



**DEPARTMENT OF CORRECTIONS
MONTANA STATE PRISON
OPERATIONAL PROCEDURE**

| | |
|---|-----------------------------------|
| Procedure No.: MSP 3.3.8 | Subject: OFFENDER VISITING |
| Reference: DOC 3.3.8, Offender Visiting | Page 1 of 12 , plus 5 attachments |
| Effective Date: December 7, 1999 | Revision: April 15, 2015 |
| Signature / Title: /s/ Leroy Kirkegard / Warden | |

I. PURPOSE

Montana State Prison (MSP) provides visiting privileges for offenders consistent with MSP security requirements and encourages family ties and supportive relationships important to the stability of offenders while incarcerated and upon release.

II. DEFINITIONS

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.

Pat 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 clothed body search).

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.

Strip 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 unclothed body search).

Visiting Supervisor – The second shift Lieutenant assigned by the second shift Captain to oversee the MSP visiting program.

III. PROCEDURES

A. General Requirements

1. Visiting is a privilege and not a right for both inmates and members of the general public. Visitors may be denied entrance or visits may be terminated early for violation of any of the conditions outlined in *MSP Visitor Dress Code & Visiting Rules and Regulations* (attachment D).
2. The Associate Warden of Security or designee is responsible for the operation of the visiting program, and is responsible for publishing and updating the visiting rules/regulations to clarify, define, and implement this operational procedure.
3. Copies of the visiting rules/regulations will be displayed in the lobby of the Wallace Building and visiting rooms. The rules/regulations will be provided to inmates and visitors to inform them regarding the visiting process.

4. The visiting rules/regulations will include regular scheduling of visits at times that will provide approved visitors reasonable visits with inmates.
5. Inmates on work crews are expected to arrange their visits after work hours.
6. Based on the operation necessity of MSP, all visitation schedules, days, and hours are subject to change, up to and including cancellation, as deemed a situational determination by the Warden or designee.

B. Approval of Visitors

1. Upon admission to MSP, each inmate will be provided with visitor questionnaires and rules that they can mail to prospective visitors. These questionnaires are also available in all inmate housing units and on the Department website.
2. Prospective visitors must completely and accurately fill out the questionnaire and mail it to MSP, in care of the Mail Room. All visitors are subject to criminal background checks.
3. Applicants over 18 years old must submit separate questionnaires.
4. Children under 18 years of age must be included on the same questionnaire as their parent's applicant or court appointed legal guardian. The applicant must answer all questions for each person on the questionnaire. Once approved, the inmate's children may visit with any adult family member on the inmate's approved visiting list.
5. For children under the age of 18, a parent or court appointed legal guardian must complete the *Proof of Guardianship for Visitation form* (attachment E) if the parent or court appointed legal guardian is allowing another immediate family member to accompany the child to visiting without their presence.
6. Designated staff will process the questionnaire, approve or disapprove each applicant (based on the guidelines outlined below), and send notification to the inmate on who has been approved or disapproved. They will contact the Second Shift Captain or Lieutenant if they have any concerns or questions.
7. Reasons for disapproval of an applicant include, but are not limited to the following:
 - a. incomplete, inaccurate, or non-completion of the questionnaire;
 - b. the applicant is on another inmate's visiting list. An exception may be granted if both inmates are members of the same immediate family;
 - c. if a visitor applies to be on an offender's visitation list, but is denied due to being on a different offender's visitation list, the following will be reviewed:
 - 1) if one of the offenders have left secured care the offender who is currently in secure care will take precedence. As such the visitor will be removed from the previous list and immediately added to the new list;
 - 2) if the previous offender returns to secure care it is the responsibility of the visitor to notify the facility if they would like to be added to the previous offender's visitation list; and
 - 3) if they request to be re-added offender's list then the waiting period outlined in section III.B.6.g will apply, except in the case of immediate family.

- d. There will only be 25 people on the inmate's approved visiting list. The inmate must request a removal of someone on their visiting list before someone is added on their list, if it would exceed the number of 25;
 - e. the applicant is under the age of 18;
 - f. the applicant is on active probation or parole, conditional release, or has recently discharged a prison or jail sentence. This includes the following:
 - 1) applicants in this category who are immediate family members may be reviewed for visiting approval after six months of satisfactory community adjustment;
 - 2) applicants in this category who are not immediate family members may be reviewed for visiting approval after two years of satisfactory community adjustment;
 - 3) if approved, the person must obtain written permission from their supervising probation and/or parole officer; and
 - 4) the Warden or the Associate Warden of Security or designee must approve any exceptions.
 - g. It has not been over 90 days since the applicant was removed from another inmate's visiting list;
 - h. reasonable suspicion exists to show that the applicant may have a harmful effect on the inmate or poses a threat to the safety and security of the facility, other visitors, staff, or other inmates;
 - i. the applicant has pending felony charges; and
 - j. current and former employees. The following will apply:
 - 1) current and former employees who left employment in good standing, with immediate family ties to an inmate prior to incarceration or community supervision, may have visiting privileges subject to the same procedures for all other visitors;
 - 2) current employees without immediate family ties to an inmate prior to incarceration or community supervision will not have visiting privileges;
 - 3) employees who discontinue employment with the Department, or any department-contracted facility or program, may not visit inmates confined in any prison facility who are not immediate family members of the inmate prior to incarceration or community supervision for a minimum of four years;
 - 4) any employee terminated from employment for cause, or who resigned in lieu of termination due to inappropriate activities with an inmate, will have a permanent restriction on visiting inmates. This prohibition extends to inappropriate activities discovered after the employee's separation from service; and
 - 5) any volunteer who has been removed from the approved volunteer list for cause, or who removed themselves in lieu of being removed due to inappropriate activities with inmates, is subject to the same permanent visiting restriction.
8. Within 30 days of receipt of the questionnaire, the designated staff will contact the inmate in writing as to whether a visitor has been approved or disapproved. Inmates with disapproved visitors may proceed as follows:
- a. the inmate may then contact the disapproved applicant who may appeal their disapproval by filling out the appeal section on the disapproval form they receive from the inmate, and mailing it to the Second Shift Captain within 14 days of the postmark on the notice; and
 - b. the Second Shift Captain or designee will respond to the appeal within 30 days of receipt of the appeal. This response is final and exhausts the applicant's administrative remedies.
9. Once a visitor has been approved, MSP must be notified of any changes to their name and/or address. This notification must be made at the first visit following the change.

C. Special Visits

1. Special visits may be approved by the Shift Commander or higher authority and must be limited to unusual circumstances.
2. Immediate family members traveling from other states who visit infrequently may be granted a special visit.
3. Family member applicants not yet on the approved visiting list may be granted a single visit prior to approval, provided they have a picture I.D.
4. Attorney visits are as follows:
 - a. attorneys should normally visit during the 8 a.m. to 5 p.m. business day;
 - b. an attorney wishing to visit an inmate client must call the MSP Mailroom Supervisor 24 hours in advance to make arrangements for a visit. This is to minimize delays/problems in processing the visit request;
 - c. attorneys are subject to search procedures and must present proper credentials and identification to the entrance post staff;
 - d. all other institutional rules and regulations apply;
 - e. every effort will be made to have attorneys and their client visit in a room/area that allows privacy. All reasonable precautions will be taken to preserve the confidentiality of the attorney/client relationship;
 - f. officers will visually observe attorney visits, but attorney/client conversations will not be recorded in any manner and attorney/client privilege will be respected;
 - g. attorneys and inmates may exchange written material without it being read; and
 - h. an attorney that is on an inmate's approved visiting list will not be allowed attorney visits with that inmate. This includes:
 - 1) if an attorney who is on an inmate's visiting list wants special attorney visits with an inmate in accordance with this section, the inmate and/or attorney must first contact the MSP Mailroom Supervisor and have the attorney's name removed from the inmate's visiting list; and
 - 2) a person who changes their status from a regular visitor to the inmate's attorney, and subsequently wants to be returned to the inmate's visiting list, must re-apply to be a regular visitor.
5. Infirmary and hospital patients visits will include, but are not limited to:
 - a. inmates being housed at the Infirmary or a hospital will not be allowed visits unless they are considered by a physician or mid-level provider to be in the late stages of the dying process;
 - b. special case-by-case arrangements may be made for patients in the late stages of the dying process to visit with immediate family members or their attorneys at the visiting rooms, the Infirmary, or the hospital where the inmate is staying;
 - c. patient visits at the visiting rooms will be in accordance with all other sections of this operational procedure; and
 - d. arrangements for Infirmary and hospital visits must be in writing from the Shift Commander and will include:
 - 1) the names of approved visitor(s);
 - 2) the day(s) and time frames visits are allowed;
 - 3) how many visitors are allowed at one time;
 - 4) staffing needs;

- 5) special security precautions (restraints, searches, ID checks, etc.);
 - 6) personal contact allowed (embraces, kisses, handholding, etc.);
 - 7) items the visitors may bring in to the visit;
 - 8) medical staff authority; and
 - 9) restroom use.
6. Diagnostic/Intake Unit inmates are only allowed visits with their attorneys and law enforcement officials. Visits with attorneys will be conducted as outlined in section III. C. 3. above.
 7. Inmates in locked housing status will be allowed visits (section III. F. 2. B. below); however those in detention and pre-hearing confinement will not be allowed visits.
 8. Special Interest Groups or State Agencies who have official business or are rendering services to an inmate must apply for visitation authorization utilizing *MSP Procedure 3.1.5, Entrance Procedures & Detainment of Non-Offenders*.
 9. Applicants (i.e. volunteers) who are on the visiting list of an offender and are under the supervision of the Department or MSP are eligible to visit with the offender with prior written consent from the Warden or designee.

D. Visitor Searches

1. In accordance with Montana Code Annotated (MCA), weapons, alcohol, and/or narcotics are prohibited on MSP property. Violators are subject to criminal charges.
2. All visitors and visitor property on prison premises are subject to search at any time. If a visitor refuses to submit to a required or reasonable suspicion search, staff will deny the visit and submit a detailed incident report to the visiting supervisor.
3. Except as noted below, visiting officers will conduct a clothed body search on all visitors and ensure they “pass” the metal detector prior to allowing them to visit. If contraband is found on a visitor, staff will confiscate the contraband, terminate the visit, and submit a detailed incident report to the visiting supervisor. Depending on the nature of the contraband, staff may immediately contact the Powell County Sheriff’s office.
4. Visitors with a medical condition, medical device, or disability medical device on the interior or exterior of their body should check with their physician prior to arriving at MSP to determine if it is safe to be searched with a handheld or walk-through metal detector. Those with proper documentation from their physician will be subject only to a clothed body search. This includes, but is not limited to:
 - a. visitors that have been advised by their physician to avoid these metal detectors must provide visiting staff with documentation of the same;
 - b. documentation should be provided prior to the date of visitation or at the time of the initial visiting application so that the information can be entered onto the visitor’s database;
 - c. if a visitor has an implanted medical device that the visitor would like to remain private and confidential, the visitor should ask staff to please be discreet when assisting him or her through the security screening process; and
 - d. visitors with a pacemaker should carry a pacemaker identification card when at MSP to visit. Visitors showing staff a valid pacemaker identification card will be subject only to a clothed body search and staff will not require them to being exposed to a metal detection device.

E. Inmate Dress and Searches

1. Inmates must wear clean, proper fitting, and presentable clothing to visits, including state issue shirt and trousers (no holes in any of the pockets), socks, shoes, and underwear (briefs, and/or thermal underwear). T-shirts and/or thermal tops, if worn must be kept tucked in at all times.
2. Visiting Room Officers must pat or strip search each inmate just prior to him entering a Visiting Room and must strip search him just before he leaves to return to his housing unit.
3. Inmates will only be allowed to take the following items to the visiting room. These items include:
 - a. ID card (this will be kept by visiting staff until the inmate returns to his unit);
 - b. one pair of eyeglasses;
 - c. wedding ring; and
 - d. visitors may pick up outgoing packages with prior written approval of the Associate Warden of Security, or designee.

The Visiting Room Officers must inventory all items taken into the visiting room by the inmate, describing the items in sufficient detail to ensure the inmate doesn't leave the visiting room with an item he has exchanged with a visitor. The inmate must sign the inventory list as correct; should an inmate refuse to sign he will not be allowed to visit.

F. Conditions of Visiting

1. Visitors are required to arrange for their transport on and off prison property. Motorized vehicles are the only authorized means of transport. Visitors arriving by any other means will be turned away at the authorized staging area or Checkpoint.
2. The hours of visitation are as follows:
 - a. visiting is allowed Thursday through Sunday. Visitors arriving on any other day will be turned away;
 - b. visitors may not arrive on prison property prior to 2:15pm or after 4:50pm. Visitors arriving prior to 2:15pm or after 4:50pm will be turned away;
 - c. all visiting may be cancelled or terminated at any time due to security concerns or operational necessity;
 - d. general population inmates housed in units A, B, C, D, HSU-I, HSU-II, and the Work and Re-entry Center are allowed four visiting periods per week, Thursday through Sunday. This includes:
 - 1) visiting ends at 7:30 pm;
 - 2) visiting on Thursday and Friday are for adults (age 18 and over) only; and
 - 3) visiting on Saturday and Sunday is open to adults and minors.
 - e. On a case-by-case basis restrictions may be imposed on the offender, if it is in the interest of visitor safety, the security of the institution, or the inmate's rehabilitation. This includes, but is not limited to:
 - 1) inmates with visiting restrictions will receive written notice of the restriction and will be scheduled for special visits as necessary;
 - 2) if an inmate is identified as meeting the requirements for the restriction, he may appeal it by submitting an appeal to the Associate Warden of Security; and
 - 3) visiting restrictions could result from disciplinary actions, specific court orders dealing with incarceration, or behavior displayed while in visiting.
 - f. Locked Housing visitation hours of operation and rules are as follows:

- 1) inmates in disciplinary detention and pre-hearing confinement are not allowed visits;
 - 2) to arrange/schedule a visit with all other inmates being housed in locked housing, visitors are required to call the Visiting Entrance Post at least 24 hours in advance of the intended visit. Times to call are between 2:00pm and 10:00pm, Wednesday through Sunday.
 - 3) all visits will be in LHU-I;
 - 4) no more than two inmate visits will be conducted at one time, and no more than five visitors may visit an inmate at any one time. Due to limited space available for visiting, visits will be terminated after 60 minutes if arriving visitors are waiting;
 - 5) death sentenced inmates, Special Management inmates, and Administrative Segregation inmates must not be mixed together in the inmate visiting room. Security Threat Group (gang) affiliation will be taken into consideration when scheduling visits in an attempt to avoid possible conflict between visitors; and
 - 6) visitation hours and days are as follows:
 - a) visits for locked housing inmates from LHU-I will be on Fridays (*adult only*) and Sundays (*minors allowed*) between 2:30pm and 4:30pm;
 - b) visits for locked housing inmates from LHU-II will be on Thursdays (*adults only*) and Saturdays (*minors allowed*) between 2:30pm and 4:30pm; and
 - c) due to the number of inmates in locked housing and the limited options available for visiting, restrictions may be placed on the frequency of visits in order to allow everyone an opportunity to visit.
3. Visitor numbers and visiting rooms capacities are as follows:
- a. no more than five people (including children) may visit an inmate at one time. A visitor may have no more than one inmate visit at a time unless approved by the Second Shift Captain or higher authority;
 - b. when a visiting room is at maximum capacity no more visitors will be let in. As more visitors arrive at the Wallace Building those in the visiting room will be allowed one hour and then visits will be terminated for local visitors (those within 45 minutes driving time from MSP). If this fails to address the waiting list in the Wallace Building, ongoing visits for visitors from further away will be terminated;
 - c. local visitors are encouraged to schedule their visits on weekdays, as crowded conditions occur most often on weekends; and
 - d. visits will not be terminated less than one hour from the start of the visit because of overcrowding of a visiting room.
4. Processing visitors into the facility is as follows:
- a. visitors will be processed through the Checkpoint post at the appropriate time and will proceed to the Wallace Building parking lot;
 - b. if a visitor is escorted by a person(s) that isn't visiting, the person(s) must leave the prison grounds after dropping off the visitor. They will not be allowed to wait for visitors in the Lobby, parking lot, or on prison grounds;
 - c. the use of tobacco products are not authorized on Montana State Prison property;
 - d. visitors will keep all tobacco products in their vehicle at all times;
 - e. pets or livestock are not allowed on prison grounds. This does not pertain to animals certified to assist visitors with disabilities. Any questions regarding the clearance of service animals will be referred to the Shift Commander;
 - f. no tractor trailers or trailers will be allowed to park in the prison parking lot. Semi-trucks are allowed, but must be parked at the rear of the parking lot. No U-Haul trailers, stock trailers, ATV trailers, campers, or any other type of trailer commonly pulled behind passenger

- vehicles will be allowed on the premises. Motorhomes are allowed and will be parked at the rear of the parking lot. If the visitor is towing a passenger vehicle behind their motorhome, they must leave the motorhome elsewhere and drive the passenger vehicle to the prison;
- g. visiting staff will issue each visitor a "Visitor ID Badge" when the visitor is being processed at the visitor processing desk. The visitor must wear their issued badge as instructed at all times;
- h. visitors will only be allowed to visit with the following items. These items include:
- 1) one clear 'Ziploc' type sandwich bag;
 - 2) vehicle keys (2 only) and a key fob on a bare ring (nothing else on the ring);
 - 3) state or federal issued identification card with the physical description of the holder and a photograph of their face (current mailing address);
 - 4) No more than \$20.00 in pocket change or cash, with no bills larger than a one-dollar bill. Pocket change must be loose, no coins in rolls;
 - 5) medical item(s) will be admitted on a case-by-case basis. Prescription medication (inhalers and nitroglycerin) in the original container are allowed in a limited amount during the visitation period. These medications will be kept in a visitor locker and will be retrieved by visiting staff if the visitor needs them during the visit;
 - 6) visitors who arrive with wheelchairs, walkers, canes, crutches, etc. will not be permitted to bring them to the visiting rooms. Visiting staff will store the item(s) in the visiting office after providing the individual with a wheelchair; and
 - 7) once the visitor has been cleared for entrance they must wear any jewelry items and may not remove them until they depart the facility. These items are as follows:
 - a) one ring (wedding sets count as one ring);
 - b) one bracelet;
 - c) one necklace; and
 - d) jewelry items in body piercings are allowed as long as the items are visible to visiting officers, however visitors are cautioned to refrain from wearing these items underneath their clothing, as they may not clear the metal detection devices, and will necessitate an intrusive clothed body search to verify the source of the item causing the alert.

All other personal property items (including chewing gum, cough, drops, etc.) are to be left in the visitor's vehicle or in provided visitor lockers. Montana State Prison is not responsible for lost or stolen items.

- i. Visitors with small babies may also have the following items:
- 1) one clear empty plastic bottle or "sippy" cup per baby;
 - 2) one factory sealed container of baby food (spoons are provided in the visiting room);
 - 3) baby formula in one clear 'Ziploc' type sandwich bag containing only the amount needed for the visit. Breast feeding is allowed however:
 - a) it must be done discreetly. The breast must be kept covered at all times with an approved blanket;
 - b) in the High Security Visiting Room, one of the rooms formerly used for non-contact visits may be used; and
 - c) in the Low Security and WRC Visiting Rooms, the mother may be asked to sit in a more secluded part of the room in order to avoid drawing unnecessary attention.
 - 4) One factory sealed package of baby wipes;
 - 5) four diapers;
 - 6) one baby carrier;
 - 7) one diaper bag;

- 8) one pacifier;
 - 9) one teething ring/toy. Must be one piece, hard plastic type (no teething devices that are part of a stuffed animal, etc.); and
 - 10) two blankets, not quilted, and no larger than 3' x 3'.
- j. Visiting staff may allow visitors to bring in a limited number of checks (for endorsement by the inmate) or legal papers (to be reviewed and/or signed by the inmate). Visitors must take these documents with them when they leave the visiting room. They are not allowed to leave the documents with the inmate;
 - k. visitors waiting to visit may not leave the lobby or visiting entrance until told to do so, and those on the same pass must remain together;
 - l. visitors wishing to leave a visiting room may not leave until a departure is announced by visiting officers. The officer will usually announce the departure 15 minutes prior to the scheduled departure time to allow the visitors to prepare to go. Those visiting on the same pass must leave together; and
 - m. departing visitors will not be permitted to loiter or wait an extended period for a ride, they should make prior transportation arrangements in the event that their visit ends early or they are terminated from visiting. Visitors may be permitted to use the phone at the visiting entrance to call and make arrangements with the local law enforcement for a ride.
5. Visitor Dress Code & Visiting Room Rules (attachment D) are as follows:
 - a. The Visitor Dress Code & Visiting Room Rules are established, maintained, and distributed by the Warden or designee. The visitor will acknowledge acceptance of the dress code and rules on the visitor application;
 - b. staff, inmates, and visitors may submit recommended revisions to this document to the Second Shift Captain, who will make the final decision on whether or not any modifications will be made after consulting with the Associate Warden of Security; and
 - c. whenever any changes are approved the Warden will sign, date, and ensure copies are distributed to inform all affected parties of the new requirements.
 6. Inmates may have photographs taken of themselves or with their visitors in accordance with the following rules:
 - a. each inmate will be allowed to have two photographs taken per visit;
 - b. no hugging;
 - c. inmates and visitors are allowed to put their arms around one another (above shoulder). They will ensure their hands are positioned to be visible in the photograph;
 - d. no gang gestures;
 - e. no kissing;
 - f. inmates are allowed to hold their children or have their children sit on their lap for photographs;
 - g. the visitor will pay for the photos with the money they are allowed to bring in to the visiting room. Only staff will handle these funds; and
 - h. finished photos will be forwarded to the housing unit for delivery to the inmate. Photos with questionable or improper content will not be delivered, and the purchaser will not be refunded.

G. Visiting Terminations, Suspensions, or Revocations

1. The termination of visiting is as follows at MSP. The offender's visit is terminated only for that day. This normally occurs only after warnings have been issued by the Visiting Room Officer(s)

to correct disruptive or inappropriate behavior by the visitor, visitor's child, or the inmate. Upon review of the circumstances by the Visiting Supervisor, a suspension or full revocation may be instituted if an extended pattern of disruptive or inappropriate behavior is noted:

- a. in accordance with the Visiting Supervisor's approval, a visiting officer may recommend termination of a visit by filling out the top section of a *Visiting Termination Form* (attachment A) and informing the visitor and/or inmate that the visit will not be allowed to proceed. The officer will immediately forward the completed form to the Visiting Supervisor;
 - b. the reason(s) for termination of a visit may include, but is not limited to the following:
 - 1) substantial information/evidence exists to show that the visitor may have a harmful effect on the inmate he is visiting, or the visitor poses a threat to the safety and security of the facility, other visitors, staff, or other inmates;
 - 2) suspicion that the visitor is or has been under the influence of alcohol or illegal drugs when checking into the visit or while visiting;
 - 3) refusal by the visitor to submit to a pat search or, if requested, declining to submit to a strip search;
 - 4) failure of the visitor to produce picture identification, their current mailing address, or falsifying their identification;
 - 5) violation by the visitor of a visiting or other institutional rule;
 - 6) displaying inappropriate or abusive behavior, foul and/or abusive language, or refusing to comply with MSP rules, Department Policies, or MSP Procedures;
 - 7) improper physical contact with an inmate;
 - 8) improper conduct with children by the visitor or the inmate they are visiting; and
 - 9) any other activity that poses a threat to the safety and security of the facility, other visitors, staff, or other inmates.
 - c. The Visiting Supervisor will review the circumstances resulting in the termination and may officially suspend or revoke the visitor's and/or inmate's visiting privileges by filling out a *Visiting Suspension/Revocation form* (attachment B);
 - d. the Visiting Supervisor will determine the length of the suspension or revocation based on the Visiting Rule Infractions Matrix on the *Visiting Suspension/Revocation form* (attachment B). The Visiting Supervisor will document the reasons for the decision at the bottom of the form. The Visiting Supervisor will provide a copy of the completed form to the visitor and/or inmate and forward a copy to the Associate Warden of Security. The notice informs the inmate and/or visitor that he/she may appeal the decision; and
 - e. if an inmate is involved in an activity that resulted in a visiting suspension or revocation, he may be cited for a rule infraction as outlined in *MSP Procedure 3.4.1, Inmate Discipline*. Any sanctions the inmate may receive through the inmate disciplinary process will be enforced independent of any suspension or revocation administered through the procedures outlined in this operational procedure.
2. Revocations and suspensions are as follows:
- a. visitors who introduce or attempt to introduce contraband, including, but not limited to, cell phones, electronic devices, money, tobacco, drugs, or weapons, may have their visiting privilege permanently revoked due to committing a serious rule infraction. If an inmate or inmates are involved, or there is evidence or documentation linking them to the introduction or attempted introduction, their visiting privileges will be suspended for at least 365 days;
 - b. violation of a major rule infraction from the matrix will result in at least a 180 day suspension of visiting privilege for the visitor and/or inmate involved. This includes, but not

- limited to:
- 1) a visitor who has had their visiting privilege suspended for a major infraction(s) must contact the Associate Warden of Security to re-apply after the term of their suspension is completed. If the Associate Warden of Security allows them to re-apply, they must pass a current background check in order to resume visiting; and
 - 2) visiting staff will reinstate the visiting privilege of an inmate who has had his visiting privilege suspended for a major rule violation(s) after the period of suspension has ended.
- c. Violation of a minor rule infraction from the matrix will result in at least a 90 day suspension of the visiting privilege for the visitor and/or inmate involved. Visiting staff will reinstate the visiting privilege of a visitor and/or inmate who has had their visiting privilege suspended for a minor violation(s) after the period of suspension has ended;
 - d. people under a visiting revocation may not mail postal money orders in for any inmate;
 - e. notification of suspension will be conducted as follows:
 - 1) visiting staff will deliver the suspension notice to the inmate, have him sign it, and indicate his choice to appeal or not appeal the decision; and
 - 2) visiting staff will deliver the suspension notice to the visitor, have him / her sign it, and indicate their choice to appeal or not appeal the decision.
 - f. If a staff member receives a phone call regarding the revocation or suspension of a visitor's visiting privilege, they will advise the caller to address their concerns by utilizing the appeal process explained at the bottom of the *Visiting Suspension/Revocation form* (attachment B);
 - g. suspension or revocation of a visitor's or inmate's visiting privileges from one facility will automatically apply to all other Department and Department-contracted facilities; and
 - h. an inmate's loss of visiting privileges will not necessarily result in a corresponding loss of visiting privileges for the inmate's visitor if the visitor is not involved in the visiting rule infraction.
3. Visiting suspensions and revocations appeals are as follows:
 - a. an inmate may appeal his visiting suspension by filling out the appeal section on the *Visiting Suspension/Revocation Appeal form* (attachment C) and sending it to the MSP Associate Warden of Security or designee within 5 days of receipt of the notice. The Associate Warden of Security or designee will respond to the appeal within 20 days of receipt of the appeal. Visiting staff will deliver the form with the Associate Warden of Security or designee's decision to the inmate. This response is final and exhausts the inmate's administrative remedies; and
 - b. a visitor may appeal their suspension or revocation by filling out the appeal section on the *Visiting Suspension/Revocation Appeal form* (attachment C) they receive, and mailing it to the Associate Warden of Security or designee within 5 days of receipt of the notice. The Associate Warden of Security or designee will respond to the appeal within 30 days of receipt of the appeal, and mail the form with his/her response to the visitor. This response is final and exhausts the visitor's administrative remedies.

H. Cross-over Visits

1. A high side inmate and a low side inmate who are verified related as father, son, brother, half-brother may request to visit with each other by submitting an Offender Staff Request (OSR) to the Command Post. The requests will be forwarded to the second shift Captain or designee.

2. The second shift Captain or designee will process the requests and approve or deny them based on documented facility security related issues (such as the recent disciplinary histories of the two inmates). The second shift Captain or designee will keep a record of approved cross-over visits.
3. If the request is approved the inmates will be allowed a visit under the following conditions:
 - a. the visit will be conducted in the high security visiting room under the supervision of at least one correctional officer;
 - b. the correctional officer(s) will strip search both inmates when they enter and leave the visiting room;
 - c. the visit will be no longer than two hours. The visit will start when the inmate from the low side enters the visiting room;
 - d. no personal property or legal material will be exchanged; and
 - e. when the visit is over staff will escort the low side inmate to low side compound.
4. Inmates are restricted to no more than two cross-over visits a year.

IV. CLOSING:

Questions concerning this operational procedure will be referred to the Associate Warden of Security or designee.

V. ATTACHMENTS:

| | |
|---|--------------|
| Visiting Termination Notice | attachment A |
| Visiting Revocation / Suspension Notice | attachment B |
| Visiting Suspension/Revocation Appeal form | attachment C |
| MSP Visitor Dress Code & Visiting Rules and Regulations | attachment D |
| Proof of Guardianship for Visitation form | attachment E |



MONTANA STATE PRISON VISITING TERMINATION NOTICE

DATE: ___ / ___ / ___

VISITOR'S NAME(S): _____

INMATE'S NAME: _____ ID#: _____

The visit between the above named individuals will not be allowed to proceed for the following reason(s):

- The visitor is suspected of being under the influence of alcohol or illegal drugs.
 - The visitor or inmate refused to submit to a search.
 - The visitor failed to produce picture identification or falsified their identification.
 - The visitor violated a visiting or other institutional rule as described below.
-
- The visitor, the visitor's children, or the inmate they visited disrupted other visits or the orderly operation of the facility (the visitor processing area, entrance post, courtyard, visiting room).
 - The visitor and/or or inmate have repeatedly violated visiting rules.
 - The visitor and/or or inmate engaged in improper physical contact.
 - The visitor and/or or inmate engaged in improper conduct with another inmate or visitor (including children).
 - The visitor and/or inmate are using disrespectful or profane language with staff or others.
 - The visitor and/or or inmate engaged in activity that poses a threat to the safety and security of the facility, other visitors, staff, or other inmates as described below:
-

REPORTING STAFF MEMBER'S NAME: _____

Visiting Terminated until: ___ / ___ / ___

Reason(s): _____

Visiting Supervisor Signature: _____ Date: ___ / ___ / ___

INMATE VISITOR: You may appeal this decision to the MSP Associate Warden of Security or designee.

Do you wish to appeal this decision? Yes No

MSP Associate Warden of Security's Decision:

Visiting Supervisor's finding is: upheld overturned

Signature: _____ Date: ___ / ___ / ___

COPIES TO: White – A.W. Canary – Visitor Pink - Inmate Goldenrod – Visiting File



MONTANA STATE PRISON VISITING REVOCATION / SUSPENSION NOTICE

| INFRACTION | VISITOR SANCTION | INMATE SANCTION |
|------------------------------------|--------------------------------|------------------------------|
| Introduction of serious contraband | Permanent revocation of visits | At least 365 days suspension |
| Major violation | 90 to 180 days suspension | 180 to 365 days suspension |
| Minor violation | Up to 90 days suspension | Up to 90 days suspension |

| Major Violations | Minor Violations |
|--|---|
| Suspicion of being under the influence of alcohol or illegal drugs. | The visitor and/or or inmate engaged in improper physical contact. |
| The visitor has been convicted of a felony or misdemeanor or has pending felony/misdemeanor charges. | The visitor and/or or inmate engaged in improper conduct with another inmate or visitor (including children). |
| The visitor and/or or inmate engaged in activity that posed a serious threat to the safety and security of the facility, other visitors, staff, or other inmates. | The visitor, the visitor's children, or the inmate they visited, disrupted other visits or the orderly operation of the facility. |
| The visitor falsified their identification. | The visitor violated a visiting or other institutional rule. |
| The visitor and/or or inmate have repeatedly violated minor visiting rules. | The inmate violated a visiting or other institutional rule. |
| Substantial information/evidence exists to show that the visitor may have a harmful effect on the inmate he/she is visiting, or poses a threat to the security of the facility, other visitors, staff, or other inmates. | |
| The visitor or inmate refused to submit to a search. | |
| The inmate was found guilty of disciplinary infraction 4107 or 4206 concerning dirty UA's and unauthorized substances. | |

Inmate / Visitor Name: _____

ID#: _____

Visitor's visiting privilege permanently revoked: _____

Visitor's visiting privilege suspended until: _____ / _____ / _____

Inmate's visiting privilege suspended until: _____ / _____ / _____

Visiting Supervisor Signature: _____ Date: _____ / _____ / _____

Reason(s): _____

INMATE VISITOR: You may appeal this decision to the MSP Associate Warden of Security.

Do you wish to appeal this decision? Yes No

*If they do, staff will give them an appeal form (see attachment C)

COPIES TO:

White – A.W.

Canary – Inmate

Pink – Visiting File

MONTANA STATE PRISON VISITING SUSPENSION/REVOCATION APPEAL FORM

Inmate / Visitor Name: _____ ID # _____

Date: ____ / ____ / ____ Infraction(s): _____

Visiting Supervisor's Decision: _____

Instructions: Complete this section of this form explaining why you are appealing and mail the completed form to the MSP Associate Warden of Security.

Inmate appeals must be mailed to the MSP Associate Warden of Security through the internal MSP mail process.

Visitors must mail the appeal to the following address: MSP Associate Warden of Security, 600 Conley Lake Rd., Deer Lodge, MT 59722

1. There is no evidence or documentation to support the decision.

2. Required procedures were not followed.

3. The sanction is excessive.

Inmate / Visitor Signature

Date

Associate Warden of Security OR DESIGNEE'S RESPONSE

Is there sufficient evidence and documentation to support the decision? YES NO

Is there substantial staff compliance with applicable procedures? YES NO

Is the sanction imposed proportionate to the rule violation(s)? YES NO

Decision:

Affirm. I uphold the decision of the Visiting Supervisor and the sanction imposed.

Modify. I uphold the decision of the Visiting Supervisor, but the sanction imposed or infraction level will be:

Dismiss. I overturn the Visiting Supervisor's decision and dismiss the infraction.

Written justification for the action taken above:

Associate Warden of Security or Designee Signature

Date

Copies to: 1. Visiting Records

2.

3.

4. Inmate

MSP VISITOR DRESS CODE & VISITING RULES AND REGULATIONS

As approved by Warden Leroy Kirkegard effective date 4/15/2015

Dress Code (these dress codes apply equally to females and males over five years old)

Visitors should dress and maintain their personal hygiene in a manner that is not distracting, disturbing, provocative, or offensive to other visitors, inmates, and/or staff. All clothing must be clean and in good repair (no holes, tears, etc.) the Visiting and/or Visiting Entrance Officer will make decisions in this matter. If the visitor disputes the decision of the Visiting or Visiting Entrance Officer, it will be referred to the Shift Commander. If the Shift Commander determines an individual's clothing or hygiene isn't appropriate, the visitor will be asked to leave. The visitor will not be allowed to cover or mask the problem in question and proceed with the visit. He or she must leave. Because MSP is an adult male facility; female visitors are required to dress in a conservative manner so as not to offend other visitors, staff, or the inmates. Visitors are expected to conduct themselves in a manner that is polite and respectful to other visitors, staff, and inmates. Violations of this may result in being denied entry or early termination of the visit. Repeated violations of these conduct guidelines may result in a suspension or total revocation of the visitor's visitation privileges. Montana State Prison will not tolerate disrespectful or aggressive behavior to include loud, threatening, abusive, or profane language; verbal or physical aggressions toward staff members, offenders, or visitors; inappropriate physical contact; or improper use or abuse of state property.

Visitors wearing the following items/types of clothing will not be allowed into the facility:

1. Spandex, form fitting, or excessively baggy tops/shirts or bottoms/pants (normally identified with gang dress).
2. Shorts or cut-offs.
3. Transparent tops, skirts, or pants. Undergarments must not be visible through the clothing.
4. Clothing without the proper undergarments (bra, slip, and underwear). Female visitors must wear a bra at all times (sport, regular or strapless). Bras with metal under wires will not clear metal detection devices, and will necessitate an intrusive clothed body search to verify the source of the metal causing the alert.
5. Sleeveless tops. Tops, shirts or blouses, must be worn with a bra, and 'tank' type tops are not allowed as an outer garment. Tops must be long enough that no skin is exposed when arms are raised overhead. Necklines must not be lower than 2 inches below the notch of the neck.
6. Dresses or skirts as follows:
 - a) without a slip underneath;
 - b) without a hem at least 6 inches lower than the knee when standing;
 - c) with slits extending above the knee; and
 - d) with button-up or snap-up front, back, or wrap around (these dresses may be worn only if sewn shut).
7. Dress that, taken as a whole, resembles inmate-issued clothing (dark blue, tan, orange scrub type pants or tops).
8. Any clothing that, taken as a whole, resembles staff uniforms (grey tops/bottoms, medical scrub clothing).
9. Camouflage clothing.
10. Flip-flops slippers and steel-toed boots or shoes. Open toed shoes are allowed. Socks of some type must be worn at all times (short socks, women's nylon "footies," etc.) for sanitation purposes.
11. Shoes that have hidden compartments, pockets, or zippered pockets.
12. Clothing items with designs that are profane or derogatory.
13. Clothing with designs that promote illegal drugs, alcohol, or sexual behavior.
14. Clothing that is obviously soiled or has holes/tears large enough to be deemed a distraction.
15. Sunglasses (unless they are prescription).

Visitors are cautioned to refrain from wearing metal items underneath their clothing, as any metal item will not clear the metal detection devices, and will necessitate an intrusive clothed body search to verify the source of the metal causing the alert.

Visitors must hang their coats, vests, hats, scarves on the coat hangers in the visiting room foyers, and are not allowed to remove clothing items they wear into a visiting room. Jackets/coats with hoods must be hung up inside the visiting room.

/s/ Leroy Kirkegard
MSP Warden

4/15/2015
Effective Date

Visiting Room Rules and Regulations

Any violation of these rules may result in the visit being terminated and possible visiting suspensions or revocation.

Physical contact

1. A brief (approximately 5 seconds) closed mouth facial kiss and an appropriate embrace at the beginning and end of the visit is allowed. Petting or fondling during this kiss/embrace is not allowed. Kissing, embracing, or hugging isn't allowed in the middle of your visit.
2. Handholding in full view of the visiting officers is allowed. Massaging, caressing, or rubbing in any form is not allowed. Visitors and inmates are not allowed to interlock their legs or recline their knees against the other person.
3. Children 8 yrs. old and younger are allowed to sit only on the lap of the inmate, visiting parent, or guardian. Others in the room are not allowed to sit on each other's laps even when taking photographs.

Visitors and inmates are not allowed to perform the following actions

1. Seat themselves where the Visiting Officers don't have full view of all parties. Visiting Officers will change seating arrangements to address any concerns.
2. Move/re-arrange the chairs and tables in the visiting rooms. The chairs must be kept squared-up to the tables at all times, and not moved to the corners, placed side by side, or turned to face sideways or backward.
3. Lean over the tables.
4. Interact with those not in their party and/or the inmate they were approved to visit. The same applies to the inmates. They are not allowed to interact with other inmates in the visiting rooms or individuals that were not approved to visit with them. Brief polite and respectful verbal social greetings and acknowledgements are allowed.
5. Put their feet on the tables for any reason.
6. Remove their shoes and/or socks. This includes children.
7. Remove toys from the designated toy area. Inmates are not allowed in the designated toy area (on the carpet).
8. Shake or move a vending machine.
9. Take an item purchased from a vending machine out of the visiting room.
10. Enter areas other than those specifically designated as visiting areas. Restricted areas are marked by painted floor markings/lines.
11. Allow children to use restrooms without supervision by the approved visitor they are with.
12. Exchange any items with anyone.
13. Leave the visiting room unless terminating the visit.

Visiting Hours

1. Visiting is allowed Thursday through Sunday. Visitors arriving on any other day will be turned away.
2. Visitors may not arrive on prison property prior to 2:15pm or after 4:50pm; otherwise they will be turned away.
3. All visiting may be cancelled or terminated at any time due to security concerns.
4. General population inmates housed in units A, B, C, D, HUU-I, HSU-II, and the Work and Re-entry Center are allowed four visiting periods per week, Thursday through Sunday:
 - 1) visiting ends at 7:30pm;
 - 2) visiting on Thursday and Friday are for adults (age 18 and over) only; and
 - 3) visiting on Saturday and Sunday is open to adults and minors.

Supervision of Children

It is the responsibility of the inmate and his visitor to supervise and control their children while on prison property (this also applies to the lobby and parking lot areas prior to and after visiting). If the inmate and his visitor neglect this responsibility after being warned, the visit will be terminated.

Vending machines

Vending machines are available for purchase of snacks or soft drinks. Only visitors may handle money for the vending machines. Report any problems encountered in using the machines to visiting staff.

Restroom Facilities

Visitors and inmates must notify the Visiting Room Officers when they need to use the restrooms.

/s/ Leroy Kirkegard
MSP Warden

4/15/2015
Effective Date

Authorized adults who may accompany the above-named minor children when visiting the above-named inmate:

(Note: These adults must be on the above-named inmate's visitation list to be allowed to visit that inmate)

| | | |
|--------------|--------------------------|------------------------|
| _____ | _____ | _____ |
| Adult's Name | Relationship to Guardian | Relationship to Inmate |
| _____ | _____ | _____ |
| Adult's Name | Relationship to Guardian | Relationship to Inmate |
| _____ | _____ | _____ |
| Adult's Name | Relationship to Guardian | Relationship to Inmate |
| _____ | _____ | _____ |
| Adult's Name | Relationship to Guardian | Relationship to Inmate |
| _____ | _____ | _____ |
| Adult's Name | Relationship to Guardian | Relationship to Inmate |
| _____ | _____ | _____ |
| Adult's Name | Relationship to Guardian | Relationship to Inmate |

I verify that the above information is correct to the best of my knowledge.

Visitor's Signature _____ Date _____

Visitor's Printed Name _____

Visitor's Address _____

Visitor's Phone No. _____

Sworn to and subscribed before me this ____ day of _____, 20____, by the person named above as "Legal Guardian."

Signature of Notary

Printed Name of Notary Public

Notary Public for the State of: _____

Residing at: _____

My commission expires: _____

(Affix Notarial Seal / Stamp Above)