



TENTH JUDICIAL DISTRICT

WAKE COUNTY
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June 14, 2020

From: Hon. Gerald Baker, Wake County Sheriff
Judge Paul Ridgeway, Senior Resident Court Judge
Judge Debra Sasser, Chief District Court Judge
Mr. Deonte Thomas, Chief Public Defender
Mr. John D. Jackson, Director – Detention Services, Wake
County Sheriff

Re: **Process for Attorneys Visiting Detained Clients In-Person**

THIS ADMINISTRATIVE POLICY has been established to ensure the fair and proper administration of justice and to protect the health, safety and welfare of detainees and personnel in Wake County adult detention facilities. Specifically, this policy is designed to establish a means by which attorneys who represent clients in detention facilities can meet and confer with their clients in a safe and confidential setting while minimizing the threat of the transmission of the COVID-19 disease into or out of the congregant-living detention facilities.

These policies are not a substitute for personal responsibility -- the CDC recommends that every person take affirmative measures to avoid contracting COVID-19. The CDC measures vary depending on whether individuals have been fully vaccinated and may be reviewed at <https://www.cdc.gov>.

Whereas COVID-19 is a respiratory disease that a can result in serious illness or death by the SARS-CoV-2 virus which is a new strain of coronavirus that can be spread from person to person; and

Whereas the Governor of North Carolina, on March 10, 2020, by Executive Order declared a state of emergency to coordinate response and protective actions to prevent the spread of COVID-19; and

Whereas the Chief Justice of the North Carolina Supreme Court, by Order dated March 13, 2020, declared, pursuant to N.C.G.S. 71-39(b)(2), that catastrophic conditions resulting from the COVID-19 outbreak have existed and continue to exist in all counties of this state; and

Whereas the Governor of North Carolina, in Executive Order No. 215 dated May 14, 2021, declared, in light of current conditions in North Carolina and new guidance from the U.S. Centers for Disease Control and Prevention, that face covering requirements should be lifted in most settings, and capacity restrictions and social distancing requirements should be lifted in all settings; and

Whereas the Chief Justice of the North Carolina Supreme Court, by Order dated June 7, 2021, while recognizing that catastrophic conditions resulting from the COVID-19 outbreak continue to exist in North Carolina, further noted that these catastrophic conditions have contributed to an accumulation of pending cases in our judicial system and, given the grave impact of further delaying justice, ordered that the Judicial Branch do its best to continue to move towards fully opening the courts and, further, that senior resident superior court judges are strongly encouraged to do whatever they can to resume jury trials without delay; and

Whereas in order to ensure constitutionally effective counsel for persons charged with criminal offenses and detained in Wake County detention facilities, it is imperative that attorneys be able to communicate effectively with their clients to prepare for trial or other disposition of the criminal charges; and

Whereas detention facilities, like other group and congregant living homes, are prone to higher level risks of transmission of the COVID-19 disease among the residents and personnel and, as a result, the U.S. Centers for Disease Control and Prevention has recommended that administrators of such facilities exercise a higher degree of protection and caution; and

Whereas, the Sheriff of Wake County, in consultation with health officials, and in collaboration with the Wake County Public Defender, the Senior Resident Superior Court Judge and the Chief District Court Judge, has developed the following policy to endeavor to balance the constitutional imperatives of effective counsel, the prompt administration of justice, and the ongoing risk of COVID-19.

DEFINITIONS

Glass Partition Interview Room: designated meeting rooms within the detention facilities where detainees may confer with counsel with a glass partition separating the parties.

Face-to-Face Contact Interview Room: designated meeting rooms within the Hammond Road Detention Center where detainees may confer with counsel without a glass partition separating the parties. There are no face-to-face contact interview rooms available in the Wake County Public Safety Center.

Hammond Road Detention Center: the facility located at 3301 Hammond Road, Raleigh, North Carolina, where persons charged with criminal offenses are detained while awaiting trial.

Wake County Public Safety Center: the facility located at 330 S. Salisbury Street, Raleigh, North Carolina, where persons charged with criminal offenses are detained while awaiting trial.

Defense Counsel: Licensed members of the North Carolina State Bar and other persons employed or retained by licensed members of the Bar, such as private investigators, expert witnesses, and paralegals.

Proof of Vaccination: Reliable written or electronic evidence of a full treatment of vaccination against COVID-19 completed at least two weeks prior to the requested client visit.

POLICIES

1. Defense Counsel who provide proof of vaccination may meet and confer with detainee clients in glass partition interview rooms or face-to-face contact interview rooms, subject to the scheduling requirements set out below. Proof of vaccination must be presented upon entry to the detention facility.

2. Defense Counsel who do not provide proof of vaccination may meet and confer with detainee clients only in glass partition interview rooms, subject to the scheduling requirements set out below.

3. All participants in the in-person meetings, whether in face-to-face contact interview rooms or in glass partition interview rooms, must wear face coverings at all times.

4. Defense Counsel must comply with health and safety protocols established within the detention facilities.

5. No detainee who is housed in a quarantine dormitory is permitted to participate in in-person meetings. Defense Counsel wishing to meet with detainees housed in a quarantine dormitory must do so by video conference.

6. Defense Counsel should be aware that an unvaccinated detainee (or a detainee whose vaccination status cannot be verified) is housed in a quarantine dormitory upon initial entry into a detention facility, and is returned to the quarantine dormitory after being transported to court or in other circumstances where a risk of exposure to COVID-19 has occurred. Vaccinated detainees are not generally subject to this requirement. COVID-19 vaccinations are readily available to detainees through the medical offices of the detention facilities, and counsel should encourage clients to receive vaccination so as, among other benefits, to avoid the possibility of quarantine interfering with the ability of the counsel to confer with their clients.

7. In-person conferences between Defense Counsel and detainees may be scheduled for Monday through Friday from 9:00 a.m. to 5:00 p.m. Requests for a conference should be made calling **919-857-9103** or by emailing **detentionvisitationrequests@wakegov.com**. Because a limited number of face-

to-face contact interview rooms are available for use, Defense Counsel who wish to use a face-to-face contact interview room must provide sufficient justification as to why the face-to-face contact interview is preferred. Priority for face-to-face contact interview rooms is given to high level felony cases and all cases with imminent trial or hearing dates.

8. This policy is effective immediately.