Rhode Island Department of Corrections
POLICY UNIT

TO: RIDOC Employees

VIA: Ellen Evans Alexander, Assistant Director
Administration

FROM: Gina M. Caruolo, Chief/Program Development
Administration

DATE: 02/18/10

SUBJECT: **24.03-4 DOC; VISITS;**
Interim Memoranda issued by Assistant Director for Institutions and Operations Nancy Bailey on 2/18/10

On 2/18/10 a Memorandum was issued by Institutions and Operations Assistant Director Nancy Bailey which amends Section III. J. 4. of the enclosed policy. That Memorandum is attached hereto.

Persons responsible for implementing the provisions of this policy are also responsible for ensuring adequate supplies of attachments are available for use by staff.

Unless otherwise specified, facility/unit/program managers are responsible for ensuring subordinate staff is adequately trained in the contents of this policy.

This policy IS approved for inmate/public access.

GMC
Enclosure

RHODE ISLAND DEPARTMENT OF CORRECTIONS
INSTITUTIONS AND OPERATIONS
INTER-OFFICE MEMORANDUM

TO: All RIDOC Staff

FROM: Nancy Bailey, Assistant Director
Institutions and Operations

DATE: February 16, 2010

SUBJECT: **INTERIM MEMORANDUM 24.03-4 DOC VISITS**

Section III. J. 4. (new item c. inserted on page 23 of 27)

Family members who are also clergy-of-record may be approved for an emergency clergy visit outside of regular visiting hours when authorized by the Warden/designee.

When visiting as a family member, they are authorized to visit during established visiting hours.

Nancy Bailey, Assistant Director
Institutions and Operations

2/17/10
Date

Rhode Island Department of Corrections
POLICY UNIT

TO: RIDOC Employees

VIA: Ellen Evans Alexander, Assistant Director
Administration

FROM: Gina M. Caruolo, Chief/Program Development
Administration

DATE: 10/02/08

SUBJECT: 24.03-4 DOC; VISITS; 11/10/08

The enclosed policy **supercedes policy # 24.03-3 DOC** and contains one substantive revision as follows (underscore = new text; ~~strikethrough~~ = deleted text).

III.E.1. A member of the general public may request information or make a request for accommodation under the ADA by contacting the Facility ~~RIDOC~~ ADA Coordinator (i.e., Deputy Warden). A request for information or an accommodation may be done verbally or in writing.

Persons responsible for implementing the provisions of this policy are also responsible for ensuring adequate supplies of attachments are available for use by staff.

Unless otherwise specified, unit/program/facility managers are responsible for ensuring subordinate staff is adequately trained in the contents of this policy.

This policy IS approved for inmate/public access.

Enclosure

RHODE ISLAND DEPARTMENT OF CORRECTIONS
POLICY AND PROCEDURE

	POLICY NUMBER: 24.03-4 DOC	EFFECTIVE DATE: 11/10/08	PAGE 1 OF 27
	SUPERCEDES: 24.03-3 DOC	DIRECTOR: Please use BLUE ink. Robert T. Wall II	
SECTION: MAIL, TELEPHONE, VISITING		SUBJECT: VISITS	

AUTHORITY: Rhode Island General Laws (RIGL) § 42-56-10 (22), Powers of the director; § 42-56-18, Inmate furloughs; Wood v. Clemons, 89 F. 3d 922 (1st Cir. 1996)

REFERENCES: ACA Standard #'s 4-4498 (# of visitors); 4-4499-1 (informal communication and contact); 4-4499 (visiting information to inmates within 24 hours of commitment); 4-4500 (special visits); 4-4501 (extended visits w/families); 4-4502 (community furloughs); 4-4503 (visitor registration); 4-4404 (transportation info. for visitors); Rhode Island General Laws (RIGL) Chapter 20.6 (Smoking in public places); Chapter 20.7 (Workplace smoking pollution control act); § 11-25-14 (Conveyance of unauthorized articles to or from institutions); § 36-12-1, Definitions (Insurance Benefits); RIDOC policy #'s 3.14-1 DOC, Code of Ethics and Conduct; 1.06 DOC, Public Information/Media Access; 7.01-1 DOC, Accountability and Procedures for Utilization of Community Agencies, Volunteers, Interns and/or Employees of Outside Public or Private Organizations; 8.08-1 DOC, Smoking and Tobacco Regulations; 9.14-3 DOC, Detecting Contraband on or in the Possession of Inmates/Detainees (Including Frisk, Strip, and Body Cavity Searches); 9.37-2 DOC, Security and Control of Offenders at Outside Hospitals and Medical Clinics; 9.46-2 DOC, Narcotics Detection Program; 11.01-3 DOC, Code of Inmate Discipline; 13.02-4 DOC, Access to Institutional Facilities by Attorneys and Their Agents; 20.01 DOC, Inmate Furloughs; 24.14-1 DOC, Meetings Between Inmates to Discuss Active Lawsuits; 26.01-3 DOC, Religious Programs and Services; Sandin v. Conner, 515 U.S. 472(1995); Kentucky Department of Corrections v. Thompson, 490 U.S. 454 (1989); DeWitt v. Wall, 41 Fed. Appx. 481 (2002) cert. denied 2002 US LEXIS 5083; Overton v. Bazzetta, 540 U.S. 980 (2003); Caraballo-Sandoval v. Honsted, 35 F.3d 521 (11th Cir. 1994); DeMelo v. Zompa, 844 A.2d 174, 177 (R.I. 2004).

INMATE / PUBLIC ACCESS?	x YES
AVAILABLE IN SPANISH?	x YES

Date of Public Notice: N/A Technical Revisions

RECEIVED
OCT 09 2008
RI SECRETARY OF STATE
ADMINISTRATIVE RECORDS

I. PURPOSE:

To establish rules and regulations governing visits at the Adult Correctional Institutions (ACI) of the Rhode Island Department of Corrections (RIDOC) which reflect not only the importance of prison visitation but also the need for security and order. To provide authorized visitors access to all public areas, services and programs.

II. POLICY:

A. It is the policy of the Rhode Island Department of Corrections (RIDOC) to encourage inmates, in a manner consistent with sound security practices, to have regular social visits with relatives and other individuals in order to maintain close family ties and other positive relationships.

B. It is the policy of RIDOC not to routinely restrict visiting to specific persons such as inmates' relatives, friends, or prior acquaintances.

C. Minors must demonstrate they have the consent of their parent(s) or guardian(s) and must be accompanied by adults while visiting.

III. PROCEDURE:

A. Applicability

This policy applies to all employees, inmates at all RIDOC facilities, and visitors not covered by other policies [e.g., 1.06 DOC, Public Information/Media Access; 13.02-4 DOC, Access to Institutional Facilities by Attorneys and Their Agents; 26.01-3 DOC, Religious Programs and Services (or their successive policies)].

B. Departmental Standards for Visiting Rules and Procedures

1. Wardens shall establish the number of days and hours that visiting is permitted, the length of a single visit, the number of weekly visits per inmate, and the number of persons who may visit an inmate simultaneously.

2. Each facility's visiting rules and procedures provide each inmate at least three (3) visiting periods per week for inmates who are NOT on Administrative Restricted Status.

3. The facility visiting periods shall be at least one and one-half (1½) hours in length.

4. Smoking is prohibited in all facilities' visiting areas, consistent with Rhode Island State Law and Departmental policy (See, 8.08-1 DOC; Smoking and Tobacco Regulations). All use of tobacco products is prohibited within any and all buildings and property under the control of RIDOC.

5. Each Warden determines the degree of informality during visits, consistent with the facility's overall security requirements.

6. Visiting rules and regulations for inmates shall be posted in each block or living unit of the facility and shall include, but not be limited to, visiting hours and dress code.

   In addition, copies of this policy, Attachment 1 (Visitor Dress Code), and corresponding facility-specific procedures shall be posted in English and Spanish in facility visiting waiting rooms.

7. Each Warden ensures transportation schedules for public transportation are posted in a conspicuous location at the entrance or lobby of his/her facility.

8. Each Warden ensures that a sign is prominently displayed stating "Vehicles on RIDOC Property are Subject to Search".

9. All facility visiting rules shall be enforced.

10. Consistent with the Department's Code of Ethics and Conduct, Departmental employees will treat visitors to RIDOC fairly, politely, and in a professional manner.

    a. Visitors wishing to file/submit complaints regarding treatment by RIDOC staff should submit them in writing to the facility Warden/designee.

    b. The Warden/designee will advise the visitor of his/her findings in writing.

11. In addition to items 1-10 above, the following basic rules and regulations pertain to all facilities of RIDOC which allow <u>contact visits</u>:

a. Inmates in disciplinary segregation are authorized visits with attorneys and clergy only.

b. Visitors who have not cleared background investigations (i.e., both BCI and NCIC checks) are not permitted to visit unless specifically approved by the Assistant Director of Institutions and Operations ("ADIO") or designee.

c. Any visitor with a felony criminal record, pending charge, misdemeanor drug-related record and/or if the background check reveals a plea of nolo contendere or that he/she is on probation who is **not an immediate family member** will normally be denied visiting privileges.

NOTE: It is at the Warden's/designee's discretion to grant visiting privileges to a visitor who is not an immediate family member and has a non-drug-related misdemeanor record.

(1) Exceptions may only be granted by the ADIO/designee.

(2) He/she will consider factors including, but not necessarily limited to, nature of the felony and age of the criminal record.

(3) In the event the visitor is a co-defendant, visits will only be allowed with the inmates' attorney present, at a designated time, to be arranged by the attorney in consultation with the Warden/designee.

d. Any visitor with a felony conviction, pending charge, and/or if the background check reveals a plea of nolo contendere for a felony offense or that he/she is on probation for a felony offense who **is an immediate family member MAY** be granted visitation, contingent upon the approval of the ADIO/designee. Immediate family, as pertains to visits by ex-inmates, is defined as parent, spouse (including common law), brother, sister, grandparent, child, and grandchild.

NOTE: Examples of documents that can be used to establish the existence of a common law marriage are listed below:

- A personal affidavit stating when and where you and your common law spouse mutually agreed to become husband and

wife; whether you were ever married, ceremonially or otherwise, to anyone else, and the details surrounding the end of any previous marriages (how they were ended, when and where); and any other details that will help to establish the existence of a husband and wife relationship.

- Affidavits from other persons who know you and are familiar with your relationship, setting forth particulars such as the length of time you lived together, your address(es); whether there was any public announcement of your marriage; and whether your friends, neighbors, and relatives regard you as married.

- Deeds showing title to property held jointly by both parties to the common law marriage.

- Bank statements and checks showing joint ownership of the accounts.

- Insurance policies naming the other party as beneficiary.

- Birth certificates naming you and your common law spouse as parents of your child(ren).

- Employment records listing your common law spouse as an immediate family member.

- School records listing the names of both common law spouses as parents.

- Credit card accounts in the names of both common law spouses.

- Loan documents, mortgages, and promissory notes evidencing joint financial obligations of the parties.

- Mail addressed to you and your common law spouse as "Mr. and Mrs."

- Any documents showing that the wife has assumed the surname of her common law husband.

- Church records indicating familial status, including membership information, baptismal certificates of the parties' child(ren), Sunday school registration forms, etc.

In order to establish the existence of a common law marriage, spouses are required to present two (2) different examples of the above-listed documents.

However, the following restrictions apply:

(1) Pending charges: Visits will be limited to once per month.

Exception: In the event the visitor is a co-defendant, visits will be allowed with the inmates' attorney present, at a designated time, to be arranged by the attorney in consultation with the Warden / designee.

(2) Felony convictions: Visits, if granted, will be limited to once per month until the visitor has demonstrated he/she was a law-abiding citizen for three (3) consecutive years. This may be demonstrated in one of two ways:

(a) His/her (latest) felony conviction is more than three (> 3) years old (if not incarcerated for this felony conviction); or

(b) He/she was released from incarceration (at RIDOC or any other correctional jurisdiction/institution) at least three (3) years ago.

(3) The once-per-month restriction will be lifted following the three (3) year period.

(4) Such visitors are subject to all other rules and regulations, search procedures, and registration requirements as outlined for each facility.

e. Visitors must show proper photo identification (ID) upon request, such as valid driver's license, valid military ID, passport, or valid ID's

issued by the Departments of Transportation, Elderly Affairs, or Administration, Division of Motor Vehicles.

NOTE: Social security cards and Welfare IDs are NOT considered proper forms of identification. Birth certificates are acceptable for visitors under 18 years of age only.

f. Visiting occurs in designated visiting areas only.

g. Visitors shall travel designated routes to and from their visits.

h. No detours will be made, and visitors will not stop along the way to talk to anyone unless so instructed by authorized personnel.

i. Inmates' attorneys may visit inmates as frequently as necessary for the purpose of assisting their clients. (See policy # 13.02-4 DOC, Access to Institutional Facilities by Attorneys and Their Agents, or a successive policy.)

Similarly, clergy may visit with inmates, provided, however, such visits are coordinated through RIDOC's Chaplaincy Program, consistent with policy # 26.01-3 DOC (Religious Programs and Services), or a successive policy.

j. If possible, attorney and clergy visits are to take place during normal visiting hours. **However, they will be accommodated outside normal visiting hours as well.**

k. Kissing and embracing (of short duration) are limited to the commencement and completion of the visit.

l. Inmates' and visitors' hands are to be on or above the table at all other times.

m. No food may be brought into the facility (exceptions: Minimum Security/Work Release; however, drinks are not allowed at Minimum Security/Work Release).

n. Visitors will neither give articles to nor accept articles from inmates.

o. Inmates are not allowed to use vending machines.

p. No item will be accepted from a visitor for an inmate unless it has specifically been approved by the Warden/designee.

q. RIDOC's standard Visitor Dress Code may be found at Attachment 1. Additional dress requirements may be developed by facility Wardens.

r. Visitors and inmates will refrain from using loud, abusive, and obscene language.

s. Inmates and adult visitors are responsible for the behavior of children. Children must be supervised and cannot run or play loudly.

t. Departure from the Visiting Area by either the inmate or the visitor terminates the visit, except when:

(1) A visitor must leave the Visiting Area to use the restroom. A visitor who leaves the Visiting Area to use the restroom must pass through the metal detector again before re-entering the Visiting Area.

(2) If there are two (2) adult visitors and one of them leaves the Visiting Area for any reason other than to use the restroom, the inmate may remain in the Visiting Room until the second visitor leaves.

u. Inmates and visitors are subject to searches of their persons and effects.

v. All inmates are responsible for adhering to the specific visiting rules established in the facilities in which they reside. These rules are posted in each facility and are communicated to inmates upon commitment to the facility. The following general visiting rules apply to all inmates:

(1) Notification of Visit: All inmates will report directly and promptly to the Visiting Room when notified of a visit. Facility staff will not search for inmates who are not in designated locations.

(2) Inmate Search Procedures

(a) Prior to Commencement of Visits - All inmates entering the Visiting Room are subject to frisk- and/or strip searches prior to the commencement of visits.

(b) Following Visits - All inmates are subject to strip searches following visits.

(c) Inmate strip searches mentioned in (b) (1) and (2) above include following visits from attorneys and clergy who are NOT staff members of RIDOC.

(d) All searches shall be in accordance with RIDOC policy #'s 9.14-3 DOC, Detecting Contraband on or in the Possession of Inmates/Detainees (including Frisk, Strip, and Body Cavity Searches), and 9.46-2 DOC, Narcotics Detection Program, or their successive policies.

C. Visiting Lists - Awaiting Trial ("A & T") Population

1. Intake Service Center (Men)

Male inmates confined to the Intake Service Center (ISC) may have visitors placed on their visiting lists in either of two (2) ways:

a. The visitor may call the facility to ask when he/she may visit the inmate or he/she may simply arrive at the ISC.

(1) He/she must present required identification to the Reception Officer.

(2) The Reception Officer conducts a background check (BCI) on the prospective visitor.

(3) If the visitor clears the BCI check, he/she will be allowed a one-time courtesy visit.

(4) The Superior Officer conducts a NCIC check on the visitor within thirty (30) days of the initial visit. If the visitor passes

the NCIC check, the Superior Officer places him/her on the inmate's visiting list.

b. An inmate may complete a visitor request form asking for an individual to be placed on his visiting list.

(1) Such requests are forwarded to the Superior Officer on the 1:00 p.m. - 9:00 p.m. shift.

(2) The Superior Officer or designee conducts background check (BCI and NCIC) on the prospective visitor.

(3) If the visitor clears the BCI and NCIC check, he/she is placed on the inmate's visiting list and allowed to visit on the appointed day and time.

2. Gloria DiSandro McDonald Building (Women)

a. A & T Counseling staff provide instruction to inmates on completing BCI and NCIC request forms for adding individuals to their visiting lists.

b. Inmates utilize interoffice mail to send the forms from the A & T wing to a designated custody staff member.

c. The responsible staff person (usually a Utility Officer) conducts background investigations (both BCI and NCIC) on prospective visitors. This process usually takes between one and three days following receipt of the request.

d. Individuals who pass the background investigations (BCI and NCIC) are allowed to visit during the inmate's assigned visiting period.

e. Immediate family members who report to the facility with proper identification, but who are not on an inmate's visiting lists, may be allowed a one-time courtesy visit with the inmate.

3. A & T inmates' visiting lists are entered into RIDOC's computerized inmate tracking system and "follow" the inmates to other facilities once the inmates are sentenced and transferred out of either of the intake facilities.

D. Visiting Lists -- Sentenced Population

1. When an inmate transfers from Awaiting Trial to sentenced population [Admission & Orientation (A & O)], the existing visiting list (which originated in the intake facility) transfers with him/her.

2. **It is the responsibility of the receiving facilities to verify both BCI and NCIC checks have been conducted on visitors whose names appear on visiting lists that originated in either of the intake facilities.**

3. During A & O, inmates have the opportunity to add to their visiting lists, up to a total of nine (9) persons, which is the maximum number of visitors allowed the sentenced population at all facilities, except that up to two (2) additional names will be allowed on the visiting list beyond the normal nine (9), limited to mail money deposits only.

   The maximum number of visits (9) has been determined to be manageable given the visiting space available in each facility, the time element, costs, and staff involved in performing BCI and NCIC investigations, and visiting history of the "average" inmate. As is the case in Awaiting Trial, mothers and fathers are counted as one, and minor children are not counted, but are allowed to visit.

4. The inmate shall give to the Housing Officer or A & O Counselor a list of prospective visitors (including full names, addresses, dates of birth, and relationships) to forward to the Reception Desk Officer, who conducts BCI and NCIC investigations.

   NOTE: When a background (BCI and/or NCIC) check reveals more than one individual with the same name and date of birth, the prospective visitor may be asked for his/her social security number in order to facilitate the investigation.

   a. The facility Administrator designates (a) specific staff member(s) who is/are responsible for adding to the visiting list the names of those individuals who clear BCI and NCIC investigations.

   b. The names of those individuals who do not clear BCI and/or NCIC investigations are forwarded to the ADIO/designee. He/she makes a determination as to whether or not they will be allowed to visit.

5. No prospective visitor is allowed entrance into a facility until he/she is cleared by BCI and NCIC or approved by the ADIO/designee. The Visiting Room Officer may clear a visitor who has no criminal record. The facility Warden may clear a visitor who has a minor criminal record. A visitor who has more than a minor criminal record or requires other special consideration must be cleared by the ADIO.

6. Each Warden/designee assigns (a) specific staff member(s) to maintain a list of approved visitors. Generally, the responsible staff member is the Reception Desk officer. However, the Warden/designee may alter this designation, at his/her discretion.

7. Visits with approved individuals shall commence on the inmate's next scheduled visiting day.

8. Inmates may delete persons from their visiting lists via Request Forms ("pink slips") only. Additions to visiting lists are accomplished through Counselors or procedures established in each facility.

   NOTE: Under normal circumstances, requests to remove individuals from visiting lists are initiated by inmates. Exceptions may be granted (i.e., a visitor may request removal of his/her name from an inmate's visiting list) by the Warden/designee. When a visitor is removed from one inmate's visiting list, he/she must wait thirty (30) days before being added to another inmate's visiting list unless approved by the Warden.

9. When an inmate comes directly into A & O or is court-ordered to a specific facility without first being detained at the ISC, he/she is given an opportunity to develop a visiting list during the A & O process.

10. Visitors may only appear on one (1) inmate's visiting list without the approval of the Director or ADIO. The only exception is where the visitor is an immediate family member of more than one (1) inmate confined at the ACI. In this event, the visitor may be placed on each of the inmate's visiting lists. If the inmates are in the same facility and on the same visiting schedule, the Warden/designee may allow the visitor to visit more than one (1) inmate at a time.

E. Request for Reasonable Accommodation under the Americans with Disability Act ("ADA")

1. A member of the general public may request information or make a request for an accommodation under the ADA by contacting the Facility ADA Coordinator (i.e., Deputy Warden). A request for information or an accommodation may be done verbally or in writing.

2. A request for accommodation is the first step in an interactive process between the individual and the ADA Coordinator to clarify the individual's request and to identify the appropriate reasonable accommodation. When the disability is not obvious, reasonable documentation of the disability will be requested. Reasonable documentation is information necessary to establish that an individual has a disability that is an ADA qualified disability, nothing more. If the individual refuses to provide reasonable documentation, their request cannot be processed and a determination under ADA cannot be assessed.

3. Upon receipt of the necessary documentation the individual and the ADA Coordinator will confer to determine what accommodation(s) would be most effective and reasonable. Reasonable accommodations may include modifications or adjustments that enable individuals to enjoy benefits and privileges equal to those provided to individuals without disabilities. Final determination of an accommodation and/or its reasonableness is made by RIDOC.

4. All information acquired throughout the process of making an ADA determination will be maintained in a separate ADA file. Only personnel involved in making the reasonable accommodation, and/or assisting in the implementation of the accommodation will have knowledge of the request.

5. When a visitor believes that he/she has been subject to disability discrimination, they shall have the right to report it to RIDOC for prompt investigation and appropriate actions.

6. In submitting a request, complaint or grievance involving a disability issue care should be taken to state specific facts including: person or persons involved, structure/barrier involved, the date, time, and place of occurrence, what was done or said, and the names of any witness(es) present.

7. Any person who is uncertain how to request disability accommodations or report complaints of disability discrimination may contact the RIDOC ADA Coordinator or the Governor's Commission on Disabilities at 462-0100.

F. Visitor Registration and Search Procedures

1. Approved visitors shall report to the appropriate facility's Reception Desk on the scheduled visiting day and properly sign the Visiting Register. The Register shall include visitors' names, addresses, and relationships to inmates, as well as purpose of the visits, inmates' names, and current date and time, and should include minor children.

2. Visitors shall present proper photo identification to the Reception Desk Officer. He/she shall ensure visitors' names appear on the approved visiting list and that specific inmates are, in fact, scheduled for visits on that day. Once this information is verified, visitors are allowed to proceed.

3. Visitors are subject to background re-checks (BCI and NCIC) as determined by the Warden/designee(s).

4. All visitors are subject to screening by narcotics detection equipment, consistent with policy # 9.46-2 DOC, Narcotics Detection Program, or a successive policy.

5. ALL visitors are required to successfully pass through the metal detector before gaining entrance into a facility.

6. Visitors may be required to submit to a mechanical search (hand frisker or metal detector), pat search (conducted by a correctional officer of the same sex), and/or search using narcotics detection equipment at any time.

7. Each Warden ensures a sign is conspicuously posted in the lobby or other entrance with the following notice: "ALL VISITORS ARE SUBJECT TO SEARCH. THIS SEARCH MAY INCLUDE A VISUAL INSPECTION OF THE VISITOR'S OPEN MOUTH". This message will appear in English and Spanish.

8. Visitors who are unable to clear the metal detector may be asked to remove and submit outer articles of clothing that may cause a high reading to a staff member for examination. Refusal to comply results in denial of the visit.

9. A visitor who is denied entrance or asked to leave is told the reason for such action, except when it is deemed that to specify the reason may jeopardize security interests or the safety of any individual.

   a. Where the problem is something that clearly can be remedied, the visitor may be told he/she may return to the facility at some specified time in the near future (once he/she has proper identification or is appropriately dressed, for example). In cases where this is not applicable, the visitor is told to contact the Warden before returning to the facility.

   b. The officer(s) responsible for denying entrance or terminating a visit shall, except where such denial or termination is based on prior order of the Warden, file an incident report with the Warden prior to the end of the shift. This report includes the names of the visitor and the inmate-visitee, the time of denial or termination, the reason(s) for denial or termination, and whether the visitor has been informed he/she may return at some specified time in the near future or upon satisfaction of some condition.

10. Warden's Review: The Warden/designee promptly reviews all visitor incident reports and conducts a factual investigation, to include contact with the person who has been denied visiting privileges. After such review, and within one week of receipt of the incident report, the Warden does one of the following:

   a. In a case where the visitor has been told he/she may return to the facility at some specified time or upon the satisfaction of a stated condition, the Warden takes no action, thus allowing the resumption of visits to occur.

   b. The Warden notifies the visitor he/she may return to the facility to resume visiting.

   c. The Warden notifies the visitor in writing that he/she may resume visiting under specified conditions.

   d. The Warden notifies the visitor in writing that visiting privileges are suspended for a specified period, up to one (1) year, and that he/she may reapply for admission at the end of the period or that readmission will be automatic.

The written notice shall contain a statement of the reason(s) for the Warden's action, except when in his/her opinion specifying the reason(s) may jeopardize security interests or the safety of any individual. A copy of each such notice is sent to the ADIO/designee, and a copy is given to the inmate who is visited by the individual.

e. Every Warden's written notice, described in c. and d. above, shall advise the visitor he/she may seek a review or reconsideration of the barring, suspension, or restrictions by the Warden by sending him/her a letter within fifteen (15) working days.

The visitor's letter should include a detailed narrative describing the incident and setting forth the reason(s) the visitor feels the bar, suspension, or restriction should be lifted.

f. The Warden reviews any visitor's letter and normally responds within two (2) weeks to a letter seeking review or reconsideration of any bar, suspension, or restriction still in effect.

g. The Warden may take any action he/she deems necessary to resolve questions raised by a visitor's letter including, but not limited to, additional investigation of the facts; consultation with the ADIO, Department's Legal Counsel; or conducting an informal meeting. After his/her review, the Warden may eliminate, reduce, or modify the specific limitation on visiting. No person is penalized for exercising his/her rights of appeal provided by these regulations.

h. Before the Reception Desk Officer excludes a professional visit, the Warden, Deputy Warden, or Shift Commander is consulted. The person so consulted speaks with the ADIO/designee regarding professional visits prior to any bar. The Warden then makes the decision as to whether exclusion is appropriate. Within fifteen (15) working days of any such exclusion, the Warden takes any of the actions listed in the section entitled "Warden's Review". In addition to the right to seek reconsideration or review by the Warden, the attorney or official may immediately appeal any exclusion to the Director/designee.

i. This Department's Inmate Facility Tracking System (INFACTS) includes information relative to barred and suspended visitors. Wardens ensure this information is entered accurately and in a timely manner. Whenever an inmate whose regular visitor is suspended is

transferred to another RIDOC facility, the visitor may apply to the Warden of the receiving facility for permission to visit. The Warden of the receiving facility may allow the visit or deny visitation for a period not to exceed the original suspension.

11. Drug-Related Offenses by Inmates: An inmate's behavior within the facility may affect his/her visiting status. Any offense that is drug-related may result in an inmate's visiting privileges being suspended for a period of time. **Refer to RIDOC Code of Inmate Discipline policy (# 11.01-4 DOC or a successive policy) for specific information.**

G. Removal or Suspension from Visiting Privileges

1. Visitors who violate any State Law, Departmental policy or facility specific rules and procedures, or pose a threat to the security of the facility may be suspended or removed from visiting privileges. Correctional staff shall immediately report such infractions to the Warden/designee.

2. Any visitor apprehended trying to convey contraband into the facilities, including external perimeter grounds of RIDOC and/or vehicles assigned to RIDOC, shall be subject to criminal prosecution in accordance with RIGL § 11-25-14.

3. Nothing in these regulations in any way impairs the Warden's or the ADIO's authority to exclude a visitor whenever, in their opinion, allowing that person to visit would be injurious to the best interests of the facility.

H. Inmate Visitation by Former RIDOC Employees

1. Former employees are not allowed visitation privileges within the Department if they were dismissed or resigned under the following circumstances:

   a. Indulging in undue familiarity with inmates over whom they had decision-making authority.

   b. Discussing personal matters with an inmate(s) verbally or in writing.

   c. Borrowing anything from or lending anything to an inmate.

d. Accepting gifts or personal services, bartering or trading with any inmate, inmate family member, or visitor. This includes cards, letters and telephone calls.

e. Conveying drugs or contraband.

f. Using their knowledge of the prison system to circumvent policy.

g. Other acts of misconduct, including, but not limited to, personal behavior that undermines security or corrective treatment.

2. Such former employees receive written notification from the Office of Inspections specifying the reason(s) for denying visits.

3. Requests for visitation by former employees who resign under circumstances other than those listed in #1 above, as well as requests made by former contract employees, former volunteers and any other former service providers, are reviewed by the Office of Inspections.

   a. Requests should be made in writing and submitted to the Office of Inspections, which notifies the Warden of the affected facility.

   b. Anyone aggrieved by an adverse decision of the Office of Inspections may make a written request for reconsideration to the Director of Corrections or designee.

4. These guidelines are not intended to restrict visiting privileges of former employees or other service providers who may have immediate family members who are incarcerated.

   a. However, RIDOC's Code of Ethics prohibits the development of relationships between correctional employees and members of the inmate population that cross professional boundaries.

   b. Consequently, former RIDOC employees who met and developed personal relationships with inmates over whom they had decision-making authority during the course of their employment are prohibited from visiting.

5. A master list of former employees not allowed visiting privileges is maintained (i.e., developed and kept up to date) by the Office of Inspections and distributed to the Wardens.

   a. Requests for exceptions may be made in writing and submitted to the Office of Inspections, who notifies the Warden of the affected facility.

   b. As stated above, anyone aggrieved by an adverse decision of the Office of Inspections may make a written request for reconsideration to the Director of Corrections or designee.

I. Inmate Visitation by Current RIDOC Employees – When a current RIDOC employee wishes to visit an incarcerated inmate, he/she must:

1. Inform his/her immediate supervisor; and

2. Obtain approval from the affected facility's Warden/designee. The Warden/designee considers such requests on a case-by-case basis and communicates his/her decision to the:

   a. current employee who wishes to visit; and

   b. affected facility's Reception Desk Officer.

J. Special Visits

The following categories represent circumstances and procedures for allowing special visits, beyond the normal visiting program as outlined in this policy.

1. Visits to Hospitalized Inmates

   a. Visits to inmates at outside hospitals by other than clergy-of-record and attorney-of-record are not permitted unless the visitor(s) is an immediate family member AND:

      (1) the inmate has been diagnosed as terminally ill;

      (2) death is imminent; or

      (3) the period of hospitalization exceeds two (2) weeks; and

Exception: Female inmates who give birth and are hospitalized for less than two (2) weeks may receive visits from immediate family (including domestic partners).

b. The ADIO may approve visits to hospitalized inmates under "special circumstances", not specified above, on a case-by-case basis, as he/she deems appropriate.

c. Approved Visiting Lists

(1) While at an outside hospital, sentenced inmates' visits are limited to immediate family on approved visiting lists.

(2) Immediate family may also visit hospitalized inmates who are on Awaiting Trial status, and not housed at the intake facility long enough to receive visits and establish approved visiting lists.

(3) Visitors shall present proper photo identification to correctional staff. He/she shall ensure visitors' names appear on the approved visiting list and that specific inmates are, in fact, scheduled for visits on that day. Once this information is verified, visitors are allowed to proceed.

d. Visiting Hours for inmates confined at outside hospitals are from 1:00 PM to 3:00 PM, Monday through Friday.

NO SATURDAY, SUNDAY, OR EVENING VISITS ARE ALLOWED

e. Hospitalized inmates are not allowed more than two (2) visitors at any time. If hospital authorities request that only one visitor be allowed at a time, this more restrictive rule will be followed.

f. Terminally Ill Inmates - Exceptions to established limitations (times, frequency, and number of visitors) may be made for inmates who are diagnosed as terminally ill. Any exceptions must be approved by the appropriate manager (i.e., Warden/designee) prior to the visit.

g. No items may be brought in by visitors.

h. A hand-held metal detector is used to search all visitors. FAILURE TO COMPLY RESULTS IN DENIAL OF VISIT.

All visitors are required to sign a "Visitor Consent to Search Form" (Attachment 2).

i. Visitors are not allowed to sit or lie on inmates' hospital beds.

j. Professional Visits: Inmates' clergy-of-record and attorneys-of-record may visit at any time during an inmate's hospitalization.

k. A search of the inmate's person, bed area, and room is conducted after the termination of any hospital visit.

l. Attachment 3 contains a brief list of rules and regulations for hospitalized inmates and their visitors. The Correctional Officer at the hospital reviews these regulations with the visitor(s). A copy will be given to the inmate once he/she has signed the form, unless because of his/her illness/injury, he/she is unable to sign.

2. Long Distance Visits:

a. Occasionally an inmate's family member or friend who is not on the approved visiting list may travel a long distance to visit, but arrive at a time and/or day NOT scheduled as a visiting period for that particular inmate. In such instances, approval to visit may be granted by the Warden/designee of the facility on a case-by-case basis.

b. Any distance exceeding a radius of seventy-five (75) miles from Cranston, Rhode Island, is considered long distance for visiting purposes.

c. Long distance visits are limited to four (4) "instances" per calendar year.

For example, if a visitor arrived from California for a 2-week stay, he/she could visit more than once during that 2-week period. His/her multiple visits would count as one (1) "instance".

Likewise, if that same visitor visited only once during his/her 2-week stay that single visit would also be considered one "instance".

d. However, if the long distance visitor is remaining in the area and wishes to visit again, all subsequent visits will occur on the inmate's regularly scheduled visiting days/times.

e. The long distance visitor is subject to the same rules and regulations as regular visitors (e.g., BCI and NCIC checks).

f. Arrangements are made by the Shift Commander to accommodate the visit, after approval of the Warden/designee.

g. Time allowed for such visits is at the discretion of the Warden/designee, based upon security and scheduling constraints (counts, feedings, etc.)

3. Administrative Restricted Status Inmates

If an inmate's conduct requires closer supervision, his/her movement is more restricted than that of general population inmates and he/she may be temporarily placed on Administrative Restricted Status.

a. Inmates placed on Administrative Restricted Status are allowed one (1) visit per week.

In some cases these visits may be "non-contact," meaning the visit is conducted via telephone and the inmate is separated from the visitor by a glass security panel.

b. All Administrative Restricted Status visits are held in an area approved by the Warden/designee.

c. Administrative Restricted Status visiting periods do not exceed one (1) hour and fifteen (15) minutes.

d. All visitors of Administrative Restricted Status inmates are subject to the facility's rules and regulations.

e. Administrative Restricted Status inmates' attorney-of-record and clergy-of-record may visit consistent with RIDOC policies cited in item III.A, Applicability. However, advance notification should be given whenever possible.

4. Professional Visits: Attorneys and their agents (law students, paralegal, legal assistant, investigator, and interpreter) visits are not covered by this policy. See policy # 13.02-4 DOC, Access to Institutional Facilities by Attorney and Their Agents (or a successive policy) for access by attorneys and their agents. Other professionals, as defined below in subparagraph a., who in the course of performing their official duties must visit individual inmates, are allowed to visit said inmates at any time during the normal working day.

   a. Professional visits include clergy-of-record (policy # 26.01-3 DOC or successive policy), law enforcement officers, social workers, community health care workers (including psychiatrists), or others approved by the Warden.

   b. Occasionally, and with permission of the Warden, professional visitors may be allowed to visit at times not generally considered as part of the normal workday, provided advance notice is given.

      These exceptions are granted to accommodate the professionals' time schedules and need to interact with inmates.

   c. In all cases of professional visits, the professional and the inmate are allowed to visit in an area other than the normal Visiting Room, and they are afforded privacy (i.e., while they may be observed by correctional staff, their conversations may not be monitored).

      The Warden of each facility designates an area to be utilized for visits by lawyers, clergy, etc.

   d. All professional visitors are subject to the same rules and regulations as regular visitors.

   e. No individual (including law enforcement officers entering the facilities for the purpose of interviewing a particular inmate) is ever allowed to enter while in possession of a firearm or other weapon.

      All weapons shall be properly cleared and checked at the facility's Control Center or gun locker, where provided, prior to entrance.

   f. Professional visitors may be excluded from visiting only for good cause and per order of the Warden, or in his/her absence, the Deputy Warden or the ADIO. (Reference item III.E.10.h.)

5. Protective Custody (PC) Inmates: Individuals in Protective Custody status are afforded the same visiting privileges and are subject to the same visiting rules and regulations as the general population of the facility in which they reside.

6. Extended Visits: The Director and/or designee may authorize extended visiting privileges, other than normal visits on facility grounds, consistent with existing Departmental policies and/or programs/practices.

7. Consular Visits: If it has been determined that an inmate is a citizen of a foreign country, the Warden must permit the consular representative of that country to visit on a matter of legitimate business.

K. Temporary Suspension of the Visiting Program

Recognizing the importance and benefits of the visiting program, every effort is made to ensure its normal continuation and operation. There may be times, however, when circumstances arise which could lead to a temporary suspension of the visiting program at a particular facility or system-wide.

1. In the event of an emergency situation, such as a major employee job action, inmate disturbance, lockdown, or other such serious event, the Warden or his/her superior are the only individuals authorized to suspend the visiting program.

2. Whenever the visiting program is suspended, either at a particular facility or system-wide, every attempt is made to notify the general visiting public of the suspension via the major news media outlets, as well as subsequent information related to the resumption of the program.

    a. During an extended period of suspension, a special telephone number is designated and staffed to provide information concerning the suspension and resumption of the visiting schedule.

    b. Every attempt is made to resume the visiting program as quickly as possible within the mandates of facility security and control.

3. The Warden or his/her superior resumes the visiting program as soon as possible, following the resolution of the emergency or situation that prompted its suspension.

L. Facility-Specific Visiting Rules and Procedures

1. The general philosophy, policy, and procedures contained herein apply to all facilities comprising RIDOC.

2. Each Warden, subject to the review and approval of the ADIO, develops written visiting rules and procedures, tailored to his/her facility, which are consistent with the Departmental standards contained in this policy.

   The Warden also ensures a 1-page "visitor information" sheet is prepared and available to visitors at the Reception Desk along with copies of the Visitor Dress Code (Attachment 1).

3. Facility-specific visiting rules shall be submitted to the ADIO within sixty (60) days of receipt of this policy.

4. At a minimum, facility-specific rules and procedures are consistent with Departmental policy for visitation and address the following:

   a. Specific hours of the day and days of the week when visiting is permitted;

      NOTE: The visiting schedule is regulated by each facility's scheduling, space, and personnel constraints to ensure normal and orderly operations.

   b. Limitations on the number of weekly visits an inmate may have;

   c. Limitations on the duration of a single visit;

   d. Limitations on the number of persons allowed visiting an inmate at any one time;

   e. When an inmate is unavailable for a visit, the Reception Desk Officer informs the visitor of the reason(s) for the inmate's unavailability and when he/she is likely to be able to resume visits.

      Example #1: Inmate John Doe is currently in segregation and, therefore, cannot visit. However, he is scheduled to be released from segregation in 10 days. He should be able to resume visits on Month/Day/Year.

Example #2: Inmate Jane Doe is out at a clinic appointment and, therefore, unavailable to visit. She should be able to visit on her next scheduled visiting day - Month/Day/Year.

f. Procedure for checking personal effects before entering the visiting area;

g. Procedure for conveying parcels and funds to inmates;

h. List of articles which visitors may carry into or out of the facility;

NOTE:

- Visitors are prohibited from bringing tobacco products into any facility.
- Jewelry (other than wedding bands, engagement rings, and/or medical alert items) is prohibited in all facilities.
- Money should be specifically addressed.

i. Consequences of conveying contraband (weapons, alcohol, controlled substances, etc.) -- possible loss of visiting privileges and criminal prosecution, and if convicted, legal penalty -- may be imposed.

NOTE: Such a statement will be included in the facility's rules and procedures and shall also be posted conspicuously in the entrance or lobby (English and Spanish).

j. Approval of visitors and development of visiting lists for inmates in Awaiting Trial status.

5. Separate Housing Units: Where appropriate, facility-specific visiting rules and procedures shall address separate categories of housing units under the Warden's jurisdiction. At a minimum, separate housing unit visiting rules address:

a. Designated visiting area;

b. Devices precluding physical contact which may be necessitated by security requirements;

c. Time, length, and frequency of visits;

d. Special visits from attorneys and clergy;

e. Special visiting provisions, including advanced scheduling, where necessary.

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RIDOC ADULT CORRECTIONAL INSTITUTIONS

VISITOR DRESS CODE

All visitors MUST wear undergarments.

Visitors to any RIDOC facility are **prohibited** from wearing:

- See-through clothing of any kind
- Low-cut and V-neck sweaters, blouses, shirts and tank, halter, or "tube" tops
- Skirts, dresses, shorts with slits that are two (2) inches or more above the knee
- Blouses or shirts too short to tuck in; blouses or shirts which expose the midriff
- Tight-fitting or athletic type clothing
- Spandex, stirrup, sweat and/or "swish" pants
- Clothing the Visiting Room Lieutenant determines is provocative/inappropriate
- Hats, headbands and/or hooded clothing
- Clothes with holes, rips, tears (clothing must be completely intact)
- Clothing with the pockets torn out or torn to allow access beneath the garment
- Sleeveless garments
- "Farmer" jeans
- Camouflage garments
- Khaki, beige, or any other clothing which could be mistaken for inmate clothing
- Military clothing (actual uniforms and look-alikes)
- Clothing which closely resembles uniforms (Correctional Officer, police, sheriff, marshal, etc.)
- Nursing uniforms (including "scrubs")
- Jewelry (except wedding and/or engagement rings and medical alert jewelry)
- Under wire bras, metal buttons, buckles which cannot be removed and set off the metal detector
- Metal hair ornaments
- No sandals, open toe shoes and/or backless shoes; shoes must cover entire foot

Exception: Children under twelve (12) years of age may be allowed to visit if wearing shorts, skirts, and/or dresses shorter than mid-thigh, rompers, sleeveless shirts, etc. The Visiting Room Lieutenants' discretion will prevail.

FAILURE TO COMPLY WITH THIS DRESS CODE MAY RESULT IN DENIAL OF VISITS.

RHODE ISLAND DEPARTMENT OF CORRECTIONS

VISITOR CONSENT TO SEARCH

I, _____, of
Visitor's Name

_____,
Visitor's Address

desire to visit _____,
Name of Offender

presently confined in the custody of the Department of Corrections at _____

_____.
Name of Hospital

In exchange for the privilege of visiting, I hereby consent to a non-invasive search of my person and effects that may include a hand-held metal detector by employees of the Department of Corrections, State of Rhode Island and hereby waive my claims as a result of said search, against the Department of Corrections, State of Rhode Island, its staff, agents, and servants.

_____ _____
Visitor's Signature Date

_____ _____
Witness's Signature Date

Distribution
Original – Inmate's File
Copies – Security Specialist
Warden/designee

RHODE ISLAND DEPARTMENT OF CORRECTIONS

RULES AND REGULATIONS FOR HOSPITALIZED OFENDERS AND THEIR VISITORS

DUPLICATE TO BE GIVEN TO OFFENDER

You (the hospitalized offender) are to familiarize yourself with the following rules and also alert those people in your immediate family who you will want to visit you in the hospital.

1. *While at an outside hospital, your visits shall be from 1:00 p.m. to 3:00 p.m., Mondays through Fridays. NO SATURDAY, SUNDAY, OR EVENING VISITS ARE ALLOWED.*

2. *While at the hospital, you may be visited only by immediate family on your approved visiting list, and you may have only two (2) authorized visitors at one time. If the hospital requests you be allowed only one (1) visitor at one time, we will honor that request.*

3. *No items may be brought in by your visitors.*

4. *No visitors are allowed to sit or lie on the hospital beds.*

5. *All visitors are subject to search (metal detector, pat down, and/or narcotics detection equipment).*

I, _____, have read and understand the above rules and regulations, and I will notify my immediate family as to who may visit, the visiting schedule, and any other rules which they must follow.

_____ _____

Offender's Signature Date
(unless unable to sign due to illness or injury)

I acknowledge that I have given a copy of these rules to the offender.

_____ _____

Witness's Signature Date

Distribution:
Original – Offender's Institutional File
Duplicate – Offender

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