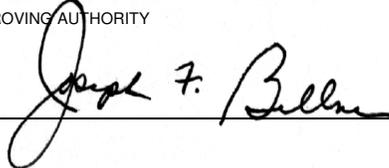


 <p>STATE OF NEW YORK DEPARTMENT OF CORRECTIONS AND COMMUNITY SUPERVISION</p> <p>DIRECTIVE</p>	TITLE		NO. 4935
	Outsiders Visiting or Applying to Visit Facilities		DATE 03/16/2012
SUPERSEDES DIR# 4935 Dtd. 02/24/2011	DISTRIBUTION A B	PAGES PAGE 1 OF 2	DATE LAST REVISED
REFERENCES (Include but are not limited to)	APPROVING AUTHORITY 		

I. PURPOSE: To set forth rules applying to visits to facilities by persons not employed by the Department.

II. POLICY

- A. In times of disturbance, uprising, or riot, only those persons directly involved in restoring order and those who are permitted entry by the Commissioner of the Department of Corrections and Community Supervision or his or her designee shall be permitted to enter the facility.
- B. The employee in charge of an entrance may, at any time when it is deemed necessary in order to maintain safety and security of the facility, search the person of any official or employee or of any other person who may enter or leave the facility. (See Directive #4900, "Security in Gate Areas.")
- C. Any person who may refuse to abide by any of the rules concerning the method and manner of entering and leaving the facility shall not be permitted to pass. The employee in charge of the entrance shall detain the person of anyone who shall violate or attempt to violate any of such rules and he or she shall immediately report such seizure to the Superintendent, or Officer of the Day if after business hours.
- D. Any person who is under the influence of intoxicants or who gives indication that he or she is not in full possession of his or her normal mental faculties shall be refused admission. The Superintendent, or if after business hours the Officer of the Day, shall be advised immediately.
- E. Before invitations are extended by inmate or employee organizations to individuals, vendors, volunteers, organizations, Federal, State and local legislators or their staff, they must first be approved by the Superintendent of the facility at which the visit is requested, and then be referred to the Executive Deputy Commissioner for review and submission to the Commissioner for final approval.

III. OFFICIAL VISITORS

- A. Commission of Correction: "The Commission, any member or any employee designated by the Commission must be granted access at any and all times to any correctional facility or part thereof..." §46, Correction Law.
- B. NYS Government Officials and Ministers: "The following persons shall be authorized to visit at pleasure all correctional facilities: The Governor and Lieutenant Governor, Commissioner of General Services, Secretary of State, Comptroller and Attorney-General, members of the Commission of Correction, members of the Legislature, Judges of the Court of Appeals, Supreme Court and County Judges, District Attorneys and every Minister of the gospel having charge of a congregation in the town wherein any such facility is situated." §146, Correction Law.
- C. Correctional Association of New York: Members of the Visiting Committee of the Correctional Association of New York may visit correctional facilities where prior arrangements have been made by Counsel's Office.
- D. OSHA/Labor Department: Occupational Safety and Health Administration (OSHA), Department of Environmental Conservation (DEC) or New York State Department of Labor, Public Employee Safety and Health (PESH), inspectors may visit facilities unannounced to conduct inspections or to investigate complaints. The inspectors, upon producing appropriate credentials and identification, must be processed pursuant to Directive #4900, "Security in Gate Areas." The Superintendent or Acting Superintendent shall make necessary arrangements for the inspectors to be escorted to the areas to be inspected without delay and assist them with information or documentation which they may require.

- E. Commission on Quality of Care and Advocacy for Persons with Disabilities: “The Commission shall have direct and immediate access to all areas where State prisoners are housed, and to clinical and Department records relating to inmates’ clinical condition...”§401-a, Correction Law.

IV. OTHER VISITORS: “No ... person not otherwise authorized by law shall be permitted to enter a correctional facility except by authority of the Commissioner of Correction under such regulations as the Commissioner shall prescribe.” §146, Correction Law.

V. PROCEDURE

- A. Official visitors shall be processed in accordance with Section III-E of Directive #4900, “Security in Gate Areas.” All other visitors shall be processed in accordance with Section III-B of Directive #4900, “Security in Gate Areas.”
- B. Any person not connected with the facility or designated by law as an official visitor shall not be permitted to enter unless he or she can show that he has proper business to transact or is provided with an official pass or other proper authority.
- C. Persons who are not on facility or Departmental business shall obtain permission from the Superintendent before being admitted to the facility. The Superintendent shall be informed of the nature of the visitor’s business and the names of employees whom they wish to contact.
- D. The names of persons not employees of the facility who are allowed to enter shall be reported to the Superintendent.
- E. When visits are made in accordance with the provisions of Section 146 of the Correction Law, as well as in emergencies, entry shall be made in a permanent record of the name of the visitor, the purpose of the visit, and the time of beginning and termination of it. A letter or electronic mail message containing the name, purpose, and start and ending time of the visit shall be sent to the Executive Deputy Commissioner and/or the Deputy Commissioner for Correctional Facilities within 24 hours after the visit ends.
- F. Persons who are not Departmental employees shall leave the facility through the same entrance by which they were admitted and shall be so informed at the time of admittance.
- G. Persons denied entry to the facility by the Superintendent shall be advised in writing. Copies of such notification shall be submitted to the Deputy Commissioner for Correctional Facilities.
- H. No visits to patients shall be permitted without the approval of the Superintendent, who will consult with the facility physician.
- I. No person shall be permitted to interview an inmate after business hours except by permission of the Superintendent or the Officer of the Day during non-business days and hours.