

Attention: Prison Visitors and Legal Counsel

Re: Prison Visitor Searches

I. Introduction

The following is a list of key points and governing law regarding prison visitor searches:

A. In General

"Unreasonable" searches of prison visitors, their vehicles and their property may violate the federal Constitution's Fourth Amendment and Article § 13 of the California Constitution. To meet the test of reasonableness, a prison visitor search must be limited in its intrusiveness as is consistent with satisfaction of the administrative need that justifies it.

* United States v. Davis (9th Cir. 1973) 482 F.2d 893, 910

* Estes v. Rowland (1993) 14 Cal.App.4th 508, 523-524 [17 Cal.Rptr. 901]

B. Regulatory Law - California Code of Regulations, Title 15

§ 3170(a) - These regulations are made in recognition and consideration of the value of inmate visitation as a means of increasing safety in prisons, maintaining family and community connections, and preparing inmates for successful release and rehabilitation...

§ 3173.2(a) - ...Inspections may include the search of the visitor's person, personal property and vehicle(s) when there is **reasonable suspicion** to believe that the visitor is attempting to introduce or remove contraband or unauthorized items or substances into, or out of, the institution/facility.

§ 3173.2(f) - ...if the search of any visitor's person, property or vehicle exceeds that which normally required for all visitors, the visitor shall be informed in writing of the reason for the search and the name of the official ordering the search. Consent shall be obtained from the visitor prior to the search.

§ 3391(a) - Employees shall be alert, courteous, and professional in their dealings with inmates, parolees, fellow employees, visitors and members of the public...

§ 3291(a) - Law Enforcement Responsibility. All employees of the Department shall be responsible to enforce laws, regulations and procedures which govern the actions and activities of inmates, parolees and of persons who come into contact with inmates and parolees...

§ 3393(c) - All peace officer personnel shall wear a clearly displayed nameplate as a standard item of uniform attire...

C. Case Law

In Estes v. Rowland (cited above), the Court of Appeal, First District - upheld certain parts of an injunction issued by the Marin County Superior Court regarding the searching of prison visitors. Those parts are as follows:

- * All persons eligible to visit inmates must be mailed written notice (in both English and Spanish) of the dog search policy, the reasons for the policy, and the consequences of finding contraband in the vehicle or on the person of a prison visitor.
- * Immediately prior to a proposed search the driver of each vehicle must be informed orally and in writing (again, in both English and Spanish) of what the search will entail, the reasons for it, and the consequences of finding contraband. The notice must advise the driver that he or she has the option of leaving and returning without the car without losing visiting privileges for that day. Searches may be conducted only after written consent for the search is first obtained from the driver.
- * If the driver decides to leave, passengers may stay and cannot be denied their visit.
- * Local police officers may not be involved in the search process, and may not be present at search unless there is some valid reason for their presence. Violations of the Vehicle Code may not be reported to any law enforcement agency.
- * No vehicle may be delayed more than 10 minutes prior to a search.
- * The search itself may not last no longer than 10 minutes. However, in unusual situations, such as factors beyond the Department's control (e.g. tired or distressed dog, or the unusual size of the vehicle [van or motor home]), the search may exceed 10 minutes but no more than 30 minutes.
- * Dogs must be kept at least 20 feet from visitors at all times.
- * There may be no reading of books, letters or other documents in possession of visitors that are not reasonably suspected of being contraband.
- * The Department must adopt regulations encompassing these conditions and must distribute them to all institutions prior to any future search.
- * The Marin County Superior Court retains jurisdiction in this matter to enforce and supervise the implementation of these conditions and, if necessary, to appoint a monitor to act on behalf of the court.

II. Suggestions

- * Visitors know your rights. Refer to the California Code of Regulations, Title 15, §§ 3000.5, 3173.2, 3176, 3176.2, 3176.3 and 3179.
- * Share this information in on-line chat rooms or by mail with other visitors.
- * Hire an attorney to file a writ of mandate/prohibition in the Marin County Superior.
- * Contact the San Quentin Prison Law Office and ask them to look into the matter and possibly enforcing the above conditions in the Marin County Court.

To: Any College Administrator / Student

Michael Singh
T-22165 / A4-213
PO Box 409020
Ione, Ca 95640

June 20, 2011

Dear Chair of Sikh Study Program (Sat Sri Akal),

Recently, I read a book on Sikhism; it truly enlightened me and made me want to study Sikhism. Your University was mentioned in the book as having a, "Chair of Sikh Study" program.

If you have a study program, I'd like to know if

- 1) You would allow me to participate?
- 2) If you have correspondance classes for which I may receive credit?
- 3) If you can acquaint me with others in the Sikh community with whom I may correspond?
- 4) Is Punjabi available as a language of study?

As you can probably tell, I am writing this letter from incarceration; I'd really and truly like to endeavor into the study and history of my culture. Ever since 9/11 as well as having recently viewed the film, "My Name is Khan", it really causes me to learn more for myself and possibly even enlighten others, despite the fact that I write from prison walls.

I thank you in advance and eagerly await your reply.

Very Truly Yours,

Michael Manjeet Singh

To : Any College Student/Administrator

Michael Singh
T-22165 / A4-213
PO Box 409020
Ione, Ca 95640

June 20, 2011

Dear ADMISSIONS OFFICE,

~~I recently looked up colleges in an Almanac, under tuition, your fine institution listed it as N/A; this
'discovery has led me to write and inquire...~~

- 1) Is there a correspondence program between you and any 'prisons'?
- 2) Would it be possible to have my units transferred to you from U.C. Berkeley, Diablo Valley College, Laney College and Coastline Community Colleges, and complete the courses I need to obtain a degree?

It would be great if you would allow me the opportunity to enroll and graduate from your fine institution. Further, I am only a few classes away from graduation and obtaining a degree would be a dream come true for me and my family; further I think it would be awesome, as it would allow one to obtain higher education despite the atmosphere one is in.

I thank you in advance for your time and attention on this matter.

Very Truly Yours,

Michael Manjeet Singh