

	<b>MARICOPA COUNTY SHERIFF'S OFFICE</b> <b>POLICY AND PROCEDURES</b>	
	<b>Subject</b> <b>REQUEST TO PHOTOGRAPH</b> <b>AN INMATE</b>	<b>Policy Number</b> <b>DJ-5</b> <b>Effective Date</b> <b>06-11-20</b>
<b>Related Information</b> DK-3, <i>Inmate Visitation</i> GH-2, <i>Internal Investigations</i> GJ-28, <i>Prison Rape Elimination Act (PREA)</i>	<b>Supersedes</b>  DJ-5 (04-06-06)	

**PURPOSE**

The purpose of this Office Policy is to establish guidelines and procedures to be used when a request is made by an immediate family member or Officers of the Court to photograph an inmate because of injuries, alleged abuse, or other reasons.

**POLICY**

It is the policy of the Office to thoroughly investigate any allegation of abuse made by an inmate, which may include requests to photograph an inmate. Office personnel shall thoroughly investigate any allegations of abuse made by an inmate and treat each investigation confidentially, as specified in GH-2, *Internal Investigations*.

**DEFINITIONS**

**Digital Recording Device:** A device designed to record, transmit, or receive voice communications, sound, video, or photographic images, including, but not limited to, cellular telephones, digital audio recorders, digital video recorders, and body-worn cameras. Personally, owned digital recording devices are not authorized, unless exigent circumstances exist and with prior approval of a supervisor. Exigent circumstances include the sum of the conditions and information available in any event which, taken in totality, dictates a need for immediate action.

**Employee:** A person currently employed by the Office in a classified, unclassified, contract, or temporary status.

**Immediate Family:** A spouse, mother, father, mother-in-law, father-in-law, brother, sister, brother-in-law, sister-in-law, child, or person serving *In Loco Parentis* of the inmate.

**Letter of Introduction for Legal Privileged Visitor Status:** A form letter which, when presented with valid photo identification, qualifies legal personnel for Privileged Visitor Status. Each form letter must be an original, be fully completed, and be signed by attorney of record at the time of the visit. If the attorney of record is not present at the time of the visit, the original form letter must be presented as an attachment to a signed original letter on official letterhead, which includes a street address and business phone number of the legal organization sponsoring the visitor. The person signing the letter may or may not be the visitor. The letter must state the name of the visitor; the name of the inmate; the inmate's booking number; and the purpose of the visit. A separate letter is required for each inmate to be visited and must be presented for each visit. Each letter is valid for 60 days after the date of issuance.

**Officers of the Court:** Professionals who are authorized to have Privileged Visits with inmates. They include, but are not limited to, the following:

1. Attorneys with valid bar association identification and probation officers;

2. Legal assistants, paralegals, mitigation specialists, and investigators with valid Maricopa County employee identification;
3. Private investigators with a valid private investigator license and a Letter of Introduction for Legal Privileged Visitor Status;
4. Doctors, psychiatrists, psychologists, and counselors with current Maricopa County employee identification; and doctors, psychiatrists, and psychologists with a Letter of Introduction for Legal Privileged Visitor Status;
5. Paralegals and legal assistants from private law firms with valid identification and a Letter of Introduction for Legal Privileged Visitor Status visiting non pro per/se inmates; and paralegals, and legal assistants from private law firms with valid identification, a Letter of Introduction for Legal Privileged Visitor Status, and accompanied by advisory council of record or a court appointed investigator when visiting pro per/se inmates; and
6. Court reporters and court-appointed interpreters when accompanied by an attorney.

**PROCEDURES**

**1. Rules for Photographing an Inmate:**

- A. All requests to photograph an inmate requires Office approval by the jail facility division commander or designee.
  1. The Office will allow Officers of the Court to take photographs of an inmate, as jail facility safety and operational concerns allow.
  2. Immediate family members are not permitted to enter the secure area of a jail facility to take photographs of an inmate.
- B. Crime Lab Unit personnel shall be present during the taking of all photographs of an inmate.
  1. Only photographs of the specified inmate shall be taken. Any other photographs are prohibited. Crime Lab Unit personnel shall take similar photographs to the ones taken by the photographer.
  2. If an individual uses a digital recording device to take photographs, Crime Lab Unit personnel should also use a digital recording device to make a similar recording. If an Office digital recording device is not available, Crime Lab Unit personnel shall take photographs during the digital recording by the individual.
- C. The individual taking the photographs shall be required to submit to a search of their person and equipment prior to entering the jail facility, as specified in Office Policy DK-3, *Inmate Visitation*.
- D. Crime Lab Unit personnel are not subject to search and do not have to pass through metal detectors to enter a jail facility to respond to requests for photographs. Crime Lab Unit personnel are permitted to carry their Office assigned cellular phones.
- E. The individual taking the photographs and Crime Lab Unit personnel shall be escorted by detention personnel. A jail facility supervisor shall be present when photographs are taken of an inmate.

- F. Crime Lab Unit personnel and individuals taking photographs shall never be left unescorted in a jail facility with inmates.
- G. Crime Lab Unit personnel shall not take photographs for other law enforcement agencies.
- H. The photographing of an inmate shall be documented in the Shift Log in SHIELD by the end of the shift.

**2. Request to Photograph an Inmate:**

- A. Photograph requests shall be recorded by detention personnel on the Maricopa County Sheriff's Office (MCSO) *Request to Photograph an Inmate* form and approved by the jail facility division commander or designee. The form can be requested from the jail facility division commander, or designee, or the Public Information Office (PIO).
- B. All requests must contain the following information:
  - 1. The inmate's full name and booking number;
  - 2. The full name, address, and phone number of the person making the request, and their relationship to the inmate;
  - 3. The full name, address, and phone number of the person taking the photographs; and
  - 4. The nature of the allegation and justification for the photograph request.
- C. The inmate shall be required to sign the *Request to Photograph an Inmate* form, authorizing a specific individual to take the photographs. Their refusal to sign the *Request to Photograph an Inmate* form, automatically voids the request.
- D. If the requestor refuses to sign the *Request to Photograph an Inmate* form, they shall be prohibited from taking photographs, and the jail facility commander, or designee, shall be advised.

**3. Location and Privacy of Inmate Photographs:** Photographs shall be taken in an area away from other inmates, preferably in a visiting room in a visitation area, as determined by the jail facility commander or designee.

- A. The division commander, or designee, may require a court order be obtained or medical staff be present, or both, for photograph requests requiring the inmate to remove any article of clothing that exposes any genitals, buttocks, or female breasts. A jail facility supervisor shall request a same gender Crime Lab Unit analyst if there is a need to photograph the inmate nude or partially nude.
- B. The Crime Lab Unit supervisor shall attempt to accommodate the request for the same gender Crime Lab Unit analyst in these circumstances; however, if there is not a Crime Lab Unit analyst of the same gender working, the Crime Lab Unit may not be able to accommodate the request.
- C. Unless exigent circumstances exist, the request for photographs shall be rescheduled through the Crime Lab Unit supervisor, to accommodate the same gender requirement.

**4. Crime Lab Unit Notification:** A jail facility supervisor should contact the Crime Lab supervisor to schedule an approved request to photograph an inmate. In exigent circumstances, a jail facility supervisor may contact the Communication Division to request the immediate response of Crime Lab personnel to take photographs of an inmate.

- A. Requests made to the Crime Lab Unit for photographs shall take place during business hours, Monday through Friday from 0700 hours to 1700 hours. The Crime Lab Unit response time is approximately one to two hours during business hours.
  - B. All photographs taken by Crime Lab Unit personnel are stored, by Incident Report (IR) number, at the Crime Lab Unit.
    - 1. Office personnel can request copies of photographs by sending an e-mail to the Scientific Analysis Division at [MCSO.SAD.PhotoRequests@mcs.maricopa.gov](mailto:MCSO.SAD.PhotoRequests@mcs.maricopa.gov).
    - 2. Members of the public can request copies of photographs by written request to the Legal Liaison Section.
5. **Allegation of Abuse of an Inmate:** If the request to photograph an inmate is based on an allegation of abuse by Office personnel or by another law enforcement agency, the jail facility shift commander, or designee, on duty shall ensure the following:
- A. The jail facility shift commander, or designee, shall notify their chain of command of the allegations.
  - B. If the inmate's allegations of abuse are directed towards an Office employee, the jail facility shift commander, or designee, shall initiate a Preliminary Inquiry Report (PIR) concerning the alleged abuse.
    - 1. The jail facility commander, or designee, shall interview the inmate.
    - 2. All inquiries and investigations shall be conducted, as specified in Office Policies GJ-28, *Prison Rape Elimination Act (PREA)* and GH-2, *Internal Investigations*.
  - C. If an inmate's allegations of abuse are, or may be, directed toward another law enforcement agency, the jail facility shift commander, or designee, shall ensure the agency identified is promptly notified.
6. **Documentation:** After photographs of an inmate are taken, the original copy of the completed *Request to Photograph an Inmate* form shall be given to the inmate and a copy of the completed request form shall be placed in the inmate's jail facility file.