

TO: All Wardens and Deputy Wardens

FROM: A.T. Wall, II
Director **ATW**

DATE: 12-20-00

RE: Inmate visitation by former DOC employees

This memorandum supercedes the 11-28-00 memorandum issued by Assistant Director Albert Gardner.

NOTE: THIS MEMORANDUM APPLIES TO ALL FORMER EMPLOYEES, INCLUDING THOSE THAT HAD BEEN PREVIOUSLY ALLOWED VISITING PRIVILEGES

Based on the premise that the presence of former employees in the facilities may undermine security considerations and/or rehabilitative considerations, effective immediately, the following guidelines will be observed throughout the Department:

1. Former employees will not be allowed visitation privileges within the Department if they are dismissed or resign under the following circumstances:
 - Indulging in undue familiarity with inmates
 - Discussing his or her personal affairs with an inmate(s) verbally or in writing
 - Borrowing anything from or lending anything to an inmate
 - Accepting gifts or personal services, bartering or trading with any inmate or inmate family member. This includes cards, letters and telephone calls.
 - Conveying drugs or contraband.
 - Using their knowledge of the prison system to circumvent policy
 - Other acts of misconduct, including, but not limited to, personal behavior that undermines security or corrective treatment

Last Filed: 12/27/2000

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2. 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, will be reviewed by the Office of Inspections. Requests should be made to the Warden, who will forward the request to the Office of Inspections. Anyone aggrieved by an adverse decision of the Office of Inspections may make a written request for reconsideration to the Director of Corrections or his designee.
3. These guidelines are not intended to restrict visiting privileges of former employees or other service providers who may have immediate family members incarcerated; unless the immediate family member is a spouse who was an inmate that the former employee met in the course of his/her employment.

A master list of former employees not allowed visiting privileges will be kept on file in the Office of Inspections.

cc: Ellen Evans Alexander, Asst. Dir., Administration
Albert Gardner, Asst. Dir., Institutions & Operations
Anthony A. Cipriano, Chief Legal Counsel
Aaron Aldrich, Chief Inspector
Ann Fortin, Chief, Program Development



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Rules and Regulations Filing Form

1. Name and Address of Agency

Department of Corrections
40 Howard Avenue Cranston, Rhode Island 02920

2. Title of These Rules and Regulations

24.03-1 DOC, 12/20/00 Visits Policy Addendum; filed 12/27/2000

3. Statutory Source of Authority to Issue These Rules

42-56-10(v), Powers of the director; 42-56-1, Declaration of policy; 42-56-18, Inmate furloughs; Wood v. Clemons, 89 F 3d 922 (1st Cir. 1996)

4. Purpose of New Rules and Regulations or Amendments

Memorandum outlining guidelines for inmate visitation by former DOC employees based on the premise that the presence of former employees in the facilities may undermine security considerations and/or rehabilitative considerations.

5. Type of Filing

- A. Emergency
- B1. Amendment 42-35-3
- B2. Adoption 42-35-3
- B3. Repeal 42-35-3
- C. Technical Revision
- D. Refile 42-35-4.1

Date of Public Notice: 00/00/0000
Date of Public Hearing: 00/00/0000

6. Documents Filed

(all filings must include entire regulation)

- A. New Rule and Regulation
- B. Amended Rules and Regulations
- C. Technical Revision
- D. Refiling Existing Regulations
- E. Emergency
- F. Repealed

*If yes to B1 or C in section 5, identify the amended sections or revision(s) and the original date of filing:
06/18/1999

7. Agency Code

8. Certification

I hereby certify that the attached rules and regulations were adopted in accordance with the Administrative Procedures Act (42-35) and that they are true copies of this Department, attest,

Name: Anna J. Fortin

Title: Chief/Program Development

Celeste A. O'Connell
Notary Public

Subscribed and sworn before me this 27th day of December, 2001

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Rhode Island Department of Corrections
POLICY UNIT

TO: See Distribution

VIA: A.T. Wall, Assistant Director
Administration

ATW

FROM: *J* Ann J. Fortin, Chief/Program Development
Administration

DATE: May 28, 1999

SUBJECT: 24.03-1 DOC; VISITS ; 07/12/99

The enclosed policy revision repeals policy # 24.03 DOC and establishes rules and regulations governing visits at the Rhode Island Department of Corrections' Adult Correctional Institutions which reflects not only the importance of prison visitation, but also the need for security and order. Substantive changes to this policy include:

References to BCI checks have been replaced by "...BCI and, when feasible, NCIC..."

III.C.11.c. (new) and d. (new) -

c. Any visitor with a felony criminal record, pending felony charge, misdemeanor drug-related record, and/or misdemeanor drug-related pending charge who is not an immediate family member will normally NOT be granted visiting privileges.

(1) Exceptions may only be granted by the Director or Assistant Director designee.

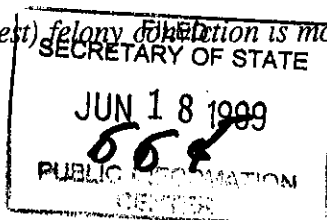
(2) S/he will consider factors including, but not necessarily limited to nature of the felony and age of the criminal record.

d. Any visitor with a felony conviction and/or pending felony charge who is an immediate family member may be granted visitation, contingent upon the approval of the Director or Assistant Director (or designee). However, the following restrictions will apply:

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

(2) Felony convictions: Visits will be limited to once per month until the visitor has demonstrated s/he was a law-abiding citizen for ten (10) consecutive years. This may be demonstrated in one of two ways:

(a) His/her (latest) felony conviction is more than ten (>10) years old; or



(b) *S/he was released from incarceration (at the RIDOC or any other correctional jurisdiction/institution) at least ten (10) years ago.*

(3) *The once-per-month restriction will be lifted following the 10-year period.*

NOTE: *In order to prove the existence and validity of a common-law marriage, the Rhode Island Supreme Court has set forth the following criteria, which must be shown by clear and convincing evidence, as follows:*

- (a) *Cohabitation;*
- (b) *Mutual agreement and consent by the parties to be husband and wife after a specific date;*
- (c) *Declarations, acts and conduct of such a character as to lead to a belief in the community, after that date, that the parties were, in fact, married;*
- (d) *That no legal impediment existed to such a marriage (i.e., one of the parties was already married or under the legal age of consent).*

When a representation is made by a potential visitor that a so-called common law marriage exists between the visitor and an inmate, it is not the responsibility of RIDOC personnel to prove or disprove Court-imposed criteria. Some visitation (and written correspondence) privileges may, however, depend on the legitimacy of the representation and such spousal relationship. Representations as to a common law relationship necessarily carry the possibility of falsehood which could lead to abuse of spousal visiting (and/or corresponding) privileges. It is therefore essential to review the credibility of these representations by looking to objective factors, such as:

- (a) *Bank statements in both names;*
- (b) *Filing of joint tax returns;*
- (c) *Proof of shared residence (rent receipts/mortgage);*
- (d) *Letters and/or statements from credible third parties attesting to the fact the individuals have held themselves as husband and wife; and/or*
- (e) *Birth certificate(s) of child(ren) in common.*

III.D.2. - A & O Counselors forward lists of prospective visitors to the Reception Officer, who conducts criminal background investigations. Also, a new "NOTE" was added to III.D.2.f. regarding the removal of names from visiting lists.

III.E., Visitor Registration and Search Procedures, now contains reference to the ion scanner (III.E.3.a.)

In addition, item III.E.3.f.(2) addresses the consequences of two consecutive positive ion scanner tests (i.e., the visitor is denied entrance to the facility).

New Item: III.E.3.g. contains guidelines for Wardens relative to suspension of visits when a visitor has tested positive with the ion scan. Please note, Wardens have, at their discretion, the ability to reduce the period of visiting suspension for the first and second occurrences only. Deviation from established guidelines for subsequent occurrences requires approval of the Director.

Item III.E.5. now specifies that visitors are subject to ion scanning at any time.

New Requirement: Visitor search may include visual inspection of the visitor's open mouth (III.E.6.).

Specific information relative to "reasonable suspicion" was added (III.E.8.), and the reader is directed to policy # 24.04 DOC, Strip Search of Visitors, for more detailed information (III.E.7. NOTE).

Please ensure obsolete versions of this policy are removed from policy manuals, insert this revision, and bring its contents to the attention of appropriate staff within your units.

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

This policy IS approved for inclusion in the inmate law library.

AJF/gah
Enclosure

Distribution:
Director (original)
Assistant Directors (for distribution to affected personnel, including Wardens)
Food Services Unit
Legal Counsel
Marshal
Parole Board
Policy Unit
Training Academy

cc: M. Frost

RHODE ISLAND DEPARTMENT OF CORRECTIONS POLICY AND PROCEDURE



POLICY NUMBER:
24.03-1 DOC

EFFECTIVE DATE:
07/12/99

PAGE 1 OF 24

REPEALS:
24.03 DOC

DIRECTOR:

Robert T. Wall

SECTION:
INMATE LIFE

SUBJECT:
VISITS

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

REFERENCES: ACA Standard #'s 3-4440 (# of visitors); 3-4441 (informal communication and contact); 3-4442 (special visits); 3-4443 (extended visits w/families); 3-4444 (community furloughs); 3-4445 (visitor registration); 3-4446 (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); RIDOC policy #'s 3.14-1 DOC, Code of Ethics and Conduct for All Employees; 1.01.03, Accountability and Procedures for Utilization of Community Agencies; Employees of Outside Organizations; and/or Volunteers; 1.01.07-2, Regulation of Smoking; 1.03.01-2, Access to Public Information by News Media Representatives; 5.06.02-1, Supervision of Institutional Religious Services and Programs; 5.06.03-1, Inmate Requests for Contact with Clergy Representatives; 20.01 DOC, Inmate Furlough Program Policies and Procedures; 9.14-1 DOC, Procedures for Detecting and Controlling Contraband on or in the Possession of Inmates; 9.37 DOC, Security and Control of Inmates at Outside Hospitals; 24.04 DOC, Strip Search of Visitors; 7.13.02, Security and Control of Prisoners at Outside Hospitals - Field Services; 13.02-1 DOC, Access by Attorneys and Their Agents to Institutional Facilities; 24.14 DOC, Meetings Between Inmates to Discuss Active Lawsuits; 26.01 DOC, Religious Programs and Services; 9.46 DOC, Ionscanner; Sandin v. Conner, 115 S. Ct. 2293 (1995)

INMATE ACCESS THROUGH LAW LIBRARY?

X YES

Public Notice: 01/24/99

Public Hearing: 02/16/99

Last Filed: 06/18/99

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RI SECRETARY OF STATE
ADMINISTRATIVE SERVICES

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.

II. POLICY:

- A. It is the policy of the Rhode Island Department of Corrections (RIDOC) to encourage inmates 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 the RIDOC not to restrict visiting to prescribed classes of 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 at a state correctional facility.

III. PROCEDURES:

A. Applicability

These regulations are applicable to all employees and inmates at all facilities comprising the RIDOC. They apply to all visits except attorneys and their agents (see policy 13.02-1 DOC), including but not limited to community health care workers (including psychiatrists), law enforcement officers, clergy, media, volunteers, social workers, tour groups, and to special events at correctional facilities in which outsiders are allowed to participate, except where Departmental regulations addressing those subjects specify otherwise.

B. Facility-Specific Visiting Rules and Procedures

The general philosophy, policy, and procedures contained herein apply to all facilities comprising the RIDOC. Each Warden, subject to the review and approval of the Director, shall develop written visiting rules and procedures, tailored to his/her facility. These facility-specific visiting rules shall be submitted to the appropriate reviewing authority within sixty (60) days of receipt of these regulations.

1. At a minimum, facility-specific rules and procedures shall reflect Departmental standards 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 shall be 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 to visit an inmate at any one time;
 - e. Visitor notification procedures when an inmate is unavailable for visits (while in Segregation, for example);
 - f. Procedure for checking personal effects before entering the visiting area;
 - g. Specific clothing types which may not be worn by visitors;
 - h. Procedure for conveying parcels and funds to inmates;
 - i. List of articles which visitors may carry into or out of the facility;

NOTE: cigarettes and jewelry are not allowed in secure facilities. Money should be specifically addressed - either in item i. or j.
 - j. 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).
 - k. Approval of visitors and development of visiting lists for inmates in Awaiting Trial status.

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

C. Departmental Standards for Visiting Rules and Procedures

1. Each Warden shall develop written visiting rules and procedures tailored to his/her facility.
2. Each Warden 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.
3. Each facility's visiting rules and procedures shall provide at least three (3) visiting periods per week (A Category).
4. The facility visiting periods shall be at least one and one-half (1 ½) hours in length.
5. Smoking is prohibited in all facilities' visiting areas, consistent with Rhode Island State Law and Departmental policy.
6. Each Warden shall determine the degree of informality during visits, consistent with the facility's overall security requirements.
7. 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.

8. Each Warden shall post transportation schedules for public transportation in a conspicuous location at the entrance or lobby of his/her facility.
9. All facility visiting rules shall be enforced.
10. Departmental employees will treat visitors to the RIDOC fairly, politely, and in a professional manner.
11. In addition to items 1-10 above, the following basic rules and regulation pertain to all facilities of the RIDOC which allow contact visits:
 - a. Inmates in disciplinary segregation are authorized visits with attorneys-of-record and clergy only.
 - b. Visitors who have not cleared a Bureau of Criminal Investigation (BCI) and, when feasible, NCIC check will not be permitted to visit unless specifically approved by the Assistant Director of Institutions and Operations or designee.
 - c. Any visitor with a felony criminal record, pending felony charge, misdemeanor drug-related record, and/or misdemeanor drug-related pending charge who is not an immediate family member will normally NOT be granted visiting privileges.
 - (1) Exceptions may only be granted by the Director or Assistant Director (or designee).
 - (2) S/he will consider factors including, but not necessarily limited to nature of the felony and age of the criminal record.
 - d. Any visitor with a felony conviction and/or pending felony charge who is an immediate family member may be granted visitation, contingent upon the approval of the Director or Assistant Director (or designee). However, the following restrictions will apply:
 - (1) Pending felony charges: Visits will be limited to once per month.
 - (2) Felony convictions: Visits will be limited to once per month until the visitor has demonstrated s/he was a law-abiding citizen for ten (10) consecutive years. This may be demonstrated in one of two ways:

- (a) His/her (latest) felony conviction is more than ten (>10) years old; or
 - (b) S/he was released from incarceration (at the RIDOC or any other correctional jurisdiction/institution) at least ten (10) years ago.
- (3) The once-per-month restriction will be lifted following the 10-year period.

NOTE: In order to prove the existence and validity of a common-law marriage, the Rhode Island Supreme Court has set forth the following criteria, which must be shown by clear and convincing evidence, as follows:

- (1) Cohabitation;
 - (2) Mutual agreement and consent by the parties to be husband and wife after a specific date;
 - (3) Declarations, acts and conduct of such a character as to lead to a belief in the community, after that date, that the parties were, in fact, married;
 - (4) That no legal impediment existed to such a marriage (i.e., one of the parties was already married or under the legal age of consent).
- e. Visitors must show proper photo identification (ID) upon request, such as valid driver's license, valid military ID, passport, or valid ID issued by the Department of Transportation.

NOTE: Birth certificates, social security cards, and Welfare IDs are NOT considered proper forms of identification.

- f. Visiting will be 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. Attorneys-of-record may visit inmates as frequently as necessary for the purpose of assisting their clients. [See policy # 13.02-1 DOC (Access to Institutional Facilities by Attorneys and Their Agents)].

Similarly, clergy may visit with inmates, provided, however, such visits are coordinated through RIDOC's Chaplaincy Program, consistent with policy #'s 5.06.02-1 (Supervision of Institutional Religious Services and Programs) and 26.01 DOC (Religious Programs and Services). If possible, attorney and clergy visits are to take place during normal visiting hours.

- j. Kissing and embracing (of short duration) will be limited to the commencement and completion of the visit.
- k. No food may be brought into the facility (exceptions: Minimum Security/Work Release; however, drinks are not allowed at Minimum Security/Work Release).
- l. Visitors will neither give articles to inmates nor accept articles from them.
- m. No item will be accepted from a visitor for an inmate unless it has specifically been approved by the Warden or designee.
- n. With the exception of children twelve (12) years old and younger, visitors are not allowed to wear shorts that are shorter than mid-thigh length. Female visitors may not wear "tube tops" or low cut or see-through blouses without undergarments. Dresses and skirts with long slits are not permitted unless they have fastened buttons or closed zippers. All clothing must be intact; large rips and holes are not allowed.
- o. Visitors and inmates will refrain from using loud, abusive, and obscene language.
- p. Inmates will be responsible for the behavior of visitors and children. Children must be supervised and cannot run or play loudly.
- q. Departure from the Visiting Area by either the inmate or the visitor will terminate the visit, except where there is more than one (1) adult visitor. In such cases, the inmate may remain in the Visiting Room until the second visitor leaves.

- r. Inmates and visitors are subject to searches of their persons and effects.
- s. All inmates are responsible for adhering to the specific visiting rules established in the facility in which they reside. These rules are posted in each facility and are communicated to the inmate 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: Search procedures for contact visits shall be applied to all inmates as follows:
 - (a) All inmates entering the Visiting Room shall be frisk-searched or strip-searched by correctional staff prior to commencement of their visits.
 - (b) Non-Secure Facilities. All inmates may be strip-searched following visits. Such random searches are conducted in a private area.
 - (c) Secure Facilities. All inmates will be strip-searched following visits. Such searches are conducted in a private area.
 - (d) Inmate strip searches mentioned in (b) and (c) above include following visits from attorneys and clergy who are NOT staff members of the RIDOC.
 - (e) All searches shall be in accordance with RIDOC policy #'s 9.14-1 DOC, Procedures for Detecting and Controlling Contraband on or in the Possession of Inmates and 9.46 DOC, Ionscanner.

D. Visiting List - Sentenced Population

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. 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.

1. 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, when feasible, 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.
2. The inmate shall give to the A&O Counselor a list of prospective visitors (including full names, addresses, dates of birth, and relationships) to forward to the Reception Officer, who conducts BCI and, when feasible, NCIC investigations.
 - a. The facility Administrator designates a specific staff member who is responsible for adding to the visiting list the names of those individuals who clear BCI and, when feasible, NCIC investigations.
 - b. The names of those individuals who do not clear BCI and, when feasible, NCIC investigations are forwarded to the Assistant Director of Institutions and Operations (or designee). S/he makes a determination as to whether or not they will be allowed to visit.
 - c. No prospective visitor is allowed entrance into an facility until s/he is cleared by BCI and, when feasible, NCIC or approved by the Assistant Director of Institutions and Operations or designee.
 - d. Each facility Administrator assigns a specific staff member to maintain a list of approved visitors. Generally, the responsible staff member is the Reception Desk officer. However, the Administrator may alter this designation, at his/her discretion.
 - e. Visits with approved individuals shall commence on the inmate's next scheduled visiting day.

- f. 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 or designee. When a visitor is removed from one inmate's visiting list, s/he must wait thirty (30) days before being added to another inmate's visiting list.

- g. When an inmate comes directly into A&O or is court-ordered to a specific facility without first being detained at the ISC, s/he is given an opportunity to develop a visiting list during the A&O process.
3. Visitors may only appear on one (1) inmate's visiting list without the approval of the Director or designee. 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 or designee may allow the visitor to visit more than one (1) inmate at a time.

E. 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. S/he 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 has been verified, visitors will be allowed to proceed.
3. All visitors are subject to random and/or "for cause" screening by an ion scanner. This screening is a non-intrusive search of the clothed body and includes a manual or technical search of personal possessions the visitors may be carrying and any outerwear (coat, jacket, sweater, etc.) the person has been asked to remove.

- a. Ion scanning includes wiping or vacuuming a visitor's personal articles (such as purses, coats, and identification cards) by RIDOC employees. In addition, the visitor may be asked to wipe or vacuum his/her hands, arms, and/or jewelry.
- b. Signs will be posted at all visiting entrances that state:

"Please be advised that as part of its continuing effort to prevent the introduction of drugs into its facilities, the Rhode Island Department of Corrections is utilizing electronic controlled substance sensing devices. These devices detect the presence of drug traces on persons, property and clothing.

All visitors on Departmental property are subject to random and/or "for cause" screening. If you are scanned and receive a positive reading at a predetermined level, you will be given the opportunity to remove outer garments believed to be contaminated and a second scan will be performed.

If after removing your outer garments, you still test positive, entrance to the facility will be denied."

- c. Visitors will be randomly selected (every Xth person in line) for scanning by Drug Interdiction Program Operators (RIDOC staff trained in the operation of the Ionscan). Scans may also be initiated based upon reasonable suspicion or intelligence information. The Operators shall maintain a log of all scans and results.
- d. If a visitor refuses to be scanned, s/he shall not be permitted entry into the facility and will be asked to leave.
- e. Where the visitor does not exceed the threshold or alarm levels, s/he shall be permitted entry and a regular visit.
- f. If the presence of contraband is detected, the visitor will be given the option of removing article(s) of outer clothing believed to be contaminated.
 - (1) Once the article(s) of clothing is/are removed and a second test is performed and the results are negative, the visitor is processed as usual.

(2) Once the article(s) of clothing is/are removed and a second test is performed and the results are positive, the visitor shall be denied entrance to the facility.

g. The following guidelines may be utilized when an inmate visitor has tested positive with the Ionscan.

First Occurrence:	Visiting privileges suspended for seven (7) days.
Second Occurrence:	If within six (6) months of first occurrence visiting privileges suspended for thirty (30) days.
Third Occurrence:	If within six (6) months of second occurrence, visiting privileges suspended for one hundred and eighty (180) days.
Fourth Occurrence:	If within one (1) year of third occurrence, visiting privileges suspended for a minimum of one (1) year. Reinstatement of visiting privileges requires written approval of the Warden.
Fifth Occurrence:	If within one (1) year of the fourth occurrence, visiting privileges permanently rescinded. Reinstatement of visiting privileges requires written approval of the Director of Corrections or designee.

(1) Wardens, at their discretion, may reduce the period of visiting suspension for the first and second occurrences. Deviation from established guidelines for subsequent occurrences requires the Director's approval.

(2) All deviations from guidelines which increase the period of visiting suspensions require the Director's approval.

h. Confiscated Controlled Substances/Explosives

Any controlled substance(s) or explosive(s) confiscated will be handled in accordance with Chain of Custody Procedures and turned over to RIDOC's Special Investigations Unit (SIU) for investigation.

i. Reporting and Recording of Data

- (1) All visitor tests shall be documented, including the date, facility, operator, and name of the visitor and positive result. This information shall be forwarded each week to the Chief of Security and facility Warden.
4. ALL visitors shall be required to successfully pass through the metal detector before gaining entrance into a facility.
5. Visitors may be required to submit to a mechanical (hand frisker or metal detector), pat search (conducted by a correctional officer of the same sex), and/or ionscanning at any time.
6. Each Warden shall conspicuously post a sign 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.
7. Visitors who are unable to clear the metal detector may be asked to remove and submit for examination by a staff member outer articles of clothing that may cause a high reading.

NOTE: See policy # 24.04 DOC, Strip Search of Visitors, for more details.

8. Visitors are not strip searched unless:
 - a. reasonable suspicion* that the visitor is carrying contraband exists; and
 - b. The visitor consents to the search; or
 - c. RIDOC has obtained a properly executed search warrant.

*NOTE: "Reasonable suspicion of wrongdoing is something stronger than a mere hunch but something weaker than probable cause. At a minimum, the reasonable suspicion standard requires that the decision to search be based on articulable factual information bearing at least some indicia of reliability. Although an anonymous tip, standing alone, may typically fail to create reasonable suspicion, an

anonymous tip that is corroborated or supported to some degree by actual facts or by other sources may be enough." Wood v. Clemons, 89 F 3rd 922 (1st Cir. 1996).

To establish reasonable suspicion, prison officials must point to specific objective facts and rational inferences that they are entitled to draw from those facts in light of their experience. In determining whether reasonable suspicion exists, the following factors may be considered.

- The nature of the tip or information;
- The reliability of the informant;
- The degree of corroboration;
- Other factors contributing to suspicion or lack thereof

Varrone v. Bilotti, 123 F. 3rd 75 (2nd Cir. 1997)

9. Whenever a visitor to the RIDOC consents to a strip search, correctional staff of the same sex as the visitor conduct the search in a private area (neither visible nor accessible to the inmate population or unaffected staff) in a professional and expeditious manner. Body cavity searches are not authorized, and correctional staff do not touch the visitor's person during the strip search.
10. If the visitor does not consent to the strip search, s/he is denied entrance to the facility.
11. A visitor who is denied entrance or asked to leave shall be 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 s/he may return to the facility at some specified time in the near future (once s/he has proper identification or is appropriately dressed, for example). In cases where this is not applicable, the visitor shall be 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 shall include 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 s/he may return at some specified time in the near future or upon satisfaction of some condition.

12. Warden's Review: The Warden or designee shall promptly review all visitor incident reports and conduct 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 shall do one of the following:
 - a. In a case where the visitor has been told s/he may return to the facility at some specified time or upon the satisfaction of a stated condition, the Warden may take no action, thus allowing the resumption of visits to occur.
 - b. The Warden may notify the visitor s/he may return to the facility to resume visiting.
 - c. The Warden may notify the visitor in writing that s/he may resume visiting under specified conditions.
 - d. The Warden may notify the visitor in writing that visiting privileges are suspended for s specified period, up to one (1) year, and that s/he may reapply for admission at the end of the period or that readmission will be automatic.
 - (1) 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 shall be sent to the Director or designee, and a copy shall be 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 s/he 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.

- (1) The visitor's letter shall include a detailed narrative describing the incident and setting forth the reason(s) the visitor feels the bar, suspension, or restriction should be lifted.
 - (2) The visitor may also request an informal hearing or conference.
 - f. The Warden shall review any visitor's letter and shall normally respond 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 s/he deems necessary to resolve questions raised by a visitor's letter including, but not limited to, additional investigation of the facts; consultation with the Director, Assistant Director, Department's Legal Counsel; or conducting an informal hearing or conference. After his/her review, the Warden may eliminate, reduce, or modify the specific limitation on visiting. No person shall be penalized for exercising his/her rights of appeal provided by these regulations.
 - h. Before a professional visit is excluded, the Warden or Shift Commander shall be consulted. The Warden shall consult with the Director or designee regarding professional visits prior to any bar. The Warden shall then make the decision as to whether exclusion is appropriate. Within fifteen (15) working days of any such exclusion, the Warden shall take 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 or 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 may allow the visit or deny visitation for a period not to exceed the original suspension.
13. 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:

First Offense:	30 days
Second Offense:	6 months
Third and subsequent offenses:	1 year

F. Removal or Suspension from Visiting Privileges

1. Visitors who violate any State Law, Departmental or facility policy, 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 or designee.
2. Conveyance of Contraband: Any visitor apprehended trying to convey contraband into the facilities, including external perimeter grounds of the RIDOC and/or vehicles assigned to the RIDOC, shall face criminal prosecution as per RIGL 11-25-14.
3. Nothing in these regulations shall in any way impair the Warden's or the Director's authority to exclude a visitor whenever, in their opinion, admitting that person to visit would be injurious to the best interests of the facility.

G. Special Visits

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

1. Hospitalized Inmates: Visits to hospitalized inmates admitted to outside hospitals/clinics are allowed under conditions outlined in policy # 9.37 DOC, Security and Control of Inmates at Outside Hospitals and Medical Clinics.
2. Long Distance Visits: Occasionally an inmate's family member or friend 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 of the facility.

NOTE: ANY DISTANCE EXCEEDING A RADIUS OF SEVENTY-FIVE (75) MILES FROM CRANSTON, RHODE ISLAND, SHALL BE CONSIDERED LONG DISTANCE FOR VISITING PURPOSES.

- a. The long distance visitor shall be subject to the same rules and regulations as regular visitors.
 - b. Arrangements will be made by the Shift Commander to accommodate the visit, after approval of the Warden.
 - c. Time allowed for such visits is up to the discretion of the Warden, based upon security and scheduling constraints (counts, feeding, etc.).
 - d. If the visitor is remaining in the area, all subsequent visits will be during the regular visiting schedule.
3. C Status Inmates: Inmates classified C Status are allowed one (1) visit every six (6) days.
- a. All C Status visits are non-contact and conducted via telephone communication, whereby the inmate is separated from the visitor by a glass security panel.
 - b. C Status visiting periods shall not exceed one (1) hour and fifteen (15) minutes.
 - c. All visitors of C Status inmates are subject to the rules and regulations of the facility.
 - d. The inmate's attorney-of-record may visit per policy 13.02-1 DOC. Authorized clergy are allowed to visit at any time during the normal working day; however, advance notification should be given whenever possible.
 - (1) Requests to visit by clergy at times considered to be other than the normal working day must be approved by the Warden.
4. Professional Visits: Attorneys and their agents (law students, paralegal, legal assistant, investigator, interpreter) visits are not covered by this policy. See policy # 13.02-1 DOC for access by attorneys and their agents. Professionals, who in the course of performing their official duties must visit individual inmates, shall be allowed to visit said inmates at any time during the normal working day.

- a. Professional visits include clergy, 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 to be part of the normal workday, provided advance notice is given.
 - (1) 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 shall be allowed to visit in an area other than the normal Visiting Room, and they shall be afforded privacy.
 - (1) The Warden of each facility shall designate 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 shall ever be allowed to enter while in possession of a firearm or other weapon.
 - (1) 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.
5. Visits by Ex-Offenders: Individuals who have been previously sentenced to the RIDOC and/or other correctional jurisdictions may be permitted to visit immediate family members only with the approval of the Warden.
- a. Immediate family, as pertains to visits by ex-offenders, shall be defined as parent, spouse (including common law), brother, sister, grandparent, and child.

- b. Visits by approved ex-offenders are subject to the restrictions outlined in III.C.11.c. and d.
 - c. Ex-offenders on Probation or Parole must submit a letter from the Probation or Parole officer to the Warden of the facility stating the visit with the immediate family member will be beneficial to the inmate.
 - d. Such visitors are subject to all other rules and regulations, search procedures, and registration requirements as outlined for each facility.
6. Protective Custody (PC) Inmates: Individuals in Protective Custody status shall be 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.
7. Extended Visits: Extended visiting privileges, other than normal visits on facility grounds, are authorized under the guidelines and procedures provided by the Department's Furlough Program, policy # 20.01 DOC.
8. Intra-facility Inmate Visits:
- a. Immediate family members who are incarcerated at the RIDOC may have the privilege of intra-facility visits if one or both are Minimum custody grade or lower. Visits between inmates in secure facilities are not authorized, except with the permission of the Director or designee.
 - b. If one is Minimum custody grade and one is in a secure facility (Intake, Medium, Maximum, High, Womens'), the Minimum custody inmate will be allowed to visit the higher custody inmate at the secure facility only.
 - c. Visits between eligible inmates will be governed by the following procedure.
 - (1) Immediate family members, as pertains to intra-facility inmate visits, are defined as:
 - (a) Spouse
 - (b) Son/Daughter

- (c) Brother/Sister
- (d) Father/Mother
- (e) Grandfather/Grandmother
- (f) Grandson/Granddaughter

NOTE: All inmates will be strip-searched when entering the facility.

- (2) A 1-hour visit may be authorized every other month depending upon availability of Visiting Room space and facility schedules.
- (3) Inmates serving Punitive Segregation, Administrative Segregation, or Protective Custody are not eligible to participate.
 - (a) If one inmate is C Category, no visit will be allowed.
- (4) No items of personal property may be taken to the visit. No items may be given or received during the visit.
- (5) Visiting inmates will be in appropriate dress for a visit in a correctional setting. The Shift Commander of the facility in which the visit is to take place shall decide if an inmate's dress is appropriate.
- (6) Inmates of a lower custody grade will visit inmates of a higher custody grade, i.e., Minimum custody inmates will travel to Maximum Security.
- (7) Female inmates who are classified Minimum Security or Work Release and wish to visit male inmates of the same custody grade will travel to the male facility.
- (8) Qualified inmates must request intra-facility visits by submitting Request Forms ("pink slips") to their respective Wardens. The Warden who receives a request for an intra-facility visit shall effect all coordination necessary with the Warden of the facility to be visited (or designee). The Counselor of the inmate who is requesting the visit shall verify the eligibility criteria of the inmates, i.e., family relationship and custody status.

- (9) Intra-facility visits must have the cooperation and authorization from both affected Wardens before the visit is scheduled. (See Attachment 1.) A Warden has the authority to deny this privilege based upon documented extenuating circumstances or security concerns, e.g., drug offenses within facility.
- (10) The following additional rules apply:
- (a) Inmates will travel designated routes to and from visits.
 - (b) Both inmates will be strip-searched before and after the visit. They will be strip-searched by staff members of their same sex. Inmates of the opposite sex shall be searched in separate rooms, out of each other's view.
 - (c) Visits are limited to one-on-one.
 - (d) Inmates who are sick and unable to work are not granted visits unless approved by the Warden.
 - (e) Visits occur in designated areas only.
 - (f) No eating, drinking, or smoking is permitted during visits.
 - (g) Inmates will refrain from using loud, abusive, or obscene language.
 - (h) Intra-facility visits are not limited to the same area or same time as normal visits.
 - (i) Kissing and embracing (of short duration) are limited to the commencement and completion of the visit.
 - (j) Visits are allowed only if both inmates agree to the visit.
- (11) Holiday Visits: The Director or designee may authorize special family visits during the recognized Christmas/New

Year holiday period. If authorized, special instructions to all concerned parties will be issued.

(12) Any violation of the visiting rules and procedures may be reason to terminate the visit.

d. Policy # 24.14 DOC, Meetings Between Inmates to Discuss Active Lawsuits, addresses visits between inmates who are pro se plaintiffs or pro se co-defendants in filed court actions.

H. Temporary Suspension of the Visiting Program

Recognizing the importance and benefits of the visiting program, every effort shall be 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 will be 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 the extended period of suspension, a special telephone number shall be designated and staffed to provide information concerning the suspension and resumption of the visiting schedule.
 - b. Every attempt shall be made to resume the visiting program as quickly as possible within the mandates of facility security and control.

RHODE ISLAND DEPARTMENT OF CORRECTIONS

REQUEST FOR INTRA-FACILITY VISITS

Date: _____

TO: WARDEN/DEPUTY WWARDEN _____

FROM: WARDEN/DEPUTY WWARDEN _____

SUBJECT: REQUEST FOR INTRA-FACILITY VISIT

Our Inmate: _____ ID # _____

Your Inmate: _____ ID # _____

I have approved our inmate's request dated _____, for an intra-facility visit with an inmate from your facility for the following reason, and I am forwarding this request to you for your consideration.

- Immediate Family Member. Circle appropriate relationship:
Husband, Wife, Common-law Spouse, Mother, Father, Sister, Brother, Grandmother, Grandfather, Son, Daughter
- Pro Se Legal Action (inmates are co-plaintiffs or co-defendants in legal action in which both inmates are representing themselves)

Court and Case No. _____

TO BE COMPLETED BY RECEIVING FACILITY WARDEN/DEPUTY WARDEN

- Request Approved
- Request Denied for the following reason(s):

Warden/Deputy Warden

Date

Facility

RECEIVED

IMPORTANT

DEC 28 2001

Per revised policy # 24.03-1 DOC, visits between inmates in secure facilities are not authorized, except with the permission of the Director or designee.

RI SECRETARY OF STATE
ADMINISTRATIVE RECORDS

A copy of this form shall be placed in the institutional records of both inmates and forwarded to the Shift Commanders.