

16 CAR § 30-204. Resident visitation.

(a) **Applicability.** This section applies to staff, residents, and persons who visit residents at residential centers administered or operated by the Division of Community Correction.

(b) **Policy.**

(1) Residents may have visits with their family, friends, attorneys, and ministers under conditions consistent with:

- (A) Applicable law;
- (B) Good order; and
- (C) Division of Community Correction rules.

(2) Staff must show respect toward visitors without compromising safety and security.

(3) Individuals may:

- (A) Apply to visit residents; and
- (B) Submit to an approval process, which includes an investigation.

(4) Further, for the purpose of security and good order, searches of individuals and property may be conducted and contraband, evidence, or potential evidence of a crime seized.

(c) **Guidelines.**

(1) **General information.**

(A)(i) Approved visitors are welcome.

(ii) To support Division of Community Correction program objectives, residents will be allowed to receive visitors, following appropriate applicant screening to ensure safety and security of employees and residents.

(iii) The Division of Community Correction can limit visitation pursuant to applicable law and for such reasons as:

- (a) Programming and scheduling requirements;
- (b) Resident behavior; and
- (c) Security concerns.

(B)(i) People who wish to visit residents must apply using Form 1, "Application to Visit a Resident".

(ii) For the safety of residents, staff, and visitors, certain precautions are necessary, including conducting a background check of people who apply to visit residents.

(iii) Applicants will be screened giving weight to the potential for therapeutic benefit of their visit.

(iv) Investigations will consist of:

- (a) An ACIC/NCIC criminal history check;
- (b) An assessment of information provided on the Application to Visit a

Resident form; and

(c) Any information obtained from parole/probation officers or other reliable

sources.

(v) Staff also use detection equipment and conduct pat searches when appropriate.

(vi) Violators of rules are subject to prosecution pursuant to Arkansas Code § 5-54-119.

(vii)(a) Visitors must follow rules to ensure safety and security and to set the example for residents who are learning to follow rules.

(b) Although precautions are taken to assure safety and security, visitors must understand there are risks.

(2) **Resident's responsibility.** The resident must provide the Application to Visit a Resident form to each person he or she wants to visit.

(3) **Searches.**

(A)(i) Visitors are subject to search and may be asked to wait in the area for permission to enter.

(ii) They are free to leave at any time, unless they are suspected of trying to introduce contraband or committing any other felony on Division of Community Correction grounds.

(iii) In these situations, they may be detained until law enforcement arrives to take them into custody.

(B) Any personal or state property is subject to reasonable search when on state property or in the possession of someone on state property.

(C)(i) Visitors may be pat searched by an authorized person of the same gender.

(ii) Visitors who refuse to be searched are subject to:

(a) Having their visitation ended;

(b) Being barred from entering or remaining on Division of Community Correction property; and

(c) Having visitation privileges revoked.

(D) Reasons for searches include the following:

(i) Routine visitor search;

(ii) A special security search of people entering, leaving, or currently on Division of Community Correction premises;

(iii) Before, during, or immediately following a visit with a resident;

(iv)(a) Reasonable suspicion.

(b) Reasonable suspicion is a degree of certainty based on facts and reasonable inferences that causes a person to believe a law, conditions of supervision, or policy has been violated; and

(v) If a crime/critical incident has occurred.

(4) Documentation.

(A) Visitor application information must be entered in eOMIS where it will be available for use by any Division of Community Correction or Division of Correction facility.

(B) Staff should also enter comments in eOMIS about any problems with a particular visitor.

(5) Visitation conditions and restrictions.

(A) Visitors must complete, sign, and have on file an approved Application to Visit a Resident form at the appropriate center prior to being allowed resident visitation.

(B)(i) All visitors age fifteen (15) and older must show valid photo identification.

(ii) Children under fifteen (15) may be required to show photo identification or a birth certificate.

(C) All visitors must follow staff instructions and comply with the visitation:

(i) Policy;

(ii) Procedures; and

(iii) Rules.

(D)(i) All visitors may be photographed by staff, and photos may be maintained for future identification.

(ii) Such photos should be uploaded to eOMIS and deleted from the camera.

(E) Visits will be continuously supervised by staff.

(F)(i) An attorney visitation area will be provided upon request to ensure privileged communication between the attorney and client.

(ii) However, the area is subject to general staff supervision.

(iii)(a) No background investigation is required for attorneys.

(b) However, an attorney may be asked to sign a statement indicating he or she is a licensed attorney and represents (attorney of record) or is in the process of determining whether to represent the resident.

(iv) Attorney visits must be scheduled at least twenty-four (24) hours in advance.

(G) The number of concurrent visitors for a resident may be limited.

(H) Visits may be terminated, restricted, or suspended if there is poor or disruptive behavior on the part of the resident or visitor or as part of a therapeutic measure imposed on a resident for rule violations.

(I) Visits will not be allowed for residents:

- (i) In Disciplinary Detention;
- (ii) In Reflection Chair status; or
- (iii) Pending transfer to the Division of Correction.

(J) Residents may not have visitors while in Treatment Phase 1 (Orientation Phase) other than visits from an attorney or minister.

(K) Residents in the Supervision Sanction Program who earn visitation privileges may be allowed visitors as established by the program schedule and criteria.

(L)(i) Restrictions may be placed on articles taken into the visitation area.

(ii) Additional restrictions and conditions may be imposed considering the:

- (a) Therapeutic benefits;
- (b) Space limitations; and
- (c) Risks to security and order.

(M) Special visits between regularly scheduled visitation times may be allowed in certain circumstances when approved by the center supervisor for situations such as:

- (i) Complying with court orders;
- (ii) Signing documents;
- (iii) When requested by the Department of Human Services;
- (iv) Accommodating a visitor who lives more than three hundred (300) miles from

the center; and

(v)(a) Accommodating ministers, job interviewers, housing representatives, or other representatives assisting the resident with transition back into the community.

(b) A minister is a person who has been ordained, licensed, or authorized by a sitting pastor of a church of record to serve as a spiritual advisor.

(c) Documentation of such authorization may be required.

(N)(i) All visitors must sign in and out.

(ii) Those making special visits are also required to wear a visitor badge.

(6) Video visitation.

(A) To provide both the resident and their family a way to improve family reunification while minimizing security-related incidents or concerns, a video visitation system, which allows residents and visitors to communicate by way of video conferencing equipment, may be used at residential centers.

(B) The guidelines, restrictions, and directions for video visitation use must be further explained in an administrative directive.