customs Enforcement (ICE) Detainee Request Forms**

ICE Detainee Request Forms will be sent to the Executive Assistant to be logged and e-mailed to ICE, or routed internally for response. If answered internally, response will be noted on the log, emailed to ICE and then returned to the detainee by the Executive Assistant. The detainee may hand it to the ICE deportation officer when they visit each week.

## **Procedures for ICE Detainee Request Forms sent to the Executive Assistant**

The Executive Assistant shall log each form into the ICE Detainee Requests/Grievance Log and then scan and e-mail the form to ICE.

The ICE Detainee Requests/Grievance Log will include the detainee's name, date form was received and e-mailed to ICE, and the nature of the request/grievance.

If ICE faxes or e-mails a response back, the Executive Assistant will log the date the answer was received, and forward the answer to the ICE detainee.

## **Formal Written Grievances – ICE Detainees**

A detainee may file a formal grievance, on an ICE Detainee Grievance Form, at any time during, after, or in lieu of lodging an informal complaint. There is no time limit on when a detainee may submit a formal grievance. There is no time limit for a detainee to submit a grievance regarding an allegation of sexual abuse.

The facility will provide assistance to detainees with impairments or disabilities, interpretation/translation services for detainees who do not speak adequate English, and assistance for detainees with limited literacy.

Facility grievance procedures shall be communicated to a detainee in a language or manner the detainee can understand. All written materials provided to detainees shall be translated in Spanish. Where practicable, provisions for written translation shall be made for other significant segments of the population with limited English proficiency.

Staff shall provide the number of forms and envelopes, for "sensitive" grievances, requested by the detainee. Within reason, detainees are not limited in the number of forms and envelopes they may request.

#### **Grievance Procedure Guidelines**

To prepare a grievance, a detainee may obtain assistance from another detainee, the housing officer or other facility staff, family members or legal representatives. Staff shall take reasonable steps to expedite requests for assistance from these other parties.

Another detainee, facility staff, legal representative or governmental organization may assist in the preparation of a grievance with a detainees consent.

If the detainee claims that the issue is sensitive or that his/her safety or well-being may be jeopardized if others in the facility learn of the grievance, the detainee must:

- Describe in the grievance the reason for circumventing standard procedure; and
- Be given the right to seal the grievance in an envelope clearly marked "sensitive" or "medically sensitive" and submit it directly to the OIC, administrative health authority or designee.

Each grievance form shall be delivered by authorized facility personnel without being read, altered or delayed.

#### **Grievance Process - Operations Captain or**

#### **Designee Review**

Detainee shall be provided with a written or oral response within five days of receipt of the grievance.

Detainee should have the option to file an appeal if the detainee is dissatisfied with the decision and shall be informed of that option.

If the grievance involves a medical issue, it shall be answered by a medical professional.

#### **Majors or Designee Review**

The detainee shall have the option to file an appeal if the detainee is dissatisfied with a decision, and shall be informed of that option.

In some cases in conjunction shall review the grievance receipt of the appeal, a written decision shall in all cases shall be forwarded to ICE.

The appellate reviewer shall note the grievance log:

- Date appeal received
- Name of detainee that filed grievance
- Nature of the grievance
- Basis of the Majors or Designee decision
- Date decision provided to detainee
- Outcome of the adjudication

The Krome SPC shall allow any ICE/ERO detainee dissatisfied with the facility's response to a grievance or those fearing retaliation to be able to appeal or communicate directly with ICE/ERO.

#### **Medical Grievances**

Formal written grievances regarding medical care shall follow the same procedures as Formal Written Grievances above, and shall be submitted directly to medical personnel designated to receive and respond to medical grievance. Medical grievances may be submitted in a sealed envelope clearly marked

"medically sensitive".

Designated medical staff shall act on the grievance within five working days of receipt and provide the detainee a written response of the decision and the rationale. This record shall be maintained per the following section Record-Keeping and File Maintenance.

### **Record-Keeping and File Maintenance**

- Date grievance received
- Detainee name and A number
- Name of detainee that filed grievance
- Nationality
- Nature of grievance
- Date decision provided to detainee
- Outcome of the adjudication
- ID number of person keeping log

Medical grievances shall be maintained in the detainee's medical file.

The MCSO shall assign each grievance a log number, enter it in the space provided on the detainee grievance form, and record it in the detainees' grievance log in chronological order, according to the following stipulations:

The log entry number and the detainee grievance number must match;

- The log shall include the receipt date and the disposition date
- Nuisance or petty grievances and grievances rejected or denied must also be logged with appropriate notation and justification (for example, petty)

### **Allegations of Staff Misconduct**

Krome SPC shall send all grievances related to sexual abuse and assault and the facility's decision with respect to such grievances to the appropriate Field Office Director.

### **Retaliation Prohibited**

Staff shall not harass, discipline, punish or otherwise retaliate against a detainee who files a complaint or grievance or who contacts the DHS Office of the Inspector General. Actions are considered retaliatory if they are in response to an informal or formal grievance that has been filed and the action has an adverse effect on the resident's life in the facility.

Immediately following any indication or allegation of retaliation, the facility and ICE/ERO shall conduct an investigation of alleged acts of retaliation in a timely manner, and take all steps necessary to remedy any retaliation determined to have occurred.

### **Review of Detainee Grievances**

The ICE Office of Detention Oversight may review on a periodic basis a statistical sampling of grievances at a facility to evaluate compliance with this grievance standard and the associated grievance procedure; to assess the reasonableness of final decisions; and to generate data showing trends in the types of grievances, time frames for resolution and outcomes at various facilities. Detainee grievances will also be reviewed during facility inspections.

### **Emergency Grievance Procedure-ICE Detainees**



An emergency grievance involves an immediate threat to a detainee safety or welfare. Once a staff member is approached by a detainee and determines that he/she is in fact raising an issue requiring urgent attention, an emergency grievance procedure will apply. Any grievance determined to be of Medical nature will be referred to Health Service Administrator (HSA) immediately.

All emergency grievances will be brought to the immediate attention of the shift supervisor, even if it is later determined that it is not a true emergency, and the grievance is subsequently routed through normal, nonemergency channels.

If the shift supervisor or designee concurs that the grievance represents an emergency, it will receive immediate attention.

If the matter is resolved at the shift level, the supervisor involved will prepare a report for the Operations Captain and/or Facility Administrator describing the problem and its resolution. Emergency grievances not resolved at the shift level will be channeled, without delay, through the chain of command until the matter is resolved. A copy of the grievance and report will be sent to Krome by the Facility Administrator/designee.

All emergency grievance reports, including the circumstances of the grievance and the resolution, shall be placed in the ICE detainees detention file and documented in the facility's grievance log.

  <b>MONROE COUNTY SHERIFF'S OFFICE</b>	<b>BUREAU DIRECTIVE:</b> BOC - 5:004	<b>REFERENCES:</b> FCAC 16.10, 16.11, 16.12 FMJS 11.4(A,C), 15.2, 15.13(B) ALDF-5B-01 thru 5B-04 CORE-5B-01, 5B-01-1, 5B-01-2, 5B-01-3 [PBND 2008, Part 5]
	<b>RESCINDS:</b>	
	<b>BUREAU:</b> Corrections	<b>NO. OF PAGES:</b> 4
	<b>CHAPTER:</b> Inmate Communication	 _____ Sheriff of Monroe County
	<b>TOPIC:</b> Inmate/Detainee Visitation	

#### **PURPOSE:**

The purpose of this directive is to establish policy for the Monroe County Detention Facilities for the staff to make every reasonable attempt to provide visitation privileges for each inmate/detainee in the facilities.

Sufficient space is provided for inmate/detainee visitation. Visitation privileges shall be limited only by legitimate security and operational considerations. Non-disciplinary inmates/detainees are allowed, at a minimum, two hours of visitation per week. [FCAC 16.11] [ALDF-5B-01] [CORE-5B-01]

#### **SCOPE:**

This directive applies to all Personnel and Volunteers.

#### **PERSON RESPONSIBLE:**

All Personnel.

#### **POLICY AND PROCEDURES:**

Once an inmate/detainee is incarcerated in a facility, he or she will be classified and assigned a cell number. There will be no visitation until after the inmate/detainee has been to First

Appearance and classified.

As visitors check in, the Receptionist/Visitation Clerk/Deputy will check scheduled log for visits: [FCAC 16.12]

- Date of visit
- Time visit starts
- Visitor's name
- Visitor's address
- Visitor's relationship to inmate/detainee
- Inmate's/detainee's name
- Time visit ends

The KW Receptionist/Visitation Clerk and the Marathon/ Plantation Key (KV/PK) Deputies will verify all information in the computer.

A full set of video visitation rules and hours shall be posted on each housing dorm/unit's bulletin board for the inmates/detainees to view, on the website for visitors to view, and at the facility lobby for the visitors to view. [FCAC 16.10]

All visitors and inmates/detainees are expected to follow the posted video visitation rules and the Visitation Policy.

For Marathon/Plantation Key Jail, visitors will be allowed as scheduled.

Under special circumstances, the Programs Director or a Shift Lieutenant or above may approve a special visit. [ALDF-5B-03] [CORE-5B-01-2]

Service animals will be allowed into the facility that accompanies a visitor. [PBNDS 2008, Part 5]

**NOTE: Facility security is of prime importance, therefore, contact visits will not be permitted unless approved by the Major of the Bureau of Corrections or the Operations Commander, and they will be approved only in extreme circumstances. See the Contact Visitation Directive BOC - 3:004 for further conditions.** [ALDF-5B-03] [CORE-5B-01]

#### **VISITATION SCHEDULES:**

There is no visitation on the following holidays for onsite visits. All other closures will be posted:

- New Year's Day
- Martin Luther King Day
- President's Day
- Good Friday
- Labor Day
- Independence Day
- Memorial Day
- Juneteenth
- Veteran's Day
- Columbus Day
- Thanksgiving Day
- Day after Thanksgiving Day
- Christmas Day

#### **VISITATION RULES:**

Valid photo identification is required to visit an inmate/detainee (e.g., driver's license or state identification card). Identifications that are broken, altered, or expired will not be allowed. [ALDF-5B-04] [CORE-5B-01]

**ALL personal property** will be secured in the visitor's vehicle or a locker in the lobby. **No** items will be held by a receptionist or facility staff. [ALDF-5B-01] [CORE-5B-01]

Inmate workers that are working, inmates/detainees that are attending a program, visiting with attorneys, in recreation, Medical, or in a Jail In-House Treatment Program (JIP) class will not be removed from any of these activities for visitation. It is the inmate's/detainee's responsibility to inform their visitor of their work, class, and programs schedules.

Visitors are permitted to visit a maximum of three different inmates/detainees per visitation day. (A visitor shall not be allowed to visit the same inmate/detainee more than once per day.) Inmates/detainees will be allowed a maximum of three visits per day. [ALDF-5B-02] [CORE-5B-01-1]

Visitors requesting to see inmates/detainees must:

- Register on line or by coming to the Key West or Plantation Key Facility to use the registration computer in the lobby. [ALDF-5B-04] [CORE-5B-01-3]
- Leave their valid photo identification at the reception desk.
- Length of visits are 30 minutes. [ALDF-5B-02] [CORE-5B-01-1]
- A Receptionist/Visitation Clerk will hand the visitor a Visitor's tag.
- When the visit is complete, the visitor will return to the reception area, turn in the visitor identification tag, and retrieve their identification. The Receptionist / KV/PK Deputy must verify the visitor's face to their identification card picture.

- Verify all visitors waiting to leave before opening the release door. Do not open the doors for the visitors to leave if they have not been verified.

Visitors shall only visit with the inmate/detainee that they are signed in to visit. If they talk to another inmate/detainee during their visit, the visit will be terminated and future visitation privileges might be temporarily or permanently suspended. [ALDF-5B-02 and 6A-04] [CORE-5B-01-1]

Persons with a no contact order, injunction, or restraining order will not visit any inmate/detainee who is named in the document. Victims may not visit any inmate/detainee who is named as the suspect in the victim's criminal case. [ALDF-6A-04]

Visitors under the age of 18 need to be accompanied by their parent, legal (court appointed) guardian, or authorized adult at all times while in the visitation area. The parent, legal guardian, or authorized adult is responsible for their conduct, proof of age, and proof of relationship **(birth certificate with parents' names on it required on each visit)** of the child(ren). Court Appointed guardians need to bring in the legal paperwork that names them as the child(ren) guardian for each time they visit. Children under the age of 12 are not to be left alone in the lobby or outside on county property.

- If the parent or legal guardian refuses to visit an inmate/detainee, but has no problem with their child(ren) visiting an inmate/detainee, they must give written permission for the child(ren) to be brought in by a designated person. A maximum of two persons may be authorized by a parent/guardian to bring minor children into the facility to visit a specific inmate/detainee. This written permission must be done in person to verify that it is the parent/guardian that writes the letter or they may have this written permission notarized and the designated person must bring it in when the child(ren) visit. The letter needs to state the full name of each minor child, the full name of the adult authorized to accompany their child(ren), and the full name of the inmate/detainee they are authorized to visit. The child(ren) birth certificates must be brought in for each visit along with the notarized permission letter.

- The inmate/detainee can fill out a Visitation Authority for Son/Daughter form authorizing his or her child(ren) to be brought in by a maximum of two designated people in place of the mother/father/guardian of the child(ren). The designated person(s) may bring the child(ren) for visitation. The inmate/detainee will NOT be allowed to switch guardians. The child(ren) birth certificates must be brought in on each visit. Must have the inmates/detainees name as mother or father of the child. This form is not valid for anything but visitation at the Monroe County Detention Facilities and does not override court appointed guardians.

Visitors must be dressed appropriately. Visitation, including contact visitation, will not be permitted if the visitor is dressed in violation of the visitor's dress code.

**Dress Code - The following will not be permitted for on site or off site visits as they apply:**

- Hot pants
- Short shorts
- Clothes with holes in inappropriate places
- Waistband of shorts, trousers, or skirts hanging below the waist
- Undergarments showing
- Bare midriffs/short shirts
- Swimsuits
- Spandex
- Tank tops
- See-through blouses
- Low-cut necklines
- Shirts/blouses without sleeves
- No private body part exposed
- Bralessness
- Mini-skirts or dresses more than 1 1/2

inches above the knee

- Sunglasses
- Hats
- Scarfs
- Bandanas
- Bare feet
- Bedroom slippers/pajamas/lingerie/robes/towels
- Open toed shoes, or socks over open toe shoes
- No jackets or sweaters
- No laying in bed

Blankets may only be brought in for infants under one year old.

Only two (2) visitors will be allowed in the visitation booth, either two (2) adults or one (1) adult and one (1) child (this includes infants).

Inmates/detainees and visitors will sit where designated. Children must stay with their parent/guardian while in the visitation area.

Any destruction or defacing of county property by visitors or inmates/detainees is subject to temporary or permanent suspension of visitation privileges. [FCAC 16.10]

No item of any description will be given to or received directly from an inmate/detainee by a visitor. We **DO NOT** accept any items of any kind for inmates/detainees except work release clothes, eyeglasses, and contact lenses that have been preapproved.

Visitors are not allowed to introduce cameras, radios, tape players, cell phones, MP3 players, or other electronic items into the Monroe County Detention Facilities.

Visitors will not take pictures of inmates/detainees while visiting.

All visitors onsite are subject to a search. The Receptionist will escort all visitors through the magnetometer.

Inmates/detainees that leave their housing unit/dorm for visitation should be pat searched by their Dorm/Unit Deputy when they return from visitation. [ALDF-5B-01 and 5B-04] [CORE-5B-01]

The introduction or attempts to introduce into or upon facility grounds of weapons, drugs, medication, narcotics, alcoholic beverages or any other unauthorized items is a violation of Florida Laws, as stated in Florida Statutes 944.43 and 944.47.

Persons under the influence of alcoholic beverages, narcotics or other drugs, or exhibiting irrational behavior for any reason will not be allowed to visit or remain on county property.

Any disturbances or emotional disruptive behavior exhibited at any time will result in that visitor's visitation being canceled, and the individual will not be allowed to remain on county property. [FCAC 16.10] [ALDF-6A-04]

There will be no smoking, eating or drinking in the visitation areas.



No profanity, loud talking, or yelling.

Instructions given by Monroe County Sheriff's Office staff members will be adhered to. Noncompliance with rules, regulations, and policies will result in the temporary or permanent suspension of visitation privileges. [FCAC 16.10] [ALDF-6A-04]

The Receptionist/Visitation Clerk and/or officer-in-charge may terminate a visit at any time a rule violation warrants such action. [FCAC 16.10] [ALDF-5B-02] [CORE-5B-01]

**NOTE: When a visit is terminated, or there are notable violation(s) that did not result in termination, an e-mail or Incident Report shall be forwarded to the Programs Services Director / KV/PK Site Commander through the chain-of-command. [FCAC 16.10]**

Visitation may be terminated when extenuating circumstances exist within or outside the facility (e.g., lockdown, broken elevators, riots, bomb threats, fires, weather). [ALDF-5B-02] [CORE-5B-01-1]

  <b>MONROE COUNTY SHERIFF'S OFFICE</b>	BUREAU DIRECTIVE: BOC - 5:005	<b>REFERENCES:</b> FCAC 11.13, 16.09, 14.16, & 24.18 ALDF-5B-11 CORE-5B-03
	RESCINDS: Policy Directive 13	
	BUREAU: Corrections	NO. OF PAGES: 2
	CHAPTER: Inmate Communication	 _____ Sheriff of Monroe County
	TOPIC: Deaf or Hearing Impaired Inmates	

### **PURPOSE:**

The purpose of this directive is to establish policy for the Monroe County Detention Facilities to ensure that a consistent level of service is provided to deaf and/or hearing impaired inmates that is equivalent to that provided to other inmates in compliance with the American Disabilities Act (ADA).

Effective communication with an inmate who is deaf or hearing impaired is essential in maintaining the care, custody, control, and well being of an individual who is incarcerated.

### **SCOPE:**

This directive applies to all Personnel.

### **PERSON RESPONSIBLE:**

All Personnel.

### **DEFINITIONS:**

TTD or TTY - A text telephone, sometimes called a telecommunication device for the deaf. These devices allow persons who are deaf, hearing impaired, or speech impaired use the telephone to communicate by allowing them to type messages back and forth to one another instead of talking and listening. A TTY or TDD is required on both ends of the conversation in order to communicate. [FCAC 16.09]

Qualified Interpreter - A professional who facilitates communication between deaf and hearing individuals. A Qualified Interpreter is able to interpret effectively, accurately, and impartially both receptively and expressively, using any necessary specialized vocabulary. The Qualified Interpreter has specialized training in interpreting from one language to another (e.g., American Sign Language (ASL) to English and English to ASL). Simply knowing both sign language and English does not qualify a person as an interpreter. The role of an interpreter is to accurately convey all messages between the individuals involved in the communication setting. [FCAC 11.13]

### **POLICY AND PROCEDURES:**

Facility personnel will make every effort to ensure that they communicate effectively with inmates who are deaf or hearing impaired.

The type of aid that will be required for effective communication will depend on the individual's usual method of communication. In many circumstances oral communication, supplemented by gestures and visual aids, or an exchange of written notes will be an effective means of communication with people who are deaf or hearing impaired. In other circumstances, a qualified sign language or oral interpreter may be needed to communicate effectively with the subject who is deaf or hearing impaired.

Personnel should ascertain from the individual who is deaf or hearing impaired what type of auxiliary aid or service he or she needs. Staff should defer to those expressed choices unless:

- There is another equally effective way of communicating.
- Doing so would alter the nature of the law enforcement activity, or would cause unnecessary administrative or financial burden.

The facility will maintain a list of names and phone number of Qualified Interpreters for the deaf that are authorized to provide sign language and oral interpreting services, as needed, 24 hours a day. Prior to contacting one of the Qualified Interpreters, other less costly alternatives must first be attempted. If it is deemed that a Qualified Interpreter is required, the Shift Supervisor's approval is required. [FCAC 11.13]

All users of the language line will be documented on the Language Line Log sheet at each language line station. The information provided will be:

- Inmate name
- Reason for use
- Start time
- Finish time

#### **Telephones** [FCAC 14.16] [ALDF-5B-11] [CORE-5B-03]

All telephones are equipped with volume control capabilities in areas where telephones are available for inmate use, and wherever telephones are available to the public. [FCAC 16.09b]

Deaf or hearing impaired individuals will be provided access to a TTY/TDD telephone. The TTY/TDD telephone is located in Main Control when not in use. Upon request by the inmate, the TTY/TDD telephone shall be taken to the dorm/unit for the inmate to communicate with the outside. The TTY/TDD telephone needs to be plugged into the officer's phone jack to work.

[FCAC 16.09c]

Inmates using a TTY/TDD telephone are allowed a minimum of three (3) times the length of time permitted for voice communications. [FCAC 16.09d]

#### **Televisions** [FCAC 14.16]

The closed caption function of the television will be used when there is an inmate who is deaf, or hearing impaired, and they request it.

#### **Hearing Aids**

The allowance of hearing aids will be the responsibility of Medical Personnel.

If an inmate already has the hearing aid in their possession, it will be the responsibility of Medical Personnel to assess the individual and verify the device is warranted. If it is found to be necessary, the Medical Personnel will annotate this in the "Medical Devices Approvals" folder in Outlook.

Inmates who require a hearing aid, but did not have it with them at the time of incarceration will be allowed to have the device delivered to the facility. Upon arrival of the device, it will be the responsibility of the Medical Personnel to inspect it prior to them delivering the hearing aid to the inmate.

#### **Maintenance of Hearing Aids**

The maintenance of hearing aids will be the responsibility of Medical Personnel.

Replacement of hearing aid batteries to inmates requesting them will be done as soon as possible by Medical Personnel. The cost of the batteries will be borne by the facility. [FCAC 24.18a]

Sending hearing aids to a repair company for inmates who request repair will be done as soon as possible by Medical Personnel who will inform the inmate when it was sent. All costs of the repair will be borne by the facility. [FCAC 24.18b]