



**STATE OF MONTANA
DEPARTMENT OF CORRECTIONS
POLICY DIRECTIVE**

Policy No. DOC 3.3.8	Subject: OFFENDER VISITING
Chapter 3: FACILITY/PROGRAM OPERATIONS	Page 1 of 6
Section 3: Rights and Privileges	Effective Date: Aug. 1, 1997
Signature: /s/ Loraine Wodnik, Interim Director	Revised: 05/15/2017

I. POLICY

The Department of Corrections provides visiting privileges for offenders consistent with facility security requirements and encourages family ties and supportive relationships important to the stability of offenders while incarcerated and upon release.

II. APPLICABILITY

All facilities Department-owned and contracted, as specified in contract.

III. DEFINITIONS

Administrator – The official, regardless of local title (division or facility administrator, bureau chief, warden, superintendent), ultimately responsible for the division, facility or program operation and management.

Chief of Security – The staff person, regardless of local title (security major, director of operations), designated by the administrator to manage the facility security program.

Contact Visit – A visit in which the offender and visitor are permitted limited physical contact.

Contraband – Any item possessed by an offender or found within the facility that is illegal by law, prohibited by policy or procedure, or unauthorized by those legally charged with the administration and operation of the facility.

Clothed Body Search – The manual body search of an individual that requires the removal of outer clothing, e.g., coats, hats, gloves; emptying of pockets; and inspection of papers, bags, books, or other carried items (also referred to as a pat search).

Facility/Program – Refers to any division, prison, secure care correctional facility, correctional or training program, or community-based program under Department jurisdiction or contract. This term includes the facility building or residence, including property and land owned or leased and operated by the Department.

Immediate Family Member – An offender's legal spouse, natural or adoptive parents and children, siblings, grandchildren, grandparents, corresponding in-law, person verified as being primarily responsible for raising the offender in the absence of a parent and any other member of the offender's household.

Non-Contact – A visit in which the offender and visitor are separated by a physical barrier and, therefore, cannot have physical contact.

Official Visitors – Visitors to a facility acting in an official capacity, e.g., law enforcement,

correctional personnel, judges, licensed attorneys, legislators, and others on official business.

Reasonable Suspicion – A conclusion drawn from specific, objective facts which would permit a reasonable and experienced correctional staff person to suspect that an individual or set of circumstances poses a threat to facility security or to the health, safety, and security of offenders, staff, visitors, contractors, or community members, including, but not limited to, committing, or conspiring or attempting to commit a crime or rule violation.

Unclothed Body Search – A visual inspection of an individual’s unclothed body and thorough search of the unworn clothing to detect concealed contraband (also referred to as a strip search).

IV. DEPARTMENT DIRECTIVES

A. General Requirements

1. The chief of security, or designee, will oversee the facility’s visiting program.
2. Offender visiting arrangements will permit a degree of informality including the opportunity for limited physical contact when consistent with overall security requirements.
3. The facility administrator, or designee, may permit and restrict visits on a case-by-case basis as deemed necessary to maintain facility security requirements or in the best interest of offender rehabilitation.
4. Facility employees will ensure written information governing visits is available to offenders within 24 hours of arrival at the facility.
5. Facility visiting procedures will categorize which visitation violations are major violations and which are minor violations. Facility procedures will also specify an appropriate notification procedure for notifying visitors and offenders of restrictions, revocations, or suspensions the facility imposes for violations of the visiting procedures.
6. Facility visiting procedures will define:
 - a. schedules that ensure reasonable visiting hours and offender availability;
 - b. methods for notifying and disseminating visiting schedules and rules to prospective visitors;
 - c. methods of retaining official visiting records or logs documenting each visitor’s signature, the date and time of the visit, and unusual incidents;
 - d. steps for documenting and maintaining confidential lists or logs of approved visitors;
 - e. location of visiting space staffed and equipped for effective supervision and surveillance;
 - f. areas in which contact and non-contact visitation will occur and when each type of visit is permissible;
 - g. accommodations for special or official visits and for persons with disabilities;
 - h. visiting as a privilege that may be curtailed as a disciplinary sanction; and
 - i. entrance and search procedures in compliance with *DOC Policies 3.1.5, Entrance Procedures, and 3.1.17, Searches and Contraband Control*.

B. Information for Visitors

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1. Facility staff will ensure offenders are provided the following information to communicate to family and friends:
 - a. the process for requesting visits;
 - b. facility/program address, phone number, directions, and local transportation;
 - c. visiting schedule and number of visitors permitted;
 - d. dress code and visitor identification requirements;
 - e. entrance and search procedures;
 - f. rules pertaining to children;
 - g. items permitted within the visiting area and items that visitors may give the offender;
 - h. grounds on which visits may be denied or terminated; and
 - i. reasons for special or extended visits.

C. Approval of Visitors

1. Visitors are subject to a criminal background check in accordance with *DOC Policy 3.1.5, Entrance Procedures*.
2. Unless approved by the administrator, or designee, children under the age of 18 may not visit unless accompanied by a parent or legal guardian or previously approved responsible adult.
3. Persons on probation, parole, or other forms of conditional release may not visit offenders unless approved by the administrator, or designee. Facility procedure may identify specific criteria for exclusion based on relationship to the offender or non-satisfactory adjustment to the community. The administrator, or designee, must contact the appropriate probation and parole officer prior to approval and the officer must provide a copy of the travel permit in advance of the visit.
4. The administrator will not automatically exclude persons with a criminal background from visits; however, the nature and extent of the criminal record, supervision status, and potential threat to facility safety and security will be considered.
5. The chief of security may exclude a person from the approved visitor list for a reasonable suspicion that the visitor may have a detrimental effect on the offender or may constitute a threat to facility safety or security.

D. Visiting Suspensions or Permanent Revocations

1. Visitors who attempt to or successfully introduce contraband will have visiting privileges permanently revoked.
2. Unless approved by the facility administrator, or designee, persons whose visiting privileges have been permanently revoked may not send money to an offender.
3. For a violation of visiting procedures, the facility may, at its discretion, suspend or permanently revoke an offender's visiting privilege with a particular visitor. If a person from the approved visitor list has suspended or revoked privileges, whether proposed or decided, they will be notified in writing and informed of their right to appeal.

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4. Suspension or permanent revocation of privileges from one facility/program automatically applies to any Department-owned or contracted facility or program.
5. An offender's loss of visiting privileges through disciplinary action will not necessarily result in loss of visiting privileges for the offender's visitor when the visitor is not involved in the rule infraction.

E. Current and Former Employee Visiting

1. Current Department employees, or former Department employees who left employment in good standing, may have visiting privileges with offenders who are immediate family members if the offender was an immediate family member before becoming incarcerated or committed to the Department. Current or former employees who are granted visiting privileges pursuant to this section must comply with this policy and facility procedures.
2. Department employees without immediate family ties to an offender prior to incarceration or community supervision may not have visiting privileges.
3. Former employees who were not immediate family members of an offender prior to incarceration or community supervision may not have visiting privileges unless approved by the facility administrator or designee.
4. Any employee terminated from employment for cause, who resigned in lieu of termination due to inappropriate activities with an offender, or who engaged in inappropriate activities discovered after employment discontinued will have a permanent restriction from visiting offenders.

F. Sex Offender Visiting

1. On a case-by-case basis, a facility may restrict visiting between minors and offenders convicted of current or prior crimes involving sexual offenses against a minor or offenses causing bodily injury to a minor. This restriction may be imposed if it is in the interest of visitor safety, the security of the institution, or the offender's rehabilitation. Before restricting all visiting pursuant to this section, the facility will consider non-contact visits, especially if the offender is the legally recognized parent or guardian of the minor and the minor was not the victim of the offense.

G. Searches of Visitors

1. The facility/program will prominently display a sign outside the visiting area entrance stating:
 - a. visitors are subject to search; and
 - b. consequences of introducing contraband into the facility.
2. Staff will identify and search all visitors in accordance with *DOC Policy 3.1.5, Entrance Procedures* and *DOC Policy 3.1.17, Searches and Contraband Control*.
3. Visitors are subject to clothed body searches and metal detector sweeps upon entrance to facility property and while on facility property.

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4. Upon reasonable suspicion that a visitor is in possession of contraband, staff may request the visitor to consent to participate in an unclothed body search. If the visitor does not consent to the unclothed body search, staff will allow the visitor to leave the facility.
5. If a visitor refuses to submit to a required or requested search, staff will deny the visit and submit a detailed incident report to the appropriate supervisor.
6. If contraband is found on a visitor, staff will confiscate the contraband, terminate the visit, and submit a detailed incident report to the appropriate supervisor. Depending on the nature of the contraband, staff may immediately contact law enforcement and detain the visitor in accordance with *DOC Policy 3.1.5, Entrance Procedures*.

H. Searches of Offenders

1. Facility procedures must include unclothed body search requirements in accordance with *DOC Policy 3.1.17, Searches and Contraband Control* for offenders who have contact visits.
2. Staff must be alert to any indication of items hidden in body cavities of offenders and, if such searches become necessary, comply with the body cavity search restrictions in accordance with *DOC Policy 3.1.17, Searches and Contraband Control*.

I. Visiting Area Searches

1. Staff must thoroughly search all areas accessible to visitors and offenders before and after visits including, but not limited to, the following:
 - a. furniture in the visiting area;
 - b. trash containers, requiring staff to remove trash accumulated during visits;
 - c. items or equipment used during visits;
 - d. walls, ceilings, and other structural areas that may have eluded staff observance; and
 - e. bathroom facilities and equipment.

J. Supervision of Visits

1. Adult facilities must provide direct visual supervision of the entire visiting area at all times.
2. Youth facilities must provide, at a minimum, intermittent direct visual supervision of the entire visiting area.
3. Using mirrors or cameras can augment direct supervision and compensate for blind spots; staff must position themselves throughout visits to maintain a direct line of sight on interactions between offenders and visitors.
4. Staff is required to intervene to stop inappropriate behavior including behavior outside the bounds of permitted intimacy or actions in violation of visiting regulations, especially behavior that may make others uncomfortable, that is disruptive, or that is offensive to other offenders and visitors.
5. Inappropriate behavior resulting in an incident report or termination of the visit will require staff to provide reasons for termination in writing to the offender and/or visitor.

6. Notices informing visitors of monitoring and video surveillance will be posted in the visiting area including a notice that same-gender staff may monitor restrooms during visits if prohibited behavior is reasonably suspected.

K. Special Visits

1. Special visits may be approved in accordance with facility procedures for persons who travel long distances, visit hospitalized offenders upon the offender's deathbed, visit offenders in locked housing status, or for official visits arranged between offenders and attorneys, clergy, social service agency representatives, foreign consular representatives, or other officials. Staff will verify the qualifications of official visitors and may request background information and official assignment documentation from the visitor.
2. Facility procedures will specify conditions and requirements for special visits. Attorney visits will take place where the attorney and offender may be afforded sound privacy, i.e. conference rooms. Staff may not subject such visits to auditory supervision.
3. Facilities that permit extended visits must provide eligibility guidelines and other specifics such as length, location, and conditions of visits.
4. Special visits may require prior time and date approval in compliance with facility procedure.

V. CLOSING

Questions concerning this policy should be directed to chief of security or facility administrator.

VI. REFERENCES

- A. 37-61-418; 45-7-307, MCA
- B. 4-4498, 4-4499, 4-4499-1, 4-4500 through 4-4504; *ACA Standards for Adult Correctional Institutions, 4th Edition*
- C. 3-JTS-2E-03; *ACA Standards for Juvenile Correctional Facilities, 2003*
- D. *DOC Policies 3.1.5 Entrance Procedures and Detainment of Non-Offenders; 3.1.17 Searches and Contraband Control; 3.3.3 Offender Grievance Program*
- E. *Deserly v. Department of Corrections, 2000 MT 42 (Mont. 2000)*

VII. ATTACHMENTS

None