

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

UNITED STATES OF AMERICA

v.

ETHAN NORDEAN,

Defendant.

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Case No. 21-CR-175-1 (TJK)

GOVERNMENT STATUS REPORT

At the July 15, 2021, status hearing in this case, the Court ordered the parties to submit a joint status report regarding defendant Ethan Nordean's access to discovery and his ability to confer with counsel while detained at the Federal Detention Center (FDC) SeaTac, a federal Bureau of Prisons (BOP) facility in Seattle, Washington.

As described herein, beginning immediately after the status hearing, the government began communicating with attorneys at FDC SeaTac and the BOP. The government also continued its communications with defense counsel to provide updates on the government's findings.

On July 25, 2021, the government sent a draft status report to defense counsel. That status report is substantially identical to the substance presented below. Defense counsel responded shortly thereafter and reiterated his complaints about the government's *ex parte* communications with FDC and BOP, which were having the (apparently unwelcome) effect of improving the conditions of Nordean's access to materials and counsel. Defense counsel advised that he would not participate in the preparation of a joint status report. Government counsel responded and made clear that it welcomed defense counsel's contribution to the joint status report, including any comments as to the shortcomings of the accommodations or remaining questions as to the process. Defendant again refused to participate in or contribute to the joint status report.

Defense counsel has indicated that he does not agree with certain representations in this report. The government has not attempted to characterize those complaints here given that defense counsel intends to file a separate status report.

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On April 20, 2021, the Court granted the government's motion to revoke the defendant's pretrial release. Doc 65 (Detention Order). The Court ordered the defendant to report for confinement as directed by the Pretrial Services Office in the Western District of Washington. *Id.* at 3. The Court further ordered that "[t]he defendant must be afforded a reasonable opportunity for private consultation with defense counsel," and that, "[o]n order of a court of the United States or on request of an attorney for the Government, the person in charge of the corrections facility must deliver the defendant to a United States Marshal for the purpose of an appearance in connection with a court proceeding." *Id.* On June 25, 2021, the Court of Appeals affirmed this Court's pretrial detention order. Doc. 107.

Following this Court's April 20, 2021, order, the defendant, who is a resident of the state of Washington, was detained—and remains detained—at FDC SeaTac. In correspondence with the government and statements to the Court, defense counsel has raised concerns regarding the defendant's ability to review discovery and confer with defense counsel while detained. On July 1, 2021, the government offered to contact FDC SeaTac regarding defense counsel's concerns. On July 14, 2021, defense counsel responded and restated his concerns. Defense counsel also forwarded a message from FDC SeaTac explaining that the facility permits defense counsel to visit clients without an appointment seven days a week, and that counsel may bring electronics such as a laptop to review discovery with their client. The government responded that day by offering to

reach out to FDC SeaTac, either with defense counsel or separately, to find out what solutions might be possible.

Immediately after the hearing on July 15, 2021, the government made contact with FDC SeaTac. Since that time, the government has communicated both by email and telephone with attorneys and executive staff at FDC SeaTac and the Bureau of Prisons. Based on those communications, the government has learned that although FDC SeaTac adjusted its operations significantly during the pandemic, the facility has returned to its normal, pre-pandemic policies and procedures, including those regarding legal visits and discovery review. Those policies and procedures, a copy of which are attached hereto as Exhibit A, provide for in-person meetings with defense counsel seven days per week. The government has further learned that defense counsel and their clients can communicate using a “CJA phone” located within each unit and that defendants may also arrange to have hour-long telephone calls with their attorneys that take place in a private room within the facility.

FDC SeaTac permits attorneys to review discovery materials with a defendant in person on a computer, upon execution of a signed agreement form, included in Exhibit A. FDC SeaTac also provides various methods by which defendants can independently review discovery materials. Among other things, Defendants are permitted to keep legal paperwork in their cells. Defendants are also permitted to keep CDs/DVDs of electronic materials in their cells; this electronic media can be reviewed on computers located within the defendant’s unit. FDC SeaTac also has a policy that will facilitate the review of materials designated as “sensitive” and “highly sensitive” under the protective order issued in this case. CDs/DVDs containing such materials may be kept in the custody of the Education Office and defendants are permitted to check out and review those materials on computers within that unit. The government is willing to work with the defendant and

his counsel to address any requirements in the Protective Order that require “supervision” of Defendant’s review of “sensitive” and “highly sensitive” materials.

With respect to communication facilities, FDC SeaTac has a limited number of rooms set up for video teleconferencing. Those rooms are allocated primarily to defendants who have scheduled court appearances. Although those facilities were also made available during the pandemic for legal and certain social visits, FDC SeaTac has discontinued this option with the resumption of in-person visits due to the staffing and resource allocation that in-person visits require.

The government, FDC SeaTac, and the BOP recognize that the circumstances of this case are atypical. The defendant is currently detained in a facility far from the district in which he is charged, and far from his defense counsel, who are in New York, NY, and Alexandria, VA. FDC SeaTac has expressed that it is willing to make reasonable accommodations to facilitate communications between counsel and the defendant. Among the options would be to permit hour-long phone calls in a private room where the defendant could review legal materials and notes from his discovery review with defense counsel, and limited VTC meetings during which defense counsel could confer with the defendant over video. Please note that FDC SeaTac has advised that it requires at least 72 hours advance notice in order approve and process any such request. FDC SeaTac can also accommodate having non-attorneys working on behalf of the defense meet with the defendant in person (and outside the presence of an attorney) to review discovery materials. Any such request would be subject to a full and satisfactory background check for the non-attorney legal staff, and would require at least seven (7) days advance notice. Attorneys and Executive Staff at FDC SeaTac (including the warden) have reviewed the representations in this paragraph and confirmed their accuracy.

The government notes that it is the policy of the United States Marshal's Service to detain defendants in the jurisdiction in which they are charged. For the defendant, that policy will result in his eventual transfer to the District of Columbia. The D.C. Department of Corrections has robust procedures governing access to defense counsel and the review of discovery materials, including provisions permitting a defendant to have access to voluminous electronic evidence. Moreover, both the Central Detention Facility and the Correctional Treatment Facility in Washington, D.C., are located near one of defendant Nordean's attorneys, whose office is located in Alexandria, VA, and significantly closer to his co-counsel in New York.

Respectfully submitted,

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OPI: Correctional Services
NUMBER: SET 5267.09A
DATE: February 19, 2016
SUBJECT: Visiting Regulations

INSTITUTION SUPPLEMENT
FEDERAL DETENTION CENTER
SEATAC, WASHINGTON

1. **PURPOSE:** To implement regulations and procedures pertaining to inmate visits.
2. **DIRECTIVES AFFECTED:**
 - A. Directive Rescinded: I.S. SET 5267.08H, Inmate Visiting, dated January 21, 2015.
 - B. Directives Referenced:
 - PS1280.11 JUST, NCIC and NLETS Telecommunication Systems (Management and Use) (1/7/00)
 - PS1315.07 Legal Activities, Inmate (11/5/99)
 - PS1490.06 Victim and Witness Notification Program (5/23/02)
 - PS4500.11 Trust Fund/Deposit Fund Manual (04/19/15)
 - PS5100.08 Inmate Security Designation and Custody Classification(9/12/06)
 - PS5180.05 Central Inmate Monitoring System Manual (12/31/07)
 - PS5270.09 Inmate Discipline Program (07/08/11)
 - PS5267.09 Visiting Regulations, (12/10/15)
 - PS5280.09 Inmate Furloughs (01/20/11)
 - PS5360.09 Religious Beliefs and Practices (12/31/04)
 - PS5500.14 Correctional Services Procedures Manual (10/19/12)
 - PS5510.15 Searching, Detaining, or Arresting Visitors to Bureau Grounds and Facilities (7/17/13)
 - PS5522.01 Ion Spectrometry Device Program (2/24/05)
 - PS5521.06 Searches of Housing Units, Inmates and Inmate Work Areas (6/04/15)
 - PS7331.04 Pretrial Inmates (1/31/03)
3. **STANDARDS REFERENCED:** American Correctional Association, 4TH Edition, Standards for Adult Correctional Institutions: 4-4156, 4-4267, 4-4285, 4-4498, 4-4499, 4-4499-1, 4-4500, 4-4501, 4-4503, and 4-4504.

4. PROCEDURES:A. Visiting Area:

1. Federal Detention Center SeaTac is located at 2425 South 200th Street, SeaTac, Washington, 98198, on the corner of 200th St. And 26th Avenue South, approximately 1 block west of Pacific Coast Highway (Hwy. 99) and 2 miles south of SeaTac International Airport. The exit from Highway 5 is 200th St. exit, #151. The institution's telephone number is (206)870-5700.
2. The following are a few of the cab companies that service the area.

 Orange Cab (206)522-8800
 Yellow Cab (253)872-5600 Shuttle Exps (425)981-7000
3. The following is a listing of several major airlines which service the SeaTac area.

 Alaska (800) 462-0033 Continental (800) 232-9155
 American (800) 433-7300
 Delta (800) 221-1212
 Southwest (800) 435-9792
 US Air (800) 428-4322
 United (800) 241-6522
4. All regular visits not requiring special security measures will be conducted in the institution's Visiting Room. Separate rooms within the visiting area are provided for legal visits. These rooms will not be used for social visiting unless approved in advance by the Captain.
5. Inmates requesting to utilize the restroom during visits will be coordinated with Visiting Room staff. All inmates will use the visiting search room and be observed by staff of the same gender. Inmates requesting to depart the Visiting Room will not be re-admitted.
6. Any other use of the Visiting Room will require the approval of the Warden and will be coordinated with the Captain.
7. Institutional Activities: Visiting is a positive activity for inmates and will normally take precedence over other institutional activities. In the event of an institution emergency, inmate visits may be terminated or limited at the discretion of the Warden.

NOTE: All inmates will be identified by picture card prior to their visitor's departure from the Visiting Room.

B. Visiting Hours:

Social visitation hours are as follows:

Sunday	7:30 a.m. - 2:30 p.m.
Monday	2:00 p.m. - 9:00 p.m.
Tuesday	NO VISITING
Wednesday	NO VISITING
Thursday	NO VISITING
Friday	2:00 p.m. - 9:00 p.m.
Saturday	7:30 a.m. - 2:30 p.m.
HOLIDAYS	7:30 a.m. - 2:30 p.m.

Processing of visitors will begin 30 minutes prior to scheduled visiting hours, and will end one hour prior to the end of the visitation period. Processing of visitors will be suspended 45 minutes prior to official counts.

C. Frequency of Visits & Number of Visitors:

1. All inmates will be allowed social visits for a period of two hours. The time period will begin when the inmate arrives in the Visiting Room. All inmates will be allowed only one visit a day.

- A) Special Visiting Days for Federal Holidays: The following Federal Holidays will have special visiting for all inmates regardless of their register number. The visiting hours will be from 7:30 a.m. - 2:30 p.m.

**New Year's Day, Memorial Day, July 4th, Labor Day,
Thanksgiving Day, & Christmas Day**

- B) Federal Holidays which will be regular visiting days for inmate's dependent upon their register number. The visiting hours will be 2:00 p.m. - 9:00 p.m.

**Martin Luther King Day
President's Day
Columbus Day**

- C) The following Federal Holiday will be a regular inmate visiting day dependent upon the inmate's register number if it falls on Friday - Monday. The visiting hours will be the same as listed above depending on the day of the holiday. If the holiday falls on a Tuesday or Wednesday there will be no visiting on this holiday.

Veteran's Day

These changes are also posted in the inmate handbook and on the institution web page.

2. Pre-trial, Holdover, and ICE inmates will be subject to visiting on Odd and Even calendar days, according to their Register Number. The fifth number of the register number will be the determinate for which day. All inmates whose register number's fifth number is odd will be authorized to visit on odd calendar visiting days. All whose fifth number

is even, will be authorized to visit on even calendar visiting days. Examples are: Register Number 01234-086 may visit on Even visiting days (i.e., May 2) Register number 12467-086 may visit on Odd calendar visiting days (i.e., May 15.)

3. Cadre inmates will be allowed to visit on all available social visiting days, Friday through Monday. Cadre inmates will be restricted to the two hour time limit on these days.
4. All inmates may visit on special visiting days and Federal Holidays that are approved by the Warden. All inmates are limited to the two hour, single visit, period for those days.
5. Inmates will be permitted to visit with a maximum of six visitors, including adults and children at one time. Children under the age of 16 are not considered adults and will be allowed to accompany an approved adult visitor. Visitors will not be permitted to exchange places (alternate) with another visitor outside the Visiting Room.
6. Inmates present in the Visiting Room during official counts or census checks will be counted in the Visiting Room. Thirty minutes before the official count, the Visiting Room #1 Officer will prepare and submit an out-count form to the Control Center. The number of inmates in the Visiting Room will be called in at count time by totals from each unit. Inmates notified of a visit 30 minutes prior to an official count will be placed on the out-count.
7. Visitors will not be allowed to enter or exit the Visiting Room during official counts. Visitor processing will not continue until completion of the count. Visitors will immediately depart the Visiting Room after completion of their visit and identification of the inmate.
8. Under no circumstances will visitors be allowed to leave their children unattended inside the institution or on institutional grounds. All visitors are required to supervise their children directly. The visit may be cancelled if the visiting children are disruptive.
9. The number of social visitors and inmates will not exceed 125 in the Visiting Room at the same time. The Visiting Room Officer will contact the Operations Lieutenant if the number of inmates and visitors is within ten of the maximum number allowed. If it becomes necessary to terminate visits due to overcrowding, the Institution Duty Officer (IDO) or Operations Lieutenant, in the absence of the IDO, will begin with visitors who have visited the longest that day.
10. The children's room is intended for children under 16 years of age. At no time will an inmate be allowed in the children's room. The visitors must supervise their child or an older sibling/relative can assist. Once the child becomes unruly they will be immediately removed from the children's room and not allowed access.

D. Approved Visitors:

1. Holdover, Un-sentenced and pre-trial inmates: The visiting list is limited to immediate family members (i.e., mother, father, step parents, foster parents, brothers, sisters, spouse, children and domestic partners registered with the City of Seattle or other jurisdictions recognized by the State of Washington prior to their incarceration.) The inmate will be allowed one additional visitor if they meet the criteria set forth for work cadre inmates. Ordinarily, an initial visiting list is prepared and distributed within seven days of receiving the required information to process the visiting list for all inmate statuses.
2. Work Cadre inmates: In addition to immediate family members as listed above, Work Cadre inmates may have other relatives or friends added to their approved visiting list. For visitors other than family, the inmate must verify a relationship existed prior to the inmate's confinement before consideration for approval. This requirement is not applied to individuals already on an existing approved visitor list. Exceptions to the prior relationship rule must be approved by the Warden and all requests will be routed through the Captain and Associate Warden of Programs first. Any other issues dealing with a proposed visitor's back ground will be routed through the Unit Manager to the Associate Warden over Programs for final disposition. A maximum of ten visitors, in addition to immediate family members, may be on the visiting list for Work Cadre inmates.
3. The official list of approved visitors is maintained and updated by the inmate's Correctional Counselor. A computer-generated, approved visiting list will be completed and signed by the Counselor and a copy forwarded to the Front Lobby, with copies to the inmate and the central file. In addition, the approved visiting list will be electronically transferred to the Front Lobby computer. The Front Lobby will maintain a file folder with all of the inmate Visiting Lists. This file Folder will be used to process visitors if the computer system is not working. Subsequent additions or deletions will be processed in the same manner. Inmates' may request changes to their visiting list no more than once a month. All social visitors must be approved in advance by the Unit Team. Ordinarily, an initial visiting list is prepared and distributed within seven days of receiving the required information to process the visiting list for all inmate statuses.
4. Visitors may not be listed on more than one inmate's visiting list, except where inmates and visitors are of the same immediate family.
5. Visitors under the age of 16 must be accompanied by an adult on the approved visiting list.
6. All visitors 16 years and older must have a valid state or government issued picture identification. This is defined

as a driver's license or other state or government issued picture identification showing full name and signature. An expired license is not a valid form of identification. A license that is under current suspension can be used as valid identification. Any questions concerning the validity of a visitor's identification should be directed to the IDO or Operations Lieutenant, in the absence of the IDO, for approval prior to entry of the visitor. All children, regardless of age, must be on the inmate's approved visitor list.

7. The inmate's Unit Team will provide the inmate with the visitor authorization application for all individuals meeting the above guidelines. Included in this packet will be the "Visitor's Etiquette" statement, which includes the institution's visiting procedures and policies. The inmate is responsible for mailing this information to each prospective visitor. Any proposed visitor with a criminal record, must have prior written approval from the Associate Warden (Programs) before placement on any inmate's visiting.
8. Inmates will be notified of any proposed visitor not being authorized for placement on their visiting list, in writing with the "Notice of Denial for Proposed Visiting Applicant" form. This form will be completed by the unit team and a copy will be given to the inmate. One copy of the form will be placed in the inmate's central file with the visiting request.

E. Special Visits:

1. Minister of Record: Inmates wanting a visit from their Minister of Record must submit a written request to the Chaplain. Upon approval, the unit team will add the name with the title "Minister of Record" to the inmate's visiting list. An inmate is limited to only one Minister of Record and the prior relationship rule will not apply. The addition of a Minister of Record will not count against the inmate's authorized visitor list total and will not impact the inmate's allowed social visiting for that day. Minister of Record visits will be conducted in the visiting room during scheduled social visiting hours.
2. Clergy, other than the Minister of Record, will be handled as outlined under section 4.D. of this supplement, to include impacting against the total visits allowed and number of approved visitors on the inmate's list.
3. All other Special Visits will be reviewed on a case by case basis and coordinated through the inmates Unit Team. Assigned Visiting Staff will supervise the visit.
4. Requests for special visits related to the inmate's release planning and reentry that cannot be accomplished through the regular regulations and/or the telephone will be considered by the inmate's unit team on a case by case basis. These requests should be submitted via the Inmate Request to Staff Form.

F. **Legal Visits:**

1. Legal visitation hours are as follows:

Sunday	7:30 a.m. - 2:30 p.m.
Monday	7:30 a.m. - 9:00 p.m.
Tuesday	7:30 a.m. - 6:00 p.m.
Wednesday	7:30 a.m. - 6:00 p.m.
Thursday	7:30 a.m. - 6:00 p.m.
Friday	7:30 a.m. - 9:00 p.m.
Saturday	7:30 a.m. - 2:30 p.m.
HOLIDAYS	7:30 a.m. - 2:30 p.m.

Attorneys are encouraged to visit during this time to minimize any delays in visitor processing. Visiting at other times should only be in emergency situations, and appointments should be scheduled in advance with the inmate's Unit Team to ensure staff coverage for the visit. When possible, 24 hours advance notice is requested. Processing of legal visitors will begin thirty (30) minutes prior to scheduled visiting hours, and will end one hour prior to the end of the visitation period. Visitors are advised that due to shift change, processing in to the building will be less expeditious from 1:30 to 2:00 p.m.

2. Attorneys must present a valid state bar identification card and photo identification. After completing the Notification to Visitor Form, attorneys will be processed through the metal detector and will have their hand stamped before being allowed entry into the institution. Attorneys and their representatives will be processed ahead of social visitors whenever possible. All legal materials and briefcases will be searched for contraband, and processed through the E-Scan. Handbags, newspapers, portable phones, and non-legal materials are not permitted in the Visiting Room. Attorneys and representatives are permitted to enter the institution with pagers.
3. Upon executing a signed agreement form, "FDC SeaTac Computer, Laptop, IPAD, and external memory Device Agreement", attorneys are allowed to enter with their personal laptop, notebook, and/or IPAD. Attorneys are also allowed to enter with their external memory device. Power cords shall not exceed 6 feet. (See attachment)
4. Attorneys desiring to visit co-defendants must show the Lobby Officer the first page of the indictment listing the names of the co-defendant. An attorney for each inmate participating in the co-defendant meeting must be present at all times. If there is no separatee issue, the visit will be permitted. Meetings involving both male and female co-defendants must be requested in advance through Unit Team and require approval by Unit Team and the Captain. Questionable situations will be referred to the Staff Attorney or the IDO.

5. Attorneys' representatives (i.e., law clerks, paralegals, interpreters, investigators, psychologists, and other experts) may accompany an attorney into the Visiting Room. If visiting independently, the representative must obtain prior approval from the Unit Team as outlined in the current Institutional Supplement on Inmate Legal Activities. Questions should be referred to the Staff Attorney.

Attorneys are not ordinarily permitted to bring material witnesses into the Visiting Room without clearly defined special circumstances. Prior approval must be received from the Staff Attorney and the Captain.

6. Attorneys may enter the Visiting Room with legal materials, including legal video, CD's, DVD's and audio tapes. All legal materials must leave with the attorney at the conclusion of the visit.

However, legal materials may be left in the Front Lobby legal mailbox for delivery to the inmate. The envelope must be clearly marked with the attorney's name, inmate's name and register number and the following statement: "SPECIAL MAIL - OPEN ONLY IN THE PRESENCE OF THE INMATE."

7. Inmates are permitted to bring legal materials to the Visiting Room. The legal materials must be examined and hand delivered to the Visiting Room by an available staff member. Once the legal visit has been concluded, the escorting officer will inspect the inmate's legal materials, and carry them back to the unit. Attorneys are permitted to leave the institution with any or all of an inmate's legal materials.
8. Normally, the attorney-client rooms will be utilized for legal visits. Attorneys and paralegals will be processed into the Visiting Room until thirty (30) minutes prior to an official count.
9. Official Visitors: Federal employees, including U.S. Attorneys, law enforcement agents, U.S. Court officials, U.S. Probation Officers, and Federal Public Defenders will be permitted to visit upon presentation of appropriate identification.
10. U.S. Attorneys, Federal Public Defenders, U.S. Probation and Law Enforcement Officers will be allowed to visit inmates in the units and will be supervised by the sponsoring department (i.e., Unit Team, SIA, or Institutional Attorney.) The coordinating department will submit a request for the visit through the Captain.

G. Special Housing Unit (SHU) Inmates:

1. Ordinarily, an inmate retains visiting privileges while in detention or segregation status. Visiting may be restricted or disallowed, however, when an inmate, while in detention or segregation status, is charged with, or has been found to have committed, a prohibited act having to do with visiting

guidelines or has otherwise acted in a way that would reasonably indicated that he or she would be a threat to the orderliness or security of the visiting room. However, all social visits for inmates housed in the Special Housing Unit (SHU) will occur in the non-contact video visiting area located in the Visiting Room. The following procedures will be utilized for these visits:

When an approved visitor for a SHU inmate arrives at the institution, the Front Lobby Officer will notify the Operations Lieutenant, Control Center staff, Visiting Room Staff, and Special Housing Unit Staff.

SHU staff will then notify inmates in the unit when they have visitors. Inmates will be advised that social visits are non-contact and will be conducted via live video monitors and will be no longer than one hour in duration. A timer has been installed to assist in monitoring the duration of an inmate's visit. An inmate may refuse to participate in the visit. If an inmate refuses to participate in the visit, SHU staff will contact the Front Lobby Officer, who will then advise the visitor(s) of the inmate's refusal to participate. Visitor(s) will then leave the Front Lobby.

Inmates choosing to participate in the video visits must be fully dressed in a T-shirt and institutional jumpsuit and shower shoes. They will be restrained with handcuffs behind the back and escorted to the SHU non-contact visiting room. Once secured in this area, the inmate's restraints will be removed. SHU staff will then contact the Visiting Room Officer who will instruct waiting visitor(s) to enter the non-contact visiting area. Once the inmate and the visitor(s) are in position, SHU staff will turn the timer located outside the SHU non-contact visiting area to one hour and advise the inmate to pick up the receiver to initiate the visit. Visitor(s) will be advised to wait until the phone rings and then to pick up the receiver to begin their visit.

SHU staff will be responsible for providing intermittent supervision of inmates in the non-contact Visiting Room. Visiting Room staff will be responsible for providing intermittent supervision of visitors in the non-contact visiting area. Staff will be alert for inmate attempts to damage the visiting equipment. Staff will also be alert for attempts at indecent exposure or sexual misconduct. Any unauthorized behavior will be documented in incident reports and will result in immediate termination of the visit.

2. The following procedures regarding non-contact visits will be posted in the Front Lobby:

Visits for inmates housed in SHU will be conducted via live video monitors. A telephone receiver is provided to allow verbal communication. An inmate may refuse to participate in the visit. If an inmate refuses to participate in the visit, SHU staff will contact the Front Lobby Officer who

will advise visitors of the inmate's refusal to participate. Visitors will then leave the Front Lobby. Visits will be one hour in duration. Visitors will be subject to the same security screening as visitors participating in contact visits and will be limited to a total of six persons (including children) per group. Once screening is completed, visitors will be allowed to proceed to the Visiting Room where they will be seated in the front of the Visiting Room until staff is advised the SHU inmate has been placed into the SHU non-contact visiting area.

If visitors for more than one inmate housed in SHU arrive at the same time, they will be processed in the order of their arrival. After the first visitor group is processed, other visitors will be advised that they will not be allowed to enter the Visiting Room until the preceding visit is completed and the visitors have departed the Visiting Room. The Front Lobby Officer will advise visitors waiting for non-contact SHU visits of an approximate time when their visit will be conducted. These visitors may complete the required paperwork, but will not be screened via metal detector, x-ray machine and Ion Spectrometer until immediately prior to entering Visiting Room. This will allow them to depart the lobby area and return at a time approximate to their visit. When the non-contact Visiting Room is clear, the Front Lobby Officer will conduct all security screening for the next group of visitors.

Inmates and visitors are advised that all audio/video portions of non-contact visits will be recorded and subject to monitoring by staff. In the event the non-contact visiting equipment is damaged or out of service, visits will be moved to the non-contact visiting room in SHU.

H. Records and Visitors:

1. In addition to the Notification to Visitor Form, each adult visitor will be required to sign the Visiting Log Book prior to each visit. Each visitor will also record their departure time upon leaving the Visiting Room, in the Visiting Log Book.
2. Completed Notification to Visitor Forms will be filed with the SIS Office for a period of one year.

I. Visitors' Personal Property:

1. Visitors will not be allowed to take any personal items into the Visiting Room except for their identification. All personal items with the exception of wallets, purses, money etc., will be locked in the visitor's vehicle. Those items which should not or cannot be locked in the visitor's vehicle will be placed in a locker located in the Front Lobby.
2. Persons utilizing the public transportation system will be allowed to utilize the lockers in the Front Lobby to store personal items for the duration of their visit.

3. Visitors are permitted to bring in infant care items limited to; one pacifier, one diaper, five diaper wipes, one bottle with contents or toddler(sippy)cup(clear plastic), and one infant size blanket. No infant toys of any kind are allowed in the Visiting Room. The diaper wipes can be held in a clear zip-lock type bag. The zip-lock type bag can be up to the one gallon size bag.
4. Visitors are required to dress appropriately. This means clothing that is appropriate for a correctional setting. Any clothing that is suggestive, provocative or reveling is not suitable for the visiting room environment. All visitors, regardless of age, will have to abide by these rules. Clothing that is questionable in regards to taste will be brought to the attention of the Operations Lieutenant.

***The following items ARE NOT permitted in the visiting room for social visits:**

Halter, tank or tube tops
Open toe or heel shoes
Sandals
White, Brown, or Orange t-shirts
Sleeveless Shirts
Spandex Garments
Shirts/blouses with plunging necklines
Low cut tops
Shorts
Jogging or Sweatsuits
Skirts or dresses shorter than 2 inches above the knee
Suggestive/Revealing or Transparent-see through clothing
Spandex/form fitting clothing
Clothing w/offensive wording or signs/logos
Hats, caps or shirts with hoods
Khaki colored clothing
Coats, jackets, gloves or scarves (any type of outdoor apparel)
Bagging or sagging clothing
*Any clothing item that is excessively revealing or inappropriate

5. Only medication needed for the immediate preservation of life of a visitor will be allowed into the institution (i.e., asthma inhalers, nitroglycerin tablets, etc.) Staff will ensure visitors take only the quantity of medication necessary for the duration of the visit. An entry should be made on the individual's Notification to Visitor Form describing the medication. Any questions regarding medication for visitors should be referred to the Operations Lieutenant. Any questions as to the identification of medication, as well as its use, will be referred to medical staff.
6. All authorized items outlined in this section entering the visiting room must be carried in a clear plastic container or bag not to exceed 10 inches by 10 inches. No more than two such containers or bags will be allowed.

7. All inmate visitors, attorneys, contractors, volunteers, tour groups and other individuals not identified under the exception of section 4.F.8., will be cleared with the Walk Thru Metal Detector. Those individuals who are unable to clear the Walk through metal detector will be checked with the hand held detector. If the area sounding the alarm cannot be identified the visitor may consent to a "pat search" of the area. The visitor must sign a consent form in order to do the search. This will be conducted by a staff member of the same gender as the visitor. Individuals with medical prosthesis such as titanium hip implants will be cleared with the hand-held metal detector. The Operation's Lieutenant or IDO will be notified of individuals unable to clear with Walk Thru Metal Detector due to medical concerns. These cases will be addressed on an individual basis.

J. Inmate Personal Property:

1. Inmates are only allowed to wear institution-issued clothing in the Visiting Room. Underclothing is required. All clothing must be clean and neat in appearance. Inmates may enter the Visiting Room with one plain wedding band, one approved religious neck chain, and one pair of prescription eyeglasses.
2. Medication necessary for the preservation of the inmate's life will be allowed into the Visiting Room (to be controlled by the Visiting Room OIC). No other items will be allowed in the Visiting Room.
3. Unauthorized items brought into or out of the Visiting Room will be confiscated and disposition of the items will be determined per Program Statement 5580.08, Inmate Personal Property.

K. Visiting Room Staff:

1. The Visiting Room Officer will identify all inmates, as they enter and exit, with a picture card. If the inmate has altered his appearance from the picture card, it will be noted so that a new picture card can be made.
2. All inmates entering the Visiting Room will be pat searched. All inmates leaving the Visiting Room will be visually (strip) searched. The departure of inmates will be supervised by the Visiting Room OIC. No further contact with visitors will be permitted after completion of a visit.
3. Visitors will be escorted to and from the Visiting Room by staff at a maximum rate of five visitors (excluding children) per one staff member.

L. Conduct in the Visiting Room:

4. Hand shaking, embracing, and kissing are permitted within the bounds of good taste, at the beginning and end of the visit. Inmates and their visitors may hold hands during a

visit. Inmates are also permitted to hold their children, aged 3 years and under, during a visit.

5. All other physical contact will not be permitted and will be grounds for termination of the visit. All visitors will sit across from the inmate. Placement of inmates and visitors will be at the Visiting Room OIC's discretion.
6. The Federal Detention Center SeaTac, Washington, Permits breast feeding in the visiting room. Female visitors will use appropriate discretion in opting to breast feed their infants in the visiting room. At a minimum, the female visitor will drape her infant and chest with clothing so there will be no exposed breast.

M. Visit Terminations:

All searches shall be conducted using the guidelines set forth in Program Statement 5510.15, Searching, Detaining or Arresting Persons Other than Inmates.

1. Right to Refusal: A visitor who objects to any search, test, or entrance procedures has the option of refusing and leaving the institution grounds, unless there is reason to detain or arrest the visitor. Staff shall deny admission to the institution to a visitor who refuses to undergo a search of person and/or effects as dictated by Bureau of Prisons policy. The Captain, SIS, IDO, and the ADO will be notified. Staff will contact the Operations Lieutenant or IDO prior to denying a visit.
2. Termination of a Visit: The IDO, in consultation with the Operations Lieutenant, shall terminate a visit upon determining a visitor is in possession of, or is passing or attempting to pass contraband not previously detected, or is engaging in any conduct or behavior which poses a threat to the orderly or secure running of the institution. The Operations Lieutenant or IDO will notify the ADO of a visit that has been denied and or terminated.

N. Passing of Articles:

1. Visitors may not bring anything into the institution to be given to an inmate.
2. It is not permissible for papers of any kind to be examined or signed during social visits, nor may the visitor receive any items from the inmate. Such transactions must be handled through correspondence addressed to the inmate. Exceptions must be approved by the Unit Team or IDO.
3. Visitors are prohibited from giving money to an inmate in the Visiting Room. The Visiting Room Officer cannot accept funds for deposit to an inmate's commissary account. Money is not authorized in the Visiting Room.
4. Bringing any unauthorized items, such as medication, weapons, tools, food, drugs or alcohol, into the institution

violates institution rules and Federal law. Infractions may result in the visitor's permanent removal from the visiting list, referral to the proper law enforcement agencies for prosecution, and/or administrative sanctions against the inmate.

5. It is against the law for visitors and inmates to introduce, or attempt to introduce, into this institution or its grounds, or to take or attempt to take, or send or attempt to send from the institution, any article without the knowledge and consent of the Warden or his designee.
6. The use of cameras or recording equipment without the consent of the Warden, or his designee, is strictly prohibited. Violators are subject to criminal prosecution.

O. Visits to Inmates Under Strict Medical Care:

1. Inmates admitted to local hospitals for medical treatment will not be allowed social visits unless authorized by the Warden. In instances authorized by the Warden, visitors will only visit according to that medical facility's visiting times and visits will be limited to immediate family members only. These visits will not exceed one hour in duration and will be done with direct staff supervision. Identification, search procedures, etc., applicable at the institution will be enforced.
2. Visits may be restricted or prohibited for inmates under strict medical care (i.e., suffering from infectious disease, psychiatric or suicidal observation, being physically restrained, in dry cell status or otherwise not in condition to see visitors). Inmates with medical conditions will be reviewed by the Chief Medical Officer or in his/her absence, the Health Services Administrator, in consultation with the Captain to determine whether visiting will be permitted. The IDO or Operations Lieutenant should carefully and sensitively explain the situation to the proposed visitor.
3. All denied visits under the circumstances in this section will be documented in a memorandum and will be maintained in section 2 of the Privacy Folder in the Inmate Central File.
4. Circumstances may exist in which the Captain, in conjunction with the Medical or Psychology Departments, may determine that a visit can take place. The appropriate location of the visit will be determined by the consulting individuals.

P. Inmate Separatees:

Inmates and their separatees, and families of separated inmates will not be placed in the Visiting Room at the same time. Visits for inmates with separation assignments will be processed on a "first come, first serve basis." The remaining visitors will be processed as soon as the Visiting Room Officer notifies the Front Lobby that the inmate and his or her visitors have departed.

The unit team will evaluate all inmates on their caseload and all incoming inmates to determine if they have an inmate who has been convicted of a sex offense involving a minor (WA CONV). Any inmate fitting this criteria will have the following annotation placed in the visiting program under the comments section: "this inmate was convicted of a sex offense involving a minor." Any inmate identified as having a Walsh Act assignment involving a minor will have his/her visits closely monitored. Inmates meeting this criteria will be required to sit directly in front of the officer station when visiting with approved minors.

Q. VISITING REGULATIONS REGARDING PETS:

Visitors are precluded from bringing animals on to the institutional grounds, except for animals that assist persons with disabilities. The visitor must provide staff with certification that the animal is trained for that purpose prior to the date of the visit. No animals will be left in visitors cars.

5. OFFICE OF PRIMARY RESPONSIBILITY: Correctional Services

_____/s/_____
C. Ingram
Warden

Attachment: Inmate Visitation Log

U.S. Department of Justice

Federal Bureau of Prisons

*Federal Detention Center
SeaTac, Washington*

FDC SeaTac Computer Laptop, iPad, and External Memory Devices Agreement

As the undersigned attorney, I agree to the following conditions in exchange for the privilege of bringing in a laptop computer, an iPad, and/or external memory devices into the Federal Detention Center at SeaTac, Washington ("FDC SeaTac"), for the sole purpose of a legal visit.

1. I provide my consent and acknowledge that my electronic equipment and data I bring into FDC SeaTac is subject to search for physical and data contraband at any time.
2. I acknowledge that data contraband is material in electronic form that could cause physical injury or affect the security, safety, or good order of the institution. See 28 C.F.R. § 500.1(h). It includes, but is not limited to, photos, plans, or drawings of the institution; any personal text, audio, video, or photographic messages for the inmate; personal or sexually suggestive photographs; and information regarding other BOP inmates that is not related to the professional reasons for the legal visit.
3. If my electronic equipment has information stored other than the data required for my professional legal visit, I will ensure such data is not revealed or accessed by the inmate I am authorized to visit.
4. The laptop or iPad will not be used for non-legal or entertainment purposes, e.g. playing games, listening to music, et cetera.
5. I understand that if I chose to bring in a power cord, the power cord shall not exceed 6 feet.
6. I will not make any audio or video recordings with my laptop or iPad.
7. I will disable all wireless communication features for my laptop. I will not access the Internet in any way.
8. At the conclusion of the legal visit, I will retrieve all equipment that I brought into the legal visiting room.
9. I acknowledge that this privilege may be revoked at any time for any reason. I also acknowledge that misconduct, and/or violation of any BOP policies, may result in termination or restrictions for legal visits pursuant to 28 C.F.R. § 543.14.
10. I agree to assume the risk and liability of bringing in my laptop, iPad, and/or external memory devices into FDC SeaTac, and hold harmless the United States and its employees from any liability for any damage or personal injury which may occur from the use of my laptop, iPad and/or external memory devices inside FDC SeaTac. The release of liability by me to the United States and its employees shall apply to any right of action that might accrue to myself, my heirs or my personal representatives.

Attorney Name (print)

Signature

Bar. No.

Date