



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

Policy:	DOC 3.3.21 OFFENDER VIDEO VISITATION
Chapter 3:	FACILITY/PROGRAM OPERATIONS
Section 1:	Rights and Privileges
Effective Date:	October 16, 2020 Page 1 of 5
Revised:	
Signature:	/s/ Reginald D. Michael

I. POLICY

The Department of Corrections provides video 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 Department secure care facilities.

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.

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.

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.

Video Visitation – A form of visiting utilizing video equipment between the offender and the visitation participant.

IV. DEPARTMENT DIRECTIVES

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A. General Requirements

1. The chief of security, or designee, will oversee a facility's video visiting program.
2. Offender video visiting arrangements will permit a degree of informality including the opportunity for visual and audio interaction with friends and/or family
3. The facility administrator, or designee, may permit and restrict video visits as deemed necessary to maintain facility security requirements or in the best interest of offender rehabilitation.
4. Facility employees will ensure written information governing video visits is available to offenders within 24 hours of arrival at the facility.
5. Facility video visiting procedures will categorize which video 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 clearly define video visiting hours and offender availability;
 - b. methods for notifying and disseminating video visiting rules to prospective visitors;
 - c. methods of retaining official video visiting records or logs.;
 - d. accommodations for special or official video visits and for persons with disabilities; and
 - e. video visiting as a privilege that may be suspended as a disciplinary sanction.

B. Video Visitation

1. The following conduct is prohibited during video visits:
 - a. any display of nudity;
 - b. behavior or actions that are sexual in nature;
 - c. use or display of any weapons, illegal substances and related paraphernalia;
 - d. activity or display or graphics/paraphernalia associated with gangs; and
 - e. unlawful activity or depiction of unlawful activity
2. Depending on the severity of the conduct violation, an offender's video visitation privilege may be suspended or revoked, as determined by the facility administrator or designee.
3. Facilities will make reasonable accommodations to facilitate communication for offenders with hearing and/or speech disabilities, and offenders who wish to communicate with parties who have such disabilities.
4. Facilities must include a plan to appropriately monitor offender video visitation in local procedures.

C. Information for Video Visitors

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1. Facility staff will ensure offenders are provided the following information to communicate visitors:
 - a. the process for establishing/scheduling video visits;
 - b. visiting schedule and number of video visitors permitted;
 - c. grounds on which video visits may be denied or terminated; and
 - d. reasons for special or extended video visits.
2. A visitor may be suspended or banned from participating in video visitations with offenders for conduct violations, as determined by the facility administrator or designee.

D. Approval of Video Visitors

1. Children under the age of 18 may not participate in a video visit without a supervising adult present
2. For juvenile video visits, a visitor must be on a juvenile's approved visitor's list.
3. Persons on probation, parole, or other forms of conditional release may not have video visit with 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 appropriate probation and parole officer must contact the facility administrator or designee prior to approval.
4. The chief of security may exclude a person from being a video visitor based on a reasonable suspicion that the video visitor may have a detrimental effect on the offender or may constitute a threat to facility safety or security.

E. Video Visiting Suspensions or Permanent Revocations

1. For a violation of visiting procedures, the facility may, at its discretion, suspend or permanently revoke an offender's video visiting privilege with a video visitor. If a video visitor has suspended or revoked privileges, whether proposed or decided, they will be notified in writing and informed of their right to appeal.
2. Suspension or permanent revocation of privileges from one facility/program automatically applies to any Department-owned or contracted facility or program.
3. An offender's loss of visiting privileges through disciplinary action will not necessarily result in loss of video visiting privileges for the offender's visitor when the visitor is not involved in the rule infraction.
4. Offenders may appeal video visitation suspensions or revocations in accordance with *DOC 3.3.3 Offender Grievance Program*.

F. Current and Former Employee Visiting

1. Current Department employees, or former Department employees who left employment in good standing, may have video 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

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granted video 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 video visiting privileges.
3. Former employees who were not immediate family members of an offender prior to incarceration or community supervision may not have video 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 with offenders discovered after employment discontinued may be restricted from all types of offender visitation.

G. Sex Offender Visiting

1. On a case-by-case basis, a facility may restrict video visiting between minors and offenders convicted of current or prior 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. If contact or no contact visits are disallowed, the facility may allow video visitation at the discretion of the facility administrator or designee and the child's legal guardian and or/ caregiver

H. Monitoring of Video Visitation

1. An adult facility must audio-video record all video visits and ensure it has the technological ability for authorized staff to intermittently monitor the audio-video recording.
2. Inappropriate conduct resulting in an incident report or termination of the video visit will require staff to provide reasons for termination in writing to the offender and/or the video visitor.
3. Notices informing video visitors of monitoring and surveillance will be provided to persons who accept video visitation requests from offenders.
4. Staff must ensure video visitors do not have a line of sight to sensitive areas or materials that could jeopardize the safety and security of the facility.

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*

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- 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