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<b>POLICY NUMBER: 21.4</b>		
<b>CHAPTER 21: PRISONER COMMUNICATION</b>		
	<b>STATE of MAINE</b> <b>DEPARTMENT OF CORRECTIONS</b>  <b>Approved by Commissioner:</b> 	<b>PROFESSIONAL STANDARDS:</b>  <b>See Section VII</b>
	<b>EFFECTIVE DATE:</b> <b>August 4, 2003</b>	<b>LATEST REVISION:</b> <b>August 1, 2018</b>

**I. AUTHORITY**

The Commissioner of Corrections adopts this policy pursuant to the authority contained in 34-A M.R.S.A. Section 1403.

**II. APPLICABILITY**

All Departmental Adult Facilities

**III. POLICY**

It is the policy of the Department of Corrections to permit prisoners to have visits with family, friends, and professional visitors under conditions that are consistent with safety, security, and orderly management of the facility.

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## VI. PROCEDURES

### Procedure A: Visitation, General

1. The Chief Administrative Officer, or designee, of each facility shall establish a visitation program to afford prisoners with reasonable opportunities to visit with family and friends (regular visitors) upon their written request, in accordance with Department policy and written facility specific practices.
2. The Chief Administrative Officer, or designee, of each facility shall develop and implement written facility specific practices for the processing, searching, and supervision of visitors, including, but not limited to, requirements for metal detectors, pat search, property search, and/or canine search, and practices to prevent visitors and prisoners from giving or receiving any items or written communications during visits.
3. The Chief Administrative Officer, or designee, of each facility shall ensure sufficient space is available for visits, including storage space for items not allowed in visits, and shall make provisions for appropriate levels of staffing to accommodate the visitation program.
4. The Chief Administrative Officer, or designee, of each facility shall ensure that there is a bathroom available for use by visitors during visits and that a diaper changing table is available in the bathroom. Prisoners shall not be allowed to use or otherwise enter a visitor bathroom during visits for any reason. Prior to a prisoner being allowed to clean a visitor bathroom as part of a work assignment, the bathroom shall be thoroughly searched by security staff and security staff shall directly observe the cleaning.
5. A visitor shall be required to remain in the visiting area during visits, except to use a bathroom in a facility where the visitor bathroom is outside the visit area or unless instructed by staff to leave the facility as a result of a termination of the visit.
6. If space permits, a children's reading/play area shall be provided with toys and books.
7. The Chief Administrative Officer, or designee, of each facility shall develop a visitation schedule. Visiting hours shall be flexible enough to afford opportunities for all prisoners to participate in the facility's visitation program.

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8. A visitor traveling from out of state or presenting another reason for an extended visit or an additional visit may make a request for extra visit time or an additional visit. The Chief Administrative Officer, or designee, may grant the request, provided space and staff are available to accommodate the request. The decision whether to grant or deny the request is at the sole discretion of the Chief Administrative Officer, or designee.
9. The Chief Administrative Officer, or designee, of each facility shall establish facility visitation rules, to include, but not be limited to, a visitor dress code.
10. During facility orientation, prisoners shall be provided information concerning the facility's visitation schedule, facility visitation rules, and the possibility of communications during visits being monitored. The visitation rules and a notice stating that communications by or with prisoners made during visits are subject to being listened to and/or recorded, except for attorney/client privilege communications, shall also be included in the prisoner handbook. Copies of the current visitation schedule shall be posted in the housing units to notify staff and prisoners of the schedule.
11. Prisoners shall be informed that they must wear issued clothing other than sweat shirt and sweat pants to visits and that the clothing must not have any cuts, rips, and/or holes. A prisoner not in compliance with this provision shall not be permitted to have the visit.
12. The Chief Administrative Officer, or designee, of each facility shall ensure that visitors are provided with information regarding any available public transportation to the city closest to the facility. Visitors shall also be provided information concerning the facility visitation schedule and visitation rules.
13. The Chief Administrative Officer, or designee, of a reception facility shall ensure that prisoners are allowed regular visits during the reception classification process, unless a proposed visitor is a prohibited visitor as set out in Procedure F or is not allowed to be placed on a prisoner's Approved Visitor List for a reason set out elsewhere in this policy or it is still being determined whether the proposed visitor is prohibited or not allowed.
14. Except for a prisoner who is on a furlough pass or furlough leave, a prisoner who is in a hospital emergency room or who is hospitalized shall not be permitted any visitors while in the hospital, unless approved in writing by the Commissioner. If approval has been granted for a person to visit a prisoner at a hospital, the Department's Director of Operations, or designee, shall specify the security precautions that will be taken during the visit, including, but not limited to, that the visitor will be searched using a hand held metal detector and a pat search; the visit will be supervised in person by at least one security staff who shall not leave the room during the visit; neither the prisoner nor the visitor will be allowed to enter the patient's bathroom during the visit; and the visitor will not be allowed to give the prisoner any item, directly or indirectly (for example, the visitor will not be allowed to order flowers to be delivered to the prisoner).

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15. Regular visitors shall be required to request visits at least two (2) business days in advance of the visit requested, unless the Chief Administrative Officer, or designee, in his or her sole discretion, allows an exception to this requirement in extenuating circumstances. If the requested visit is scheduled, designated staff shall provide a confirmation to the visitor. A visitor who arrives for a visit that has not been scheduled and confirmed shall not be permitted to visit.
16. The Chief Administrative Officer, or designee, of each facility shall post signage at the visitor entrance to the facility stating that firearms and other weapons are not allowed on State property; that trafficking in prison contraband is a crime; and that visitors and their belongings are subject to search.
17. The Chief Administrative Officer, or designee, of each facility shall post signage in the facility lobby stating that visitors must inform the lobby officer of any medication being brought in.
18. The Chief Administrative Officer, or designee, of each facility shall post signage approved by the Department's Director of Operations, or designee, in the facility lobby and in all visit areas stating that communications by or with prisoners made during visits are subject to being listened to and/or recorded, except for attorney/client privilege communications.
19. The Chief Administrative Officer, or designee, of each facility shall make available a copy of this policy in the facility lobby and shall post the facility visitation rules in all visit areas.
20. Anytime a visitor is not admitted into a visit or a visit is terminated and the visitor is required to leave the facility, designated facility staff may also require other visitors accompanying that person to also leave the facility.
21. Anytime a visitor is not admitted or a visit is terminated, staff shall complete appropriate documentation and submit it to the Chief Administrative Officer, or designee.

**Procedure B: Regular Visitor Approval Process and Approved (Regular) Visitor List**

1. The Chief Administrative Officer, or designee, of each facility shall ensure that adults (persons who are eighteen years of age or older, married, or emancipated by court order) are permitted to visit prisoners, unless the adult is a prohibited visitor as set out in Procedure F or the adult is not allowed to be placed on a prisoner's Approved Visitor List for a reason set out elsewhere in this policy.
2. The Chief Administrative Officer, or designee, of each facility shall ensure that Visitor Application Forms (Attachment A) are available to proposed regular adult visitors.
3. A proposed regular adult visitor shall be required to complete a Visitor Application Form. An incomplete application shall not be processed.

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4. For a proposed regular adult visitor less than eighteen years of age who is married or who is emancipated by court order, a certified copy of the marriage certificate or a certified copy of the court order of emancipation must be attached to the application form.
5. False information on an application form may result in denial of approval to visit.
6. A background check of proposed regular adult visitors shall be a requirement for visits.
7. Once a minor visitor becomes an adult, he or she shall be required to complete a Visitor Application Form and a background check shall be required before further visits are allowed.
8. Prior to approving a proposed regular visitor, whether an adult or a minor, the Chief Administrative Officer, or designee, shall ensure the prisoner's Administrative Record and other relevant records are reviewed to determine whether the proposed visitor is to be added to the prisoner's Prohibited Visitor List (see Procedure F).
9. The Chief Administrative Officer, or designee, may allow an exception to the requirement of completion of the application form in extenuating circumstances, for example, a family making a one-time visit from out of state. The decision whether to allow or deny an exception is at the sole discretion of the Chief Administrative Officer, or designee. No exceptions are allowed to the requirements of a background check or a records review to determine whether the person is a prohibited visitor.
10. A proposed regular visitor who is approved shall be included on the prisoner's Approved Visitor List (Attachment B).
11. If a proposed regular visitor is not approved, both the prisoner and the proposed visitor (or in the case of a minor, the minor's parent or legal guardian) shall be notified in writing of a denial of approval to visit. The visitor shall, if applicable, be included on the prisoner's Prohibited Visitor List (Attachment C) and entered into CORIS as a prohibited visitor.
12. The Chief Administrative Officer, or designee, may require that a new background check of an approved visitor be conducted at any time for any reason in his or her complete discretion.
13. If information is received indicating that an approved visitor has been charged with or found guilty of a crime or juvenile crime since the last background check, a new check shall be conducted.
14. A regular visitor is required to notify the Chief Administrative Officer, or designee, at least one week prior to scheduling the next visit if he or she has been charged with or found guilty of a crime or juvenile crime since approval was granted.

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15. A prisoner may request at any time that a regular visitor be removed from the prisoner's Approved Visitor List by writing to the visit officer or other staff designated by the Chief Administrative Officer.
16. A regular visitor who has been approved for a prisoner's Approved Visitor List may submit a written request to be removed from the list.
17. The visitor may be reinstated to the prisoner's visit list upon written request by the prisoner or visitor who asked for the removal. A new background check may be required for any visitor prior to reinstatement and shall be required if it has been more than a year since the last background check.
18. A visitor shall not be approved to be placed on the Approved Visitor List of more than one prisoner within a facility, unless he or she is a member of the immediate family (spouse, parent, child, sibling, grandparent or grandchild, whether the relationship is natural, adoptive, foster, or through marriage (step)) of more than one prisoner, or unless authorized in writing by the Chief Administrative Officer, or designee.
19. A Department staff member, volunteer, or student intern shall not be permitted to schedule a regular visit with any prisoner or be placed on any prisoner's Approved Visitor List, unless approved by the Chief Administrative Officer of the facility where the prisoner is housed and, if the person works or volunteers elsewhere, unless also approved by the facility Chief Administrative Officer, or designee, Regional Correctional Administrator, or designee, or Central Office supervisor, as applicable. The person shall comply with Department Policy 3.5, Code of Conduct in all respects.
20. A person who is a professional visitor to a prisoner shall not be permitted to schedule a regular visit with that prisoner or be placed on that prisoner's Approved Visitor List.
21. Any person who is on a prisoner's Prohibited Visitor List shall not be approved as a regular visitor.

**Procedure C: Visits by Minors, Including Infants**

1. The Chief Administrative Officer, or designee, of each facility shall ensure that minors (persons under 18 years of age who are not married or emancipated by court order) are permitted to visit prisoners, unless the minor is a prohibited visitor as set out in Procedure F or the minor is not allowed to be placed on a prisoner's Approved Visitor List for a reason set out elsewhere in this policy.
2. A background check may be required by the Chief Administrative Officer, or designee, for proposed minor visitors.
3. An approved minor visitor must be accompanied at the visit by a parent or legal guardian who is an approved adult visitor, has listed the minor on his or her application, and has provided proof of parental status (certified copy of minor's

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birth certificate or certified copy of court adoption order) or proof of legal guardianship (certified copy of court order). A power of attorney or grant of guardianship document other than a court order is not acceptable.

4. An adult who is not a parent or legal guardian and is an approved visitor may also be allowed to bring in an approved minor visitor with the written permission of a parent or a legal guardian and with the prior approval of the Chief Administrative Officer, or designee. The written permission of the parent or legal guardian must be notarized and be accompanied by proof of parental status (certified copy of minor's birth certificate or certified copy of court adoption order) or proof of legal guardianship (certified copy of court order). A power of attorney or grant of guardianship document other than a court order is not acceptable. The parent or legal guardian giving permission is not required to be an approved visitor. A person giving permission cannot be a prisoner unless the prisoner provides proof that the rights of the other parent have been terminated (certified copy of court order) or that the prisoner has been granted sole parental rights (certified copy of court order). All documentation must be received by the Chief Administrative Officer, or designee, at least two (2) business days prior to requesting the visit.
5. In the case of a minor in the legal custody of the Department of Health and Human Services (DHHS), a DHHS caseworker may accompany the minor at the visit or an adult who is an approved regular visitor may be allowed to bring in the minor visitor with the written authorization of a DHHS caseworker, provided that, if the minor is a victim of the prisoner, the visit by the minor has been approved in accordance with Department Policy 6.3, Contact with Victims.
6. If the minor is an infant or child who wears diapers, the visitor may bring in to the visit up to two diapers and a reasonable quantity of baby wipes in a clear plastic bag, provided they pass an inspection and/or search.
7. If the minor is an infant, the visitor may bring into the visit one clear plastic bottle of pre-mixed infant formula and a pacifier, provided they pass an inspection and/or search.
8. In the case of a male or female prisoner who is a parent of an infant born within the six (6) weeks prior to the prisoner's incarceration or born during the prisoner's incarceration, the facility Chief Administrative Officer, or designee, shall ensure that the prisoner is allowed to have bonding visits with the infant until the infant is six (6) weeks old, unless the infant is to be adopted, provided that the prisoner's visit privileges are not suspended; the infant is not a prohibited visitor as set out in Procedure F; the infant is accompanied by the other parent or a legal guardian (or another adult with the prisoner's written permission) who is an approved visitor or a DHHS caseworker; and there is no other reason of safety, security or orderly management to deny, restrict, or terminate the visit.
9. In order to be allowed a bonding visit, the prisoner or adult visitor shall provide a certified copy of the infant's birth certificate listing the prisoner as a parent, unless, in the case of a female prisoner, she gave birth to the infant during her

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incarceration.

10. Unless the Chief Administrative Officer, or designee, grants an extended visit or an additional visit as set out in Procedure A, a bonding visit shall occur during normal visit hours.
11. During a bonding visit, the prisoner may breastfeed or bottle feed the infant.
12. In the case of a male or female prisoner who is a parent of an infant born within the six (6) weeks prior to the prisoner's incarceration or born during the prisoner's incarceration, if the infant is to be adopted, the facility Chief Administrative Officer, or designee, shall ensure that the prisoner is allowed to have a farewell visit with the infant, provided that the prisoner's visit privileges are not suspended; the infant is not a prohibited visitor as set out in Procedure F; the infant is accompanied by an adopting parent who is an approved visitor or a Department of Health and Human Services (DHHS) caseworker and there is no other reason of safety, security or orderly management to deny, restrict, or terminate the visit.
13. In order to be allowed a farewell visit, the prisoner or adult visitor shall provide a certified copy of the infant's birth certificate listing the prisoner as a parent, unless, in the case of a female prisoner, she gave birth to the infant during her incarceration.
14. Unless the Chief Administrative Officer, or designee, grants an extended visit or an additional visit as set out in Procedure A, a farewell visit shall occur during normal visit hours.
15. During a farewell visit, the prisoner may bottle feed the infant.

**Procedure D: Visitors with Service Dogs**

1. A visitor who is otherwise allowed to visit and who has a disability and is using a service dog to perform work or tasks related to the visitor's disability shall be allowed to bring the service dog while on the visit, provided performance of the work or tasks might be needed traveling to or from the visit or during the visit, subject to the following.
2. A service dog is a dog that is individually trained to do work or perform tasks for a person with a disability. The work or tasks performed by a service dog must be directly related to the person's disability. Examples of such work or tasks include, but are not limited to, assisting a person who is totally or partially blind with navigation; alerting a person who is deaf or hard of hearing to the presence of people or sounds; pulling a wheelchair; assisting a person during a seizure; and providing physical support and assistance with balance and stability to a person with a mobility disability.
3. A dog whose primary purpose is to deter crime or to provide emotional support, comfort, well-being or companionship does not qualify as a service dog for

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purposes of this policy.

4. In determining whether a dog is a service dog, facility staff may ask the visitor if the dog is required because of the visitor's disability and what work or task the dog is trained to perform, unless this information is readily apparent (e.g., a guide dog leading a person whose sight is impaired). Staff may not demand proof or documentation of the visitor's disability or certification that the service dog is trained, although the visitor may provide these voluntarily.
5. On the first occasion when a visitor brings a service dog to a visit, prior to allowing the service dog to be admitted to the visit, the lobby officer shall require the visitor to sign the Acknowledgement for Visitors with Service Dogs form (Attachment D), acknowledging that the visitor is liable for all injuries or property damage caused by the service dog while on facility property. The signed form shall be maintained in the visit office, or other designated area and an entry shall be made in CORIS noting that the visitor is allowed to bring a service dog to the visit.
6. If the visitor refuses to sign the form, unless there is another reason to not allow the visit, the visitor shall be given the opportunity to visit without the dog, provided the dog is removed from facility property.
7. A service dog may be excluded from entering or removed from the facility if it is out of control and the visitor does not take effective action to control it; if it is aggressive toward or interferes with staff, other visitors, prisoners, other persons, or other dogs; if it is not housebroken; or if its behavior otherwise presents a risk of injury or property damage.
8. A service dog may also be excluded from entering the facility based on a past incident of behavior at the facility or another facility that presented a risk of injury or property damage.
9. A determination to exclude or remove a service dog shall be made on an individualized basis and not on assumptions about the animal's behavior or propensities based on its breed or size.
10. If a dog is excluded before a visit begins, either because it is not a service dog or because of its behavior, unless there is another reason to not allow the visit, the visitor shall be given the opportunity to visit without the dog, provided the dog is removed from facility property.
11. If a service dog is removed during a visit, the visitor shall be required to leave with the service dog and shall not be allowed to return to complete that visit.
12. Neither a service dog nor any dog claimed to be a service dog shall be permitted to be left in a vehicle on facility property under any circumstances.
13. If a dog is excluded or removed from a facility, it shall not be allowed in the facility again unless the visitor requests in writing to the Chief Administrative Officer, or

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designee, for the dog to be allowed. An entry shall be made in CORIS noting that the dog is not allowed unless the Chief Administrative Officer, or designee, grants a request to allow the dog.

14. If the visitor claims that it was wrongly determined that a dog is not a service dog, the Chief Administrative Officer, or designee, shall consult with the Department's representative in the Attorney General's Office prior to making a decision on the request.
15. If the visitor claims a service dog was wrongly excluded or removed based on the dog's behavior or for some other reason, the Chief Administrative Officer, or designee, in his or her complete discretion, shall decide whether the service dog will be allowed in the facility in the future.
16. A service dog allowed to be brought into the facility during a visit shall be on a leash, harness or tether at all times while on facility property, unless this would interfere with the tasks it performs, in which case it shall be under voice control of the visitor.
17. Facility staff shall not provide care for a visitor's service dog. The visitor may not bring in food, water or medication for the service dog. The service dog may not transport carrying bags or other containers or other property unless necessary to the work or task it performs for the visitor.
18. A service dog and its leash, harness, tether, vest or other items shall be required to pass all security searches applicable to visitors. A visitor with a service dog may be separated briefly from the service dog to allow for a search by a facility's canine unit.

**Procedure E: Professional Visitors**

1. A professional visit is a visit concerning a professional matter involving the prisoner between that prisoner and an attorney, paralegal, or private investigator, a representative of a legal advocacy organization, Department of Corrections staff from outside the facility, staff from another state agency, staff from a federal agency, a law enforcement official, staff from a recognized community treatment program, or clergy.
2. No professional shall be allowed to schedule a professional visit with a prisoner unless first approved by the Chief Administrative Officer, or designee, who may require verification of professional capacity and any other reasonable requirements to be met, including, but not limited to, a background check.
3. If such requirements are met, approval shall be given unless there is reasonable suspicion that allowing the professional to visit would facilitate criminal activity or violation of facility rules or would create a risk to safety, security, or orderly management of the facility or unless contact between the prisoner and the professional is prohibited under one of the other circumstances listed in Procedure F.

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4. All professional visits must be scheduled in advance with the visit officer or other staff designated by the Chief Administrative Officer, or designee. Professional visits shall be scheduled for reasonable times taking into consideration the availability of space and staff and the impact on the prisoner's programming.
5. A professional visit shall be provided in an area that affords an opportunity for privacy. Except as set out in Procedure N, communications during a professional visit shall not be listened to or recorded.
6. If it is discovered that a person has used a professional visit to communicate about anything other than a professional matter involving the prisoner or it is otherwise discovered that the person's relationship with the prisoner is no longer a professional one, that person shall no longer be able to visit as a professional visitor.
7. Any person who is on a prisoner's Prohibited Visitor List shall not be approved as a professional visitor.

**Procedure F: Prohibited Visitors**

1. The Chief Administrative Officer, or designee, shall ensure that there is a Prohibited Visitor List (Attachment C) for every prisoner to whom at least one of the following circumstances applies.
2. A person shall be included on a prisoner's Prohibited Visitor List and entered into CORIS as a prohibited visitor under the following circumstances:
  - a. A prisoner who is convicted of or otherwise known to have committed a domestic violence offense against a person shall not be allowed to receive a visit from the victim without the prior approval of the Commissioner, or designee, as set out in Department Policy 6.3, Contact with Victims.
  - b. A prisoner who is convicted of or otherwise known to have committed a sex offense against a minor shall not be allowed to receive a visit from the victim, regardless of the victim's present age, without the prior approval of the Commissioner, or designee, as set out in Department Policy 6.3, Contact with Victims.
  - c. A prisoner who is convicted of or otherwise known to have committed child abuse, including child abuse described in an endangering the welfare of a child case or a protection from abuse case, shall not be allowed to receive a visit from the victim, regardless of the victim's present age, without the prior approval of the Commissioner, or designee, as set out in Department Policy 6.3, Contact with Victims.
  - d. A prisoner who is convicted of or otherwise known to have committed child neglect, including child neglect described in an endangering the welfare of a child case, shall not be allowed to receive a visit from the victim while the victim is still a minor without the prior approval of the Chief Administrative Officer, or designee, as set out in Department Policy 6.3, Contact with Victims.

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- e. A prisoner who is a victim of a domestic violence offense shall not be allowed to receive a visit from the offender without the prior approval of the Chief Administrative Officer, or designee.
- f. When contact between a prisoner and another person is prohibited by a current court order (e.g., custody order, protection order, etc.), the prisoner shall not be allowed to receive a visit from that person.
- g. When contact between a prisoner and another person is prohibited by a condition of bail or conditional release, administrative release, deferred disposition, probation, supervised release for sex offenders, supervised community confinement, parole, or community reintegration status of either person, the prisoner shall not be allowed to receive a visit from that person. This includes any condition that is currently in effect, is to become effective at a later date, or is no longer in effect as the result of a current revocation or current return from supervised community confinement.
- h. When a prisoner is prohibited by a current notification issued pursuant to Title 17-A, section [506-A](#), for the prisoner not to engage in harassing conduct against another person, the prisoner shall not be allowed to receive a visit from that person.
- i. The person's privileges to visit at any Department facility are under current suspension.
- j. The person is a former resident or prisoner within one year of discharge from any correctional facility for whom an exception to visit has not been approved by the Chief Administrative Officer, or designee.
- k. A person on bail or conditional release, administrative release, deferred disposition, probation, supervised release for sex offenders, supervised community confinement, parole, or community reintegration status, for whom an exception to visit has not been approved by the Chief Administrative Officer, or designee.
- l. A prisoner may be prohibited by the Chief Administrative Officer, or designee, from receiving a visit from any other person when there is reasonable suspicion that allowing a visit between them would facilitate criminal activity or violation of facility rules or would create a risk to safety, security, or orderly management of the facility.
- m. A prisoner may be prohibited from receiving visits from any other person by the Chief Administrative Officer, or designee, when there is reasonable suspicion that the prisoner or other person has violated or will violate the visit rules.
- n. A prisoner in the Intensive Mental Health Unit (IMHU) may be prohibited from receiving visits from any other person by the Chief Administrative Officer, or designee, after consulting with the IMHU Behavioral Health Director, when there is reasonable suspicion that visits between them would create a risk to the mental health of the prisoner.

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3. Having a criminal or a juvenile criminal record shall not, in and of itself, constitute a barrier to visits, but the nature and the circumstances of the offense may provide the reasonable suspicion for prohibiting visits.
4. Being a former staff member, volunteer, or student intern shall not, in and of itself, constitute a barrier to visits.

**Procedure G: Contact and Non-Contact Visiting**

1. The Chief Administrative Officer, or designee, of each facility shall develop and implement written facility specific practices for non-contact visitation with prisoners who are on disciplinary segregation status, emergency observation status, or administrative segregation status.
2. Non-contact visitation shall also be provided for a professional visitor whenever that visitor or the prisoner requests that a visit be a non-contact visit. A regular visitor shall not be allowed non-contact visitation based solely on the prisoner’s or visitor’s request.
3. Non-contact visitation may also be required by the Chief Administrative Officer, or designee, for a prisoner who is found guilty of a disciplinary drug or tobacco violation (Test, Refusing to Take Alcohol or Drug Test {other than alcohol}; Trafficking; Under the Influence or Taking of Substance {other than an alcoholic substance}; or Smoking) or found guilty of a criminal violation of Trafficking in Prison Contraband or Trafficking in Tobacco. Such a restriction may be imposed for either a definite or indefinite period of time.
4. Non-contact visitation may also be required by the Chief Administrative Officer, or designee, for other purposes of safety, security, or orderly management of the facility. Such a restriction may be imposed for either a definite or indefinite period of time.

**Procedure H: Processing Visitors**

1. Staff processing visitors shall wear body cameras to record all their interactions with visitors, unless a body camera is not available, in which case the staff’s interactions with visitors shall be video recorded with a hand-held camera.
2. A visitor shall complete the sign-in sheet prior to entering the facility, which shall include the date, time, printed name, signature, and name of the prisoner being visited.
3. An adult visitor shall be required to present government-issued picture identification, such as a driver’s license, prior to admittance into the visit. An adult accompanying a minor visitor may be required to present government-issued picture identification, such as a State of Maine identification card, or other appropriate government-issued identification, such as a certified copy of the birth certificate, for the minor, prior to admittance into the visit. In addition to government-issued picture identification, professional visitors may be required to

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present proof of professional capacity prior to admittance into the visit.

4. If a visitor is wearing a head covering for religious reasons that covers his or her face so that it inhibits visual identification, he or she shall be required to temporarily remove the head covering enough to establish visual identification and shall be permitted to do so in a private area with staff of the same gender or, in the case of a transgender or intersex visitor, by the gender staff of the visitor's choice. Once the visitor is identified and otherwise clears the required search, he or she shall be permitted to wear the head covering during the visit.
5. If a visitor arrives late for a visit, the staff processing visitors shall contact the Shift Commander. The Shift Commander may allow the visit, if there are extenuating circumstances, e.g., inclement weather, car mechanical problems, traffic accident, etc. If the Shift Commander does not allow the visit, he or she shall contact the facility Chief Administrative Officer, or designee, for a final decision.
6. A visitor shall not be allowed to bring into visits any items, including, but not limited to, handbags, wallets, outer clothing, electronic communication devices, keys, coins, and any item that might be used as a weapon. All such items shall be secured in the visitor's vehicle or storage space provided by the facility.
7. A visitor shall not be allowed to bring onto facility property any animal, whether wild or domestic, trained or untrained, except for a visitor with a disability who has a service dog as set out in Procedure D.
8. A visitor shall not be allowed to bring onto facility property any alcohol, illegal drugs, or marijuana.
9. If a visitor is suspected of being under the influence of or has an odor of alcohol, drugs or marijuana (whether medical marijuana or not) about their person or if a canine alerts to the presence of drugs or marijuana, the visitor shall not be permitted to visit any prisoner and shall be required to leave facility property. If a visitor is suspected of being under the influence, unless there is another person with the visitor who is clearly not under the influence and is able and willing to drive the visitor off facility property, facility staff shall immediately contact the appropriate law enforcement agency.
10. Except as set out below, a visitor is allowed to bring onto facility property only prescription medication and only in an amount necessary to be taken traveling to or from the visit. Such medication must be in the original container and shall be left in the visitor's vehicle during the visit.
11. In the case of emergency life-saving medication (e.g., nitroglycerine, inhaler, epi-pen, etc.), the visitor may bring the medication with him or her during the visit. The visitor shall keep the medication on his or her person at all times unless being used. The visitor shall advise the lobby officer upon arrival of any medication that he or she is bringing in during the visit. Medication must be in the original container and have a prescription label showing that it was prescribed for the visitor.

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12. Visitors shall be provided an opportunity to declare any item in their possession that may be contraband or non-allowable. Contraband or non-allowable items declared by a visitor shall be secured in the visitor's vehicle or in storage space provided by the facility, unless the item is suspected to be criminal in nature, in which case, the visit shall not be allowed. Also, if the item is suspected to be criminal in nature, staff shall contact a facility law enforcement officer (either the facility correctional investigative officer (detective) or a Special Investigations and Intelligence Unit (SII) officer) for further instructions. If a facility law enforcement officer is not available, staff shall contact the Shift Commander for further instructions.
13. If it is discovered that a visitor is attempting to bring any contraband or any other non-allowable item into a visit, the visit shall not be allowed. If the item is suspected to be criminal in nature, staff shall contact a facility law enforcement officer for further instructions. If a facility law enforcement officer is not available, staff shall contact the Shift Commander for further instructions.
14. If a prisoner is wearing clothing that is not allowed at visits, including clothing with cuts, rips, and/or holes, or if a visitor is not in compliance with the facility dress code, the visit shall not be allowed and the visitor shall be required to leave facility property immediately.
15. Prior to a visit, if a prisoner or visitor exhibits behavior which is inappropriate or a violation of the facility rules, criminal in nature, or a risk to safety, security, or orderly management of the facility or fails to follow facility visitation rules or the instructions of staff, the visit shall not be allowed. If the behavior involves criminal activity by the visitor, including, but not limited to, a refusal by the visitor to leave facility property when instructed to do so by staff, staff shall contact a facility law enforcement officer for further instructions. If a facility law enforcement officer is not available, staff shall contact the Shift Commander for further instructions. If reasonably believed to be necessary to bring about the visitor's removal from the property, the Shift Commander may authorize security staff to use a reasonable degree of nondeadly force to remove the visitor.
16. A visit that is not allowed for one of the reasons set out in this procedure may be charged against a prisoner's maximum allowable number of visits as determined by the Chief Administrative Officer, or designee.

**Procedure I: Visitor Searches**

1. All visitors and their property shall be subject to search in accordance with this policy when entering a facility or at any other time while on facility grounds.
2. A visitor may at any time decide not to submit to or continue with a search and, if so, shall be required to leave the facility immediately.
3. Visitor vehicles on facility grounds may be subject to an inspection from outside the vehicle at any time for any reason or randomly. A vehicle search may be

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conducted only by a facility law enforcement officer in accordance with the applicable Department policy.

4. Whenever a law enforcement agency presents a search warrant authorizing the agency to search a visitor or a vehicle of a visitor, the Chief Administrative Officer, or designee, shall be notified immediately.
5. Staff participating in searches of visitors or their property shall wear body cameras to record all their interactions with visitors, unless a body camera is not available, in which case the staff's interactions with visitors shall be video recorded with a hand-held camera.
6. At a facility with a secure perimeter, each visitor is required to successfully clear a walk-through metal detector or clear the additional searches as set out below.
7. If a visitor triggers the metal detector's alarm when walking through it, the visitor shall be offered the opportunity to remove any item he or she thinks might be triggering the alarm (e.g., shoes, belt, ring, watch, jewelry, etc.).
8. If the visitor does remove item(s) that might be triggering the alarm, the visitor shall then be given the opportunity to pass through the walk-through metal detector a second time.
9. If the visitor clears the walk-through metal detector without an item that the visitor wishes to wear into visits and the item is allowable, the staff shall perform a visual or manual search of the item.
10. If the visitor does not remove the item(s) triggering the alarm, he or she shall be directed to wait for further processing until after all visitors who have cleared the walk-through metal detector have been allowed into visits. A hand-held metal detector shall then be used to search the visitor.
11. If the visitor does not clear the hand-held metal detector, the visitor shall be asked to submit to a pat search limited to the area(s) of the body where the hand-held metal detector indicated the presence of metal and only as necessary to sufficiently identify the item triggering the alarm. If the visitor agrees to a pat search, it shall be performed in a private area by security staff of the same gender or, in the case of a transgender or intersex visitor, by the gender staff of the visitor's choice. There shall be an additional staff person present during every pat search.
12. If a visitor has a medical device (e.g., pacemaker or implanted defibrillator), medical equipment (e.g., artificial arm or leg), or medical implant (e.g., knee or hip replacement), that triggers the walk-through metal detector, a hand-held metal detector search and pat search shall be used to search the visitor as set out above and a manual search shall be performed of the item, if possible.

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13. If a visitor claims that he or she cannot go through a metal detector search because he or she has a pacemaker or implanted defibrillator that would be negatively affected by a metal detector, a full body pat search shall be performed.
14. If a visitor is wearing a head covering for religious reasons and that is the area that does not clear the hand-held metal detector, the visitor shall be given the alternative choice of temporarily removing the head covering in order for the hand-held metal detector to be used without the head covering being worn and for the covering to be manually searched. The visitor shall be given the opportunity to have this done in a private area by security staff of the same gender or, in the case of a transgender or intersex visitor, by the gender staff of the visitor's choice. If the visitor clears this search, he or she shall be permitted to wear the head covering during the visit.
15. For a visitor who is a minor, a pat search may only be performed with the consent of an accompanying parent or legal guardian. If the parent or legal guardian consents, in addition to the other requirements for a pat search as set out above, the minor shall be searched in the presence of the parent or legal guardian.
16. If a visitor does not submit to a pat search or, in the case of a religious head covering, to a manual search of the covering, the visitor shall be required to leave the facility.
17. If the walk-through metal detector is not operational, hand-held metal detectors shall be used on all visitors.
18. At a facility with a secure perimeter, a visitor may be required to pass a canine drug search in accordance with the applicable Department policy.
19. If it is discovered that a visitor is attempting to bring any contraband or any other non-allowable item into a visit or if an item triggering an alarm cannot be identified, the visit shall not be allowed. If an item is suspected to be criminal in nature, staff shall contact a facility law enforcement officer for further instructions. If a facility law enforcement officer is not available, staff shall contact the Shift Commander for further instructions.

**Procedure J: Supervising Visits**

1. A visitor is allowed to breastfeed her infant during a visit. Unless the breastfeeding is impacting orderly management, a visitor who is breastfeeding shall not be asked to cover up, move to a private area, etc.
2. Facility staff shall not take on the role of a “supervisor” for the purpose of supervised visits allowed by a court order or by the Department of Health and Human Services (DHHS).
3. The Chief Administrative Officer, or designee, of each facility shall develop and implement written facility specific practices for accurate and complete documentation of all visits to individual prisoners in an electronic database and a

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visitor sign-in sheet for each day visits are allowed.

**Procedure K: Prisoner Searches Related to Visits**

1. If a prisoner is scheduled for a contact visit, prior to entering the visitation area, the prisoner shall be pat searched.
2. In addition, the prisoner may be required to remove his or her footwear and pants for inspection by staff. The prisoner shall be permitted to keep on his or her underwear, shirt, and socks. Any item removed shall be visually and manually searched by staff and may be searched manually by a hand-held metal detector or other means. In addition to searching the pants and footwear for contraband, the staff shall search for any cuts, rips, and/or holes.
3. At a facility with a secure perimeter, upon completion of a contact visit, the prisoner shall be strip searched. At a facility without a secure perimeter, the prisoner may be subject to a strip search upon completion of a contact visit.
4. At a facility with a body scanner, in addition to strip searches, the Chief Administrative Officer, or designee, shall institute a practice of staff conducting body scanner searches of a random number of prisoners upon completion of contact visits.
5. Except when warranted by an emergency, the searches provided for in this procedure shall be conducted in a location where the search cannot be observed by persons other than those staff conducting or assisting in the search. The person being searched shall be treated with professionalism and respect by staff to minimize embarrassment and indignity. These searches shall otherwise comply with Department Policy (AF) 14.14, Search Procedures, General Guidelines.

**Procedure L: Termination of Visits**

1. If a visit is terminated, the visitor shall be required to leave facility property immediately.
2. If a prisoner or visitor refuses to attend or continue a visit, the visit shall be terminated.
3. If a visitor leaves the visit area for any reason, other than to use a bathroom in a facility where the visitor bathroom is outside the visit area, the visit shall be terminated. If a visitor is allowed to use a bathroom outside the visit area, the visitor shall be escorted by designated facility staff to and from a bathroom that is not used by prisoners and the visitor shall be required to submit to another search.
4. During a visit, if a prisoner or visitor exhibits behavior which is inappropriate or a violation of the facility rules, criminal in nature, or a risk to safety, security, or orderly management of the facility or fails to follow facility visitation rules or the

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instructions of staff, the visit shall be terminated. If the behavior involves criminal activity by the visitor, including, but not limited to, a refusal by the visitor to leave facility property when instructed to do so by staff, staff shall contact a facility law enforcement officer for further instructions. If a facility law enforcement officer is not available, staff shall contact the Shift Commander for further instructions. If reasonably believed to be necessary to bring about the visitor's removal from the property, the Shift Commander may authorize security staff to use a reasonable degree of nondeadly force to remove the visitor.

5. A terminated visit may be charged against a prisoner's maximum allowable number of visits as determined by the Chief Administrative Officer, or designee.

**Procedure M: Suspension and Restriction of Visit Privileges**

1. If a visit is not allowed or terminated due to the behavior of the prisoner or visitor, the Chief Administrative Officer, or designee, shall determine whether to impose a suspension or restriction of visiting privileges.
2. The Chief Administrative Officer, or designee, may impose a suspension or restriction of visiting privileges for any other reason of safety, security, or orderly management.
3. A restriction of visiting privileges may include a requirement of non-contact visitation.
4. The prisoner shall be notified in writing of a suspension or restriction of his or her visiting privileges. The prisoner shall be responsible for notifying their visitors of a suspension or restriction of his or her visiting privileges. Designated facility staff shall make reasonable efforts to inform visitors whenever restrictions have been imposed on a prisoner's visits.
5. Both the prisoner and visitor shall be notified in writing of a decision to suspend or restrict the visitor's visiting privileges.
6. If the suspension or restriction is imposed on the visitor, the suspension or restriction may be imposed for either a definite or indefinite period of time. An indefinite suspension or restriction may be imposed on a visitor only by the Chief Administrative Officer.
7. If a visitor has failed to notify the Chief Administrative Officer, or designee, of a criminal or juvenile criminal charge or finding of guilt as required by Procedure B, this shall result in an automatic suspension of the visitor's privileges for at least one year.
8. In the case of a suspension or restriction of a visitor's visiting privileges for a definite period of time, once the specified time has elapsed, the visitor may apply for reinstatement of full visiting privileges by writing to the Chief Administrative Officer, or designee. The Chief Administrative Officer, or designee, may decide to grant reinstatement, extend the suspension or restriction for a definite period of

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time, or change a suspension to a restriction for a definite period of time.

9. In the case of a suspension or restriction of a visitor's visiting privileges for an indefinite period of time, after a year has elapsed, the visitor may apply for reinstatement of full visiting privileges by writing to the Chief Administrative Officer. The Chief Administrative Officer may decide to grant reinstatement, extend the suspension or restriction for a definite or indefinite period of time, or change a suspension to a restriction for a definite or indefinite period of time
10. If a visitor's visiting privileges have been suspended, the visitor shall be informed in writing that he or she may reapply for reinstatement once the specified definite period of time has elapsed or, if the suspension is for an indefinite period of time, that he or she may reapply after one year has elapsed.
11. A new background check may be required for any visitor requesting reinstatement and shall be required if it has been more than a year since the last background check.
12. If the suspension or restriction is imposed on the prisoner, it may be imposed for either a definite or indefinite period of time. A suspension or restriction may be imposed on a prisoner only by the Chief Administrative Officer.
13. In the case of a suspension or restriction of a prisoner's visiting privileges for a definite period of time, once the specified time has elapsed, the prisoner may apply for reinstatement of full visiting privileges by writing to the Chief Administrative Officer. The Chief Administrative Officer may decide to grant reinstatement, extend the suspension or restriction for a definite period of time, or change a suspension to a restriction for a definite period of time.
14. In the case of a suspension or a restriction of a prisoner's visiting privileges for an indefinite period of time, after a year has elapsed, the prisoner may apply for reinstatement of full visiting privileges by writing to the Chief Administrative Officer. The Chief Administrative Officer may decide to grant reinstatement, extend the suspension or restriction for a definite or indefinite period of time, or change a suspension to a restriction for a definite or indefinite period of time.
15. If a prisoner's visiting privileges have been suspended, the prisoner shall be informed in writing that he or she may reapply for reinstatement once the specified definite period of time has elapsed or, if the suspension is for an indefinite period of time, that he or she may reapply after one year has elapsed.
16. Nothing in this visitation policy applies to a prisoner who receives a disciplinary disposition of loss of visiting privileges for a disciplinary violation related to visits in accordance with the Department's disciplinary policy.

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## **Procedure N: Monitoring of Prisoner Communications during Visits**

1. All communications by or with prisoners made during visits, except for attorney/client privilege communications, may be listened to and/or recorded with written authorization from the Chief Administrative Officer, or designee, using the Authorization to Monitor Communications during Visits (Attachment E). Attorney/client privilege communications are communications between the prisoner and an attorney, paralegal, or private investigator concerning a legal matter.
2. This monitoring may be done by a facility law enforcement officer, if the officer is conducting an investigation of a crime or juvenile crime relating to the security or orderly management of the facility, is cooperating with an investigation being conducted by another criminal justice agency, or is engaging in any other activity that is related to the administration of criminal justice or the administration of juvenile criminal justice. Only those communications reasonably suspected to be related to the investigation or other activity may be monitored.
3. Recordings of any communications related to the investigation or other activity shall be maintained in accordance with departmental policy on the preservation of evidence. Investigations shall be coordinated with appropriate criminal justice agencies in accordance with departmental policy.
4. In every case in which the Chief Administrative Officer, or designee, authorizes a facility law enforcement officer to monitor communications during visits, the officer shall document on the Visit Communications Monitoring Record (Attachment F):
  - a. the name and MDOC number of the prisoner;
  - b. the date and time of the visit;
  - c. a description of the communications monitored, including the name of the visitor and the subject matter of the communication;
  - d. a description of any other action taken and the grounds justifying such action; and
  - e. the name of the officer monitoring the communications.
5. The officer shall attach to the Visit Communications Monitoring Record the written authorization from the Chief Administrative Officer, or designee, to monitor the prisoner's communications during visits.
6. After the monitoring is completed, the originals of the forms shall be maintained by the facility law enforcement officer and copies of the forms shall be forwarded to the Chief Administrative Officer. If the communications concern criminal activity or juvenile criminal activity or a violation of a court order or condition of bail or conditional release, administrative release, deferred disposition, probation, or supervised release for sex offenders, the prisoner shall not be notified of the monitoring without the approval of the prosecuting attorney.

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7. If there is reasonable suspicion that attorney/client visits are not actually legal in nature, the Chief Administrative Officer, or designee, shall consult with the Department's representative in the Attorney General's Office as to what steps, if any, may be taken.

**Procedure O: Appeals and Grievances**

1. Except in the case of a denial of approval under Department Policy 6.3, Contact with Victims, a proposed visitor (or in the case of a proposed minor visitor, a parent or legal guardian) may appeal a denial of approval to visit by writing to the Chief Administrative Officer, or designee, within seven (7) business days of written notification of the denial.
2. An approved visitor may appeal not being allowed to visit on a particular occasion by writing to the Chief Administrative Officer, or designee, within seven (7) business days of not being allowed the visit.
3. A visitor may appeal a termination of a visit by writing to the Chief Administrative Officer, or designee, within seven (7) business days of the termination.
4. A visitor may appeal a suspension or restriction of his or her visiting privileges by writing to the Chief Administrative Officer, or designee, within seven (7) business days of written notification of the suspension or restriction.
5. Except in the case of a denial of approval under Department Policy 6.3, Contact with Victims, a prisoner may use the grievance process to grieve a decision related to visits.
6. In the case of a denial of approval under Department Policy 6.3, Contact with Victims, a prisoner may appeal the denial as set out in that policy.

**VII. PROFESSIONAL STANDARDS**

**ACA:**

- ACI - 4-4156** Sufficient space is provided for a visiting room or area for contact visiting and, if necessary, noncontact visiting. There is adequately designed space to permit screening and searching of both inmates and visitors. Space is provided for the proper storage of visitors' coats, handbags, and other personal items not allowed into the visiting area.
- ACI - 4-4267** Written policy, procedure, and practice provide that inmates in segregation have opportunities for visitation unless there are substantial reasons for withholding such privileges.
- ACI - 4-4498** Written policy, procedure, and practice provide that the number of visitors an inmate may receive and the length of visits may be limited only by the institution's schedule, space, and personnel constraints, or when there are substantial reasons to justify such limitations.
- ACI - 4-4499** Written policy, procedure, and practice provide that written information regarding procedures governing visitation be made available to the inmate within 24 hours after arrival at the facility. At a minimum, the information will include, but not be limited to, the following:

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- facility address/phone number, directions to facility and information about local transportation
- days and hours of visitation
- approved dress code and identification requirements for visitors
- items authorized in visitation room
- special rules for children
- authorized items that visitors may bring to give to offender (for example, funds, pictures, etc.)
- special visits (for example, family emergencies)

- ACI - 4-[4499-1](#) Written policy, procedure, and practice provide that inmate visiting facilities permit informal communication, including opportunity for physical contact. Devices that preclude physical contact are not used except in instances of substantiated security risk.
- ACI - 4-[4500](#) Written policy and procedure govern special visits.
- ACI - 4-[4501](#) Where statute permits, written policy, procedure, and practice provide for extended visits between inmates and their families.
- ACI - 4-[4503](#) Written policy, procedure, and practice provide that visitors register upon entry into the institution and specify the circumstances under which visitors may be searched.
- ACI - 4-[4504](#) The institution provides information to visitors about transportation to the institution and facilitates transportation between the institution and nearby public transit terminals.
- 4-ACRS-[2A-02](#) Movement of visitors is monitored and controlled.
- 4-ACRS-[5A-17](#) Offenders receive approved visitors except when there is substantial evidence that the visitor poses a threat to the safety of the offender or the security of the program.
- 4-ACRS-[5A-18](#) Provisions are made for special visits.

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