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**POLICY AND ADMINISTRATIVE  
PROCEDURE**  
**Manual of Policies and Procedures**

Title  
**OFFENDER VISITATION**

Legal References (includes but is not limited to)	Related Policies/Procedures (includes but is not limited to)	Other References (includes but is not limited to)
IC 11-11-3-8 IC 11-11-3-9 IC 35-38-6-4 210 IAC 1-8	00-01-102 00-02-301 01-03-101 02-03-101 02-04-101 03-02-101	ACA:  CO: 2-CO-5D-01 ACI: 4-4267, 4-4498 – 4-4501, 4-4503, 4-4504 JTS: 2E-03, 3E-09, 3E-19, 5H- 12 – 5H-18

I. PURPOSE:

The purpose of this policy and administrative procedure is to establish a process through which offenders may receive visits from persons outside the Department of Correction in order to maintain contact and relationships in the community.

II. POLICY STATEMENT:

The Department of Correction shall encourage offender communication and contact with family and friends. The Department recognizes that the majority of offenders will be released into the community and that the offender's eventual reintegration will be more effective if a visitation program permits the maintenance of social relationships. In addition to traditional forms of visitation (contact and non-contact), alternative methods of visitation may be made available to help facilitate persons unable to travel to facilities.

The Department recognizes that in some cases, the visitation privilege can be abused or used for inappropriate purposes and for this reason the Department shall establish visitation guidelines. These guidelines may include the imposition of restrictions, ranging from non-contact visits, including video visits, to not allowing certain persons to visit. Restrictions on the visitation privilege shall be made based upon the safety, security, good order, and administrative manageability of the facility and those persons involved. The offenders shall have the opportunity to appeal the decision to restrict visitation privileges through the Offender Grievance Process.

The Department shall provide as much uniformity and consistency in visiting as possible, while considering the physical limitations and security needs of each facility. The Department shall include provisions for visits by attorneys, clergy,

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ex-offenders, family, friends, media representatives, legislators, and government officials. Visits shall be permitted at reasonable times.

### III. DEFINITIONS:

For the purposes of this policy and administrative procedure, the following definitions are presented:

- A. **ATTORNEY:** Any member of the legal profession, admitted to a State bar retained by or for an offender or appointed by a court to represent the offender.
- B. **CLERGY:** A single spiritual advisor designated by the offender who is an accredited representative or minister of the offender's personally designated religion or another person, not a family member, designated by the offender to provide spiritual advice.
- C. **CONTACT VISIT:** A visit in which the offender and visitor(s) are not physically separated.
- D. **DENIAL:** An immediate denial of visitation for a specific situation or reason, generally for a single visit or until the situation is in compliance with visitation rules. (e.g., the visitor is dressed inappropriately; the visitor is attempting to visit when the offender is not eligible for a visit.)
- F. **ELECTRONIC DEVICES:** Any electric or battery operated device, including, but not limited to: cameras, cellular telephones, tablets, radios, beepers, audio/video recorders, etc.
- E. **EMPLOYEE/STAFF MEMBER:** Any and all persons currently employed by the Department, including contractors and volunteers.
- G. **EX-EMPLOYEE/EX-STAFF MEMBER:** Any and all persons formerly employed by the Department, including contractors and volunteers.
- H. **EX-OFFENDER:** A person of any age convicted of a crime or a juvenile adjudged delinquent whose commitment to a department of correction (federal, state, or local), and/or the sentencing courts(s) has been discharged.
- I. **FRISK SEARCH:** A search that is conducted on one half (1/2) of the person's body at a time, utilizing a squeezing technique with both hands along the body and clothes of the person being searched, which includes the breast and genital areas.

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- J. **GATE CLOSURE:** The refusal to permit a visitor to enter any Department facility for an indeterminate period of time (e.g., permanently banning a visitor from visiting any offender in the Department due to a trafficking violation).
- K. **IMMEDIATE FAMILY:** The immediate family of an offender is his/her father, mother, siblings, spouse, children, grandparents, grandchildren, and legal guardians including those with a "step," "half" or adoptive relationship and those persons with the same relationship to the offender's spouse.
- L. **INDIANA DATA AND COMMUNICATIONS SYSTEM (IDACS):** The statewide system network available to law enforcement, prosecutors, courts, corrections, and other approved agencies for entering and receiving criminal history data.
- M. **MAXIMUM SECURITY UNIT:** Those facilities designated by Policy and Administrative Procedure 01-04-101, "Adult Offender Classification," as maximum security and the disciplinary and administrative restrictive status housing units of all facilities.
- N. **MODIFIED FRISK SEARCH:** A frisk search, authorized by the Custody Supervisor or above, which is conducted on staff and visitors that is slightly less intrusive than the complete frisk search as indicated in the administrative procedure for Policy and Administrative Procedure 02-03-101, "Searches and Shakedowns."
- O. **NEWS MEDIA:** Any agency that gathers and reports news for a general circulation newspaper, news magazine, national or international news service, or radio or television news program holding a Federal Communication Commission license.
- P. **NON-CONTACT VISIT:** A visit in which the offender and visitor(s) are separated by a physical barrier.
- Q. **OFFENDER:** An adult person committed to a department of correction (federal, state, or local) and housed or supervised in a facility either operated by the department of correction or with which the department of correction has a contract, including an adult under parole supervision; under probation supervision following a commitment to a department of correction; in a minimum security assignment, including an assignment to a community transition program.

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- R. **OFFICIAL OFFENDER VISITOR:** A visitor who is visiting an offender in regards to providing an official service for the benefit of the offender or the community, such as attorneys, law enforcement, parole/probation officers, representatives of government agencies (including foreign government agencies), elected officials, etc.
- S. **SUSPENSION:** The refusal to permit a visitor to visit at any Department facility for a determinate period of time (e.g., removing a visitor's visiting privileges at all Department facilities for thirty (30) days for a visitation rule violation.
- T. **VIDEO VISITATION:** A method of visitation which allows offenders to visit through electronic media.
- U. **VISITATION – MINOR RESTRICTION (VMR):** The restriction prohibiting visitation by minors (i.e., persons under the age of 18 years) based upon an offender's current or prior adjudication or conviction for a sex offense involving a minor.
- V. **VMR OFFENDER:** An offender who has a current or prior adjudication as a juvenile or conviction as an adult for a sex offense involving a minor and who may be denied visits with minors.

#### **IV. VISITATION AREAS (See Operational Procedures):**

Each facility housing offenders, except Department Intake Units, shall designate at least one (1) location that shall be used for offender visitation. This area(s) shall be in a location(s) that ensures the safety and security of the facility and the persons involved. The designated area shall be large enough to accommodate the visitation needs of the offender population dependent on the resources available to the facility. These areas shall have access to the offender information system.

All facilities may designate areas for contact visitation and video visitation; however, an area shall also be designated for non-contact visitation where applicable. Maximum security facilities may designate entire visiting areas as "non-contact" visitation. "Non-contact" visits shall only be used in those cases where it is determined to be in the best interests of the safety and security of the facility and those persons involved in accordance with Procedure XIX.

Facilities shall take into consideration the impact that visits with parents or grandparents in a correctional facility may have on young children, especially pre-school age children. When possible, and taking into consideration the physical environment and space capabilities, the facilities shall make special accommodations to entertain and occupy the minds of visiting children. These

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accommodations may include a separate room adjoining the main visiting area which is a bright, inviting, and comfortable area, or a similar space within the main visiting room. Age-appropriate books, games, and toys may be available in these areas. All children must be supervised by the offender who is being visited and the adult visitor who brought the children at all times, whether in this area or in the main visiting area. The use of this type of area shall be accomplished without the need for additional staff to supervise the area.

Operational procedures shall designate the location(s) for offender visitation and whether the areas shall permit "contact" or "non-contact" visits.

#### V. APPLICATION FOR VISITATION (See Operational Procedure):

In order for family members and friends to visit offenders, they must complete either a paper application or electronic application, currently through the JPAY website ([www.JPay.com](http://www.JPay.com)) for visitation (To apply electronically, the applicant must register an account with the vendor, which is free of charge). State Form 14387, "Application for Visiting Privileges," shall provide visitors with the necessary information regarding visitation. The electronic version of State Form 14387 is virtually identical to the paper version. Offenders shall be responsible for notifying family members and friends they want to visit of the processes available for applying for visitation privileges. Each facility shall designate a staff member to receive and process these applications.

Current and former Department employees, ex-offenders, volunteers, ex-volunteers, and victims of the offender they wish to visit shall submit a paper application and supplemental documentation through the United States Postal System in accordance with Sections IX and X of this policy and administrative procedure.

The facility's operational procedures shall address how the applications will be received and processed, including the addition or deletion of persons from the offender's visitors list. Attachment I, "How-to Guide for Facility Staff for Indiana Department of Correction Electronic Visitation Applications," and Attachment II, "Procedures for Processing Electronic Visitor Applications," provide staff with instructions on processing electronic applications.

All visitors completing the paper application shall fully complete State Form 14387 and mail it to the facility the visitor wants to visit. Parents/Legal Guardians shall complete an application for minors under the age of 18 years and shall sign, or submit electronically, the application on behalf of the minor child. Paper applications for a child under age sixteen (16) shall be accompanied by a legible copy of the child's birth certificates. A legible copy of the birth certificate

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shall be mailed into the facility following a submission of an electronic visiting application. Faxes of the application are not acceptable.

It is important that the application, both paper and electronic, is completed fully and all questions are answered truthfully. Failure to provide all necessary information may result in a delay in the processing of the application or a denial of visitation privileges. Falsifying an application shall result in the applicant being banned from all correctional facilities for a period of one (1) year.

This application, once approved, shall allow access to the facility to visit the designated offender. The signature of the visitor on the paper application and the submission of a completed electronic application acknowledge agreement to all rules and regulations included in this policy and administrative procedure, and its attachments, including criminal background/warrant checks through IDACS.

Children less than 18 years of age must have their application completed by their parent/legal guardian. An adult visitor who has the notarized permission of the child's parent or legal guardian who has custody of the child (not the offender) may be allowed to bring the child to the facility for the visit; however, both the child and the adult visitor must have an application on file to visit the offender. State Form 48965, "Authorization for Minor Child to Visit," shall be used to allow an adult, other than the child's parent or legal guardian, to bring a child into the facility to visit an offender. The parent authorization form must be notarized by a Notary Public and, if approved, must be presented each time the child visits along with a legible copy of the child's birth certificate.

Criminal background/warrants checks shall be conducted on each adult and child (16 and older) applying to visit an offender. When an active criminal warrant is found, the application shall be reviewed by the facility Investigations and Intelligence officer and/or Correctional Police Officer (CPO). The agency that issued the warrant shall be contacted and disposition made. Local law enforcement shall be notified of the information provided. The information on the applicant's criminal history is treated as confidential and shall not be released to the offender.

Once a decision is made either approving or denying the application, the offender shall be notified. The offender is responsible for advising applicants that their applications have been approved or denied. The applicant's approved Department visiting application must be on file prior to visiting.

Visitors shall be permitted to visit only one (1) offender within the Department unless the visitor has other immediate family members incarcerated in a Department facility. Therefore, unless the visitor has other immediate family

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members in different facilities, the visitor shall not be allowed to visit other non-immediate family offenders in other Department facilities.

Visitors may have their names removed from an offender's visiting list by making such a request in writing to the Superintendent or designee. Once the name is removed, the visitor must wait six (6) months before applying to visit the same or another offender. Exceptions may be made for immediate family members.

Visitors who require a reasonable accommodation for a disability must contact the staff member responsible for processing visitors.

#### **VI. VISITATION LISTS (See Operational Procedures):**

Each facility shall maintain an approved visitation list for each offender. This information shall be maintained on the offender information system. The offender's visitation list shall be updated twice per year, at a minimum, in a manner convenient to the operation of the facility. Offenders may request visitation from no more than twelve (12) approved visitors. Offenders shall not be denied the option to add or remove visitors from their visiting lists, unless it has been determined and substantiated by the facility that a visitor does not meet the established criteria to visit at the facility or that the visitor is a substantiated threat to the safety and security of the facility. The visitation list shall include:

- A. The offender's name and number;
- B. The name of the requested visitor;
- C. The relationship of the visitor to the offender;
- D. The visitor's date of birth;
- E. The visitor's address; and,
- F. The visitor's drivers license number or state ID information, if available.

Visitation lists may be printed from the offender information system. At the discretion of the Superintendent, paper copies of the visitation list may be made accessible at designated locations in the event of offender information system technical difficulties.

Individuals on an offender's approved visiting list shall not be arbitrarily removed from the list without substantiated evidence that a safety and security issue exists, and resulting in a gate closure for the specific visitor with a determinate length of time, or the offender requests removal in writing during the twice-yearly opportunity to revise his/her approved visitor's list.

Each facility shall develop operational procedures which outline the specific staff member's responsibilities in updating and maintaining the visitation list and the location and/or distribution of the visitation list.

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VII. RULES FOR VISITATION:

The number of visitors an offender may receive at a visit and the length of visits may be limited only by the facility's schedule, space, and personnel constraints; or, when there are substantial reasons to justify such limitations. Each facility shall provide written information to the offender regarding procedures governing visitation within twenty-four (24) hours after arrival at the facility. These written procedures shall also be made available to persons wishing to visit an offender.

The written information shall include, but is not limited to:

- A. Facility address/phone number, directions to the facility, and information about local transportation;
- B. Days and hours of visitation;
- C. Approved dress code and identification requirements for visitors;
- D. Property/items authorized in visitation area;
- E. Special rules for children;
- F. Authorized items that the visitors may bring to give to the offender; and,
- G. Special visits.

Each facility may establish facility specific visitation rules not covered in the Department's visitation rules. Attachment III presents the Department's standard rules of visitation.

The Superintendent shall ensure that a sign containing information regarding the possession and/or trafficking of controlled substances and cell phones is posted in a prominent location so that both offenders and visitors may read it prior to entering the visitation area. These signs shall contain the following information in English and Spanish:

English:

*"A person who, without the prior authorization of the person in charge of a penal facility, knowingly or intentionally:*

1. *Delivers or carries into the penal facility with intent to deliver an article to an inmate of the facility; or,*
2. *Carries or receives with intent to carry out of the penal facility an article from an inmate of the facility,*



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*commits trafficking with an inmate, a Class A misdemeanor. The offense is a Level 5 felony if the article is a deadly weapon, a controlled substance, a cellular telephone, or other wireless or cellular communications device.*

*A person who knowingly or intentionally possesses a cellular telephone or other wireless or cellular communications device while incarcerated in a penal facility commits a Class A misdemeanor.*

*A Class A misdemeanor is punishable by imprisonment for not more than one (1) year and a fine of up to \$5000.*

*A Level 5 Felony is punishable by imprisonment for up to six (6) years and a fine of up to \$10,000.”*

Spanish:

*“Una persona que no tiene la aprobación previa del personal de la institución y quien deliberadamente:*

- 1. Lleve o transporte un artículo a la institución con la meta para lo entrega a un ofensor o,*
- 2. Reciba un artículo de uno de los ofensores con la meta para transportarlo fuera de la institución,*

*Esta cometiendo contraband, un delito menor de clase A.*

*Si el artículo es un arma mortal, una substancia controlada, un teléfono celular e otro dispositivo de comunicación con conexión inalámbrica, esta ofensa es un delito grave del nivel 5.*

*Una persona que deliberadamente posea un teléfono celular e otro dispositivo de comunicación con conexión inalámbrica mientras la persona esta bajo la custodia de una institución penal esta cometiendo un delito menor de clase A.*

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*Un delito menor clase A es sancionable con encarcelamiento por no mas de un (1) ano y una multa del hasta \$5,000.*

*Un delito grave de nivel 5 es sancionable con encarcelamiento por hasta seis (6) anos y una multa de hasta \$10,000."*

The Department shall not tolerate trafficking with an offender, or the possession of controlled substances, tobacco, electronic devices, or weapons while on Department property. All offenders and visitors shall be subject to search. Refusal to be searched shall result in a denial of the visit.

In all cases where a visitor and/or an offender are found to be trafficking, the incident shall be reported to the facility Investigations and Intelligence Office/Correctional Police Officer. Investigations and Intelligence Office/Correctional Police Officer shall process the incident to include the arrest of the visitor, if appropriate. All trafficking cases shall be referred to the prosecutor's office with a recommendation that the matter be prosecuted to the fullest extent. In addition, any visitor caught trafficking shall be permanently prohibited from visiting any offender in the Department at any facility.

Also, all Department facilities shall post signs in the area(s) where visitors are initially processed and in the visiting rooms/areas that advises visitors that drug, cellular telephone, and tobacco detection dogs (K-9s) may be in use in the facility and visitors shall be subject to search by these dogs. The sign shall state, in both English and Spanish:

**NOTICE:**

*Drug, cellular telephone, and tobacco k-9's (dogs) may be in use today in the visiting room. These dogs are non-aggressive. All visitors will be searched prior to entering the visiting room and/or during the visit. If you do not wish to be searched, you may choose not to visit today.*

**ATENCIÓN:**

*K-9's (perros) que pueden detectar narcóticos, teléfono celular, y tabaco pueden ser usados hoy en la sala de visitantes. Estos perros no son agresivos. Todos los visitantes van a ser registrados antes de entrar en la sala de visita y / o durante la visita. Usted puede optar por no visitar hoy!*

#### VIII. PERSONS EXEMPTED FROM THE VISITATION SCHEDULE:

Staff must verify the qualifications of exempted visitors and may request background information and official assignment documentation from the potential visitor for this purpose. Whenever possible, exempted visitors should schedule

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their visits at least 24 hours in advance so that the facilities can ensure that suitable accommodations are available.

Attorneys, government officials, or persons from other agencies/organizations providing an approved service for the facility or the offender (e.g., Mental Health professionals, Indiana Vocational Rehabilitation counselors, etc.) may be approved for visitation on a case by case basis. Such visits shall not be considered as part of the offender's regular visitation schedule and these visitors need not be on the visitation list (as determined in the operational procedures required by Procedure VI). If the attorney or government official is not on the authorized visiting list, approval from the Superintendent or designee is required.

Where space is available and the security of the facility and safety of the people involved will not be impaired, a special area may be set aside for attorney-client visits. If space is available, arrangements also may be made to allow clergy to have a separate space, outside of the regular visiting room/area, to meet with the offender. The area shall be observable by staff; however, staff shall not listen to the conversations.

### **IX. VISITATION BY STAFF MEMBERS, EX-EMPLOYEES, EX-OFFENDERS, AND VICTIMS:**

#### **A. STAFF MEMBERS**

In accordance with Policy and Administrative Procedure 04-03-103, "Information and Standards of Conduct for Departmental Staff," staff shall notify the Superintendent in writing whenever a friend or relative is committed to the Department. A staff member may be permitted to visit an offender who is an immediate family member. Additionally, with sufficient justification, a staff member may be permitted to visit an offender who is a family member but not an immediate family member. In these cases, the staff member shall provide the facility with sufficient information to verify the relationship and the need for such visits.

A staff member must complete the application process in Section V and obtain prior written approval to visit an offender. The staff member shall obtain State Form 51058, "Request for Staff Contact with Offender," from the facility. The staff member shall complete Sections I and II. The staff member shall provide as much information as possible, including information verifying the relationship, so that a decision can be made regarding the visit. The form shall be submitted to the staff member's Superintendent. The Superintendent shall review State Form 51058 and determine whether approval of the requested visit is in the best interests of the Department, offender, and staff member. The Superintendent shall consider such factors as the relationship between the staff member and the

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offender, the staff member's work history with the Department and the potential impact on the facility and the offender's adjustment. The Superintendent shall indicate his/her decision on the form and forward it to the Superintendent of the facility housing the offender.

The Superintendent of the facility housing the offender shall review the request. The Superintendent of the facility housing the offender shall consider such factors as: the relationship between the staff member and the offender; the offender's conduct history; the frequency of visits to the offender; the offender's family background; and, the decision of the staff member's Superintendent and any comments made by that Superintendent, etc.

If both Superintendents approve the request to visit, the Superintendent of the facility housing the offender shall return the State Form 51058 to the staff member's Superintendent, who shall note the approval. A copy of State Form 51058 with the approvals of both Superintendents shall be given to the staff member who will be required to bring the form with him/her whenever a visit takes place. Additionally, a copy of the approved State Form 51058 shall be placed in the staff member's personnel packet and a copy placed in the offender's packet. Once the approval is given by both Superintendents, the staff member shall be required to complete an Application for Visiting Privileges and attach a copy of State Form 51058 in order to be placed on the offender's visitors list.

If either or both of the Superintendents do not approve the request from the staff member to visit the offender, the Superintendent of the facility housing the offender shall forward the request with all recommendations to the appropriate Regional Director. The Regional Director shall review the request and, if necessary, contact the facilities to obtain additional information before rendering a decision. If one of the facilities involved is not under the Regional Director's supervision, State Form 51058 shall be forwarded to the other Regional Director, as appropriate, for review and approval. If either of the Regional Directors deny the request, the request shall be considered denied and the staff member shall not be allowed to visit the offender. The decision of the Regional Director (s) shall be final.

Following approval/denial by the Regional Director, the original State Form 51058 shall be returned to the originating Superintendent for filing and a copy shall be sent to the Superintendent of the facility housing the offender. Once an approval has been granted for visits between a staff member and an offender, the approval shall remain in effect until rescinded by the Regional Director. If the request to visit is denied, the staff member may submit another request for visitation one (1) year from the date of the denial. If a staff member terminates his/her employment with the Department, any approval to visit an offender shall be rescinded immediately and the staff member shall be required to follow the

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procedures for ex-employees to visit offenders.

If the request is approved and the offender is transferred to another facility, the approval shall continue to be in effect unless the Superintendent or designee of the new facility determines that there is a reason to require the staff member to submit a new request.

#### **B. EX-EMPLOYEES**

Ex-employees who wish to visit an offender must complete the application process in Section V and make a written request for approval to the Superintendent of the facility housing the offender prior to the visit. Generally, ex-employees shall not be allowed to visit an offender who has been housed in the same facility in which the ex-employee was employed and who was incarcerated at the facility during the time the ex-employee was employed there. The Superintendent shall review the request and recommend whether the visit is in the best interest of the facility and the individuals involved. Unless the ex-employee and the offender are immediate family members or special circumstances exist, visits by ex-employees shall not be authorized until one (1) year after the ex-employee's separation from the Department. Ex-employees shall not be permitted to visit an offender if the relationship between the offender and the ex-employee started or resulted from contact between the ex-employee and the offender during the ex-employee's period of employment with the Department. The Superintendent shall forward the request to the appropriate Regional Director for review and approval/denial. The Regional Director shall render a decision and so notify the Superintendent submitting the request. The decision of the Regional Director shall be final. Ex-employees shall not be allowed to visit an offender until the request to visit has been approved by the Regional Director. If the decision is to deny the request to visit, the ex-employee may submit another request one (1) year from the date of the denial.

In cases where an ex-employee has been terminated from employment, allowed to resign prior to termination, or during an investigation arising from a violation of Department rules or procedures involving an offender, (e.g. trafficking, inappropriate contact) the ex-employee shall be denied visitation privileges permanently from all Department facilities. Such denials shall be noted in the offender information system. If the request is approved and the offender is transferred to another facility, the approval shall continue to be in effect unless the Superintendent or designee of the new facility determines that there is a reason to require the ex-employee to submit a new request.

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### C. EX-OFFENDERS

Ex-offenders shall not be permitted to visit offenders in Department facilities without the prior written approval of the Superintendent of the facility housing the offender to be visited. Ex-offenders shall be approved or denied for visitation on a case-by-case basis, after completion of the application process in Section V. Permission for visits by ex-offenders, who are not under any type of community supervision (e.g., parole or probation), may be considered after the ex-offender has been discharged or released from parole or probation supervision for a period of one (1) year. Individuals who received county jail time, but have never received a court order for any type of community supervision, and who have not been incarcerated in a state or federal prison do not fall under the (1) year consideration, and can be approved or denied at the discretion of the Superintendent.

Ex-offenders, including parolees, and probationers, may be considered for visits if special circumstances warrant such consideration. Special circumstances are visits that will aid in the incarcerated offender's Re-Entry programming. If still under probation / parole supervision, the ex-offender shall obtain written authorization from his/her parole / probation officer prior to consideration by the Superintendent. The original signed approval from the parole or probation officer must be sent to the Superintendent where the ex-offender is requesting visitation. The Superintendent shall consider the safety and security of the individuals and the facility as well as the value of the visit to the offender when granting approval or denial of requests to visit by ex-offenders. Approvals for an ex-offender to visit shall be for one (1) visit only, unless otherwise specified by the parole or probation officer, if applicable, and the Superintendent. Denials of requests to visit shall be noted in the offender information system. In cases of denials, the parolee or probationer may submit a request again no earlier than one (1) year from the date of the last denial. If the request is approved, and for more than one (1), and the offender is transferred to another facility, the approval shall continue to be in effect unless the Superintendent or designee of the new facility determines that there is a reason to require the ex-offender to submit a new request.

The Superintendent may approve for regular visitation an ex-offender who has children under the age of 18 with a current offender, provided the relationship of the children to the offender is verifiable and the ex-offender visits the offender with the mutual children each time. The ex-offender shall be subject to the same application approval process as other ex-offenders in this section of this policy and administrative procedure. The children shall be subject to the application approval process as outlined in Section V of this policy and administrative procedure.

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### D. VICTIMS

Victims generally shall not be allowed to visit offenders, unless the visit is for therapeutic reasons and a therapist has requested the visit and will be a part of the visit, or the Superintendent or designee determines that the visit will be in the best interests of the offender's re-entry into the community. Victims who are immediate family members of an offender may submit a request to the Superintendent of the facility housing the offender if they wish to visit the offender. The Superintendent or designee shall determine whether the offender has a Victim Notification (VN) flag involving the victim seeking to visit the offender. The Superintendent or designee shall review the records regarding the actual crime and determine whether it appears that the victim and offender can safely visit. Visits between victims and offenders, if approved by the Superintendent and completion of the application process in Section V, may be non-contact visits or other restrictions may be placed on the visits, including a requirement that the visit be supervised. Visits with victims as a part of a victim reconciliation or restorative justice program may be approved by the Superintendent, if the program provides details of the program and supervision of the visit is provided and it does not appear that the visit will be a threat to the safety and security of the facility or the persons involved. If a visit between an offender and a victim is approved and the offender has a Victim Notification flag, the Superintendent or designee shall contact the Victim Notification Section in Central Office to advise of the intended visit. An offender who is approved to visit with a victim may be permitted to meet with a Mental Health staff member either before or after the visit in accordance with the facility's procedures for requesting Health Services.

### X. VOLUNTEERS AND EX-VOLUNTEERS:

#### A. Volunteers

Volunteers are subject to the provisions of this policy and administrative procedure (Section V) and Policy and Administrative Procedure 01-03-103, "The Development and Delivery of Community Involvement Program." Visits by volunteers as a part of an approved volunteer program at the facility shall be in addition to an offender's normal visiting schedule. Volunteers shall be advised of the facility's visitation rules/procedures during the volunteer's orientation training.

Persons who are providing services to offenders in a volunteer capacity may be allowed to visit one (1) offender outside of the approved volunteer program. Persons who are on an offender's visitation list may be permitted to provide volunteer services at the facility housing the offender if the volunteer's program duties are such that visiting the offender would

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be in the best interests of the program and the offender. Volunteers may be allowed to visit an offender at a facility not receiving their services. However, they are to report to the Superintendent or designee of the facility where their services are provided and the Superintendent of the facility housing the offender that they are visiting an offender at another Department facility.

B. Ex-volunteers

Ex-volunteers who wish to visit an offender must make a written request for approval to the Superintendent of the facility housing the offender prior to the visit, in addition to completing the application process in Section V. The Superintendent shall review the request and recommend whether the visit is in the best interest of the facility and the individuals involved. Unless the ex-volunteer and the offender are immediate family members or special circumstances exist, visits by ex-volunteers shall not be authorized until one (1) year after the ex-volunteer's separation from the Department. The Superintendent shall forward the request to the appropriate Regional Director for review and approval/denial. The Regional Director shall render a decision and so notify the Superintendent submitting the request. The decision of the Regional Director shall be final. Ex-volunteers shall not be allowed to visit an offender until the request to visit has been approved by the Regional Director. If the decision is to deny the request to visit, the ex-volunteer may submit another request one (1) year from the date of the denial.

XI. VISITATION RECORDS (See Operational Procedure):

Each facility shall maintain a record for each offender documenting all of the offender's visits, including visits by attorneys, government officials, and clergy. These records shall be maintained on the offender information system. Any hard copy records involving offender visits shall be placed in the offender's packet prior to the offender being transferred to another facility or if the offender is released, prior to the transfer of the packet to storage.

Operational procedures shall identify the staff member's responsibilities and method of maintaining this record, including the disposition of the record when an offender is released from the facility.

XII. VISITOR SIGN-IN:

Each visitor shall sign-in at a place designated by the Superintendent and in a manner appropriate for the facility. This designated location shall have access to the offender information system. State Form 14389, "Log of Visitors," shall be



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completed for this purpose. Staff assigned to the sign-in area shall confirm and update the visitor's date of birth (DOB), gender, phone number, and current address. Immediately prior to entry into the authorized visiting area, all visitors shall be asked, "Do you have in your possession any firearms, weapons, knives, ammunition, narcotics, medication, controlled substances, alcoholic beverages, marijuana, tobacco or tobacco related items, money/currency, cameras, video or audio recording equipment or electronic devices, including cellular telephones, pagers or other communication devices?" If the visitor responds in the negative and no contraband or prohibited property is found in the search process (including searches by drug and tobacco detecting dogs), entry into the visiting room may be allowed. If the visitor responds affirmatively or contraband or prohibited property is found during the search process, staff shall advise the visitor that he/she will not be allowed into the visiting room. If the visitor is in possession of prohibited property, the staff member shall advise the visitor what action (method of disposal of the prohibited property, such as putting in a vehicle or a locker if available) may be taken so that the visit may proceed. If the property is contraband, the staff member shall notify his/her Supervisor immediately for instructions regarding how to proceed and whether facility Investigations and Intelligence/Correctional Police Officer or law enforcement shall be notified. Staff shall follow the facility's procedures for entry into the facility. Cameras, recording equipment, and other electronic devices shall not be permitted into the facility without the prior written approval of the Superintendent or designee, except in cases involving the news media as provided in the administrative procedures for Policy 00-03-101, "Distribution of Information," or Department staff/law enforcement who need the equipment to carry out his/her duties.

During the influenza season, staff shall question the visitor about influenza-like illness prior to entering the facility to visit. All visitors must be asked specifically if they have had, within the previous seven (7) days, any of the following symptoms:

- A. Fever;
- B. Cough;
- C. Body aches;
- D. Runny nose; and/or,
- E. Sore throat.

Visitors with current symptoms observed during questioning or those who acknowledge having had any of the symptoms listed above in the previous seven (7) calendar days prior shall not be permitted to enter the facility.

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Non-alcohol-based hand sanitizer shall be available in all visitor entries and all visitors shall be encouraged to use this product or wash their hands before entering the facility.”

Additionally, all visitors shall be asked “Are you or have you ever been an employee of the Department of Correction?” If the visitor answers affirmatively, facility staff shall determine whether the visitor has received the necessary approval as indicated in Procedure IX. If the visitor has not received the necessary approval, staff shall advise the visitor of the proper request procedures and deny entry until approval is obtained. If it is determined that the visitor has not been truthful, the Superintendent shall be notified. The Superintendent shall submit a written report to the appropriate Regional Director. All facilities shall be notified that the individual shall not be permitted entry into any Department facility. The visitor shall have the right to appeal the decision to the appropriate Regional Director.

In addition, visitors shall be asked if they require any special accommodations. Such accommodations may include allowing the visitor to enter the facility with a service dog (seeing-eye dog, etc.). Staff shall determine whether the visitor indicated a need for a special accommodation on the completed Application for Visitation. If this need was indicated and a special accommodation has been approved, staff shall process the visitor in accordance with this policy and administrative procedure. Visitors with special accommodations shall be advised that they will be searched and the search shall include any special equipment, such as wheelchairs, or service animals. Service animals shall have their collars/harnesses searched by staff and the service animal shall be required to pass through the facility’s metal detector. While service animals may be permitted in the visitation area, the visitor shall be advised that if the animal becomes disruptive or interferes with the visit, the visitor and the service animal shall be advised that the visit is terminated. The visitor shall be liable for all actions of the service animal while on facility grounds.

The Department shall oversee the development of posters that shall be placed in prominent locations within the facilities displaying various methods of reporting sexual behaviors and incidents. These posters shall be placed in locations in the facilities where they can be seen by staff, visitors, and offenders and be written in both English and Spanish.

The sign-in area shall have a supply of brochures regarding the Prison Rape Elimination Act (PREA) available for visitors to review.

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### **XIII. VISITOR SEARCHES:**

All visitors attempting to visit an offender shall submit to a search of their person and property. Minimally, all visitors shall be required to submit to a modified frisk search in accordance with Policy and Administrative Procedure 02-03-101, "Searches and Shakedowns." Frisk/modified frisk searches of a visitor's person shall be conducted by staff of the same gender as the visitor. The modified frisk search shall consist of all aspects of the frisk search conducted on offenders with the exception of:

- A. It will not be necessary for the staff person conducting the search to inspect the mouth or nasal passage;
- B. The person being searched will not be required to bend at the waist and run his/her hands through the hair; and,
- C. Pulling the shirt/blouse out of the pants, if tucked into the pants.

If reasonable cause exists to believe the visitor is carrying prohibited property or contraband, staff may request that the visitor submit to a frisk search, with approval of the Superintendent or designee.

Additionally, visitors shall be subject to additional searches using metal detectors and/or other approved search methods. Visitors in the waiting area and in the visiting room may be searched by trained K-9s at any time while in the facility. Searches by K-9s shall be in accordance with the procedures for the search of persons using drug and tobacco detecting K-9s in the Department's Emergency Manual. Facilities shall ensure that visitors are informed of the proper behavior and actions when being searched by K-9s. This notification shall include a sign posted in the visitor waiting area and the visiting room as well as staff announcing the entrance of K-9s into an area for searches.

Visitors may be asked to submit to a strip search; however, strip searches are to be used only in the most extreme circumstances where reasonable cause exists to believe the visitor is carrying prohibited property or contraband and poses a serious risk to the security of the facility and/or individuals. The decision to request a visitor to submit to a strip search shall be made by the Superintendent or designee. In such cases, the visitor shall be given the option of either submitting to the strip search or being refused entry into the visiting area. The visitor shall be advised as to why the request is being made.

Any visitor who refuses to be searched shall be advised that he/she will not be permitted to enter the facility visiting area. In cases where a visitor refuses to be searched by any means during a visit, the visit shall be terminated and the visitor shall be escorted from the facility. Staff at the initial processing area and in the visiting area shall maintain a log of all visitors who refuse to be searched upon

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demand. The facility shall follow the procedures established in Procedure XVIII for documenting the denial of a visit.

Offenders in Security Level 2 and above facilities shall be strip searched prior to entering the visiting room and shall be strip searched immediately upon leaving the visiting room before being allowed to return to their living area or assignment. At the conclusion of the visit, the offender shall be required to leave the visiting area first. The visitor shall be requested to wait until the offender has been processed and searched. If staff finds any prohibited property or contraband on the offender, staff shall identify the visitor and shall contact local law enforcement and the facility Investigations and Intelligence Office/Correctional Police Officer.

When an Official Offender Visitor concludes the visit with the offender, he/she shall not be required to remain in the waiting area until the offender goes through the search process prior to leaving the visiting area. Official Offender Visitors shall be allowed to leave the visiting area as soon as the offender leaves. If staff searching the offender discovers any prohibited property or contraband in the offender's possession after a visit with an Official Offender Visitor, the staff member conducting the search shall follow standard procedures when such items are discovered and shall notify the Shift Supervisor. The Shift Supervisor shall notify the Superintendent as soon as possible. The Superintendent shall advise the appropriate Regional Director of the incident and shall contact the Official Offender Visitor's supervisor with the information.

Frisk and strip searches, use of metal detectors, x-rays, K-9's and inspection of purses, packages and bundles shall be governed by the standards established in Policy and Administrative Procedure 02-03-101, "Searches and Shakedown" and shall be consistent with the security needs of the facility.

#### **XIV. IDENTIFICATION:**

All visitors age sixteen (16) years and older shall be required to produce picture identification before entering the visiting area. All visitors must present valid identification each time they visit. The only forms of identification accepted by the Department are:

- A. A valid driver's (operator's) license from the state of residence;
- B. A valid state photo identification card from the state of residence;
- C. A valid photo military identification card;
- D. A valid passport; and,
- E. A valid government identification card, including foreign governments

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Additionally, all minor visitors (younger than age 18) specially approved to visit VMR offenders shall be required to provide a copy of a birth certificate at each visit, regardless of age, and additional identification may be required in other special circumstances as required by the Superintendent or designee.

Visitors under the age of eighteen (18) years shall be accompanied by a parent or legal guardian at all times while on facility grounds. This procedure does not apply to an offender's spouse who is under the age of eighteen (18) years. Based upon a request from the offender, the Superintendent may grant an exception to this requirement. In cases where a parent or guardian cannot accompany a minor child, the Superintendent may approve another responsible adult to accompany the child during a visit. In these cases, the accompanying adult must be on the offender's visitor list. The minor child's parent or legal guardian must sign and have notarized State Form 48965, "Authorization for Minor Child to Visit." The completed, notarized State Form 48965 and a legible copy of the child's birth certificate must be presented to facility staff prior to each visit. Children under the age of 16 years of age shall be assigned a computer generated identification number in the offender information system. All visitors, regardless of age, shall be logged into the offender information system.

#### **XV. SPECIAL VISITS (See Operational Procedure):**

Special visits may be granted, with the prior approval of the Commissioner, or Superintendent or designee, on a case-by-case basis. Operational procedures shall be developed which specify the parameters for such approvals. In developing these operational procedures, consideration shall be given to sources of transportation, accessibility to the facility by visitors, the distance a visitor must travel, military leaves, pending military deployments, death in the family, and any special circumstances.

In cases where a visitor has two (2) or more immediate family members incarcerated at the same facility, the visitor may be permitted to visit the immediate family members on the same day. However, the visitor will not be allowed to visit all of the family members at the same time.

Members of the news media may be granted special visits in accordance with Policy and Administrative Procedure 00-03-101, "Distribution of Information."

#### **XVI. VIDEO VISITATION:**

Facilities that provide video visitation through a contracted vendor shall provide offenders with the information and rules governing the use of the kiosk and fee schedule during facility orientation.

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- A. Offenders and visitors using video visitation shall be subject to the same rules and procedures as regular visitation as outlined in this policy and administrative procedure. Offenders or visitors that violate or abuse the rules governing visitation or video visitation may have their video visitation privileges temporarily or permanently suspended. Suspensions resulting from an administrative action shall be initiated by the Superintendent or Assistant Superintendent based upon a staff member's recommendation and justification indicating reasonable knowledge, or information that video visitation suspension is appropriate. Temporary suspensions shall be for a determinate length of time. Suspensions on an offender's regular visitation shall apply also to video visitation.

Suspension of video visitation for offenders shall be:

1. First Offense: Three (3) month suspension of video visitation;
2. Second Offense: Six (6) month suspension of video visitation; and,
3. Third Offense: Permanent suspension of video visitation.

A facility-designated staff member shall enter the suspension's end date into the kiosk/video visitation system.

Offenders receiving suspensions from video visitation shall receive documentation noting the suspension, the length of the suspension, and the reason(s) for the suspension.

- B. A visitor for video visitation must appear on the offender's approved visitation list.
- C. Video visitation may be monitored by staff in real-time or archives. A poster near the kiosk shall notify offenders that video visits may be monitored. The Superintendent shall determine the staff members granted access to the video visits.
- D. The Superintendent or designee shall determine the days and times that video visitation will be available.

**XVII. RESTRICTIVE STATUS HOUSING OFFENDERS (See Operational Procedures):**

A facility may establish a separate visiting area for those offenders housed in a restrictive status housing unit, or a protective custody unit. Offenders in restrictive status housing units may be restricted to "non-contact" or video visits.

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If a separate visiting area is established, operational procedures shall prescribe the manner and method in which this area is to be operated.

#### XVIII. DENIAL AND SUSPENSION OF VISITATION AND GATE CLOSURES (See Operational Procedures) :

An individual's visitation privileges may be denied, suspended, or the individual may be placed on gate closure status. Visitors who violate or abuse the rules governing visitation at the facility may have their visitation privileges temporarily or permanently suspended. An offender's visitation privileges also may be temporarily suspended for administrative reasons, such as during lockdowns. Temporary suspensions of an offender's visitation privileges may be for all visits or may be limited to a specific visitor. Temporary suspensions of an offender's or visitor's visitation privileges shall be for a determinate length of time, but shall be approved/denied by the Superintendent. However, visitation privileges for a specific visitor may be permanently denied and a gate closure issued if it is determined that to allow such visits would threaten the safety and security of the facility. Any temporary suspensions for a period of more than sixty (60) days or permanent suspensions (gate closures) shall be reported to the appropriate Regional Director. Suspension of an offender's visitation privileges and gate closures shall be noted in the offender information system. Additionally, the Superintendent or designee issuing the suspension or gate closure shall send an e-mail to all other facilities notifying the facilities of the suspension or gate closure. The e-mail shall indicate the name of the visitor, the offender who was being visited, the reason for the suspension or gate closure and, if it is a temporary suspension, the date that the suspension will end.

Visitors who violate the visitation rules/procedures may be denied visits to a particular offender, to a specified facility or to all Department facilities. Denial of these privileges shall be based upon the Department's interest in security, safety, order of the facility, and the safety of the individuals involved.

Denial or suspension of visitation privileges or gate closures shall be given to the offender and visitor in writing, including the reason for the denial, the name of the staff member making this decision, the length of any suspension, and the right of the offender to appeal the decision to deny visitation privileges through Policy and Administrative Procedure 00-02-301, "Offender Grievance Process." State Form 3779, "Denial/Restriction of Visitation Privilege," shall be used to notify the offender of the decision to deny or restrict visitation privileges. Additionally, the visitor shall be advised that while the suspension or gate closure is in effect, the visitor shall not be permitted to visit offenders in any Department facility. Whenever possible, the offender and the visitor should be notified of the suspension or gate closure within two (2) weeks of the initial decision. The denial

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or suspension of visitation privileges or gate closures shall be logged in the offender information system.

Temporary suspension of an offender's visitation privileges may be lifted by the Superintendent due to extenuating circumstances, such as a death in the family, pending military deployment, or family has been away on military leave where a special visit is warranted.

In cases where an offender's visitation privileges are suspended due to either the offender's behavior or based upon security needs of the facility, it shall be the responsibility of the offender to advise any prospective visitors of this suspension. Visitors who come to the facility to visit offenders whose visitation privileges have been suspended shall be advised that the offender may not receive visitors and the approximate date when the suspension may be lifted.

When an offender is no longer on temporary visitation suspension, his/her visitation privileges shall be reinstated.

Visitors whose visitation privileges to visit an offender are denied or suspended or who are the subjects of gate closures may submit a letter to the Superintendent of the facility causing the denial, suspension, or gate closure to request that the denial, suspension, or gate closure be reconsidered. The Superintendent or designee shall review the request and determine whether the denial, suspension, or gate closure was applied in accordance with this policy and administrative procedure. If the offender was transferred to another Department facility since the denial, suspension, or gate closure was issued, both facility Superintendents shall discuss and come to a decision. In the case of disagreement between Superintendents, the appropriate Regional Director shall decide. If the Superintendent or designee determines that the denial, suspension, or gate closure is to be rescinded, the Superintendent shall ensure that all appropriate staff at the facility and any other facilities are notified of the decision and that the visitor shall be allowed to visit the offender again. If the decision of the Superintendent or designee is to uphold the denial, suspension or gate closure, the visitor shall be advised that he/she may appeal the decision of the Superintendent by writing to the appropriate Regional Director. The visitor shall explain the circumstances of the denial and why the visitation privilege should be reinstated. The Regional Director shall contact the Superintendent who has denied visitation and determine the reasons for this action. The appropriate Regional Director shall notify the visitor of his/her decision. The Regional Director shall maintain a file of all requests to reinstate visits and the decision to uphold or reverse the restriction. The decision of the Regional Director shall be final.

If the action of the Superintendent is upheld, the visitor may apply again to have visitation reinstated no earlier than one (1) year from the date of the Regional



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Director's denial. The visitor shall send a letter to the Superintendent of the facility housing the offender requesting that visitation be reinstated. The Superintendent shall review the request and any previous materials relating to the request. If the decision of the Superintendent is to lift the visitation restriction, the Superintendent shall send a letter to the visitor advising that the restriction has been lifted and that the visitor may commence visiting the offender again. If the visitation restriction is upheld, a letter shall be sent to the visitor advising that they may again apply for visitation no earlier than one (1) year from the denial. The visitor shall be advised that the decision of the Superintendent may be appealed to the appropriate Regional Director

If the visitor appeals the Superintendent's denial, the appropriate Regional Director shall review the appeal. If the Regional Director overturns the Superintendent's decision upon review or on appeal, the Regional Director shall notify the visitor and Superintendent issuing the gate closure as to the decision. The Superintendent shall be instructed to lift the gate closure and allow the visitor to have visits at the facility. Also, the Regional Director making the decision shall send an e-mail to all facilities advising that the gate closure has been lifted. If the Regional Director upholds the Superintendent's decision, the visitor shall be so notified and advised that this decision may be appealed to the Superintendent of the facility housing the offender one (1) year from the date of the Regional Director's decision.

Permanent visitation restriction of offenders shall not be used as a form of discipline, or as an administrative option. Instead, non-contact or video visitation shall be used in cases when physical visitation would otherwise be denied. In such cases, offenders are to be placed on non-contact visitation or video visitation for safety and security reasons.

Operational procedures shall be developed that include notification to the Regional Director of all facility gate closures. The Restrictions Report shall be printed routinely by the facilities to monitor the denial or suspension of visitation privileges or gate closures.

#### **XIX. BODILY CONTACT BETWEEN OFFENDERS AND VISITORS (See Operational Procedures):**

Offenders and visitors may be physically separated. In those cases where an offender and visitor are permitted contact, the offender and visitor may be permitted to shake hands, embrace, or kiss briefly at the beginning and end of the visit. There shall be no kissing or embracing during the actual visit. Offenders may hold hands with their visitors during the visit; however, offenders shall not touch any other part of the visitor's body. Children too small to sit in a chair by themselves may sit on the offender's lap during the visit.

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Denial of contact visits shall be based upon a reasonable suspicion that to allow the offender contact visits would jeopardize the safety and security of the facility or the persons involved, or may lead to the introduction of contraband or prohibited property. The denial of contact visits shall require the same notice and right to appeal as outlined in Procedure XVIII. Offenders who are placed on non-contact visitation may have the option of regular non-contact visits, intra-facility video visitation or video visitation through a vendor, if these options are available at the facility. There shall be no cost for intra-facility video visitation; however, there may be a cost associated with video visitation provided by a vendor.

Non-contact or video visits shall be imposed as an administrative restriction. The basis for the imposition of non-contact visits is an action that took place during a visit. Non-contact or video visits shall be imposed as an administrative action by the Superintendent based upon a staff member's written recommendation and justification indicating reasonable knowledge or information and belief that non-contact visitation is appropriate. Any imposition of non-contact or video visits must have the written approval of the Superintendent or designee.

Offenders who are found guilty of certain violations of the disciplinary code shall be reviewed to determine the need for an administrative restriction for non-contact or video visits for prescribed periods of time. Following review and approval by the Superintendent or designee, offenders who have been found to have abused the visiting privileges by:

- Testing positive for the use of a controlled substance;
- Unauthorized possession of an electronic device (e.g., cellular telephone, pager, etc.) or altering an approved electronic device to use it as a charger for a cellular telephone;
- Refusal to submit to a test to determine the presence of a controlled substance.
- Possession and/or distribution of a controlled substance;
- Possession of a firearm or deadly weapon, including ammunition, or an explosive device;
- Findings of guilt for use or possession of tobacco, tobacco associated products or unauthorized tobacco substitute products (including, but not limited to, more than one lighter, more than one box of matches, more than one package of cigarette rolling papers, etc.); and/or
- Possession of escape materials,

may be permitted only non-contact or video visits.

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Additionally, upon approval of the Superintendent, an offender may be approved for an administrative restriction for non-contact or video visits for:

- Batteries;
- Sex related offenses;
- Physically resisting staff;
- Possession, use or making of intoxicants;
- Escape or attempted escape;
- Trafficking; or,
- Violations that occur in the Visiting Room or associated areas.

If the Superintendent determines that the evidence supports the imposition of non-contact or video visits, the offender shall be allowed only non-contact or video visits based upon the following guidelines:

- First restriction - Six (6) month of non-contact or video visits
- Second restriction following a previously imposed non-contact or video visit restriction - Twelve (12) months of non-contact visits or video visits.
- Third and subsequent restrictions following two (2) previously imposed non-contact or video visit restrictions - Permanent non-contact or video visits

In order to impose either 12 months of non-contact or video visits or permanent non-contact or video visits the offender must have been placed on six (6) months and/or 12 months of non-contact or video visits previously. The offender must have progressed through the lower levels of non-contact or video visits. Simply finding an offender guilty of any of the above offenses and not imposing non-contact or video visits shall not entitle the offender to be given a longer period of non-contact or video visits following the next finding of guilt. Additionally, non-contact or video visits imposed in a prior period of incarceration or in a prior commitment period shall not be considered when imposing non-contact or video visits in the current commitment.

These restrictions shall not be considered as a sanction of any disciplinary action taken against the offender; but, shall be an administrative action. The Disciplinary Hearing Body or Screening Officer shall notify the Superintendent or designee of any offender who has been found guilty of any disciplinary code violation which may result in a recommendation for non-contact or video visits.

When a decision is made to permit only non-contact or video visits, the offender shall be notified in writing by use of State Form 43324, "Modification of Visiting Privileges." This notification shall include: the reason for the imposition of the

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non-contact or video visits; the time period for the imposition of non-contact visits; and, the offender's right to appeal the decision through the administrative procedures for Policy 00-02-301, "Offender Grievance Process." In those cases where the non-contact or video visits apply only to a specific visitor, the visitor shall be notified in writing of the decision and his/her right to appeal this action to the appropriate Regional Director.

Following the imposition of non-contact or video visits and the exhaustion of appeals through the Grievance Process, an offender who has been placed on permanent non-contact or video visit status may request that this status be reviewed two (2) years from the date of the decision to impose non-contact or video visits. The offender shall submit a written request to the Superintendent asking that the imposition of non-contact or video visits be reconsidered. The Superintendent shall review the request and the offender's record during the two (2) year period and render a decision. If the Superintendent denies the request, the offender may appeal the decision to the appropriate Regional Director. The Regional Director shall review the request and the Superintendent's comments and render a decision. The decision of the Regional Director shall be final. If the request is denied, the offender may submit another request to the Superintendent one (1) year from the date of the final denial.

When non-contact or video visits are imposed, the Superintendent or designee shall ensure that all appropriate areas, including the information desk, visitor processing area and the Classification Department, are notified of this action. Passes granted to the offender for the purpose of visitation shall be clearly marked "non-contact or video visits."

Facilities shall develop operational procedures to ensure that non-contact or video visits are authorized and implemented in accordance with this policy and administrative procedure.

### **XX. SUPERVISION OF VISITING ROOM:**

The following rules shall be maintained in the visiting area post orders:

1. Facilities must provide direct visual supervision of the entire visitation area at all times. Staff must position themselves throughout the visitation area to maintain a direct line of sight on interactions between offenders and visitors. While mirrors or cameras can augment direct supervision and compensate for blind spots, staff shall position themselves with a direct line of sight on interactions between offenders and visitors.
2. Staff shall immediately intervene on inappropriate behavior, which may include behavior outside the bounds of permitted intimacy, or involve any

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violation of visiting regulations that may prove uncomfortable, disruptive, or offensive to other offenders and visitors.

3. Should inappropriate behavior result in an incident report or termination of the visit, staff must provide the reasons for terminating a visit in writing, by using State Form 3779, "Denial/Restriction of Visitation Privilege," to the offender who in turn may appeal the action to the facility administrator.
4. Notices shall be posted informing visitors of the potential for monitoring anywhere in the visiting area (e.g., staff of the same gender as the visitor should monitor the restrooms during visits if there is a reasonable suspicion that a visitor or offender may engage or be engaging in some form of prohibited behavior).

**XXI. RESTRICTIONS ON VISITS WITH MINORS (SEE OPERATIONAL PROCEDURES):**

Male and female offenders who have a current or prior sex offense adjudication and/or conviction involving a minor may be restricted from receiving visits from minors (i.e. persons under the age of 18 years of age excluding spouses who are not the offender's victim).

**A. INTAKE ASSESSMENT:**

1. When an offender is received at a Department Intake Unit, staff at the Intake Unit shall review the offender's records to determine whether there has been either a conviction as an adult or adjudication as a juvenile for a sex offense involving a minor. Staff at the Intake Unit shall complete the "Initial Sex Offense Checklist" for all offenders committed for a sex offense and shall include information relating to the offense. If there is such a conviction/adjudication, the offender's record shall be marked with a "Y" (for Yes) in the "VMR" (Visitor-Minor Restriction) field in the offender information system. This data is entered into the "Current Classification" screen. The VMR flag can then be viewed in the "Current Classification" screen and above the Offender's DOC Number on the "Visitor List" and "Visitor Log" screens.
2. Any offender identified as having a sex offense involving a minor shall be notified in writing of the visitation restriction with minors. State Form 3779, "Denial/Restriction of Visitation Privilege," shall be used for this purpose. The offender shall be advised that his/her visitation with minors will be restricted until his/her records have

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been thoroughly reviewed and he/she meets with the Unit Team at the housing facility. A copy of the completed State Form 3779 shall be placed in Section 5 of the offender's facility packet.

3. The following visiting restrictions for minor visitors shall be imposed:
  - a. Offender with no current or previous sex offenses involving a minor – No restrictions on minor visitation.
  - b. Offender with no sex offense(s) in the current commitment period and a previous sex offense that did not involve a minor – No restrictions on minor visits.
  - c. Offender with no sex offense(s) in the current commitment period and a previous sex offense involving a minor:
    - (1) If the offender was discharged from supervision 10 or more years prior to the current commitment – Non-contact visits with minors.
    - (2) If the offender was discharged from supervision less than 10 years from the current commitment – No minor visitation.
    - (3) If the offender has multiple sex offenses involving minors or the use of force or threat of force was used (involving a minor) – No minor visitation.
  - d. Offender with a sex offense involving a minor in the current commitment period: No minor visitation.

**B. HOUSING FACILITY ASSESSMENT:**

1. Upon receipt of the offender at the housing facility and during the admission and orientation (A&O) process, staff shall determine whether the offender is a "VMR" offender. If the offender is a "VMR" offender and has requested that minors be placed on his/her visitation list, the staff in A&O shall advise the offender's Unit Team of the "VMR." During A&O the "VMR" designation shall be discussed with the offender. The offender shall be advised as to any minor visitation restrictions. If the offender questions the validity of the minor visitation restrictions, Unit Team staff shall complete State Form 51812, "Visitation Minor Restriction Exemption-Facility Review Criteria for Offender Visitation with a Minor," determining whether the offender should be allowed to

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have minor visitation. Until the Unit Team completes the review and advises the offender, the offender shall be restricted as per the Department Intake Unit's determination.

- a. The offender must not have been found guilty of any disciplinary code violations for any sex related offenses during the preceding twelve (12) months. This includes sex related offenses committed in a county jail, community transition program (CTP), a community corrections program, or federal, or state correctional systems.
  - b. The intended visitor must be documented in the offender's packet as the offender's child or grandchild (including step-children and step-grandchildren) and must not have been a victim of the offender.
  - c. The offender has not been adjudicated/convicted of any other sex offense and there is no documentation, in the offender's records, indicating the offender has/had multiple victims. If the offender has multiple counts for sex offenses in the current commitment period, these offenses shall count as only one (1) offense if there was a single victim.
  - d. The offender must not have had any other visitation restrictions for sexually related activities within the preceding 12 months.
  - e. There must be no known court orders restricting / prohibiting the offender's contact with the intended minor visitor(s).
  - f. The circumstances surrounding the triggering adjudication(s)/conviction(s) indicate the minor, though legally incapable of consenting, was not compelled by force or threat.
  - g. The intended victim must not have been a minor or so mentally disabled or deficient that consent could not be legally given at the time of the offense.
2. The Unit Team shall review the responses to the above questions. If the responses to Questions a, c, d, e, f, and g are in the negative and the response to Question b is in the affirmative the offenders may be permitted visitation with minors upon review and approval by the

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Superintendent or designee.

If any of the responses to Questions a, c, d, e, f, or g are in the affirmative, or if the response to Question b is in the negative, the offender shall not be permitted to have visits with minors.

- C. Offenders who are denied visits with minors may request a Case Review (SF 51812) to ensure that the restriction is appropriate. The Superintendent or his/her designated staff shall forward the Case Review (SF 51812), the Probable Cause Affidavit, and the Pre-Sentence Investigation, and any other pertinent documentation regarding the reason for the restriction to the SOMM Program Director.

The SOMM Program Director shall complete a Case Review of the offender and make a determination as to whether there should be any changes in the decision of the Unit Team. The Case Review and determination of the SOMM Program Director shall be documented on SF 51811, "Visitation Minor Restriction (VMR) Exemption-Sex Offender Management and Monitoring Review-Case Management Review Summary." The decision of the SOMM Program Director shall be final. There shall be no appeal through the Offender Grievance Process of this decision as the decision to restrict the visits will automatically be reviewed by the SOMM Program Director.

The SOMM Program Director shall submit a copy of the completed SF 51811 to the designated staff of the facility housing the offender with a decision regarding whether visits with minors are to be permitted and any restrictions on these visits. The designated staff shall review the decision documented on SF 51811 and ensure that the decision is implemented. The designated staff shall ensure that SF 51811 is filed in the offender's facility packet and that a copy of the final page of SF 51811 is given to the offender.

If the decision is to grant the visits, the designated staff shall ensure that the offender is notified that the requested visits are granted contingent on the following:

1. The offender must consent to send State Form 50270, "Sex Offender Visitation with Minor Visitation Disclosure," at his/her expense to the parent/legal guardian of the intended visitor(s) and the parent/legal guardian must complete the form. This form, completed by Unit Team staff, not the offender, shall indicate the offender's offense; the age of the victim; sentence imposed by the court; an agreement to accept responsibility for a minor to visit the offender; agreement to abide by all of the facility's visitation rules;



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and, the conditions of the visit. This form must be completed, signed, notarized, and returned to the Unit Team.

2. Whenever such a visit occurs, a valid picture identification card (Section XIV) and a copy of the birth certificate must be presented for each minor visitor. (Picture identification cards are available from the Bureau of Motor Vehicles License Branches).

All minor visitors specially approved to visit VMR offenders shall be required to provide a copy of a birth certificate no matter the age and additional identification may be required in other special circumstances as required by the Superintendent or designee.

The child(ren) may visit the offender only in the company of the parent/legal guardian unless prior approval has been given and recorded by the parent/legal guardian on SF 48965, "Authorization for Minor Child to Visit," in accordance with this policy and procedure, to allow another adult to accompany the child(ren) to the facility.

If all of the above conditions are met, visits with the requested minor(s) who are immediate family may occur.

If the intended minor visitor is the legal spouse of the offender and the marriage can be verified through the offender packet or by the spouse providing documentation, the spouse shall be permitted to visit the offender. In cases where the spouse was the victim of the offender, if approved in the Case Management Review on SF 51811, the spouse may be allowed to visit the offender.

Once visitation has been granted, the designated staff shall ensure that the approval is noted in the "Comment" field in the "Counselor's Approval List" in offender information system while retaining the "Y" indicator on the "VMR" field. The original approval and Case Management Review Summary (SF 51811) shall be filed in the offender's packet with other visitation documents.

- D. The decision to allow an offender to have visits with minors shall be honored by all facilities dependent upon the offender continuing to meet the stated criteria. The deciding facility's designated staff shall ensure that notation of the decision is documented in OCMS.
- E. During the development of the Offender's Case Plan, the Unit Team shall discuss any restrictions placed on the offender's visitation with minors. The Unit Team shall review any Re-Entry progress made by the offender. For

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example, if the offender successfully participates in the SOMM Program, the Unit Team may recommend lessening the visitation restriction.

1. The offender's minor visitation restrictions shall be reviewed during each Case Plan review.
  2. Offenders who have been placed on "no minor visitation" shall be required to remain on this restriction for at least one (1) year before being considered for non-contact visits with minors. If the offender has successfully completed SOMM Phase II, the Unit Team shall submit a recommendation based upon input from the SOMM staff to the SOMM Program Director for a decision.
    - a. If the SOMM Program Director approves the recommendation, the Unit Team shall advise the offender that he/she has been approved for non-contact visits with minors.
    - b. If the SOMM Program Director denies the lifting of the restriction, the Unit Team shall advise the offender of the decision and the reason for the decision. The offender shall be advised that he/she shall be reviewed again in six (6) months from the date of the SOMM Program Director's denial.
    - c. In cases where these offenders are granted non-contact visits, they shall be required to remain on non-contact visits for at least one (1) year. After being on non-contact visits with minors for one (1) year, they may be considered for contact visits in accordance with the above procedures.
    - d. The decision of the SOMM Program Director shall be final.
- F. The Unit Team shall review any disciplinary actions taken against the offender, any visitation restrictions imposed, and whether the offender continues to meet the criteria for minor visitation. The Unit Team shall make a determination as to whether the offender's minor visitation status should be revised and, if a change appears appropriate, shall submit a recommendation to the SOMM Program Director. The SOMM Program Director shall review the recommendation, render a decision on the restrictions, document the decision on SF 51811, and return SF 51811 to the Unit Team. The Unit Team shall ensure that the decision is documented on the appropriate information systems.

If the offender, after having been approved for visits, fails to continue to meet any of the above criteria or exhibits any behavior that raises concerns about the safety or security of the facility or the public, the approval for

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any visits with minors shall be rescinded immediately. In such instances, the Unit Team shall notify the SOMM Program Director within five (5) business days of the decision to rescind the approval(s).

- G. In certain cases, visits with minors may be permitted even if the offender does not meet all of the above criteria and a Case Management Review (SF 51811) has not been conducted. Unless prohibited by a court order, the Superintendent or designated staff may approve a visit with minors who are immediate family members in the following situations:
1. The offender is in the last stages of a terminal illness and it appears that the offender's death is imminent.
  2. The facility receives a court order instructing it to allow the offender to visit with a specific minor. If a facility receives a court order for a VMR offender to be permitted visitation with a minor, the facility shall contact the Division of Legal Services as soon as possible. The Division of Legal Services shall contact the court and advise the facility as to what action is to be taken.
  3. A therapeutic visit is requested by the victim's licensed therapist. If the victim is in therapy and the victim's therapist believes that the visit is necessary for the successful treatment of the victim, the therapist may request a special visit. The therapist must submit a request on official letterhead stating the purpose of the visit and those to be present at the meeting. Additionally, the therapist must provide a signed statement from the victim or the victim's parent/legal guardian, if the victim is still a minor, authorizing this visit and a copy of the therapist's state license. The Superintendent, Unit Team staff, and SOMM Program staff shall review this request and determine whether it appears that to permit such a visit will be in the best interests of all parties. If the proposed visit appears to be appropriate, the Superintendent or designated staff shall contact the offender to ensure that the offender agrees to such a meeting. If the Superintendent approves such a visit and the offender agrees to the visit, a written notification, indicating the date and time of the visit, shall be sent to the therapist. The permission for such a therapeutic visit shall be for one (1) visit only. If the therapist believes that another visit is necessary, the therapist must obtain approval for any subsequent visits, in accordance with the above process.

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**XXII. EMERGENCY SITUATIONS:**

When the Superintendent determines that an emergency situation exists as presented in Policy and Administrative Procedure 02-03-102, "Emergency Response Operations," any or all visits shall be suspended. Any visits in progress shall be terminated and the visitors escorted from the facility.

In cases where the Superintendent or designee determines that it is in the best interest of the facility, visitors, or offenders, the Superintendent or designee may suspend any or all visitation privileges. In those cases, the Superintendent or designee shall notify the individuals involved that the visit is terminated. The individuals involved in the terminated visit shall be advised if and/or when a visit may occur again.

**XXIII. APPLICABILITY:**

This policy and administrative procedure is applicable to all Department facilities housing adult offenders, except offenders housed in Intake Units, or, on X-Row at the Indiana State Prison. Offenders on X-Row shall be permitted visits in accordance with 210 IAC 1-8 and any procedures developed by the Indiana State Prison to implement this rule. Any procedures developed by the Indiana State Prison for visitation with offenders on X-Row shall be included in the facility's operational procedures for this policy and administrative procedure.

\_\_\_\_\_  
signature on file  
Bruce Lemmon  
Commissioner

\_\_\_\_\_  
Date