POLICY & PROCEDURES

.0201 GENERAL

Visiting performs a vital function in the correctional process and should be as free and open as security considerations permit. Offenders should be encouraged to maintain a close contact with members of their families and desirable friends through visitation privileges.

Written information regarding procedures governing visitation must be made available to the offender within 24 hours of the offender's arrival at the facility. At a minimum, the information must include, but not be limited to, the following:

- facility address/phone number, direction to the facility and information about local transportation
- Days and hours of visitation
- Application and Approval Process
- Approved dress code and identification requirement for visitors
- Items authorized in the visitation room
- Special rules for children
- Authorized items that visitor may bring to give to the offender
- Special visits (emergencies)

.0202 VISITATION APPLICATIONS

(a) Each visitor shall be required to submit a completed application, Form DC-949 unless otherwise stated within this policy.

(b) It is the offender's responsibility to send blank applications to people they wish to visit with them while in prison. The offender should not be allowed more than 18 blank forms upon their entry into prison. Additional forms should be provided to offenders who want to add to their list as vacancies occur. The number of approved regular visitors will never be more than 18.

(c) The completed application must be returned to the Facility Head where the offender is currently housed by US mail prior to the visitor being allowed to visit. Applications are not to be sent directly to the offender. Visitors that have not been approved will not be allowed to visit. Applications must be completed using original blank forms. Copies will

not be accepted. Copies can be determined by looking at the bottom of Page 1 of the application in the section marked "DOP USE ONLY". If this section is dark and illegible, the form has been copied and should not be accepted.

(d) Applicants must provide a copy of a current photo identification card when submitting the completed application form. Acceptable forms of identification include:

(1) Valid photo identification card (License or State ID);
(2) Valid military photo ID (Active Duty Only);
(3) Valid passport; or
(4) Matricula Consular (Mexican consular ID card)

(e) Offenders will be allowed to have visitors added to their visiting list until the number of approved visitors reaches 18. The maximum number of 18 includes adults, and minors. It does not include clergy, law enforcement, consular officials, legal visitors, i.e., lawyers and paralegal assistants who are appointed by a court of law or designated by an offender to represent him/her in a matter pending or which may be pending before a court of law, human services, special visitors, etc.

(f) Applications do not have to be resubmitted each time an offender transfers from one facility to the next. Approved visitors at the transferring facility will be automatically approved at the receiving facility. If staff at the receiving facility has knowledge of incidents or reason to suspend a visitor, they will be required to suspend that visitor in accordance with .0209 (a).

(g) Regular visitors may not be approved for visiting privileges with more than one offender. However, immediate family members or those who have acted as immediate family may be approved to visit more than one offender. Immediate family members shall be interpreted for the purposes of this policy to mean grandparents, parents, spouse, children, brothers, or sisters. The term "those who have acted as immediate family" shall be interpreted to mean those who have served as parents in the absence of natural or adopted parents.

(h) Clergy shall be required to submit a completed application, DC-949P, Visitor Application Minister/Pastoral Care. Additional information appears in section .0203 (c) of this policy.

(i) When a visitor's address information changes, the visitor must notify the current facility in which the offender is being housed to update the change of address information in the Visitor Application System. The updated information shall include a copy of the visitor's updated driver's license and current telephone number(s).

.0203 VISITORS

(a) **Regular.** For the purpose of this policy a regular visitor is a member of the offender's immediate or extended family, a friend, or some other person having a meaningful relationship with an offender.

(b) **Legal.** Attorneys and their paralegal assistants who are appointed by a court of law or designated by an offender to represent him/her in a matter pending, or one which may become pending, before a court of law will be allowed entrance to prison facilities at any reasonable hour. Prior to the visit, the attorney involved must send a letter to the Facility Head on law firm letterhead indicating that his/her purpose complies with this rule. The letter must include the name and title of the proposed visitor and that person's driver's license number. The attorney or paralegal assistant must present that same license as identification upon arrival at the facility. The attorney or paralegal assistant is to be admitted to discuss pending legal proceedings only. He/she may visit only the offender or offenders designated in the letter. Solicitation attempts will not be tolerated. When an attorney or his/her legal assistant's previous behavior indicates that he/she seeks entry for disruptive purposes, visitation privileges will be denied.

The attorney or paralegal assistant's name, work information, and driver's license is to be entered into the OPUS system upon the first request to visit. The first visit, and all subsequent visits, will be logged in OPUS as those visits occur. Legal visitors will not be counted in the 18 approved visitors and are allowed to visit with more than one offender for legal proceedings only.

Any attorney, or law school professor, supervising legal interns, as certified under 27 NCAC 01C .0200 of the North Carolina Administrative Code, that seeks permission for their legal intern to access a Prisons facility shall ensure that following conditions are met before the legal intern will be allowed to enter. Prior to the visit, the supervising attorney shall provide a letter to the Facility Head indicating that his/her proposed visit complies with this rules associated with the Legal visitor policy, as outlined in Chapter D Section .0203 (B).

This letter must also include: a signed statement, Attachment 1, accepting professional responsibility for the acts of each intern seeking entry, a copy of the legal intern's certification from the North Carolina State Bar, and a copy of the intern's current photo identification card. If approved, the legal intern is to be admitted to discuss pending legal proceedings only and may visit only the offender, or offenders, designated in the letter sent to the Facility Head. Upon entry, the legal intern will need to produce the same photo identification card copied and certification from the North Carolina State Bar that was copied and included in the letter to the Facility Head.

Prior to the visit, legal interns will need to review the governing visitation policy, as their compliance with this policy will be required at all times during the visit. The Facility Head may prohibit a legal intern from visiting or corresponding with an offender if the operational or security needs of the facility require.

Clergy. Clergy and other personal spiritual advisors of approved religious groups may be admitted at the request of an offender. It must be recognized, however, that no minister has a vested right to visit any offender in prison. Accordingly, clergy may be excluded for legitimate security reasons pertaining to regular visitors. Clergy will be required to complete a DC-949P application and submit it for approval. Clergy will be not counted in the 18 approved visitors.

The offender must request a blank DC-949P from the facility clergy staff or designee. Copies of the form will not be accepted. Clergy and other personal spiritual advisors will not be allowed to visit until the application is approved. Completed applications must be returned to the Facility Head where the offender is currently housed.

Division clergy staff or designee will be responsible for entering the DC-949P application into the OPUS VTS system. They will also be responsible for validating credentials prior to the application being approved by the Facility Head or designee.

The Division recognizes the important roll that the clergy has on an offender's rehabilitation. When a clergy visit is scheduled, the facility should allow the visit to be conducted in a private setting if possible. The clergy visit should not be counted as the standard one visit per week that offenders are allowed. Clergy may be approved to visit on more than one offender's visitation list; however, they will not be able to visit with more than (1) one offender at a time. Each offender may have only (1) one approved clergy visitor on his/her list at a time.

(c) **Local and State Family Services or Juvenile Court Services.** Employees of local and state family services or juvenile court services including foster parents and group home leaders will be allowed to bring approved children to visit offenders and must supervise the visit at all times. These employees will be required to submit a request on office letterhead indicating that his/her purpose complies with this rule. The letter must include the name, work information and title of the proposed visitor and that person's driver's license number. The employee must present that same license as identification upon arrival at the facility. This employee will only be required to complete this application upon initial application even though that employee may bring different children to visit. An application will be required for the minor children that the family or court services employee is bringing to visit. The minor child(ren) will count as part of the 18 approved visitors, however; the family or court services employee will not.

(d) **Law Enforcement and Other Government Officials.** These individuals have a need in the normal course of their responsibilities to meet with and interview offenders. Under normal circumstances, these officers and officials should provide 24 hours notice prior to the visit. They will not be required to complete at DC-949 Visitor Application, however, the staff member scheduling the visit should obtain the following information and record itin the VT02 Visitation Application screen in OPUS.

(1) Name(s) of officer/official

(2) Official employee identification number

(3) Date and time of the visit

(4) Agency name

(5) Work address and phone number

(6) Offender to be interviewed

If 24 hours' notice is not provided, facility staff should attempt to accommodate the request and should record the above noted information when the official calls or upon the arrival of the official.

All law enforcement officers and governmental officials must provide their agency/government photo identification card/badge before entering the facility. The numeric identifier required for the OPUS visitation database will be the agent/employee identification number found on the identification card. If the identification card does not have a number displayed on the card then the agent/employee will provide their official employee identification number in writing with their signature on any document (business card, agency letter, etc.) so that the facility may maintain this on file. If the officer/official does not have the agency/government photo identification card then they can present another form of photo ID such as a driver's license along with their badge and the official employee ID number.

The visit and all subsequent visits will be logged in OPUS as those visits occur. Law Enforcement visitors will not be counted as part of the 18 approved visitors and are allowed to visit with more than one offender.

(e) **Consular Officials.** Consular officials may visit with Foreign National offenders. Consular officials will sign in for a visit and present their U.S. State Department issued consular or diplomatic officer identification card. The authenticity of these cards or the identity and status of the official can be verified by calling the State Department's office or Protocol telephone number. Consular officials are exempt from completing a DC-949 Visitor Application form so long as their status can be confirmed by identification. Additional guidelines for visitation by consular officials are detailed in policy C.0700 (Consular Notification and Access).

(f) **Special Visitors.** Other special visitors may be admitted at the request of the offender for personal reasons if admission would not be contrary to the security considerations pertaining to regular visitors. Occasional visits may be allowed to protect the offender's financial resources. Offenders, however, will not be allowed to use visitation privileges to actively engage in a business enterprise.

Special procedures are required for certain categories of special visitors. The following procedures should be followed if each of these conditions applies:

(1) The visitor is not on the offender's approved visitor's list as a personal visitor;

(2) The visitor is not the offender's attorney or the attorney's paralegal assistant;

(3) The visitor is not clergy or a personal spiritual advisor.

Examples of special visitors may include, but are not limited to, an attorney who does not represent the offender visited, the Department of Social Services, and representatives of various criminal justice consulting organizations.

To be approved for a special visit under this provision, the visitor must communicate directly with the offender he/she wishes to visit prior to the visit. The offender must then make a written request to allow the special visit. If the offender requests the special visit, facility staff will arrange the special visit unless admission of the special visitor would be contrary to the security considerations that pertain to regular visitors. These procedures are designed to ensure that a special visitor communicates with the offender he/she wants to visit and the offender has agreed to the visit.

Once approved to visit, the visitor will provide name, work information and title of the proposed visitor and his or her driver license number. The visitor must present that same driver license as identification upon arrival at the facility. This information will be entered onto the offender's OPUS visiting file but will not be counted as one of the offenders approved 18 visitors.

(g) News Media. Request for visitation by news media should be referred to the Division's Public Relation Policy D .0505.

(h) **Other.** Any time that a legal, law enforcement, clergy or special visitor wishes to visit with an offender as a regular visitor, the DC-949 and additional rules and requirements for regular visitors will be in effect. The facility must update the visitor type code on the VT02, Visitation Application screen, to show the appropriate visitor type status. An example is an attorney whose is visiting with an offender to provide legal services. Later the attorney has a family member incarcerated for which the attorney would like to have a regular visit. The attorney's visitor type would change from legal to legal/regular and a DC-949 application would be on file with the attorney's personal information. The attorney would be counted as part of the relative offender's 18 visitors but would not be counted for the offender who is receiving legal services.

.0204 VISITORS WHO ARE VICTIMS OF THE OFFENDER

(a) Victim Issues. In cases where a victim of the offender wishes to visit, the completed application shall be electronically routed to the facility's Victim Information Coordinator prior to routing to the approving authority. An investigation and comments on OPUS by the VIC are required prior to approval. The VIC shall make contact with the victim to assess the following: relationship between the offender and victim, history of violence,

any coercion of the victim by the offender especially in cases of domestic violence and sexual assault. This information and the VIC's recommendation shall then be forwarded to the Facility Head for final decision. Visitation decisions involving adult crime victims shall be made on a case-by-case basis at the discretion of the Facility Head.

(b) Prison facilities will not knowingly allow minors (age 17 and below) that are crime victims of an offender to visit with the offender. Exceptions must be approved at the discretion of the Facility Head in consultation with the Department of Social Services in the county in which the victim resides. Documentation of these cases should be entered into OPUS on the appropriate screens by the facility VIC.

(c) Upon a facility's request, the Office of Victim Services shall serve as a resource for assistance in screening victim visitation cases and providing a recommendation.

.0205 PARTNERS IN CRIME, EX-OFFENDERS & PROBATIONER/PAROLEES

(a) Partners in crime and co-defendants will not be allowed to visit in any facility. Exceptions may be made by the Facility Head for immediate family members as defined in section .0202 (f) of this policy.

(b) Former offenders must be released for 12 months prior to being approved to visit any facility. Exceptions may be made by the Facility Head for immediate family members. A former offender, no matter how long ago he/she was incarcerated should answer yes to the "offender location" question on page 2 of the application for visiting privileges. Failure to do so will be considered an incomplete application and visitation will not be approved until such information is provided by the applicant. Incorrect answering to the question could be considered falsification of information and visitation disapproved.

(c) Visitors who are on probation, parole, or supervised release will not be approved to visit until 6 months after such supervision is completed. Exceptions may be made by the Facility Head for immediate family members. Current or former probation/paroles, no matter how long ago he/she was released from supervision should answer yes to the "probation/parole/supervision question on page 2 of the application for visiting privileges. Failure to do so will be considered an incomplete application and visitation will not be approved until such information is provided by the applicant. Answering this question incorrectly could be considered falsification of information and result in the visitation being disapproved.

.0206 EX-EMPLOYEE VISITATION

(a) Ex-employees will not be allowed visitation privileges at any prison facility if they were dismissed or resigned under circumstances to include:

(1) Engaging in undue familiarity with offenders;

(2) Writing or discussing his or her personal affairs with an offender;

(3) Borrowing anything from or lending anything to, or accepting gifts or personal services from, or bartering or trading with any offender to include cards, letters, and telephone calls;

(4) Bringing drugs or contraband into a facility;

(5) Using their knowledge of the prison system to circumvent policy;

(6) Other acts of misconduct or personal behavior that undermines security or corrective treatment.

(b) Suspension of visiting privileges for ex-employees who are dismissed or resign under circumstances described in (a) above, will be considered a permanent suspension of privileges. The normal appeal process described in this policy in section D .0209 (b) will apply.

(c) Ex-employees who resign under normal circumstances other than those described in (a) above, will not be allowed visitation privileges at the facility where they were employed and will not be allowed visitation privileges at any facility within six months of their resignation/dismissal date.

(d) These guidelines are not intended to restrict visiting privileges of employees or ex-employees who may have an immediate family member or personal friend in prison and whose relationship clearly developed outside the scope of employment.

(e) An ex-employee that was visiting prior to the Director of Prisons 07/01/00 memorandum regarding ex-employee visitation may continue to visit subject to standard policy D .0200. Any subsequent violation of visiting guidelines by these ex-employees may be grounds for a permanent suspension of visitation privileges and should be determined on a case by case basis.

(f) Documentation of these cases should be entered into OPUS on the appropriate screens.

.0207 APPROVALS

(a) Approval of the Application. The information from the completed visitor application DC-949/949P shall be entered into the OPUS system (VT02). Once this information has been entered into OPUS, the application will be electronically routed to the Facility Head or designee for approval or disapproval. All applications should be reviewed and questionable visitors investigated prior to approval. The applications will be filed in the offender's field jacket after being entered in OPUS.

(b) Applicants that provide incomplete information will not be considered for visitation until the incomplete information is provided and application approved.

.0208 DISAPPROVALS

(a) The facility has a right to disapprove any application based on reasonable grounds. Comments explaining the disapproval must be entered in OPUS. Reasonable grounds for the disapproval of an application include, but are not limited to, the following:

(1) The visitor provided false information on their application.

(2) The visitor was a participant in the criminal activity for which the offender is incarcerated.

(3) The visitor is an ex-offender that has not been released for a minimum of 12 months.

(4) The visitor is on probation/parole or supervised release or has not been off probation or supervised release for a minimum of 6 months.

(5) The visitor has already been approved to visit with another offender and is not an immediate family member, clergy, special visitor, legal or law enforcement visitor.

(6) The visitor's presence in the prison facility would undermine security consideration or corrective treatment.

(7) The visitor has previously had his/her visiting privileges terminated under the old system (pre 10/1/04) indefinitely with reinstatement by the Director of Prison or his/her designated representative.

(8) Prior Criminal Record. The fact that a visitor has a prior criminal record may be grounds for disapproval of the visitor's application. If visitor was a partner or co-defendant in the crime with the offender, or the visitor is an ex-offender whose release has been within the last 12 months, or the visitor is on probation, parole, or supervised release. However, an exception may be granted for immediate family members. The fact that there has been no previous relationship between the offender and the visitor prior to incarceration will not, in of itself, be grounds for denial of visitation privileges. Likewise, marital status of the offender or the visitor will not be determinative. Normally, visits between offenders and the immediate family members of other offenders will not be allowed.

(b) Disapprovals are normally made for visitors who have never been allowed to visit with the offender, however, there are grounds in which a visitor should be disapproved in OPUS after visitation has occurred.

(1) The offender has requested that the visitor be removed from the visitation list.

(2) The visitor has requested to be removed from the offender's visitation list.

(c) Disapproved visitors may contact the Facility Head or his/her designated representative regarding the disapproval.

.0209 VISITOR SUSPENSION

(a) Visitors who have been originally approved and have subsequently demonstrated reasonable grounds for suspension shall be notified in writing by the Facility Head or designee that their visiting privileges have been suspended. The Facility Head or designee shall advise the visitor of the reason for the suspension of the visiting privileges and whether the visiting privileges are suspended for a designated period of time or permanently. Visiting privileges can be suspended for the following timeframes: 30 days, 60 days, 90 days, 180 days, 365 days and indefinite. Reasonable grounds for suspension include, but are not limited to, the following:

(1) The visitor has been disruptive during previous visits.

(2) The visitor has attempted to visit while under the influence of alcohol or drugs during previous occasions or has attempted to bring alcohol or drugs or other contraband into the prison facility.

(3) The visitor has refused to submit to a routine search or show proper identification during a prior visit.

(4) The visitor was a participant in the criminal activity for which the offender is incarcerated.

(5) The visitor's continued presence in the prison facility would undermine security considerations or corrective treatment.

(6) It was later discovered the visitor provided false or incomplete information on their application.

(b) Indefinite Statewide suspension of visitation privilege is generally reserved for serious violations of Prisons policy. Examples of these types of violations may include, but are not limited to, assisting with an escape or escape attempt; smuggling or attempting to smuggle contraband, that is a threat to security, into the facility (drugs, alcohol, weapons, etc.); or participating in an act of violence towards staff, offenders, or other visitors. Visitation privilege will be indefinitely suspended for any visitor that refuses to submit to a routine search prior to or during regular visitation. The driver of a vehicle that refuses to submit to a search of their vehicle, property or person during a drug interdiction will have their visitation privilege indefinitely suspended. An ex-employee whose visitation privilege is terminated in accordance with D.0206 (b) of this policy will have their visitation privilege indefinitely suspended. Suspended visitors shall be advised that they may appeal in writing to the Facility Head of the facility housing the offender or his/her

designated representative requesting restoration of visiting privileges and their justification for this action. Indefinite Statewide Suspension appeals shall be made in writing to the Director of Prisons or his/her designee. The Indefinite Suspension written appeal shall contain a request for restoration of visiting privileges and a specific justification for the reinstatement. Indefinite Suspensions can be appealed on 6 month intervals beginning from the date of the visitation suspension. Facility staff is responsible for entering all visiting suspensions into OPUS including detailed comments.

.2010 VISITATION LIST

(a) Notification to Offender – A list will be provided for the offender, indicating those visitors who have been approved and/or disapproved. The basis for which a visitor may be disapproved must be reasonable.

(b) Upon receipt of the visitor's list, each offender will be responsible for advising those visitors who have been approved and disapproved.

(c) The offender will receive a copy of the suspension letter for those visitor's whose visitation privileges have been temporarily or permanently suspended.

(d) Offenders will be allowed to have visitors added to their visiting list until the number of approved visitors reaches 18. At that time, changes to the visiting list or "open enrollment" will be only allowed every six months based on the offender's admission date into prison. Offenders will be allowed to add or delete visitors from their list during the month they were admitted into prison and six months later. For example, if an offender is admitted on February 20, his "open enrollment" will be February and August of each year. If an offender is admitted on November 2, that offender has "open enrollment" in November and May of each year, etc.

.0211 VISITS TO OFFENDERS NOT IN THE REGULAR POPULATION

(a) Hospitalized Offenders. No quarantined offender will be allowed visits. Other offenders determined by the prison physician to be in serious or critical condition will be allowed visits by members of their immediate families on any day of the week during hours to be specified by the Facility Head of the respective facility. The time allowed for visiting hospitalized offenders may be limited for legitimate custodial and rehabilitative purposes.

(b) Offenders in Restrictive Housing for Administrative Purposes (RHAP). Offenders in RHAP will be allowed visiting privileges. Visiting times, frequency of visits, and the number of visits may be altered when necessary to provide security.

(c) Offenders in Restrictive Housing for Disciplinary Purposes (RHDP). Offenders in RHDP will be allowed to have visits from attorneys and their paralegal assistants and clergy in accordance with these rules. Personal visitation privileges may be limited consistent with security requirements.

(d) Restrictive Housing for Control Purposes Offenders (RHCP. Offenders in RHCP, with the exception of Protective Control, will generally be restricted to non-contact visitation. This includes offenders on RHDP and RHAP. This is in accordance with DOP policy C.1215 (Conditions of Confinement) and section D.0212 (b) (1) of this policy. Visiting times, frequency of visits, duration of visits and the number of visits may be altered, at the discretion of the Facility Head, based on security and/or operational considerations.

(e) For offenders in Restrictive Housing for Control Purposes due to being found guilty of an assault on staff resulting in physical injury, personal visitation privileges will be suspended for a minimum of 12 months, with the possibility of a 24 month suspension. The Director of Prisons or designee will review at 12 months to determine if visitation restrictions will be lifted. Once visitation privileges are restored, only non-contact visits will be allowed for the remainder of the offender's period of incarceration.

.0212 NON-CONTACT VISITATION

(a) Definition- Non-contact visitation is a security measure, which prohibits physical contact between an offender and his/her visitor(s).

(b) There are two authorized categories of Non-Contact Visitation within the Prisons. These categories are:

(1) Non-Contact Visitation for special management populations. -- Special management populations at institutions may, based on security considerations, be restricted to non-contact visitation. Restriction of any special management population to non-contact visitation must be approved by the Director of Prisons.

(2) Non-contact visitation for individual offenders based on behavior detrimental to the security of the institution. --- Non-Contact Visitation is not imposed as punishment for misconduct, but is rather a security measure designated for offenders in response to behavior that constitutes a threat to the security of the institution. Non-contact visitation is designed to deter the entry of contraband into the facility and is authorized, at facilities capable of supervising non-contact visitation, for offenders that have been convicted of disciplinary offenses that are drug/alcohol related or for refusal to submit to drug/alcohol tests. Individual offenders may also be restricted to non-contact visitation for convictions of other serious acts of misconduct that occur during visitation including, but not limited to, participating in a sex act with a visitor or assaulting a visitor.

(c) At the discretion of the Facility Head non-contact visiting may be designated for individual offenders that have demonstrated behavior detrimental to the security of the institution for a period of up to six months. The offender shall be notified of the restriction in writing and told that this initial restriction carries no right of appeal. At the end of the initial period of restriction, the Facility Head shall review the individual case and determine whether the restriction can be lifted or whether it is to be continued. The offender will receive written notification of the decision. Any continuance of the restriction shall be for a period of up to a maximum of six months and reviews shall

continue at those intervals until the restriction is lifted. Offenders have a right to appeal a decision to continue the non-contact visitation restriction beyond the initial six-month period of restriction. Whenever the restriction is continued beyond the initial period of restriction and at each subsequent review, the offender will be notified in writing that he/she may appeal in writing to the Director of Prisons or his/her designated representative requesting restoration of contact visitation privileges or justification for the continuance.

.0213 SECURITY RISK GROUP VISITATION

(a) Offenders validated as either security risk group members or security risk individuals Level (2) two will be allowed contact visits with approved immediate family members.

(b) Offenders validated as either security risk group members or security risk individuals level (3) three will be allowed non-contact visits with approved immediate family members as defined in D. 0212 (b).

(c) Visitors who are not immediate family members shall be notified in writing by the Facility Head or designee that their visiting privileges will not be approved or have been terminated based on the offender's security risk level. The visitor shall reapply after the offender is no longer in a security risk level (2) two or (3) three.

(d) These Security Risk Group procedures are detailed in the DOP Security Manual .1706 (e) (10) (11).

(e) Offenders that complete Phase I of the Rehabilitative Diversion Units (RDU) program, he/she may apply for two (2) non-immediate family members to be added to their visitation list. This privilege will be afforded to SRG offenders regardless of their level. The additional visitors are not to exceed the maximum limit of eighteen (18) visitors per offender. Once the visitors are approved, the visits can begin in Phase 2 of the program. If the offender commits a Class A offense, the privilege will be revoked and will not be reinstated. Offenders who successfully complete Phase 3 of the RDU program are eligible to have contact visits with person(s) on their approved visitation list. This privilege will be afforded to SRG offenders regardless of their level. Revocation of this privilege will occur if the offender commits a Class A offense, is readmitted to the RDU program, or placed in Restrictive Housing status for approved purposes. This privilege will not be reinstated once it is revoked.

.0214 RULES FOR VISITING

(a) Identification and Search. All visitors must be properly identified utilizing the identification included with the application. The ID number will be part of the OPUS report utilized during visiting and available to staff assigned to registration. Attorneys, clergy, law enforcement, consular officials, and other special visitors may be required to show professional credentials as well as personal identification. All necessary precautions shall be taken to ensure that no contraband is carried into prison facilities. Visitors, 16

years of age and older, will be subjected to routine searches in accordance with departmental policy and procedure on Prison Entrance and Exit (F.3300).

(b) Visiting Hours, Number of Visitors, Age of Visitors, Frequency and Duration of Visits. Normally, offenders will be allowed no more than one visiting session per week not to exceed two hours. Normally, the maximum number of visitors per offender per visiting session will not exceed three approved visitors. Children (minors) under 18 years of age may be allowed to accompany the adults provided the adults and minors are on the approved visitor list and the minors remain under the immediate supervision of the adults during the visit. Facility Heads have the discretion, based on operational issues and space considerations, to modify the number of visitors that are allowed to visit at any one time. In these instances, the decision as to whether or not additional visitors are allowed to swap in and out of visitation will be at the discretion of the Facility Head. If the Facility Head allows visitors to swap in and out of visitation, a visitor will generally not be allowed to return to the visitation area once they have swapped out with another visitor. Whenever possible the appropriate setting should be made available for clergy, legal, and law enforcement visits. These visits should not be counted as the standard one visit per week that offenders are allowed.

(c) Visiting hours will be established by the Facility Head and approved by the Region Director. Facilities that conduct visitation by appointment should designate at least some appointment times over the weekend period for visitors who can not come to visitation during the week.

(d) Facilities with special control requirements may develop visiting periods and other visiting procedures to establish secure operations and proper supervision of the visiting area. Visitation will not occur on holidays unless special visits are approved by the Facility Head. Regular visitation periods may be modified to meet unusual security or operational considerations or special visits. Under routine visiting circumstances, general population offender movement will not be restricted during visiting periods except from the visiting area. Offenders who pose a disruption to visitation may have their movements restricted. In the event that offender disturbances reoccur, appropriate restrictions on general offender movement may be imposed at the facility where the disturbances occur, subject to approval by the Region Director.

(e) Food and beverages. Facility Heads at minimum-security facilities have the discretion to allow visitors to bring foodstuff and picnic baskets for visitation that is conducted in outside visiting areas. Foodstuff and picnic lunches will not be authorized at medium or close security facilities. Visitors will not be allowed to bring beverages into any visiting area at any prison. Vending machines are authorized in any visiting area at the discretion of the Facility Head.

(f) Offender Funds. Visitors are prohibited from giving money in any form, including but not limited to, cash (including coins and currency), checks, or money orders to offenders. All deposits to the offender trust fund account shall be made through the JPAY system.

(g) Visiting Areas and Supervision of Visits. The Facility Head shall choose the visiting area

at each facility. The area chosen should be as comfortable and pleasant as security requirements permit. An officer shall be present in the visiting area at all times to supervise visits and ensure institution safety. Before and after every visiting period within the confines of a facility, a search of the room or area where the visits are held will be made to assure that no contraband has been concealed in or under any structure, equipment and furniture.

(h) At facilities where physical contact is allowed during visitation, the contact between offender and visitor(s) is limited. Inappropriate displays of affection or sexual activity are not allowed. The offender and his/her visitors may embrace (kiss and hug) only upon arrival and departure from the visiting areas. Offender and their visitors may be allowed to "hold hands"; however, they must do so with the hands clearly visible at all times. If an offender or visitor does not follow the rules concerning physical contact, they will be warned and upon repeat occurrence the visit may be immediately terminated. The offender may face possible disciplinary action and the visitor's visitation privileges may be suspended.

(i) Records. A record of all visits, regular and special, regardless of a visitor's status, shall be recorded in OPUS on the VT07 Screen. A visit should not occur unless there is an approved application listed in OPUS, however, if an exception is made, the visitor must first complete an application before visiting and the application and record of visit will be processed as soon as possible. Visits that were recorded prior to an approved application or recorded for visitors that are not approved will generate a procedures alert on OPUS to the facility superintendent. The visiting record screen VT07 will automatically update OPUS as to who has visited and date of that visit.

(j) Violations of Visiting Privileges. Visits shall be conducted in a quiet, orderly manner. In the event any offender or visitor becomes unruly, emotional, or creates a disturbance, the visit may be terminated and the participants removed from the visiting area. Any efforts to circumvent or evade these regulations may result in disciplinary action against the offender and appropriate administrative and/or legal proceeding against the visitor. (G.S. 14-258.1).

.0215 APPROPRIATE STANDARDS OF DRESS FOR VISITORS

(a) The following requirements for visitors apply at all facilities and will be strictly enforced. It will be the responsibility of the offender to communicate these standards to his/her visitors. Should staff have any question as to whether a visitor is dressed appropriately; the Officer-in-Charge should make the decision.

(1) Shirts and shoes are mandatory.

(2) Halter tops, bare midriffs, strapless tops, tube tops, body suits, underwear-type tee-shirts, tank tops, sleeveless shirts or dresses that are inappropriately revealing (a sleeveless shirt or dress is considered inappropriately revealing when the female breast or lingerie can be seen), fish net shirts, or any type of shirt or pants

made with see-though fabric are NOT allowed to be worn by any visitor (male or female).

(3) Visitors may wear Bermuda-length shorts provided they are not more than three (3") inches above the kneecap. Shorts for pre-teens may be shorter than three (3") inches above the kneecap.

(4) Females may wear dresses or skirts. Dresses or skirts may not be more than three (3") inches above the kneecap. Slits in skirts and dresses may not be more than three (3") inches above the kneecap. Dresses and skirts for pre-teens may be shorter than three (3") inches above the kneecap.

(5) Any shirt or other articles of clothing with a picture or language that may be considered profane or offensive by current public standards or DPS standards, or considered SRG (gang) related will not be allowed.

(6) Wave caps, doo rags, and bandanas are not allowed.

(7) Slacks and pants are to be worn at or above the waist.

(8) Spandex clothing is prohibited.

Director of Prisons

08/13/18
Date

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(Attachment 1)

APPLICATION TO ENTER FACILITY AS CERTIFIED LEGAL INTERN

LEGAL INTERN STATEMENT

I am a legal intern certified pursuant to 27 NCAC 01C .0201 to .0206 acting under the supervision of _____, who is an active member of the North Carolina State Bar in good standing or a law school staff member. I hereby request that I be allowed to interview and/or correspond with offender _____,
ID# _____ currently confined at _____. I understand that I am required to abide by all North Carolina Department of Public Safety Division of Prisons policies and regulations.

Applicant's printed name: _____ Signature: _____

Date Completed: _____

STATEMENT OF SUPERVISING ATTORNEY

I hereby certify I am an active member of the North Carolina State Bar in good standing or a law school staff member. _____ is a certified legal intern under my supervision and I hereby request that he/she be allowed to interview and/or correspond with the above-named offender. I familiar with the North Carolina Revised Rules of Professional Conduct regarding supervision of legal interns and I agree to adequately supervise the above-named legal intern in accordance with those Rules. Pursuant to 27 NCAC 01C .0205(3), I assume personal professional responsibility for any work undertaken by the legal intern under my supervision. I understand the legal intern is required to abide by all North Carolina Department of Public Safety Division of Prisons policies and regulations.

Attorney's printed name: _____ Signature: _____

NC Bar Number: _____

Date Completed: _____