

12 CAR § 70-108. Visitation.

(a) **Purpose.** To describe the offender visiting program that will be used in the Division of Correction and Division of Community Correction.

(b) **Applicability.** All employees and especially those involved in the visitation process, offenders, and visitors.

(c) **Definitions.** As used in this section:

(1) "Immediate family member":

(A) Consists of the offender's:

(i) Father;

(ii) Mother;

(iii) Sisters;

(iv) Brothers;

(v) Spouse;

(vi) Children;

(vii) Grandparents; and

(viii) Grandchildren; and

(B) May include other relatives whose relationship with the offender has been verified as that of a parent or guardian;

(2) "Offenders" means persons sentenced to the Division of Correction or persons sentenced to the Division of Correction for judicial transfer to the Division of Community Correction or confined in a community punishment center as a condition of:

(A) Probation;

(B) Suspended imposition of sentence; or

(C) Post-prison transfer; and

(3) "Special visit" means:

(A) Visits that occur on days other than regular visitation days;

(B) Visits granted to an offender who normally may not receive a visit; and/or

(C) An extended visitation period.

(d) **Policy.** It shall be the policy of the Division of Correction and Division of Community Correction to permit offenders to have visits with family friends, attorneys, and spiritual advisors under conditions that are consistent with the security and good order of division operations.

(e) **Procedures.**

(1)(A) Visits shall be scheduled regularly at times that will assure reasonable access to offenders and in accordance with the appropriate administrative directive and facility standard operating procedures.

(B) Each facility shall maintain a list of visitors approved for visitation of individual offenders.

(C) Rules pertaining to visitation shall be readily available for visitors and offenders.

(2) **Approval.**

(A) Persons under the age of eighteen (18) may visit only with the permission of a parent or guardian.

(B)(i) Prospective visitors shall be subject to an approval inquiry.

(ii) There will be no approval inquiry required for attorneys and ministers of record.

(C) Persons with a prior criminal conviction or convictions may be considered for a visit only with an immediate family member.

(D) Upon good cause or substantial evidence, persons believed to have a detrimental effect on the offender or who constitute a threat to the security and good order of the facility may be removed from an approved visitation list upon authorization of the warden/center supervisor.

(3) **Searches.**

(A) Visitors shall be made aware they shall be subject to a search prior to visiting with an offender.

(B) All searches shall be conducted in accordance with the appropriate administrative rule and directives concerning searches for and control of contraband.

(4) Visiting conditions.

(A) Visits shall be supervised by staff at all times during the allocated time.

(B)(i) Consistent with the security needs of the facility, contact visits may be restricted.

(ii) Where contact visitation is allowed, the offenders and visitors may briefly embrace upon arrival and departure and may sit side-by-side.

(iii) Small children may sit on the offender's lap.

(C)(i) An attorney visiting area shall be provided to ensure privileged communications between offenders and their attorneys.

(ii) However, the area used for these visits is subject to general staff supervision.

(5) Visitation restrictions.

(A) Limitations may be imposed on the number of visitors an offender may have at one time.

(B) Items carried into the visitation area by the visitor and offender shall be restricted.

(C) Any behavior on the part of the offender or visitor that is or may be disruptive to the security and good order of the facility or is in violation of division policy/procedure will result in denial or termination of the visit.

(D)(i) Inmates in punitive segregation have opportunities for visitation unless there are substantial reasons for withholding such privileges.

(ii) Visits will be:

(a) Conducted for two (2) hours, once a month (calendar); and

(b) Scheduled at least twenty-four (24) hours in advance.

(iii) The warden or designee must approve all such visits.

(iv) Approval will be contingent upon but not limited to:

(a) Nature of rule violation;

(b) No further rule violations while housed in punitive; and

(c) Satisfactory cell inspection report.

(v)(a) A legal visit may be approved in advance by the warden/unit supervisor.

(b) This is to be done only when the attorney can justify the urgency of the legal matter to be taken prior to the release from punitive status, then only with the consistent need for good security.

(E) Other restrictions may apply as indicated in the appropriate administrative directive or directives and/or standard operating procedure or procedures.

(6) Records.

(A) Staff assigned visitation duties shall maintain a record of approved visitors.

(B) All visits shall be documented as to:

(i) Date;

(ii) Person visiting;

(iii) Time visited; and

(iv) Any unusual incidents.

(7) Special visits.

(A) Upon approval of the warden/center supervisor, special visits may be allowed for:

(i) Attorneys;

(ii) Spiritual advisors;

(iii) Offenders in special housing/assignment/status; and

(iv) Persons residing outside a set radius from the facility.

(B) Special visits shall be scheduled in accordance with guidelines established in the appropriate administrative directive or directives and facility procedure or procedures.