



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

Title

YOUTH 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 youths 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’s Division of Youth Services has made major strides in evaluating the importance of family involvement to overall system reform efforts. Engaging the family in the youth’s treatment will prepare the youth for a more productive future.

The Department encourages visiting and staff recognizes that through visitation, youths are able to continue contact with their family and friends that shall aid them while they are incarcerated and shall prove indispensable to them after their release. Visitation with youths committed to the Department is a privilege.

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 youths shall have the opportunity to appeal the decision to restrict visitation privileges through the Student Grievance Process.

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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, ex-offenders, family and 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 a youth or appointed by a court to represent the offender.
- B. **CLERGY:** A single spiritual advisor who is an accredited representative or minister of the youth's personally designated religion or another person, not a family member, designated by the youth to provide spiritual advice.
- C. **CONTACT VISIT:** A visit in which the youth 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)
- E. **ELECTRONIC DEVICES:** Any electric or battery operated device, including, but not limited to: cameras, portable phones, radios, beepers, tape recorders, etc.
- F. **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

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along the body and clothes of the person being searched, which includes the breast and genital areas.

- 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 a youth 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. **NON-CONTACT VISIT:** A visit in which the youth and visitor(s) are separated by a physical barrier.
- M. **MODIFIED FRISK SEARCH:** A frisk search which is conducted on staff and visitors that is slightly less intrusive than the complete frisk search as indicated in this policy and administrative procedure.
- N. **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.
- O. **YOUTH:** A juvenile person committed to a department of correction (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 a juvenile under parole supervision; under probation supervision following a commitment to a department of correction.
- P. **OFFICIAL YOUTH VISITOR:** A visitor who is visiting a youth in regards to providing an official service for the benefit of the youth or the community, such as attorneys, law enforcement, parole/probation officers, representatives of government agencies (including foreign government agencies), elected officials, etc.
- Q. **SUSPENSION:** The refusal to permit a visitor to visit at any Department facility for a determinate period of time. (e.g., taking away a visitor's visiting privileges at all Department facilities for 30 days for a visitation rule violation.)
- R. **VIDEO VISITATION:** A method of visitation which allows youths to

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visit through electronic media.

IV. VISITATION AREAS (See Operational Procedure):

Each facility housing youths, shall designate at least one (1) location that shall be used for youth 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 youth population dependent on the resources available to the facility. These areas shall have access to the JDS computer systems.

All facilities may designate areas for contact visitation and video visitation; however, an area shall also be designated for non-contact visitation where applicable. “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 these children. These 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. Appropriate age books, games and toys may be available in these areas. All children must be supervised by 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.

DYS facilities shall provide visitation hours seven (7) days per week, including holidays. The facilities shall set the available visiting hours.

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

V. APPLICATION FOR VISITATION:

In order for family members and friends to visit youths, they must complete an application for visitation. Facilities shall use State Form 14387 APPLICATION FOR VISITING PRIVILEGES, to provide visitors with the necessary information regarding visitation. Youths shall be responsible for sending applications to family members and friends that they want to visit. Each Superintendent shall designate a staff member to receive these applications and process them. The

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facility's operational procedures shall address how these applications will be received and processed, including the addition or deletion of persons from the youth's visitors list.

All visitors must complete the application 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 the application on behalf of the minor child. Faxes of the application are not acceptable. It is important that the application is completed fully and all questions are answered honestly. 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.

Visitors shall be permitted to visit only one (1) youth within the Department unless the visitor has other immediate family members incarcerated in a Department facility. Therefore, unless the visitor has other immediate family members in different facilities, the visitor shall not be allowed to visit other youths/offenders in other Department facilities. Visitors may request that they be removed from one (1) youth's/offender's Visitor's List and be placed on another youth's/offender's list in accordance with this policy and administrative procedure.

This application, once approved, shall allow access to the facility to visit the designated youth. The signature of the visitor acknowledges agreement to all rules and regulations included in this policy and administrative procedure, including criminal background 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 youth. 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 parental authorization form must be notarized by a Notary Public. When submitting State Form 48965, the parent/legal guardian must attach a copy of the child's birth certificate.

Criminal warrants checks shall be conducted on each adult and child (16 and older) applying to visit a youth. When an active criminal warrant is found, the application shall be reviewed by the facility IA 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

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provided. The information on the applicant's criminal history is treated as confidential and will not be released to the youth.

Once a decision is made either approving or denying the application, the youth shall be notified. The youth 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 may have their names removed from a youth's/offender's visiting list by making that request in writing. Once the name is removed, the visitor must wait six (6) months before applying to visit the same or another youth/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. PARENT/GUARDIAN VISITOR ORIENTATION (See Operational Procedure):

After the approval of the visitor application process, the youth's parent/guardian shall complete a visitor orientation that includes a summary of the visitation rules with a member of the youth's Unit Team prior to the first visit. The orientation may be completed in-person or telephonically and may be conducted immediately prior to the first visit.

Once an individual has completed parent/guardian visitor orientation, he/she will not have to complete the orientation again unless the youth has been released from the facility and has been gone for six (6) months or longer before returning. This provision includes parents/guardians with a child that is released from the facility when another sibling could be admitted to the facility within that six (6) month period.

Each DYS facility shall develop operational procedures to guide the parent/guardian visitor orientation process, including topics covered and documentation indicating the orientation has been completed.

VII. VISITATION LISTS (See Operational Procedures):

Each facility shall maintain an approved visitation list for each youth. This information shall be maintained on the JDS computer system. The youth's visitation list shall be updated semiannually, at a minimum, in a manner convenient to the operation of the facility. Youths may request visitation from no more than 12 approved visitors. DYS facilities shall determine which individuals may be on the visitation list as deemed necessary for the youth's treatment. The visitation list shall include:

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- A. The youth's name and number;
- B. The name of the requested visitor;
- C. The relationship of the visitor to the youth;
- 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 JDS computer systems. At the discretion of the Superintendent, visitation list hard copies may be made accessible at designated locations in the event of JDS technical difficulties

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.

VIII. RULES FOR VISITATION:

Each facility shall have unlimited amount of visiting. Visitors may come each day that visiting hours are open and visit until the conclusion of visiting hours.

Each facility shall provide the rules for visitation to the youths and shall make these rules available to persons wishing to visit a youth. Each facility may establish facility specific visitation rules not covered in the Department's visitation rules.

The Superintendent shall ensure that a sign containing information regarding the possession and/or trafficking of controlled substances is posted in a prominent location so that both youths 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,*

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2. *Carries or receives with intent to carry out of the penal facility an article from an inmate of the facility,*

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

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 Class C felony is punishable by imprisonment up to four (4) years and a fine of up to \$10,000.

A Class D felony is punishable by imprisonment up to three (3) years and a fine of up to \$10,000.”

Spanish:

Una persona que sin la previa aprobación del personal deliberadamente:

1. *Lleve o transporte un artículo a la institución para la entrega a un ofensor o*
2. *Reciba un artículo de uno de los ofensores para transportar fuera de la institución,*

está cometiendo contrabando, una falta leve clase A.

La ofensa es una felonía clase C si el artículo es una substancia controlada, un teléfono celular u otro dispositivo de comunicación con conexión inalámbrica.

La ofensa es una felonía de clase D, si el artículo es un arma mortal.

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Una persona que deliberadamente posea un teléfono celular u otro dispositivo de comunicación con conexión inalámbrica mientras esta bajo la custodia de una institución penal está cometiendo una falta leve de clase A.

Una falta leve clase A es sancionable con encarcelamiento por no más de un año (1) años y una multa de hasta \$5,000

Una felonía clase C es sancionable con encarcelamiento por hasta cuatro (4) años y una multa de hasta \$10,000

Una felonía clase D es sancionable con encarcelamiento por hasta tres (3) años y una multa de hasta \$10,000

The Department shall not tolerate trafficking with a youth, or the possession of controlled substances, tobacco, electronic devices or weapons while on Department property. All youths 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 a youth are found to be trafficking, the incident shall be reported to the facility Internal Affairs Office/Correctional Police Officer. Internal Affairs/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 banned 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 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:

NOTICE:

Drug 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 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!

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These signs shall be presented in both English and Spanish.

IX. 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 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 youth (e.g. Mental Health professionals, Indiana Vocational Rehabilitation counselors, etc.) may be approved for visitation on a case by case basis. Such visits will not be considered as part of the youth'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 youth. The area shall be observable by staff; however, staff shall not listen to the conversations.

X. VISITATION BY STAFF MEMBERS, EX-EMPLOYEES, EX-OFFENDERS, AND VICTIMS:

A. STAFF MEMBERS

In accordance with the policy and administrative procedure for Policy 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 a youth who is an immediate family member. Additionally, with sufficient justification, a staff member may be permitted to visit a youth 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 obtain prior written approval to visit a youth. The staff member shall obtain State Form 51058, REQUEST FOR STAFF CONTACT WITH OFFENDER, from the facility. The staff member shall complete Sections

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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 staff member shall submit the form to the Superintendent of his/her facility. The Superintendent shall review State Form 51058 and determine whether approval of the requested visit is in the best interests of the Department, youth and staff member. The Superintendent shall consider such factors as the relationship between the staff member and the youth, the staff member's work history with the Department and the potential impact on the facility and the youth's adjustment. The Superintendent shall indicate his/her decision on the form and forward it to the Superintendent of the facility housing the youth/offender.

The Superintendent of the facility housing the youth shall review the request. The Superintendent of the facility housing the youth shall consider such factors as: the relationship between the staff member and the youth; the youth's conduct history; the frequency of visits to the youth; the youth'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 youth 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 youth'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 Executive Director of Youth Services. The Executive 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 Executive Director's supervision, State Form 51058 shall be forwarded to the other Executive Director, as appropriate, for review and approval. If either of the Executive Directors deny the request, the request shall be considered denied and the staff member shall not be allowed to visit the youth. The decision of the Executive Director(s) shall be final.

Following approval/denial by the Executive Director of Youth Services, the original State Form 51058 shall be returned to the originating Superintendent for

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filing and a copy shall be sent to the Superintendent of the facility housing the youth. Once an approval has been granted for visits between a staff member and a youth, the approval shall remain in effect until rescinded by the Executive Director of Youth Services. If a staff member terminates his/her employment with the Department, any approval to visit a youth shall be rescinded immediately and the staff member will be required to follow the procedures for ex-employees to visit youth/offenders.

If the request is approved and the youth 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 a youth must make a written request for approval to the Superintendent of the facility housing the youth prior to the visit. Generally, ex-employees shall not be allowed to visit a youth 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 youth are immediate family members or special circumstances exist, visits by ex-employees shall not be authorized until one (1) year after the employee's separation from the Department. Ex-employees shall not be permitted to visit a youth if the relationship between the youth and the ex-employee started or resulted from contact between the ex-employee and the youth during the ex-employee's period of employment with the Department. The Superintendent shall forward the request to the Executive Director of Youth Services for review and approval/denial. The Executive Director shall render a decision and so notify the Superintendent submitting the request. The decision of the Executive Director shall be final. Ex-employees shall not be allowed to visit an offender until the request to visit has been approved by the Executive 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 or allowed to resign prior to termination, or during an investigation arising from a violation of Department rules or procedures involving a youth/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 JDS computer system. If the request is approved and the youth 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

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require the ex-employee to submit a new request.

C. EX-OFFENDERS

Ex-offenders shall not be permitted to visit youths 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. 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 on probation / parole, 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 youth when granting approval or denial of requests to visit by ex-offenders. Approvals to visit shall be for one (1) visit only unless otherwise specified by the parole or probation officer and the Superintendent. Denials of requests to visit shall be noted in the JDS computer systems. 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 the youth 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 youth, provided the relationship of the children to the youth is verifiable and the ex-offender visits the youth 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 youths, unless the visit is for therapeutic reasons and a therapist has requested the visit and will be a part of the visit, similar to that indicated in Procedures XX. G, or the Superintendent or designee determines that the visit will be in the best interests of the youth's re-entry into the community. Victims who are immediate family members of a youth may submit a request to the Superintendent of the facility housing the youth if they wish 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 youth can safely visit. Visits between victims and youths, if approved, 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 a youth and a victim is approved and the youth has a Victim Notification flag, the Superintendent or designee shall contact the Victim Notification Section in Central Office to advise of the intended visit. A youth 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 Care services.

XI. VISITATION RECORDS (SEE OPERATIONAL PROCEDURES):

Each facility shall maintain a record for each youth documenting all of the youth's visits, including visits by attorneys, government officials and clergy. These records shall be maintained on the JDS computer system. Any hard copy records involving youth visits shall be placed in the youth's packet prior to the youth being transferred to another facility or if the youth 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 a youth 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 JDS computer system. State Form 14389, LOG OF VISITORS, shall be 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

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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 negatively 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 Internal Affairs/Correctional Police Officer or law enforcement will 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.

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 Executive Director of Youth Services. 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 Executive Director.

In addition, visitors shall be asked if they have any disabilities that will require 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 APPLICATION FOR VISITATION. If this need was indicated and a special accommodation has been approved, staff shall process the visitor in accordance with policy and administrative procedure. Visitors with special accommodations shall be advised that they will be searched and the search shall include any special

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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 will 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.

XIII. VISITOR SEARCHES:

All visitors attempting to visit a youth 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 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, ion scanning equipment, and 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

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

When an Official Youth Visitor concludes the visit with the youth, he/she shall not be required to remain in the waiting area until the youth goes through the search process prior to leaving the visiting area. Official Youth Visitors shall be allowed to leave the visiting area as soon as the youth leaves. If staff searching the youth discovers any prohibited property or contraband in the youth's possession after a visit with an Official Youth 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 Executive Director Youth Services of the incident and shall contact the Official Youth 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 Shakedowns" 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:

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- A. A valid driver'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

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 youth's spouse who is under the age of eighteen (18) years. Based upon a request from the youth, 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 youth'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, prior to the minor child being authorized to visit. Children under the age of 16 years of age shall be assigned a computer generated identification number in the JDS computer system. All visitors over the age of 13 years shall be logged into the JDS computer system.

XV. SPECIAL VISITS (See Operational Procedure):

Special visits may be granted, with the prior approval of the Superintendent or designee, on a case by case basis.

In cases where a youth does not receive visits from his/her parent(s)/guardian(s), the Unit Team may request the Superintendent or designee to approve special visits from friends designated on the approved visitors list.

In cases where a youth's parent(s) or guardian(s) are not able to visit during established visiting hours, the Unit Team may request the Superintendent or designee to approve a special visit at a time when the parent(s)/guardian(s) can visit.

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 00-03-101, "Distribution of Information."

Operational procedures shall be developed which specify the parameters for such approvals. In developing these operational procedures, consideration shall be

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given to sources of transportation, accessibility/availability to the facility by visitors, the distance a visitor must travel, military leaves, pending military deployments, death in the family, and any special circumstances.

XVI. VIDEO VISITATION (See Operational Procedure):

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

- A. Youths 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. Youths 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.
- B. Visitors for video visitation must appear on the youth's approved visitation list.
- C. Video visitation may be monitored by staff in real-time or archives. A poster near the kiosk shall notify youth 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 shall be available.

Each facility in the Division of Youth Services shall develop operational procedures to guide the operation of video visitation.

XVII. DENIAL AND SUSPENSION OF VISITATION AND GATE CLOSURES (See Operational Procedure):

An individual's visitation privileges may be denied, suspended or the individual may be placed on gate closure status. Youths or visitors who violate or abuse the rules governing visitation at the facility may have their visitation privileges temporarily suspended. A youth's visitation privileges also may be temporarily suspended for administrative reasons, such as during lockdowns. Temporary suspensions of a youth's visitation privileges may be for all visits or may be limited to a specific visitor. Temporary suspensions of an youth's or visitor's

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visitation privileges shall be for a determinate length of time. 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 60 days or permanent suspensions (gate closures) shall be reported to the Executive Director of Youth Services. Suspension of a youth's visitation privileges and gate closures shall be noted in the JDS computer 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 youth 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 youth/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 and 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 youth and visitor in writing, including the reason for the denial, the name of the staff member making this decision and the right of the youth to appeal the decision to deny visitation privileges through Policy 03-02-105, "Student Grievance Process." State Form 3779, DENIAL/RESTRICTION OF VISITATION PRIVILEGE, shall be used to notify the youth 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 youths/offenders in any Department facility. Whenever possible, the youth and the visitor should be notified of the suspension or gate closure within two (2) weeks of the initial decision. The denial or suspension of visitation privileges or gate closures shall be logged in the JDS computer system.

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

Visitors whose visitation privileges to visit an youth are denied or suspended or who are the subjects of gate closures may submit a letter to the Superintendent of the facility housing the youth requesting 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 Superintendent

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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 youth 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 Executive Director of Youth Services. The visitor shall explain the circumstances of the denial and why the visitation privilege should be reinstated. The Executive Director of Youth Services shall contact the Superintendent who has denied visitation and determine the reasons for this action. The Executive Director shall notify the visitor of his/her decision. The Executive Director shall maintain a file of all requests to reinstate visits and the decision to uphold or reverse the restriction. The decision of the Executive 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 Executive Director's denial. The visitor shall send a letter to the Superintendent of the facility housing the youth 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 is may commence visiting the youth 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 Executive Director of Youth Services.

If the visitor appeals the Superintendent's denial, the Executive Director of Youth Services shall review the appeal. If the Executive Director overturns the Superintendent's decision upon review or on appeal, the Executive 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 Executive Director making the decision shall send an e-mail to all facilities advising that the gate closure has been lifted. If the Executive 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 youth one (1) year from the date of the Executive Director's decision.

Operational Procedures shall be developed that include notification to the appropriate Executive 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.

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XVIII. VOLUNTEERS:

Volunteers are subject to the provisions of this policy and administrative procedure and Policy 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 youths in a volunteer capacity may be allowed to visit a youth outside of the approved volunteer program. Persons who are on a youth's visitation list may be permitted to provide volunteer services at the facility housing the youth if the volunteer's program duties are such that visiting the youth would be in the best interests of the program and the offender. Volunteers may be allowed to visit a youth 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 youth that they are visiting an offender at another Department facility.

XIX. BODILY CONTACT BETWEEN YOUTHS AND VISITORS (See Operational Procedure):

Youths and visitors may be physically separated. In those cases where a youth and visitor are permitted contact, the youth 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. Youths may hold hands with their visitors during the visit; however, youths 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 youth's lap during the visit.

Denial of contact visits shall be based upon a reasonable suspicion that to allow the youth 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 XV. Youths 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 video visitation.

XX. SUPERVISION OF VISITING ROOM:

The following rules shall be maintained in the visiting area Post Orders:

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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 youths and visitors. While mirrors or cameras can augment direct supervision and compensate for blind spots, staff will position themselves with a direct line of sight on interactions between youths and visitors.
2. Staff shall immediately intervene on inappropriate behavior, which may include behavior outside the bounds of permitted intimacy, or involve any violation of visiting regulations that may prove uncomfortable, disruptive, or offensive to other youths 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 youth who in turn may appeal the action to the Superintendent.
4. Notices will 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 youth may engage or be engaging in some form of prohibited behavior.

XXI. EMERGENCY SITUATIONS:

When the Superintendent determines that an emergency situation exists as presented in Policy 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 youths, 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.

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XXII. APPLICABILITY:

This policy and administrative procedure is applicable to all Division of Youth Services facilities, staff, and youths.

signature on file

Bruce Lemmon
Commissioner

Date