

	STATE OF NEW YORK DEPARTMENT OF CORRECTIONS AND COMMUNITY SUPERVISION <b>Mid-State          Correctional Facility</b>	FACILITY OPERATIONS MANUAL TITLE: <b>Offender Visiting</b>	FOM. NO. <b>16.03</b>
			DATE <b>02/20/14</b>
SUPERSEDES 05/19/12	DISTRIBUTION <b>A &amp; B</b>	PAGE <b>1 of 9</b>	
REFERENCES Dir. #4022 Dir. #4422 Dir. #4935 ACA #4-4500 Dir. #4403 Dir. #4760 ACA #4-4498 Dir. #4421 Dir. #4900 ACA #4-4499-1		APPROVING AUTHORITY  Superintendent	

- I. **AUTHORITY:** Superintendent.
- II. **PURPOSE:** To set forth policy and establish regulatory procedures for administering the visiting program and to provide an effective visiting program that will enhance rehabilitative efforts, establish a normalization of social relationships and satisfy security requirements of the facility.
- III. **APPLICABILITY:** To all offenders and personnel of the institution and especially to the Visiting Room staff. Rules governing the Inmate Visitor Program will be made available in the Mid State CF Inmate Orientation Handbook to all incoming offenders and will be posted on all Housing Units. In addition, the Rules and Regulations governing the Inmate Visiting Program will be posted in the Visitor Hospitality Center and in the Visiting Room.
- IV. **PROCEDURES:**
  - A. All regulations pertaining to visiting shall be made available to all offenders during facility orientation.
  - B. Offenders shall not be denied access to visitation with persons of their choice except where there is clear and convincing evidence that such visitation would jeopardize the safety and security of the institution. No person shall be denied permission to visit solely because of sex, marital status, their status as an ex-offender or having visited another offender. There will be no "cross visiting" of offenders or visitors in the Visit Room, unless prior written approval is obtained from the Superintendent for a specific visiting date.
  - C. A visitor may visit more than one offender on the same day. The visitor must first terminate the current visit, exit the Visiting Room, then reapply going through the admission process at the Visit Process lobby.
  - D. This institution shall provide a Visiting Room for offenders and their visitors that allow ease and informality of communication in a natural environment as free from custodial constraint as possible. It shall be arranged with the comfort and privacy of the visitor in mind, and to allow for socially acceptable physical contact during visiting.
  - E. **Visits of Minor Children:** Minor children must be attended by an adult at all times in any area of the facility grounds. If necessary, an adult from the visiting party will be denied visitation to provide this supervision. The Area Sergeant will make this determination and contact the Watch Commander for approval.

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***F. Visitors with Packages and Money: (See section #9.18-Package Room Procedures)***

Visitors may leave postal money orders, checks and cash for the offender they are visiting, to be credited to the offender's account. These funds must be placed in a deposit envelope and then put in the designated drop box in Bldg. 101 lobby area. Visitors attending Special Events will not be allowed to leave money. All money intended for the vending machines must be deposited by the visitor. **UNDER NO CIRCUMSTANCES SHOULD AN OFFENDER HANDLE MONEY.**

***G. Transportation for Visitors:***

1. The Visit Room Bulletin Board shall contain up-to-date information regarding public transportation routes. This information will be updated by the office of the D.S.P.
2. The Office of Religious Services shall inform visitors of available public transportation and/or existing volunteers' transportation program upon request.

***H. Games and Cards in the Visit Room:***

1. The Visit Room Officers will sign the games and decks of cards out to offenders or visitors and will make sure they are returned in good condition at the end of the visit.
2. Games that use dice to operate will not be allowed in the Visit Room.
3. Visitors may not bring any decks of cards or games into the institution.
4. Children's games will be distributed and collected by the assigned inmate.

**NOTE: 2 Legal Rooms-One is to be used for children's game distribution-the other is used for storage.**

***I. Items Allowed in Visiting Room with Visitor:***

1. To insure the safety and security of visitors, offenders, and staff in the Visiting Room area, only necessary and appropriate items are allowed in this area. Visitors will be allowed to carry an I.D., locker key, and money necessary for the machines; a comb-as long as it is not the pick type or with a handle; and basic grooming needs. No spray type cans are allowed in the Visiting Room, and no bottles such as perfume, cologne, etc.
2. If an item is questionable, the Sergeant assigned to Bldg. 101 will make the determination whether it will be allowed in.
3. Breast feeding mothers will be allowed to nurse their baby in the Legal Visit Room in Visit Room #1 behind a privacy screen.
4. The following supplies for infants will be allowed:
  - a. Six (6) Diapers.
  - b. One (1) Change of clothing.
  - c. Three (3) Plastic baby bottles-clear (see through).
  - d. Two (2) Toys (no hollow or stuffed).
  - e. One (1) Coloring book and crayons.
  - f. One (1) Infant seat.

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g. Bibs, wash & wipes (inspected) and blankets are also allowed (as long as they are not quilted).

5. **Review/Exchange of items (refer to Dir. #4403, VII-E):** Offenders requesting to take items into the Visit Room must submit a written request to the DSS two weeks prior to the expected visit. The written request must specify the type and quantity of items desired to be taken into the Visit Room. The only items permitted are personal legal papers, the Bible and Koran and similar religious writing, and personal photographs. Once approved by the DSS, the Bldg. 101 Sergeant, Package Room, Visit Frisk Officers and the offender will be notified.

On the day of the visit, the offender must drop the items off at the Package Room prior to entering the Visit Frisk area. Package Room officers will notify the area Sergeant. Items approved by the DSS will be examined for contraband by the Package Room officers prior to its entry into the Visit Room.

The Sergeant will review the items and approval by the DSS. Only those items and quantities approved by the DSS may be allowed in the Visit Room. The Sergeant will make the final determination whether or not to allow an item into the Visit Room. Approved items will be delivered to the offender in the Visit Room as soon as practicable and an appropriate entry will be made in the Visit Room log.

Visitors requesting to bring items under this procedure into the Visit Room to review with an offender must indicate their desire to the Visitor Hospitality Center Officer. The only items under this procedure that visitors may bring into the Visit Room are personal legal papers, the Bible and Koran and similar religious writing, and personal photographs. The officer will notify the area Sergeant. The visitor will bring the items into Bldg. 101 Entrance where they will be frisked and the Sergeant will determine whether or not to allow their entry. If allowed, the visitor will take them into the Visit Room. An appropriate entry will be made in the Visit Room log. Items not approved will be taken by the visitor to the Visitor Hospitality Center for storage in the visitor's locker. The visitor may then be processed for the visit. Permanent exchange of items must take place through the Package Room. The offender must turn the items to be exchanged over to the Visit Room Officer prior to the end of the visit using the Visit Room Exchange Form (Attachment A). An entry in the Visit Room log will be made indicating the name, DIN, type and quantity of items to be exchanged, and the receiving visitor's name. The Visit Room Officer will transfer the items to the Package Room with the Visit Room Exchange Form where they will be processed for transfer. A copy of the form will be placed in the offender's package folder.

**J. Offender's Approved Visitor List:**

1. **Cross Visiting:** All requests for cross visits must be submitted for review and approved by the Superintendent, at least 30 days in advance of the proposed visit. Both offenders must

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contact their respective Offender Rehabilitation Coordinator in order to discuss the planned visit and make arrangements for the early registration of visitors to both offenders' lists.

**2. Special Visits:**

**a. Legal Visits:** All requests for legal visits will be referred to the Inmate Records Coordinator. Every attempt will be made to schedule these visits on weekdays in the Visit Room during the following time periods:

**Monday – Friday: Day Visits**

**8:30 AM – 11:00 AM**

**1:30 PM – 2:45 PM**

Depending on the availability of required Correction Officer coverage, these visits will be conducted in the Legal Visit Area in the Visiting Room. Correction Officer coverage will be provided by the Watch Commander from the Legal Visit Officer.

The Inmate Records Coordinator will notify the Watch Commander via an approved gate clearance of scheduled visits: Monday – Friday.

*In special cases*, evening visits will be held in the Legal Visit Room and be supervised by Post #190-Visit Program Escort Officer or Post #16-Bldg. 101 Lobby Officer. These *special cases* must be approved by the Superintendent prior to scheduling.

**b. Social Service Visits:** These visits will be scheduled by the Supervising Offender Rehabilitation Coordinator. The actual duration of the visit will be at the discretion of the Social Services Department, but will be limited to the normal visiting weekday hours (8:30 AM – 2:45 PM). Every attempt will be made to set up Social Services Visits for weekdays.

**c. Long Distance Visits:** Long distance visitors are defined as traveling more than 750 miles. These visits may occur only once a year and they will be scheduled on week-ends if possible. If not possible, a special week-day visit may be approved. These visits must be requested in writing to the offender's Offender Rehabilitation Coordinator 30 days in advance of the visit. The Offender Rehabilitation Coordinator will forward the attached form to the Superintendent for review and approval once necessary research is completed.

Approved visits will be conducted in the Visiting Room with Legal or Visit Officer coverage assigned, or from the Miscellaneous Pool.

If a special visit is approved for offenders in disciplinary status, the visit shall be held in the visiting area. A special area, directly in front of the officer's desk, has been set aside to accommodate offenders from SHU. If past experience indicates that the offender is prone to violence and disruptive behavior, then the visit will be held in a non-contact area with written approval of the Superintendent or under heavily supervised conditions.

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- d. **Marriage License Processing:** Offenders and their intended spouses will submit requests for permission to be married to the Superintendent for review and approval. If the Superintendent has approved the request, the approved request will be forwarded to the designated Offender Rehabilitation Coordinator who will set up an appointment with the offender and the intended spouse to prepare the application for a marriage license. If the request is denied, the inmate will be notified by the Superintendent's office.

The actual ceremony will be attended by the Offender Rehabilitation Coordinator and supervised by the Legal Officer or Miscellaneous Resource Officer. A maximum of 30 minutes will be allowed for the weekday ceremony.

e. **Visits to the Infirmary:**

- i. Visits for offenders in the Infirmary and/or medical isolation shall require the approval of the Superintendent, or in his absence, the Officer of the Day, and the Facility Health Services Director.
- ii. Visits in the Infirmary will be for a maximum of 3 visitors and duration of no more than 2 hours. Visitors to the Health Unit are subject to all Facility Rules and Regulations governing visits, in addition to any specific rules necessary in the Infirmary area. Visits will take place in the room designated for visits in the Infirmary area. There will be no visit outside this area without prior approval from the Facility Health Services Director.
- iii. When visits are in progress in the designated visiting area, this room will be off limits to all other offenders.
- iv. Non-compliance will result in termination of the visit.

For offenders in respiratory isolation, refer to FOM #13.22.

**K. Visiting Hours:**

Saturday, Sundays and holidays: 8:00 AM – 3:00 PM. Visitors arriving at the gate after 2:15 PM will be denied a visit, unless special approval is granted by the Watch Commander.

**L. Number of Visitors:**

A total of five (5) visitors, including children, will be allowed at one time. Limitations on the number of visitors who may visit an offender at one time is imposed to prevent overcrowding in the Visit Rooms and to eliminate difficulties in supervising the visit. These regulations shall be interpreted flexibly and subject to exceptions. Any additional visitors will only be approved under unusual circumstances by the Watch Commander.

**M. Terminating Visits when Visiting Room reaches capacity:**

1. The Officer of the Day will be notified when it becomes necessary to terminate visits because the Visiting Room has reached capacity.
2. An inquiry will be made asking for volunteers to terminate their visit.

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3. Local visitors (*one hour or less* of travel time) who have been visiting for 3 hours or more shall have their visits terminated first. This will be done on a first-in/first-out basis.
4. Visitors who have traveled more than *one hour* in private vehicles shall be terminated on a first-in/first-out basis after visiting at least 3 hours.
5. When visits are terminated, the Area Supervisor will speak to the visitor to ascertain if a package was left. If so, the package will be processed immediately to enable the departing visitor to take unapproved items with them. A memo to the Watch Commander outlining the termination and whether a package was involved will be prepared by the Supervisor.
6. In all cases of visit termination due to overcrowding, a Report of Termination will be included on the Watch Commander's daily report.

**N. Visiting Indoor/Outdoor Area:**

1. Weather permitting, the outside visiting area will be opened every Saturday, Sunday and holiday except during inclement weather. The area will be closed on Family Picnic days and during the winter months. (November 1<sup>st</sup> through March 31<sup>st</sup>.)
2. When entering Visit Room #1, the visitor will be asked if they want an inside or outside table. Space permitting, the table will be assigned. When all outside tables are filled, a waiting list will be maintained by the Visit Room I Officer for a potential one-time change.
3. Visitors and offenders seated outside can smoke. All visitors requesting outside tables will be allowed to bring one sealed pack of a tobacco product. **THOSE SEATED INSIDE CANNOT GO OUTSIDE TO SMOKE.**
4. Movement from outside to inside or inside to outside occurs at 10:00 AM and 12 PM. Visitors may make a one-time request to move to the inside visit area if a vacant table exists or if there is a waiting list of inside visitors wanting to go outside. Once an offender and his visitor(s) go from outside to the inside table, they may not return to the outside visit area. The Area Supervisor may authorize other reasonable requests for movement.
5. The only movement to the inside visiting area from outside will be to purchase vending machine items. The outside Visiting Area Officer must be notified prior to going inside.
6. Click-Click photographs will be done separately for outside visitors. There will be no movement to the outside visiting area for inside visitors/offenders except as outlined in #5 above.
7. Children will remain in the area they have been assigned to sit in. Children assigned to the inside area cannot go outside for any reason. Children assigned to the outside area can only enter the inside visiting area for reasons listed in #5 above and to pick-up or return a toy or game.
8. There will only be one offender and his visitor(s) assigned to a table in the outside area. No multiple visits are permitted at the same table unless cross-visiting was approved pursuant to Directive #4403. Offenders are to be seated in the "offender" designated seat at each table.
9. Offenders/visitors are assigned to only one table inside or outside. If the Watch Commander decides to close the outside area because of inclement weather, the outside

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visitors are to be assigned a table in the inside visiting area. If no inside tables are available, the visit termination procedures will be implemented.

10. Tables in front of the Officer's station will be designated for Long Term Protective Custody offenders.

**O. Non-Contact Visits:**

1. Any offender designated for non-contact visits only will be escorted from the visit frisk area directly to and from the non-contact cubicle in Visit Room #1.
2. This escort will be accomplished in such a manner as not to allow any contact between the offender and his visitors.
3. The offender will be assigned to the non-contact cubicle adjacent to the cubicle assigned to his visitor.
4. During non-contact visits, food and/or beverage items bought in the Visiting Room will be inspected via the Frisk Room Officer prior to being given to the offender by the Officer. The passing of such items may occur once during the visit. Staff will notify both the visitor and offender of this rule prior to the commencement of the non-contact visit.

- P.** Offenders and visitors shall not be permitted to leave the Visiting Room together. When visiting hours are completed, offenders are to report to Visiting Room #2 Officer's Station and wait to be strip frisked. Visitors are to report to Visiting Room #1 Officer's Station prior to exiting the Visiting Room. The offenders will enter the Frisk Area in a single file as directed by the area Supervising Officer.

The visitors' bathroom in Visit Room #1 may be used to frisk offenders only when extra staff is available and there is no space to strip frisk the offenders in the designated area. This may occur only after the bathrooms are searched by Security Staff, the bathrooms are cleaned, floor mats are placed on the floors, and chairs are in place for the offender to place his clothing. The door shall be closed to allow privacy.

- Q.** Offenders and visitors will not be allowed to use the same lavatories.

**R. Special Events:**

1. All visitation rules and regulations as outlined in this policy will apply to Special Events with the exception of the following:
  - a. No money or packages will be permitted.
  - b. The processing of visitors, calling of offenders and count procedures will be adhered to as outlined in Facility Policy #9.50-"Special Events".

- S. RCTP Visits:** Refer to the RCTP Manual, Section 10-"Inmate Exercise & Privileges".

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**T. S-Block Visits:**

Policy for S-Block visits will be the same as those listed in Sections IV-A, B, C, D, E, G, H, I, J, and O.

**1. Visiting Hours:**

- a. S-Block visits are on Saturdays from 5:00 PM – 9:00 PM in Bldg. 101, S-Block Visit Area. Visitors arriving after 8:15 PM will be denied a visit unless special approval is granted by the Watch Commander.
- b. Legal visits must be scheduled by appointment through the Inmate Records Coordinator.

2. The number of visitors permitted to visit an offender is limited to four (4), including children, during a single visit.

**3. Visitors with Packages and/or Money:**

Visitors may leave packages of books and magazines only. No other items will be left for the offender without written approval from the S-Block Sergeant (i.e., shirts and sneakers for Level III offenders only). Returnable items will be marked with the visit pass number. When the exiting visitor turns-in the pass, the unacceptable item will be returned with appropriate explanation of why the item is not permitted.

Visitors may leave postal money orders, checks, and cash for the offender they are visiting to be credited to the offender's account. These funds must be placed in a deposit envelope and then placed in the designated drop box in Bldg. 101 Lobby area.

**4. PIMS Level I Offenders:**

PIMS Level I offenders will remain in hand cuffs and waist chain. They will be located in Visit Room #3 (S-Block non-contact area) and have limited contact with their visitors.

**5. PIMS Level II and III Offenders:**

All PIMS Level II and III offenders will have hand cuffs and waist chains removed. They will be escorted to Visiting Room #2 for their visit. PIMS Level II offenders may wear their personal sneakers into the visiting area.

**6. Non-Contact Visits:**

Any offender designated for non-contact visits only, will remain in hand cuffs and waist chain. They will be located in visiting Room #3 (S-Block non-contact visit area) with no contact between the offender and visitor.

During non-contact visits, food and/or beverage items bought in the Visiting Room will be inspected by the non-contact officer prior to being given to the offender by the officer. The passing of such items may occur once during the visit. Staff will notify both visitor and offender of this rule prior to the commencement of the non-contact visit.

**7. Offender Movement:**

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The only times an offender is permitted to leave his seat will be to go to the bathroom and at the conclusion of the visit. This will be done under the direction of the officer.

**8. *Conclusion of Visit:***

The visitors will report to Visit Room #2 Officer's station to obtain their passes and exit the Visiting Room proceeding to the Visit Process area.

Offenders will remain seated at their tables until directed to the S-Block Frisk area by staff.