



## POLICY DIRECTIVE

Policy:	<b>DOC 3.3.21 OFFENDER VIDEO VISITATION</b>
Effective Date:	10/16/2020 <span style="float: right;">Page 1 of 3</span>
Revision Date(s):	04/24/2026
Signature/Title:	/s/ Eric Strauss, Director

### I. POLICY

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

### II. APPLICABILITY

All Department secure facilities.

### III. DEFINITIONS (see Glossary)

### IV. REQUIREMENTS

#### A. General Requirements

1. The chief of security 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 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 requirements will:
  - a. categorize which video visitation violations are major violations and which are minor violations; and
  - b. specify an appropriate process for notifying visitors and offenders of restrictions, revocations, or suspensions the facility imposes for violations of the visiting requirements.
6. Facility video visiting requirements 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 of graphics or 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.
3. Facilities will make reasonable accommodations to facilitate communication for offenders:
  - a. with hearing and/or speech disabilities; and
  - b. for offenders who wish to communicate with individuals who have such disabilities.
4. Facilities must include a plan to appropriately monitor offender video visitation in procedures or other written requirements.

### **C. Information for Video Visitors**

1. Facility staff will ensure offenders are provided the following to communicate to visitors:
  - a. the process for establishing and 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.

### **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 an approved visitors list.
3. Persons on probation, parole, or other forms of conditional release may not have video visit with offenders unless approved by the administrator.
  - a. Facility requirements may identify specific criteria for exclusion based on relationship to the offender or non-satisfactory adjustment to the community.
  - b. The applicable Probation and Parole Officer must contact the facility administrator 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 requirements, the facility may, at its discretion, suspend or permanently revoke an offender's video visiting privilege with a video visitor.
  - a. A video visitor whose privileges are being suspended or revoked, whether proposed or decided, will be notified in writing and informed of the right to appeal.
2. Suspension or revocation of privileges from one facility or 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 Inmate 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.
  - a. Current or former employees who are granted video visiting privileges must comply with this policy and applicable 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.
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.
  - a. This restriction may be imposed if it is in the interest of visitor safety, the security of the institution, or the offender's rehabilitation.
  - b. If contact or no contact visits are disallowed, the facility may allow video visitation at the discretion of the facility administrator 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 about this policy should be directed to chief of security or facility administrator.

**VI. REFERENCES**

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