

**STATE OF LOUISIANA
DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONS
CORRECTIONS SERVICES**

**Department Regulation
No. C-02-008**



20 September 2015

**FIELD OPERATIONS
Security
Offender Visitation**

1. **AUTHORITY:** Secretary of the Department of Public Safety and Corrections as contained in Chapter 9 of Title 36.
2. **REFERENCES:** Overton v. Bazzetta, 539 U.S. 126, 123 S.Ct. 2162, 156 L.Ed.2d 162 (2003); La. R.S. 9:357, 15:833(A) and 40:961; Act No. 383 of the 2014 Regular Session; ACA Standards 4-4156, 4-4275, 4-4267, 4-4498, 4-4499, 4-4499-1, 4-4500, 4-4501 and 4-4503 (Adult Correctional Institutions) and 2-CO-5D-01 (Administration of Correctional Agencies); Department Regulation Nos. A-01-003 "Forms Management Program," A-02-017 "Equal Employment Opportunity (includes Americans with Disabilities Act)," B-02-017 "Classification Plan," B-05-001 "Disciplinary Rules and Procedures for Adult Offenders," B-05-005 "Administrative Remedy Procedure," B-08-005 "Faith-Based Programs and Services," B-08-006 "Offender Organizations," B-08-018 "Effective Communication with the Hearing Impaired," B-09-003 "Offender Banking," C-01-004 "Attorney Visits," C-01-018 "Victim-Offender Dialogue," C-02-002 "Institutional Riots, Major Disturbances and Hostage Situations," C-02-005 "Searches of Visitors"; Department Offender Posted Policies (DOPP's) #034 "Maximum Custody Housing" and #035 "Maximum Custody Housing-Privileges and Restrictions" and the Louisiana Register dated September 20, 2015.
3. **PURPOSE:** To state the Secretary's policy regarding offender visitation and to set forth the process through which offenders may receive visits from persons outside the Department in order to maintain contact and relationships in the community. The visiting process shall be conducted at each facility with as much uniformity and consistency as possible while considering the physical limitations and security needs of each facility.
4. **APPLICABILITY:** Deputy Secretary, Chief of Operations, Regional Wardens and Wardens. Each Warden is responsible for ensuring that appropriate unit written policy and procedures are in place to comply with the provisions of this regulation and for conveying its content to all offenders, affected employees and visitors.
5. **POLICY:** The Department understands the importance of visitation in the maintenance of an offender's family ties; visitation is an integral component of institutional management. 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. Visiting can improve public safety and encourage offender accountability. Authorized visitation is permitted by the Department to facilitate an offender's institutional adjustment in accordance with the

Department's goals and mission. The visiting process shall be conducted in an atmosphere that is conducive for the safe, secure and orderly management and operation of the institution. Thus, the visiting process will not overly tax the institution's resources or its ability to maintain adequate control and supervision. In this matter, as in all others affecting institutional operations, safety and security are primary considerations. Any restrictions placed on visiting privileges pursuant to this regulation are rationally related to legitimate penological interests.

6. **DEFINITIONS:**

- A. **Attorney Visit:** Visit by an attorney or authorized representative, such as a paralegal, legal assistant, law clerk and investigator whose credentials have been verified. See Department Regulation No. C-01-004 "Attorney Visits" for additional information.
- B. **Contact Visit:** A visit in which the offender and visitor(s) are not physically separated.
- C. **Contraband:** For the purpose of this regulation, includes possession of any weapon, firearm, ammunition or any other item detrimental to the security of the facility, cellular phone or component hardware or other electronic communications device, whether operational or not, (including but not limited to beepers, pagers, subscriber identity module (SIM) cards, portable memory chips, batteries for these devices, chargers, or global satellite system equipment), illegal drug or alcohol, a positive drug screen, failure to provide a urine sample within three hours of being ordered to do so, a positive breathalyzer test or refusal to submit to a drug or alcohol test.

In addition, any offender who attempts to destroy or hide contraband or in any way interferes in a Correctional Officer's attempt to seize contraband (i.e., flushing drugs down the toilet, pushing an Officer to pass contraband to another offender, throwing the contraband over a fence or out of a window, etc.) will be deemed to be in possession of contraband for the purpose of this regulation. (In such cases, the Correctional Officer must explain the evasive conduct and the presumed contraband in precise and specific detail in the Unusual Occurrence Report (UOR)).

- D. **Court Ordered Visit:** Provides for visitation rights of an incarcerated parent with a minor child.
- E. **Disrespect:** Hostile, sexual, abusive, threatening language or gestures, verbal or written, towards or about another person by a visitor.
- F. **Disturbance:** Conduct or activity which unnecessarily interferes with visitation operations, and/or which advocates, encourages, promotes or otherwise creates or poses a threat to the safety, security, health and good order of the institution,

and/or the safety and security of offenders, staff or visitors. A visitor commits a disturbance if the visitor advocates, creates, engages in, maintains or promotes an annoying condition or disorder characterized by unruly, noisy or violent conduct.

- G. **Employee:** Any person employed full-time, part-time or on temporary appointment by the Department.
- H. **Excessive Contact:** Prolonged or frequent physical contact between a visitor and an offender that exceeds the brief embrace and kiss upon meeting and leaving and hand-holding. Excessive is not casual contact, but rather a pattern of contact beyond rule limits.
- I. **Immediate Family Member:** Includes the offender's father, mother, siblings, legal spouse, children, grandparents, grandchildren, aunts, uncles, and legal guardians including those with a "step," "half" or adoptive relationship and those persons with the same relationship of the offender's legal spouse and any others indicated on the offender's Master Record as having raised the offender.
- J. **Intake Status:** The 30-day period of time following delivery of an offender to the custody of the Department. During this time, staff conducts intake processing of the offender including, but not limited to, medical and mental health assessments, custody classification and identification of programming needs and assignments.
- K. **Minor Child:** Anyone under the legal age of majority (18 years).
- L. **Non-Contact Visit:** A type of visitation whereby an offender and an approved visitor on the offender's visiting list are not permitted to be in physical contact during visitation and are generally separated by a physical barrier. Non-contact visit may also include video visitation (see video visitation definition below).
- M. **Picnic Visit:** A type of visitation in an area of the institution set aside for picnicking.
- N. **Regular Visit:** Visitation whereby an offender and an approved visitor on the offender's visiting list are permitted to see and talk with each other on a scheduled basis for a reasonable period of time with limited physical contact, consisting of a brief embrace and kiss upon meeting and leaving, hand-holding and holding of children.
- O. **Sex Crime Involving a Minor Child:** Any conviction of a sexual crime committed, attempted or conspired in which a minor child was involved, victimized or was the intended victim.
- P. **Special Visits:**

- 1) A visit that is permitted at an hour and/or place at which visits are not normally permitted;
- 2) An extra visit by an offender and a person who is on the offender's approved visiting list that is permitted beyond the limits of the number of visits established by this regulation and institutional policy and procedures;
- 3) A visit with a person who is not on the offender's approved visiting list, such as out-of-state family members or friends;
- 4) A visit that is authorized for hospitalized or terminally ill offenders. See Department Regulation No. B-08-005 "Faith-Based Programs and Services" for additional information.

Q. **Suspension of Visiting Privileges:** The taking away of visiting privileges for a determinate period of time due to either the visitor's conduct (which may include denial of the visitor at all Department facilities) and/or due to the offender's conduct (which may include denial of all visits to that offender, excluding approved clergy, attorney visits and special visits).

R. **Video Visitation:** A method of visitation which allows offenders to visit through electronic media.

7. TREATMENT OF VISITORS:

There shall be no discrimination in visiting. All visitors and offenders shall be provided equal opportunities in visiting in accordance with the offender's security classification and housing assignment.

Visitors shall be treated with courtesy at all times and shall not be subjected to unnecessary delay or inconvenience in accomplishing a visit.

All visitors with disabilities shall have readily accessible facilities and shall be reasonably accommodated as appropriate and to the extent possible within the context of the Department's fundamental mission to preserve the safety of the public, staff and offenders. Advance notice of the accommodation requested shall be necessary to ensure its availability at the time of the visit.

8. DESIGNATED VISITING AREAS:

A. Visiting Room

Each facility, except Reception Centers (for offenders in intake status-see Section 10.A.1)), shall designate at least one 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.

B. Visiting Children's Area

Wardens shall take into consideration the impact that visits with parents or grandparents in a correctional setting may have on young children, especially pre-school age children. When possible and taking into consideration the physical environment and space capabilities, the visiting area(s) 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 bright, inviting and comfortable or a similar space within the main visiting room. Appropriate age books, games and toys may be available in these areas. At all times, children must be supervised by the offender who is being visited or the adult visitor who brought the children. The use of this type of area shall be accomplished without the need for additional staff to supervise the area.

C. Contact or Non-Contact Visiting Areas

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

9. APPLICATION FOR VISITATION:

A. Application Process

In order for family members and friends to visit offenders, they must complete an Application for Visiting Privileges (Form C-02-008-A). Offenders shall be responsible for sending applications to family members and friends they want to visit. It is the offender's responsibility to provide the correct name, address, date of birth, race and sex of all prospective visitors. Each Warden shall designate a staff person to receive and process these applications.

All prospective visitors must complete the application and mail it to the facility the visitor wishes to visit. Parents/Legal Guardians shall be required to complete the application for minor children (under the age of 18) and shall sign the application on behalf of the minor child. Faxes of the application are not acceptable. It is important that the application be completed fully and all questions answered honestly. Failure to provide all requested information may result in a delay in the processing of the application or a denial of visiting privileges.

B. Criminal History Screening

A criminal history background check shall be conducted on each adult applying to visit an offender. In addition, approved adult visitors shall be re-screened for

criminal history every two years in accordance with the provisions of this Section. Screening may be conducted through one of the following methods:

- 1) Criminal History Background Questionnaire (Form C-02-008-B) to local law enforcement;
- 2) CAJUN 2 inquiry;
- 3) National Crime Information Center (NCIC); or
- 4) Louisiana Computerized Criminal History (LACCH).

The Warden retains the option of choosing the method of obtaining the criminal history that best meets the needs of the institution.

When an active criminal warrant is found, the application shall be reviewed and 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.

C. Notification of Approval/Denial

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 application must be on file prior to visiting.

10. ELIGIBILITY FOR VISITATION PRIVILEGES:

A. Offenders

All offenders, (except those offenders in intake status see Section 10.A.1)) or as specifically provided herein, are eligible to apply for visits while confined in a departmental facility.

1) Offenders in Intake Status

Visitation will not be allowed while an offender is in intake status. If the intake process exceeds 30 days, the offender may request a special visit with immediate family members in accordance with the Reception Center's visiting procedures. Once an offender is removed from intake status, visitation with immediate family members may be authorized by the receiving facility at the request of an offender.

2) Offenders With No Established Visiting Record

Offenders entering an institution with no established visiting record should be granted tentative approval to visit immediate family members upon the request of the offender. Verification of relationship may be required.

Exceptions must be approved by the Warden or designee and be based upon legitimate security considerations.

3) Offenders Transferred to Another Facility

Offenders transferring to another institution should be authorized to visit with their approved visitors at the receiving institution unless it is demonstrated that the requirements/restrictions of this regulation were not previously adhered to in the approval process or unless the Warden or designee at the receiving institution identifies the need to apply restrictions based upon current security considerations. (An offender shall be allowed to request a change in his visiting list when he first arrives at the receiving institution and at four-month intervals thereafter).

B. Prospective Visitors

All persons, except as specifically prohibited in accordance with this regulation, are eligible to be considered for approval to visit an offender confined in a departmental facility upon application and request by the offender.

1) Visitation by Individuals With Criminal Conviction/Pending Criminal Charges

A person is ineligible to visit if the individual has been convicted of, and/or has criminal charges pending against him for the following crimes/criminal activities:

- a. Introduction and/or supplying, attempting or conspiring to introduce or supply contraband as defined in Department Regulation No. B-05-001 "Disciplinary Rules and Procedures for Adult Offenders;"
- b. Possession, control or delivery of an explosive device or substance, including attempt or conspiracy to do the same; or
- c. Assisting an offender in an escape or unlawful departure from a correctional facility, including an attempt or conspiracy.

2) Visitation by Victims

Visits from the offender's direct victim(s) are prohibited except in accordance with Department Regulation No. C-01-018 "Victim-Offender Dialogue." At the Warden's discretion, this policy may be waived on a case-by-case basis.

3) Visitation by Ex-Offenders/Parolees/Probationers

A person who has been convicted of a felony, who has not been finally discharged from an institution or from probation or parole supervision for more than two years without an intervening criminal record shall be denied approval to be placed on an offender's visiting list. In addition, any person who in the previous five years had three or more felony charges (regardless of disposition) shall be considered ineligible to visit or, if already an approved visitor, shall have visiting privileges revoked.

4) Visitation by Staff/Ex-Employees

Visitation by employees of the Department is reserved for immediate family members only. Requests to visit an incarcerated family member shall be submitted to the requesting employee's Warden or designee for consideration. A departmental employee or an ex-employee may be denied approval to visit if such denial is deemed by the Warden or designee to be in the best interest of the institution.

5) Exceptions

Exceptions to the provisions of this Section, including the approval of former offenders as visitors, may be specifically authorized by the Warden or designee.

11. VISITS WITH MINORS:

A. Restriction on Visits With Minors

- 1) Offenders who have a current or prior conviction for a sex crime involving a minor child family member, or who have a documented history of sex abuse with a minor child family member, are ineligible to visit with any minor child, including their own biological or step-child (see Sections 11.A.3) and B. for possible exceptions).
- 2) Offenders who have a current or prior conviction for a sex crime involving a minor child who is not a family member are ineligible to visit with any minor child. However, at the Warden's discretion, such offenders may be authorized to visit with their own biological child. The legal guardian shall submit a written request and shall accompany the minor child during the visit. If approved by the Warden, the visit may be contact or non-contact at the Warden's discretion. The legal guardian may be permitted to name another individual (other than the legal guardian) who is on the offender's visiting list to accompany the minor child for a visit. The legal guardian shall provide a written, notarized statement authorizing a specific individual to accompany the minor child. If approved by the Warden, the visit may be contact or non-contact at the Warden's discretion (see Sections 11.A.3) and B. for possible exceptions).

- 3) Visits for offenders who have successfully completed or are participating satisfactorily in sex offender treatment may be considered by the Warden. (Treatment staff who teach the sex offender class shall be involved in the decision-making process for this type of visit). The legal guardian shall submit a written request and shall accompany the minor child during the visit. The legal guardian may be permitted to name another individual (other than the legal guardian) who is on the offender's visiting list to accompany the minor child for a visit. The legal guardian shall provide a written, notarized statement authorizing a specific individual to accompany the minor child. If approved by the Warden, the visit may be contact or non-contact at the Warden's discretion.
- 4) Minor children may be prohibited from participating in non-contact visits at the discretion of the Warden.
- 5) Each visit with a minor child shall be documented in the offender's visiting record.

B. Court Ordered Visitation

- 1) Pursuant to the provisions of Act No. 383 of the 2014 Regular Session, a court may authorize visitation with an incarcerated parent. As part of such visitation order, the court shall include restrictions, conditions and safeguards as are necessary to protect the mental and physical health of the child and minimize the risk of harm to the child. In considering the supervised visitation of a minor child with an incarcerated parent, the court shall consider the best interests of the child.
- 2) In cases of court ordered visitation, the Department cannot deny the visit. However, such visitation shall be in conformance with all other rules and regulations that pertain to visiting.
- 3) For the purpose of this Section, "court" means any district court, juvenile court or family court having jurisdiction over the parents and/or child at issue.

12. ESTABLISHING AND MAINTAINING VISITING LISTS:

A. Approved Visitors

- 1) Offenders may be permitted a maximum of 10 approved visitors on their respective visiting lists. The Initial Request for Visitors (Form C-02-008-C) shall be used by offenders to request visitors.

- 2) NOTE: At the discretion of the Warden or designee, an offender participating in a special recognition program may be allowed to have up to a maximum of 15 approved visitors placed on his visiting list.
- 3) The name of each approved visitor shall appear on the offender's visiting list; however, legal advisors, one approved religious advisor and minor children shall not be counted toward the maximum number of approved visitors, although the names of the legal advisors and one approved religious advisor shall still appear on the list. The names of the minor children need not appear on the list.
- 4) Except as noted in Section 11.A. relative to offenders who have a current or prior conviction for a sex crime, minor children may visit on any of the regular visiting days when accompanied by an adult visitor on the offender's approved visiting list. Both visitors must be visiting the same offender at the same time. Exceptions to being accompanied by an adult may be specifically authorized by the Warden or designee, including, but not limited to, the following:
 - a. Minor spouse;
 - b. Emancipated minors (Judgment of Emancipation required as proof);
or
 - c. Minors visiting as part of approved institutional programs such as school groups, church groups, parenting groups, etc.

B. Changing the Visiting List

- 1) Each offender shall be allowed to request changes (additions, deletions, substitutions) to his approved visiting list every four months.
- 2) A Request for Changes to Approved Visiting List (Form C-02-008-D) shall be made available to offenders to request changes to their approved visiting list.

13. VISITING RULES:

A. Visiting Privileges

Visitation is a privilege and not a right. Violation of rules may result in termination of the visit, loss of the offender's visiting privileges, banning of the visitor from entering the institution or its grounds and/or criminal charges as circumstances warrant.

B. Unit Specific Visiting Procedures

This regulation and the Department's Standard Guidelines for Visitors are available on the Department's website at www.doc.louisiana.gov. Information specific to each facility is also posted on the Department's website (i.e., driving directions, visiting days/hours, special visits, etc.)

Each Warden shall be responsible for ensuring written information regarding unit specific visiting procedures is made available to offenders within 24 hours following the offender's arrival at the institution. At a minimum, the information shall include, but is not limited to, the following: address and phone number of the institution; directions to the institution; information regarding local transportation; days and hours of visitation; approved dress code; authorized items; rules for children and special visits.

C. Visitor Identification Requirements

All visitors age 18 years and older shall be required to produce valid picture identification before entering the visiting area each time they visit. The only forms of identification accepted by the Department are:

- 1) A valid driver's license from the state of residence;
- 2) A valid state photo identification card from the state of residence;
- 3) A valid military photo identification card (active duty only);
- 4) A valid passport.

D. Refusal/Requests for Removal

1) Offender Refusal to Visit

An offender may refuse to see a visitor; however, the offender shall be required to sign a statement to that effect and the statement shall be filed in the offender's Master Record. Should the offender refuse to sign a statement, documentation of the refusal shall be placed in the offender's Master Record.

2) Requests for Removal

A person may be removed from the offender's approved visiting list at his own request or at the request of the offender. If a visitor requests such removal, the visitor must wait six months before applying to visit the same or another offender. Exceptions may be made for immediate family members.

E. Visitors May Only be on one Offender's Visiting List

A visitor can be on only one offender's visiting list per institution unless that visitor is a family member of more than one offender. The burden of proof and

documentation shall be the responsibility of the offender and his family. Visitors may request that they be removed from one offender's visitor's list and placed on another offender's list in accordance with this regulation.

F. Number, Duration and Conditions of Visits

- 1) Approved visitors should be allowed to visit the offender at least two times per month.
- 2) While a two-hour visit is optimum, each Warden or designee retains the discretion to determine the duration of visits, as well as the days and hours on which they may occur. Available space and staff shall determine visiting lengths.
- 3) Each Warden or designee retains the discretion to determine the number of visitors who may visit an offender at one time. Family visiting and contact visits are to be permitted to the extent possible.
- 4) All visitors are to be informed in writing of the rules governing visiting (see attached "Guidelines for Visitors"). Visiting Guidelines shall be conspicuously posted in the visiting areas and are made available to prospective visitors on the Department's website at www.doc.louisiana.gov.
- 5) Visitors are allowed to bring only enough cash money for vending machines and/or concessions into the visiting area. Financial transactions for offenders shall be in the form of cash and/or credit or debit card payments made at the unit's visitor center kiosk machines provided by the Department's contractor for Offender Services for use by the offender's approved visitors. All other money from permissible sources may be accepted and processed in accordance with the procedures defined in Department Regulation No. B-09-003 "Offender Banking." (See Section of 6.A.7) of that regulation for additional details.)

Note: Contractor fees shall apply to this transaction.

- 6) Any visit may be terminated if the offender or visitor violates the rules governing visiting.
- 7) Where available, picnic visits are authorized as approved by the Warden or designee. The Warden or designee shall authorize foods that will be allowed for picnics.

G. Special Visits

Special visits may be granted, with the prior approval of the Warden or designee, on a case-by-case basis. Unit operational procedures shall specify the

parameters for such approval, with consideration given to sources of transportation, accessibility to the facility by visitors, the distance a visitor must travel and any special circumstances.

H. Dress Code for Visitors

Visitors shall be made aware that visiting areas are designed to cultivate a family atmosphere for family and friends of all ages. Visitors shall dress and act accordingly. Visitors shall wear clothing that poses no threat to the safety, security, good order and administrative manageability of the facility. See "Guidelines for Visitors" (attached) for specific dress standards.

14. VIDEO VISITATION:

- A. Video visitation is considered a special visit and shall be requested and approved in accordance with Section 13.G. and shall be in conformance with all other rules and regulations that pertain to visiting.
- B. When transportation is provided during emergencies and extreme circumstances, offenders may be allowed to visit via video connection capabilities.
- C. The Warden or designee shall ensure that all laptops, laptop connection cards or wireless internet connection cards are maintained in a secure location that is not accessible to offenders and other unauthorized or untrained persons when not in use.
- D. The Warden or designee may approve the set-up and use of video visitation and shall ensure that a staff member or approved volunteer is assigned to monitor the visit at an appropriate, conducive visitation area.
- E. The Warden or designee shall be responsible for ensuring that staff and/or volunteers are present at the remote location. Staff and/or volunteers at the remote location shall document that they and the approved visitor(s) are the only individuals present for the video visitation.
- F. Any other person present is required to have written permission from the Warden or designee to participate in the video visitation process.
- G. Violations occurring during video visitation are subject to disciplinary action, suspension of visiting privileges and/or possible civil or criminal prosecution, depending on the nature of the offense.
- H. This form of visiting involves open internet capability requiring on-site supervision at both locations when in use and does not involve or allow connection to the Department's network.

15. VISITATION RECORDS:

Each facility shall maintain a record for each offender documenting all of the offender's visits. All visiting records/information obtained on an offender by institutional staff shall be transferred with the offender when the offender is reassigned to another institution within the Department. This includes transfers to transitional work programs. The offender's current visiting information shall be utilized by the transitional work program to allow for visitation.

16. VISITOR SEARCHES:

- A. Without warning, visitors are subject to a search of their vehicles, possessions and persons. This is necessary to preclude the introduction of weapons, ammunition, explosives, cell phones, alcohol, escape devices, drugs, drug paraphernalia or other prohibited items or contraband into the prison environment. All searches of visitors shall be conducted in accordance with Department Regulation No. C-02-005 "Searches of Visitors."
- B. Signs shall be posted in the area(s) where visitors are initially processed and in the visiting rooms/areas that advises visitors that drug detection dogs (K-9's) may be in use at the facility and visitors shall be subject to search by these dogs. The sign shall state:

NOTICE:

Drug detection dogs (K-9's) 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.

17. SUPERVISION OF VISITING AREAS:

- A. Facilities shall provide direct visual supervision of the entire visitation area at all times. Staff shall position themselves throughout the visitation area to maintain a direct line of sight on interactions between offenders and visitors. While mirrors and 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.
- B. 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 offenders and visitors.
- C. Notices shall be posted informing visitors of the potential for monitoring anywhere in the visiting area. Staff of the same gender as the visitor shall monitor the

restrooms during visits if there is reasonable suspicion that a visitor or offender may engage or be engaging in some form of prohibited behavior.

18. VISITATION AT SPECIAL OFFENDER ORGANIZATION FUNCTIONS/EVENTS:

The Warden may authorize offender organizations to hold special functions or events when those programs can be adequately supervised by staff. When such a special function is approved by the Warden, visitors to the event shall be subject to the normal security processing as would occur during normal hours of visitation. Special guests (speakers/presenters) invited to the special function shall be processed at the direction of the Warden.

19. EMERGENCY SITUATIONS:

When the Warden or designee determines that an emergency situation exists at the facility, any or all visits shall be suspended. Any visits in progress shall be terminated and the visitors escorted from the facility. Any person may be denied permission to visit during the time of a disturbance at the institution. All visiting shall be suspended during an emergency. See Department Regulation No. C-02-002 "Institutional Riot, Significant Disturbance and Hostage Situation" for additional information.

20. LIMITATION OR SUSPENSION OF VISITING PRIVILEGES:

A. Non-Contact Visits:

- 1) Offenders who are housed in administrative segregation or disciplinary units shall be placed on non-contact visitation status if physical plant space is available.
- 2) Any offender who pleads guilty or has been found guilty of a Schedule B Disciplinary Rule violation for one or more of the following reasons shall be subject to non-contact visits for a minimum of six months.
 - Possession of any drug or drug paraphernalia;
 - Producing a positive or adulterated urine sample;
 - Refusal or substantial delay to provide a urine sample;
 - Introduction of contraband into the institution;
 - Positive breathalyzer test;
 - Repeated (defined as more than two in a two year time period) violations of Disciplinary Rule No. 21; or
 - Any major rule violation that occurs in the visitation area.
- 3) Such restriction must be formally reviewed by an appropriate Board at a minimum of every six months.

- 4) Restriction of contact visiting is not a disciplinary penalty.

B. Suspension of an Offender's Visiting Privileges (No Visiting)

- 1) Any offender who pleads guilty or has been found guilty of a contraband charge (as defined in Section 6.C. of this regulation) for the first time shall have all visiting privileges suspended for a maximum of six months, excluding approved clergy, attorney visits and special visits.
- 2) Any offender who pleads guilty or has been found guilty of a contraband charge within the past five years (as defined in Section 6.C. of this regulation) for a subsequent offense shall have all visiting privileges suspended for a maximum of one year, excluding approved clergy, attorney visits and special visits.
- 3) Suspended visiting privileges cannot consist of more than two simultaneous suspensions (i.e., the original suspension and any subsequent suspension).
- 4) At the end of the suspension, the offender shall submit to the Warden or designee a written request to have visitation reinstated and shall also submit a new Request for Changes to Approved Visiting List (Form C-02-008-D).
- 5) A review of the circumstances of the applicable contraband UOR(s) and the offender's current conduct record shall be conducted by an appropriate Board at a minimum of every six months.
- 6) Restriction of no visiting is not a disciplinary penalty.

C. Suspension of a Visitor's Visiting Privileges

- 1) Any person may be refused approval to visit an offender and removed from an approved visiting list if the visitor does not comply with the rules of the institution. (Such removal may be temporary or permanent, depending upon the severity of the violation).
- 2) Any person causing or participating in a disturbance or one that is disrespectful may be refused approval to visit an offender. If an offense is such that it is the Warden or designee's desire to remove the visitor from the visitor list (either permanently or for a fixed period of time), the following procedures shall be followed:
 - a. The Warden or designee shall notify the visitor in writing that he has been removed from all applicable visiting lists, the reason why and that the removal will be reviewed after a specified amount of time. The visitor shall also be notified in writing that he may appeal the

Warden's decision to the Secretary by sending a letter within 15 days of the date of the notice;

- b. If the visitor exercises this appeal right, the Secretary or designee shall review the appeal and investigate, as appropriate, within 30 days of notice. If necessary, a hearing shall be scheduled and the visitor shall be notified of the time, date and location of the hearing;
 - c. The Warden or designee may submit a report to the Secretary setting forth any information that he feels may assist in making the decision. If a hearing is held, the Secretary or designee may determine that the Warden or designee should attend this hearing; in this case, the Warden shall be so advised. Otherwise, the hearing shall consist of a meeting between the visitor and the Secretary or designee and shall be preserved by minutes;
 - d. The Secretary shall render a written decision granting or denying the appeal and shall notify the visitor and the Warden of the decision without undue delay. Brief reasons for the decision shall be given.
- 3) Reinstatement of visiting privileges for visitors who are removed for a fixed period of time may only be considered upon written request from the offender following the procedures detailed in Section 12.B. of this regulation and only after the fixed period of time for the removal has elapsed. Should reinstatement be denied, the offender shall be notified in writing of the denial and that reconsideration will only be given at the next opportunity for changes to the offender's visiting list.

s/James M. Le Blanc
Secretary

Attachment: Guidelines for Visitors

Forms: C-02-008-A Application for Visiting Privileges
C-02-008-B Criminal History Background Questionnaire
C-02-008-C Initial Request for Visitors
C-02-008-D Request for Changes to Approved Visiting List

This regulation supersedes Department Regulation No. C-02-008 dated 20 July 2011 and Page Eleven dated 20 March 2012.