

Revise section 220.1 as follows:

Section 220.1. Description.

The Family Reunion Program (FRP) is designed to provide approved[selected] [inmates] incarcerated individuals and their families the opportunity to meet for an extended period of time in privacy. The goal of the program is to preserve, enhance and strengthen family ties that have been disrupted as a result of incarceration.

Renumber the former Section 220.2 to 220.4

Add the new Section 220.2 as follows:

Section 220.2. Right to Apply.

Any incarcerated individual has the right to submit an application for participation in the FRP, if that incarcerated individual's current facility of residence offers the program and/or the applicant has not been denied participation by central office. Once an incarcerated individual is denied participation via appeal, no additional/subsequent applications will be accepted for a minimum period of two years. Once the incarcerated individual completes the two-year period of ineligibility, an FRP application can be submitted, if the incarcerated individual meets the basic eligibility standards. Eligibility for the FRP is to be determined during the processing of the incarcerated individual's application. The date the application is received and date-stamped by the FRP offender rehabilitation coordinator (ORC) will be considered the application date. The incarcerated individual is responsible for the accuracy of the information provided on the application. Incomplete or inaccurate applications will be returned to the incarcerated individual, and the incarcerated individual may then submit a new application with the complete and accurate information. Modifications or revisions to an application or appeal are not allowed. Multiple applications or appeals will not be accepted.

Renumber former Section 220.3 to 220.5

Add the new Section 220.3 as follows:

Section 220.3. Reasonable Accommodations.

(a) Disabled incarcerated individuals and disabled visitors may request reasonable accommodations. Such incarcerated individuals shall utilize policies as outlined in department directives that outline reasonable accommodations for incarcerated persons with disabilities or sensorial disabilities. A written request from the visitor for reasonable accommodations must be forwarded to the FRP ORC. Such a request will be reviewed by the superintendent and the Americans with Disabilities Act coordinator. The reviews will be conducted in accordance with Titles II and III of the Americans with Disabilities Act. The FRP decision will be determined after the reasonable accommodation request is complete. Reasonable accommodation approval does not imply approval for participation in the FRP.

Renumber former Section 220.4 to 220.6

Revise Section 220.4 (previous Section 220.2) as follows:

Section 220.4 [Inmate] Incarcerated Individual Eligibility.

[Any inmate has the right to apply for participation in the family reunion program (FRP), if his/her facility of residence offers the program. Eligibility is to be determined during processing, not prior thereto.]

(a) Preconditions. An [inmate] incarcerated individual must meet the following preconditions to be eligible to participate in the FRP:

(1) Time.

(i) New Incarcerated Individual: The [inmate] incarcerated individual has been in the department's custody for at least six months, excluding[in other than] initial reception, [for at least six months, ]and is[has been] at the time of application a resident of a facility that offers the program[FRP for at least 30 days].

(ii) Transferred Incarcerated Individual: [Note:] An [inmate] incarcerated individual who has successfully participated in the FRP at one facility and is transferred to another facility where the program is offered may apply immediately for participation. An incarcerated individual who has not participated at his or her previous facility must wait 30 days to apply for the program. This will give the incarcerated individual time to have an assessment at the new facility.

(iii) If an incarcerated individual is within 90 days to an approved release date, an application will not be accepted. If an incarcerated individual has already been approved by central office and received a date prior to the 90-day mark, the superintendent has the discretion to approve or deny the visit.

(2) Adjustment. The [inmate] incarcerated individual has exhibited a pattern of good institutional adjustment[,], and has not had any [recent ]major, chronic, severe, or excessive disciplinary problems. [, any chronic disciplinary problems or severe disciplinary problems.] Any incarcerated individual serving disciplinary sanctions, to include loss of privileges, that run concurrently with a scheduled FRP visit, will have that visit cancelled. Upon completion of disciplinary sanctions, the visit may be rescheduled. Satisfactory behavior must be maintained throughout the duration of the application/appeal. [processing and the visit.]Any major disciplinary problems incurred during the application/appeal process will result in a denial or termination of the application/appeal. The incarcerated individual will become ineligible to reapply for 60 days from the date the major disciplinary sanction is completed. If the incarcerated individual has a chronic disciplinary problem, a new application may be submitted 180 days from the date the chronic disciplinary sanction is completed. If the incarcerated individual has a Tier II severe disciplinary problem, a new application may be submitted 180 days after the sanction is completed; if it is a Tier III severe disciplinary problem, an application may be submitted 1 year after the sanction is completed. Reapplication is contingent upon the incarcerated individual meeting all criteria noted in the application process. If the criteria are met, the application must be sent to central office for a full-cycle review.

(i) Major disciplinary problem. Shall be defined as a[A]ny Tier II or III disciplinary disposition[proceeding] in the [eight weeks]60 days prior to the application, resulting in confinement to cell, room, or dorm continuously, on certain days or during certain hours, for [longer than 14]15 days or more, or[,], any loss of good time. [Satisfactory behavior must be maintained throughout the duration of application processing and the visit.] Reapplication can be made [eight weeks]60 days from the confinement release date, [, or date of misbehavior report if loss of good time is the only sanction imposed.] Satisfactory behavior must be maintained throughout the duration of application and/or appeal. Any major disciplinary problems incurred during the application/appeal process

will result in denial or termination of the application/appeal. The incarcerated individual will become ineligible to reapply for 60 days, as defined above.

(ii) Chronic disciplinary problem. Shall be defined as t[T]hree or more Tier II or III disciplinary dispositions[proceedings] in the [last four months]180 days prior to the application, or an accumulation of 45 days or more keeplock/SHU in the 180 days prior to the application.[resulting in the imposition of any \_keeplock time, any loss of privileges, or any loss of good time.] Reapplication may be made 180 days from the confinement release date.

(iii) Severe disciplinary problem. Shall be defined as a[A] conviction for a federal or state crime while incarcerated or any[or disciplinary finding for any of the following will result in a one year ban from the FRP beginning after any disciplinary confinement is over. Substance abuse disciplinary situations will require the completion of the ASAT program or equivalent before reapplication. A] Tier II or III disciplinary report for the following rule violations regardless of the length of the sanction[which includes]:

[(a) a conviction for a Federal or State crime while incarcerated;]

(a[b]) a penal law offense;

(b[c]) rioting;

(c[d]) escape; [and/or]

(d[e]) use or possession of drugs or alcohol [during the FRP.];

(e) unauthorized group activities;

(f) gangs;

(g) assault on incarcerated individual;

(h) assault on staff;

(i) assault on other;

(j) sex offense;

(k) forcible touching;

(l) lewd exposure;

(m) lewd conduct;

(n) explosives;

(o) arson;

(p) escape paraphernalia; and/or

(q) unhygienic act.

A conviction or disciplinary finding for any of these severe infractions will render the incarcerated individual ineligible to participate in the program as follows:

Tier II infractions will result in a 180-day ineligibility sanction, Tier III infractions will result in a 1-year ineligibility sanction. The sanction will begin after any disciplinary confinement is served. Applications will not be accepted until sanction is completed. A federal or state crime conviction, while incarcerated, will require immediate suspension and full-cycle review for any possible future participation.

(iv) Excessive disciplinary problems. Shall be defined as having 20 percent or more of the past 36 months prior to the application spent in disciplinary confinement. If, at the time of the application, the incarcerated individual has been incarcerated less than 36 months, the standard will be 20 percent of that time of incarceration. The incarcerated individual may reapply for FRP consideration 24 months after completion of any disciplinary sanction, provided all other eligibility requirements are met.

[(iv) Facility family service coordinators, superintendents, and the division of ministerial, family and volunteer services will exercise discretion in determining whether or not an inmate with disciplinary problems may participate in FRP.]

(3) Program participation. The [inmate] incarcerated individual applicant must have participated in or pursued required programs as identified on his or her program/earned eligibility plan. Program/earned eligibility plan refusals, negative removals, or regressions make an applicant ineligible until that need is addressed. Any disciplinary behavior which has been exhibited in the incarcerated individual's social, criminal, or institutional history will be factored into the option of participating in therapeutic services. Formal therapeutic programs sanctioned by [the department] DOCCS, such as the Alcohol and Substance Abuse Treatment Program (ASAT), Comprehensive Alcohol and Substance Abuse Treatment (CASAT), Driving While Intoxicated (DWI), or other approved [department treatment program (including CASAT, DWI, the Stay n' Out Program at Arthurkill and

Bayview and other] specialized substance abuse treatment programs [approved by the department) for substance abuse] and the Aggression Replacement Training (ART) Program [ART ]for aggression/violence, are the standards that must be met. Additionally, approved therapeutic self-help services such as Alcoholics Anonymous (AA) and Narcotics Anonymous (NA) may be considered. Attendance at volunteer led self-help groups is the preferred option and will be evaluated as such. Participation in self-help services is voluntary and is seen as a supplement to, and not a substitute for, a formalized substance abuse treatment need. [Inmate's] Incarcerated individual's who have actively pursued their plan yet who have not completed programs and satisfied their needs, will be evaluated according to their entire record. However, dependent on his or her criminal, disciplinary, and programming history, a[A]ctive participation or actual completion of a specific therapeutic or treatment program[, however,] may be required to satisfy this precondition. When directed to complete a program, incarcerated individuals must wait until that program is completed prior to reapplication to FRP. Satisfactory completion of any program does not imply FRP approval.

(b) Disqualifying conditions. An [inmate] incarcerated individual is not eligible to participate in the FRP if any of the following conditions exists:

(1) the [inmate] incarcerated individual is eligible for the temporary release program (unless that[e] [inmate's] incarcerated individual's application for temporary release has been denied);

(2) the [inmate] incarcerated individual has a higher security designation than permitted at the program site;

(3) the [inmate] incarcerated individual is assigned to a special housing unit (SHU) for disciplinary reasons or is in administrative segregation, or in a mental health unit (MHU) with concurrent SHU time (Behavioral Health Unit (BHU), Therapeutic Behavioral Unit (TBU), or Regional Mental Health Unit (RMHU)[ or IICP]);

(4) the incarcerated individual has not been in general population for the required period of time;

(5) the incarcerated individual has not been in current facility for the required period of time;

(6) the application is submitted prior to meeting the conditions set in previous denial;

(7[4]) an [inmate] incarcerated individual participant found in violation of the FRP regulations/standards [is ineligible to participate for six months from the date of the disciplinary hearing finding.] will have his or her eligibility suspended. Tier II violations impose a 180-day suspension; Tier III violations impose a 1-year suspension. A new application must be reviewed and approved by central office prior to the [inmate's] incarcerated individual's future[further program] FRP participation. Prior approval does not guarantee readmission;

(8) the incarcerated individual or requested visitor is serving any suspension, restriction, or modification to visitation related to section 201.4 of this title. This includes non-contact visit sanctions;

(9) if it is determined that a visitor commits or attempts to commit to introduce the following contraband into a correctional facility, that visitor may be denied by central office, thereby making the visitor ineligible for participation in the program for a minimum of 2 years. Once the visitor completes the 2-year period of ineligibility, a FRP application can be submitted by the incarcerated individual with the visitor's name, if the incarcerated individual meets the basic eligibility standards.

(a) any electronic device that can be used/modified for contact outside of the department/correctional facility (e.g., I-pad, laptop, cell phones, electronic charging devices, pagers, etc.)

(b) drugs or intoxicants;

(c) weapons, including explosives and/or incendiary material/devices;

(d) maps;

(e) tools;

(f) any item determined to be escape paraphernalia.

Note: If any event in 1-8 above occurs, the incarcerated individual is considered ineligible at the facility level. The application should not be processed. The FRP ORC will notify the incarcerated individual, via an ineligible facility form, as to the reason for the ineligibility and any applicable corrective action and/or reapply date. A copy of this notice will be placed in the incarcerated individual's facility FRP file.

In the event of number 9, a-f, the case must be forwarded to central office for review and decision by the deputy commissioner for program services or designee. If it is determined that the incarcerated individual conspired to have contraband smuggled into the FRP site, the incarcerated individual may be denied participation in the program for a minimum of two years. Once the incarcerated individual completes the two-year period of ineligibility, an FRP application can be submitted, if the incarcerated individual meets the basic eligibility standards.

(c) Special review/[inmate] incarcerated individual.

(1) A special review will be conducted by central office staff that[which] will include consideration of the specifics of the crime, the age of the [inmate] incarcerated individual at the time of the offense, progress in programs, custodial adjustment, victim impact, and the entire case record [. A special review] to determine eligibility[will be conducted] if an [inmate] incarcerated individual:

(i) has been designated a central monitoring case (CMC);

(ii) has any outstanding warrants, show cause order (e.g., Bureau of Immigration & Customs Enforcement);

(iii) has been convicted of a heinous or unusual crime[s or if it appears that the inmate is a sex offender];

(iv) has been convicted of a sex offense, including a sexually motivated felony, or any other offense where behavior of a sexual nature occurred during the commission of the crime;

(v) has been convicted of a violent crime against an elderly person, family member, or a child;

(vi) has been convicted of escape or an escape attempt;

(vii) has a history of domestic violence or Order of Protection;

(viii)[iv] is a returned parole violator;

(ix)[v] is in or has a history of protective custody;

(x) Requested visitor is a minor step-child;

(xi) prior participation has been suspended/terminated;

(xii[vi]) is in a special program such as the[Merle Cooper,]Assessment and Program Participation Unit (APPU)[, or ICP,] or assigned to a mental health unit;

(a) review must include consideration of evaluation by psychiatric staff;

(vii)xiii) is diagnosed as having a communicable disease,

(viii) has been convicted of a violent crime against an elderly person or a child;]

(ix) has been convicted of escape or attempted escape; or]

(x) has a history of domestic violence.]

(2) Such special[a] review shall be conducted only for those[an] [inmates] incarcerated individuals who have[s] been otherwise approved in accordance with the process set forth in section 220.6 of this Part.

(3) Facility health services staff will notify the facility FRP ORC[family services coordinator] of any [inmate] incarcerated individual approved for FRP who is diagnosed as having a communicable disease that[which] may pose a health risk to a visitor. A FRP visit will not be denied solely on the basis of the HIV status of an [inmate] incarcerated individual /applicant.

### Repeal Former Section 220.5

### Revise Section 220.5 (previous Section 220.3) as follows:

Section 220.5 Family participation.

(a) Eligible relations. Applications for participation in the FRP may be made for the following family members, all of whom must have established a recent and consistent visiting pattern. A recent and consistent visiting pattern is defined as three visits, not including family reunion visits,[ of any kind] within the past 12 months[year]. Central office d[D]iscretion may[can] be used in situations where a family member[s] is[are] elderly, a minor, infirmed or resides more than 300 miles (in or out of state) from the FRP site. A prolonged (one year or more) disruption in a visit pattern will require a written explanation from the visitor, as to the reason for the disruption, and central office review. In such cases, reestablishment of a consistent visit pattern may be required before being reconsidered for the FRP. The number of allowed participants, to include the incarcerated individual, will be limited to five.

(1) Legal spouses--a husband/wife of the [inmate] incarcerated individual to whom [(s)]he or she has been married for at least six months, prior to submitting an application, and who is not himself or [/] herself a[n] resident[inmate] of a New York S[s]tate correctional facility. Spouses must possess documentation of a valid marriage certificate[license] or a declaratory judgment stating the validity of an out-of-state common-law marriage.

(2) Children of the [inmate] incarcerated individual, 18 years of age and older.

(3) Minor children of the [inmate] incarcerated individual, (under 18 years of age) may participate when accompanied by the [inmate's] incarcerated individual's spouse, parents or grandparents, provided:

(i) the accompanying adult is otherwise eligible for the FRP; and

(ii) written notarized permission has been received from the child's legal guardian, if that person is not the accompanying adult.

(4) Unaccompanied minor children, if:

(i) written permission is[has been] received from the child's non-incarcerated parent or legal guardian; and

(ii) subject to special review and approval by the superintendent; and

(iii) provided the child will be escorted to and from the facility by their non-incarcerated parent or legal guardian, another adult designated by the non-incarcerated parent or legal guardian, or an adult in an official capacity with proper identification[.] and [S]such escort will remain available via telephone for the duration of the visit[.]; or

[(5)](iv) If m[M]arried and[minor children.] p[P]roof of age and marriage have been[must be] provided.

(5) [(6)] Parents or[,] step-parents (one parent biological)[, or other relatives who have acted in the parental role for the inmate]. Long term relationship with step-parent must have been established and documented prior to incarceration if biological parent is not participating.

(6) [(7)] Grandparents.

(7) [(8)] Foster parents/guardian, when legal documentation is provided and verification can be assured.

(b) Special review/family. The following family members, all of whom must have established a recent visiting pattern, may be considered for participation after a special review:

(1) [n]Nieces and nephews: [—]Eighteen (18)[12 years] of age and under when accompanied by an approved parent or legal guardian[adult]. Individual cases may receive special consideration in the review process for nieces and nephews over age 18[12] who have a history of prior FRP participation;

(2) Ancestral aunts and uncles: an approved ancestral aunt or uncle may be accompanied by his or her spouse;

(3) [brothers and sisters]Siblings:[--] full or half, must have at least one biological parent in common. A Birth Certificate must be provided to verify the relationship. [a]Adult siblings may be accompanied by their legal spouses;

(4) Cousins are not allowed;

(5[4]) Step children: [of the inmate with] Notarized, written permission from [both]noncustodial biological parent[s if they are alive] if the custodial parent claims that they no longer have contact with the noncustodial parent, they must provide a notarized letter explain why the noncustodial biological parent cannot/will not provide permission and that the custodial parent is assuming responsibility for the visit. Stepchildren must be accompanied by their biological parent if they are alive. Those over 18 years of age must have a history of prior FRP participation; [and]

(6[5]) Grandchildren and step-[ ]grandchildren of the [inmate] incarcerated individual when accompanied by an approved parent or legal guardian[with permission of their parents.];

(7) In-laws: In-law relationships that may be considered: Mother-in-law/Father-in-law, son-in-law/daughter-in-law, brother-in-law/sister-in-law. Brother-in-law and sister-in-law are defined as the legal spouse/partner to the sibling of the incarcerated individual. All in-law relationships require special review and do not imply approval;

(8) Incarcerated individuals are not allowed to participate with other incarcerated individuals;

(9) Family members who are currently under parole/probation supervision require special review. In addition, they will need written approval from their parole/probation officer, stating specifically that they can participate in a FRP visit;

NOTE: For relationships/situations requiring notarized letters, those letters must be updated for every visit.

(c) Suspension of eligibility: A visitor participant found in violation of the FRP regulations/standards may have his or her eligibility suspended. Suspension will be levied according to the severity of the violation and in accordance with section 201.4 of this Title. Any suspension of FRP visitation will include a reapply date. Upon reapplication, the restoration of FRP or continuation of the suspension will be decided.

Renumber former Section 220.6 to 220.7

Revise Section 220.6 (previous Section 220.4) as follows:

Section 220.6. Application processing (full cycle).

The following full-cycle procedures are to be used in processing applications of: [inmates who have not successfully participated in the program, and prior participants who have been transferred, received a disapproval recommendation at the facility level or who wish to add new family participants who are over age 12.]

- incarcerated individuals who have not successfully participated in the program
- prior participants who now have received a disapproval recommendation at the facility level
- current participants who request to add new family members
- two or more documented, consecutive FRP visit cancellations/no shows by the incarcerated individual or requested visitor. Reapplication will require a notarized, written statement from the visitor explaining the reason for the cancellation and their desire/commitment to re-establish FRP visitation. Excessive cancellations/no-shows may lead to program suspension.

(a) Processing of the application: The facility level process may take up to five weeks to conduct. The FRP ORC is responsible for tracking the application progress.

(1) Incarcerated Individual.

- (i) submits written request to the FRP ORC for an FRP application;
- (ii) completes sections 1 and 2; application must be completed in entirety and be legible;
- (iii) returns completed application to FRP ORC; and
- (iv) if a marriage occurred prior to incarceration, the incarcerated individual must provide the FRP ORC with a valid copy of the marriage certificate.

(2[a]) Facility FRP ORC [family services coordinator].

- (i) Receives the application from the [inmate] incarcerated individual and date stamps it; logs receipt of application and assigns a log number on the FRP program log; and

enters the log number on the FRP application. Only individuals listed on a specific application will be considered for the corresponding visit;[.]

(ii) Reviews application for completeness and accuracy; incomplete or illegible applications will be returned to the incarcerated individual;

(iii) Ensures the total number of requested FRP participants, to include the incarcerated individual, does not exceed the occupancy capacity of the FRP unit (trailer/modular). Applications requesting participants exceeding this limit will be returned to the incarcerated individual;

(iv) FRP ORC prepares the FRP ORC Family Reunion Program preparation checklist.

(v) Reviews for disqualifying conditions set forth in Section 220.4 (b). Proceeds as warranted;

(vi[2]) Obtains authorization form for the release of health information including alcohol/drug treatment, mental health information, and confidential HIV-related information from every applicant who is applying for an FRP visit with his or her spouse. This authorization needs to[must] be completed only once for a particular spouse at the current facility:

(a[i]) reads and/or explains the above authorization to the applicant if the applicant cannot read, cannot [ or] understand[ it], or has questions concerning the authorization;

(b[ii]) explains that this authorization in no way implies that the applicant is HIV positive or has AIDS; and

(c[iii]) files the notice of authorization in the [inmate's] incarcerated individual's FRP folder.

[(3) Logs receipt of application.]

(vii[4]) [Prepares acknowledgment] Returns incarcerated individual copy of the application [and forwards it to]with the log number to the [inmate] incarcerated individual [.] and

(viii[5]) [Forwards application]If all above conditions are satisfied, forwards the application to [inmate's] incarcerated individual's designated ORC[correction counselor].

(3[b]) ORC[Correction counselor].

[(1) Checks to make sure inmate has been at facility for the required period of time.]

(i[2]) Confirms[Checks] temporary release eligibility[.];

(ii[3]) Reviews [inmate's] incarcerated individual's institutional program participation and adjustment which includes verifying current program status and any previous refusals and negative removals. This also includes verification of participation in any therapeutic self-help service (e.g., AA/NA/AVP) along with participation in any contract agency programs;

(iii[4]) Verifies that all requested visitors are on [inmate's] incarcerated individual's approved visiting list; notes any order of protection known to exist; [. (Only individuals listed on a specific application for a specific visit will be allowed. Each must be processed for a specific visit and each visit must be accompanied by an application.)]

(iv[5]) Recommends approval or disapproval, including reason(s) for recommendation[therefore.];

(v[6]) Returns application to facility FRP ORC[family services coordinator], who forwards it to the deputy superintendent for security services (DSS).

(4[c]) DSS[Deputy superintendent for security] or [his ]designee (not below the rank of captain).

(i[1]) Checks [inmate's] incarcerated individual's security file for major, chronic, [or ]severe, or excessive disciplinary problems and reviews for unusual incidents; [.]

(ii[2]) Checks for outstanding warrants; indicates whether [inmate] incarcerated individual is an escape risk; [.]

(iii[3]) Recommends approval or disapproval, including reason(s) for recommendation; [therefore.]

(iv[4]) Forwards application to the facility FRP ORC[facility family services coordinator].

(5[d]) Facility FRP ORC[family services coordinator].

(i[1]) Reviews [inmate's] incarcerated individual's guidance unit records;[.]

(ii[2]) Reviews family data from probation report and checks for psychiatric evaluation;[.]

(iii[3]) Attaches pertinent supplemental data for superintendent's evaluation and review;[.]

(iv[4]) Recommends approval or disapproval, including reason(s) for recommendation;[.]

(v) Forwards the FRP ORC Family Reunion Program Preparation Checklist to the DSP for review;

(vi)[(5)] Forwards application to superintendent.

(6[e]) Facility superintendent (or designee; specifically, assistant deputy superintendent for program services (ADSP) and above).

(i[1]) Reviews application in its entirety;[.]

(ii[2]) Recommends approval or disapproval; if recommending disapproval, [application is disapproved] the reason(s) must be stated;[.]

(iii[3]) Returns application and signed checklist to the facility FRP ORC [family services coordinator], who makes a copy of the packet for the facility file and forwards [it]the originals to central office.

(7[f]) Director of ministerial, family and volunteer [Deputy commissioner for program] services (MFVS) (or designee).

[(1) Reviews application and facility recommendations.]

[(2) Makes final determination; if application is disapproved must set forth the reason(s) therefore.]

(i) Date stamps and logs the application;

(ii) Reviews the application to ensure completeness; incomplete and/or illegible applications will be returned to the facility FRP ORC with an explanation as to the deficiency. The FRP ORC will advise the incarcerated individual of the inaccuracy with direction to submit a new legible application. This will restart the whole process;

(iii) All FRP eligibility criteria must be established prior to the submission of the application;

(iv) The approval or disapproval shall specifically specify the reason(s) supporting the decision. In addition, any disapproval in full or in part, must contain any corrective action the incarcerated individual must make in order to reapply for reconsideration;

(v) MFVS will log out the application;

(vi[3]) Returns the application to the facility FRP ORC [family services coordinator] with the appropriate information. Note: An incarcerated individual may rescind an application prior to the central office decision. In order to do so, the incarcerated individual must submit their request in writing to the FRP ORC. The request must include the incarcerated individual's name, identification number, date, application number, and explanation as to why he or she is rescinding the application. Any incomplete requests will be returned. The FRP ORC will forward the request to central office for determination. Central office will return the decision to the FRP ORC who will notify the incarcerated individual of the decision and file it in the FRP folder.

At no time will family members be given information related to the status of an application/appeal. Completion of suggested corrective action does not imply future approval. Compliance only affords the incarcerated individual eligibility to reapply.

(8[g]) Facility FRP ORC [Family services coordinator]. Upon approval of the director of ministerial, family and volunteer[deputy commissioner for program] services (or designee) or the superintendent, transmits the names of approved applicants to the facility health services unit. Approved spousal visit applicants shall be clearly highlighted. For initial spousal visits, the authorization for the release of health information including alcohol/drug treatment, mental health information, and confidential HIV-related information shall be provided to the health services unit. A copy of this authorization shall be retained on file in[by] the incarcerated individual's guidance unit record[family services coordinator].

(9[h]) Facility health services unit. Upon receiving the name of a spousal visit applicant, verifies the existence of the signed authorization for the release of health information including alcohol/drug treatment, mental health information, and confidential HIV-related information and reviews the [inmate's] incarcerated individual's medical record.

(i) Health services staff (e.g., MD, PA, NP, RN) will review the incarcerated individual's medical record and screen for communicable diseases. A determination of the

incarcerated individual's medical clearance will be documented in the medical record for each FRP visit. For initial visits, and/or any confirmed changes in communicable disease status, health services staff will document, in the medical record, the completion of the notification letter to the incarcerated individual's spouse.

The notification letter will include educational materials and shall be placed in a sealed envelope with the spouse's name written on the envelope. The envelope is returned to the FRP ORC who will forward it, with the seal unbroken, to the spouse in an interview prior to the visit.

(ii[1]) if an [inmate] incarcerated individual is HIV positive or known to have HIV disease, chronic hepatitis B, or chronic hepatitis C disease, a notification letter of known communicable diseases will be utilized.[the medical director (facility health services director or physician delegate) shall prepare a letter of notification to the inmate's spouse of the inmate's health HIV status. The notification shall include educational materials on HIV disease, including means of transmission of the virus, methods of preventing transmission of the virus, and referrals to organizations which can assist the spouse should (s)he desire more information. A copy of this letter shall be retained in the inmate's medical record. The notification letter and the educational materials shall be placed in a sealed envelope with the spouse's name written on the envelope. The envelope is returned to the FRP counselor, who will transmit it with the seal unbroken to the spouse in an interview prior to the visit.]

(iii[2]) If an [inmate] incarcerated individual has no known communicable diseases, a notification letter of no known communicable diseases will be prepared for the incarcerated individual's spouse of the inmate's health status.[ is not HIV positive, nor known to have HIV disease, or if there is no information regarding HIV infection in the medical records, educational materials on HIV infection, including means of transmission of the virus, methods of preventing transmission of the virus and referrals to organizations which can assist someone desiring more information, shall be placed in a sealed envelope with the spouse's name written on it. No letter of notification is to be included in the envelope to the spouse unless it is known that the inmate/ applicant is known to have HIV disease. The envelope is returned to the FRP counselor, who will transmit it with the seal unbroken to the spouse in an interview prior to the visit.]

[(3) The sealed envelopes described in paragraphs (1) and (2) of this subdivision shall be identical.]

(iv[4]) [If] T[t]he [inmate] incarcerated individual may have[has] a medical condition other than HIV infection, chronic hepatitis B, or chronic hepatitis C disease that [which] is communicable or otherwise prevents a FRP visit.[,] T[t]he health services staff (e.g., MD, PA, NP, RN)[physician] shall notify the FRP ORC[counselor] that the FRP visit is denied "for medical reasons" but that the [inmate] incarcerated individual may reapply at a later date.

(b[i]) Processing approval for [inmate] incarcerated individual to participate. The facility FRP ORC shall: (1) The family services coordinator] notify[ies] the inmate [and/or family ]of their approved application.

[(i) For first time visits only, family members will be informed of the need for a photo interview and a home visit by a community chaplain.]

[(ii) For first time visits only, requests home interview of family members from appropriate community chaplain, or sends letter to out-of-state visitors which explains the program and requests verification of their intent to participate.]

[(2) For first time visits only, the community chaplain meets with family members in their home to explain the program to them; verifies their intent to participate; and, obtains any information requested by the family services coordinator; and, forwards results of home visit to facility family services coordinator.]

(c[j]) Processing approvals of family members to visit. All visitors are required to submit two forms of identification. One must be a photo I.D. In addition, a birth certificate will be required to establish proof of biological relationship and remain on file in order to participate.

(1) First-time visitors. The [family services coordinator schedules photo identification interview for each first-time visitor age 13 or older, and for previously approved children at the time they become 13]]FRP ORC shall:

(i) Forward a notification packet to each adult that has been approved for participation in the FRP. Family members will be informed of the need for a photo identification interview and verification of documents by the facility FRP ORC. The notification packet

should consist of the following: the FRP approval, the document verification form, and the FRP guidelines.

(ii) Upon receipt of the required documents, schedule a photo identification interview, described below, for each first time visitor age 13 or older and for previously approved children at the time they become 13.

Note: [Close] Approved relatives from out-of-state may be scheduled for this identification interview on the first day of an approved visit.

(iii[i]) Visitors shall be advised to bring with them two forms of identification to be presented during the interview. Spouses must bring marriage certificates[licenses], and brothers and sisters their birth certificates. Other relatives (aunt, uncle, etc.) must bring proof of relationship.

(iv[ii]) Visitors shall be informed that a[A] full front face photograph will be taken, which will be signed and dated by the visitor, and countersigned and dated by the facility FRP ORC[facility services coordinator] or assistant.

(v[iii]) Visitors shall be informed that t[T]he photograph will be retained in the [inmate's] incarcerated individual's FRP file and will be used only for identification purposes at the time of the visit.

(vi[iv]) If a photograph is lost or destroyed, or if the facility's superintendent, deputy superintendent for security services, or FRP ORC [family services coordinator] determines that there is a demonstrably essential need for an additional photograph, it shall be taken.

(2[3]) Processing for Interview/Photo Identification Interview: The FRP ORC shall:

(i) On the scheduled day, meet family members, collect and review all of the hard-copy documents requested for verification. Interview family members and address all concerns, and conduct a review of the FRP guidelines.

(ii) Ensure that a full-front face photograph is taken for the photo identification that is required for each of the approved family members. The identification shall be signed and dated by the family member visitor and countersigned and dated by the FRP ORC or designee.

(iii) Schedule the visit for the first available date. Issue the completed FRP visitor contact letter to the visitor with a copy going to the incarcerated individual and the FRP file.

(3[2]) Prior to the FRP visit. The FRP ORC shall:

(i) Complete the security card for the FRP no later than one week before visit and distribute it to appropriate areas.[The family services coordinator schedules visits for first available date and informs inmate that the application has been approved].

(ii)[Arranges to interview family members prior to visit.] Place[s] communicable disease[AIDS] educational material in an unaddressed envelope and give[s] it to an adult visitor that is not the incarcerated individual's spouse[, non-spouse visitor]. Give[s] each visiting spouse the [un]addressed envelope prepared by facility health services containing communicable disease [AIDS] educational material (which will be distributed at the commencement of the scheduled FRP visit). [Provides support and referral to family members who request assistance.]

(iii) [Sends information packet to family members together with a list of instructions, including instructions for the FRP, needed for the visit.]For the initial visit, if the FRP visit begins on a weekday, the FRP ORC will greet family members upon their arrival in order to provide orientation which will include, but is not limited to, FRP policy and procedures, consequences of FRP violations (for incarcerated individual and family members), prepared envelope, and the Prison Rape Elimination Act (PREA).

(iv) Provide support and referral to family members who request assistance. [Completes security card one day before visit and gives it to member of security staff.]

(d) Processing disapproval of incarcerated individual to participate: appeal process

(1) The FRP ORC shall:

(i) inform incarcerated individual of disapproval, and the reason(s) for such disapproval using the appropriate form;

(ii) inform the incarcerated individual what steps they may take to remedy the reason(s) for disapproval.

(iii) Inform incarcerated individual of their option to appeal and the rules of appeal:

(a) FRP ORC will provide the documentation for the appeals process for FRP denials. Appeals must be submitted in accordance with this documentation.

(b) From the date of receiving the notice of disapproval, the incarcerated individual has 30 days to submit an appeal.

(c) The appeal must contain a copy of the disapproval notice issued by the FRP ORC and the incarcerated individual's appeal statement which must include a clear description of why an appeal is being submitted. Incomplete appeal packets will not be considered and will be returned to the incarcerated individual. Resubmissions must be received within 30 days from the date the Incomplete FRP Appeal Notice is returned to the incarcerated individual.

Note: An incarcerated individual may rescind an appeal prior to the director of MFVS's review. In order to do so, the incarcerated individual must submit their request in writing to the FRP ORC. The request must include the incarcerated individual's name, identification number, date, application number, and explanation as to why he or she is rescinding the appeal. Any incomplete requests will be returned. The FRP ORC will forward the request to central office for a determination. Central office will return a decision to the FRP ORC who will notify the incarcerated individual of the decision and file it in the FRP folder.

(2) The director of ministerial, family and volunteer services (or designee) shall:

(i) Review the appeal packet to ensure timeliness and completeness; untimely and incomplete appeals will not be considered eligible for review.

(ii) Ensure that FRP criteria was met prior to the date of application.

(iii) Forward a written decision to the incarcerated individual, with a copy to the FRP ORC. If the appeal is denied, the notice will inform the incarcerated individual as to his or her ability to reapply. If approved, the notice will give direction to the FRP ORC as how to proceed.

(iv) Satisfactory completion of recommended programs does not imply approval for the FRP.

(v) The director of ministerial, family and volunteer services will respond within 90 days of receipt of the letter of appeal stating the reason(s) for sustaining or reversing the decision. Appeal decisions are final and cannot be appealed.

**Renumber former Section 220.7 to 220.8**

**Revise Section 220.7 (previous Section 220.6) as follows:**

220.7 Processing [institutional approvals]subsequent applications.

Once an [inmate] incarcerated individual has successfully participated in the program, subsequent applications may be processed and approved at the facility level.[unless one of the following occurs:] This includes when an incarcerated individual is transferred from one Family Reunion Program site to another and continues to meet the basic eligibility criteria, and has maintained satisfactory program and disciplinary behavior. The facility level process may take up to five weeks to complete.

(a) Full-cycle review is required:[the inmate has been transferred from one FRP facility to another (inmate's application must be reviewed by deputy commissioner for program services or designee);]

(1) Whenever the facility FRP ORC or superintendent recommends disapproval. The incarcerated individual's application must be reviewed by the director of ministerial, family and volunteer services.

(2) When new family participants are added. The incarcerated individual's application must be processed completely as set forth in Section 220.6 above, with new visitors being subject to the completion of the document verification report and photo interview.

(b) Scheduling subsequent visits[the facility family services coordinator or superintendent recommends disapproval (inmate's application must be reviewed by deputy commissioner for program services or designee);]

(1) If a full-cycle review is not required, the FRP application will be reviewed. If approved, and all the conditions regarding photographs and documents are completed then:

(i)The FRP ORC will contact the family contact member to schedule the FRP date.

(ii) Once the date is established, the FRP ORC will send a FRP confirmation letter to the family contact with a copy to the incarcerated individual and the FRP file.

*[Note: In the event of either subdivision (a) or (b) of this section, the inmate's application must be reviewed by the deputy commissioner for program services or his/her designee. In the event of subdivision (c), the inmate's application must be processed full-cycle pursuant to sections 220.4 and 220.5 of this Part, with the new visitors being subject to the requirements of a home visit and photo interview.]*

#### Renumber former Section 220.8 to 220.9

Revise Section 220.8 (previous Section 220.7) as follows:

220.8 Termination of visit.

(a) An orderly, humane and dignified procedure for the departure of families and for the return of [inmates] incarcerated individuals to the facility is expected at the cessation of all visits. The initial time and closing time for visitation should be clearly understood by [inmates] incarcerated individuals and family participants. It is the responsibility of the officer in charge to notify all visiting families one hour before the time of the visit's termination via telephone.

(b) Normal termination. It is the responsibility of the family and [inmate] incarcerated individual participant to abide by the rules and regulations governing the termination of the visit.

(c) Unusual termination. A visit may be terminated before the designated time upon the request of the participants. It may also be terminated by the judgment of the [family reunion coordinator]FRP ORC with the officer of the day (for example, if there is a family disturbance or a weather emergency). The visit will be terminated immediately if any participants are found to be under the influence of alcohol or drugs.

(d) Emergency termination. Illness, deaths, immediate family problems, or a facility emergency.

(e) Visitation denial. Family can be denied entrance if found in the possession of drugs, alcohol, [or ]dangerous and lethal weapons, or any other contraband.

(f) In all cases,[of terminations pursuant to subdivisions (c)-(e) of this section,] thorough documentation is required with an unusual incident report filed with local institution, family

reunion office, and [deputy commissioner for program services]director of ministerial, family and volunteer services.

Renumber former Section 220.9 to 220.12

Revise Section 220.9 (previous Section 220.8) as follows:

220.9 Sanctions for use of drugs/intoxicants.

(a) A urine sample will be obtained from a participating [inmate] incarcerated individual at the following times:

- (1) between two to ten days prior to an FRP visit;
- (2) immediately prior to an FRP visit; and
- (3) immediately after an FRP visit.

(i) [A urinalysis will be required] Urinalysis samples taken at points (1) and (3) will be tested at their respective draw times or shortly thereafter; the sample drawn at point (2) may be analyzed immediately or if the [inmate] incarcerated individual tests positive at point (3).

(b) If the [inmate] incarcerated individual tests positive for drugs or intoxicants at point (1), the FRP visit will be cancelled. Security will inform the FRP ORC[family services coordinator], who will be responsible for advising the [inmate's] incarcerated individual's family of the cancellation. If the [inmate] incarcerated individual is found guilty at the time of the disciplinary hearing, he[ ]or she, in addition to being subject to penalties under the Standards of Inmate Behavior, 7 NYCRR Chapter V, will also be suspended from the F[amily ]R[eunion ]P[rogram] for one year. As a condition of reapplication, the [inmate] incarcerated individual must have completed the ASAT program or equivalent in the interim, and must present documentation of same at the time of reapplication. If the [inmate] incarcerated individual is found not guilty, the FRP visit will be rescheduled for a date that is acceptable to both the family and the facility.

(c) If the [inmate] incarcerated individual tests negative at point (1) and positive at point (3), the urine sample taken at point (2) will be tested to determine if the [inmate] incarcerated individual ingested drugs between points (1) and (2). If the (2) sample is positive, the family cannot be

implicated. However, if the (2) sample is negative, it can be concluded that the drugs were ingested during the Family Reunion visit, [with the family, therefore, being involved at some level] this implicates the visitor(s). In this situation, the [inmate] incarcerated individual will be subject to the sanctions outlined in subdivision (b) of this section; additionally, the visitor(s)[family] will be [required to participate in a drug education program at some point during the one-year suspension, and present documentation of same at the time of reapplication.] ineligible for participation in the FRP for a minimum of two years. Once the visitor completes the two-year period of ineligibility, a FRP application can be submitted, if the incarcerated individual meets the basic eligibility standards.

[(d) The sanctions outlined in subdivisions (b) and (c) of this section will be discussed in the context of a counseling session conducted by the family services coordinator subsequent to the inmate's disciplinary proceeding. At that time, drug education alternatives will be presented, e.g. ASAT and Narcotics Anonymous (for inmates) and community-based programs (for inmates' families), with referrals being made to appropriate personnel and organizations as needed.]

#### **Add a new Section 220.10**

##### 220.10 Reports.

(a) Accident report: Should any participant in the FRP be injured while participating in FRP, minimally, an accident report will be completed and forwarded to the ministerial, family and volunteer services central office within two days of the incident, whether the facility deems it necessary to complete an unusual incident report. This information is also to be included in the FRP monthly report.

(b) Monthly report: The FRP ORC is responsible for maintaining FRP files, collecting and completing a FRP monthly report. The FRP monthly report is due no later than the Monday of the last full week of each month. The report must be completed in its entirety and forwarded via outlook e-mail to central office.

#### **Add a new Section 220.11**

## 220.11 File Retention.

(a) Ensuring accurate recordkeeping procedures are in place is essential to maintaining the integrity of the FRP. Therefore, whenever an incarcerated individual transfers to a facility that has the Family Reunion Program, the FRP ORC at the sending facility will forward the FRP file to the FRP ORC at the receiving facility. In maintaining this chain of custody, the sending FRP ORC will confirm this transaction via a chronological entry in the Guidance and Counseling folder. The receiving FRP ORC will acknowledge receipt of the file via a chronological entry in the Guidance and Counseling folder.

If the incarcerated individual is transferred to a facility that does not have the Family Reunion Program, the sending facility will ensure that a copy of every central office decision, whether approved or denied, is filed in the program services section of the incarcerated individual's guidance file. The entire FRP file will be maintained at the participating FRP site for seven years from the date of the last FRP visit.

**Revise Section 220.12 (previous Section 220.9) as follows:**

220.12 Family reunion guidelines[instructions].

(a) Transportation - Visitors scheduled to participate in a Family Reunion Program (FRP) visit must arrange their transportation to and from the FRP site.[Visitors are required to provide and arrange transportation to the FRP site.]

(b) Identification - At the time of the scheduled visit, adult participants must present a valid form of identification containing a picture and/or signature (driver's license, non-driver identification, social services card, etc). The adult participant is responsible to present identification (birth certificate, baptismal certificate or other creditable means of identification) for any minor infant or child participant under 18 years of age. [All visitors must present proper identification.]

(c) Personal Items - Participants are allowed to bring only a minimum amount of personal property as necessary for the duration of the visit including personal clothing and items of personal hygiene, including sanitary pads and tampons. Please Note: the facility shall provide pillows, blankets, bed linens, towels, soap, and condoms. [Visitors are allowed to bring only a

minimum amount of personal property, including items of personal hygiene. The facility shall provide: pillows, blankets, bed linens, towels, soap and condoms.]

(d) Clearance - All visitors to enter the FRP site shall be subject to search in accordance with the provisions outlined in related department directives and consistent with departmental policy. This shall include a metal detector search. All packages and articles accompanying the visitors will also be searched. [All packages brought in by visitors will be examined. Any packages not approved will be held in storage until the visitors leave the facility.]

(e) Participants may not bring in any alcohol, illegal narcotics, dangerous drugs, weapons, cellular phones, wireless phones, pagers, laptop computers, personal digital assistants, any device with global positioning (G.P.S.) capabilities, any device with audio recording capabilities, radios, cameras or other similar electronic devices, or valuables such as credit cards, large sums of money, stamps or expensive articles of jewelry. Penalties may include attendance at a treatment program, program suspension/termination. [Visitors are responsible for bringing food for themselves and the inmate that will last for the duration of the visit, subject to the following restrictions:

(1) General. Glass containers are prohibited. Except for fresh fruits and vegetables, [ ] food products must be commercially packaged in airtight hermetically sealed containers impervious to external influence (e.g., sealed cans, heat sealed plastic bags, vacuum sealed plastic jars, glue sealed paper or cardboard boxes, etc.). Food or beverages with any alcohol content are prohibited.

(2) Specific items allowed:

Beverages—including dried beverage mix

Bread in sealed package, no twist or clip ties

Canned foods

Candy

Cheese

Coffee and dried creamer

Cold cuts

Fruit

Meat

Nuts (without shells)

Pastry

Raisins

Seafood (no hard-shell seafood)

Snacks-potato chips, pretzels, cheese twists, crackers, cookies and similar items

Tea—herbal and flavored (no loose tea)

Vegetables]

[(f) Cooking and refrigeration facilities are available in the residence unit. Also, cooking and eating utensils will be provided.]

(f) Medication:

(1) All medications (including needles/controlled substances): Must be declared and relinquished to the Gate Officer, shall be identified as indicated below and stored in a secure area. If needed during the visit, it may be obtained in accordance with facility procedures.

(2) Medication (Prescribed) - Must be in original container with label showing patient's name, name of medicine, dosage, administering information (how and when), pharmacy, and doctor's name.

(3) Medication (Non-prescribed) - Aspirin, vitamins, non-alcohol cold medications, etc., must be in the original container.

(g) Each residential unit contains cooking and refrigeration appliances, cookware, utensils, dishes, and silverware.

(h) Visitors may bring a three-day maximum supply of food, limited to an amount that will be readily consumed by themselves and the incarcerated individual during the course of the visit, subject to the following restrictions:

(1) Food or beverages containing alcohol or hemp, in any content, is prohibited.

(2) Glass containers are prohibited.

(3) Foods must be commercially packaged in containers resistant to external influence (i.e., sealed cans, heat sealed plastic bags, and vacuum sealed pouches). Containers sealed solely with a paper or foil seal will not be allowed (e.g., tubular potato chip container or coffee creamer jar, with paper foil seal). Such items must have an additional tamper resistant commercially packaging (e.g., perforated twist top, pull ring or pull tab, vacuum sealed or heat sealed plastic covering) (e.g. beverages, condiments, oils, breads). A food item contained within a commercially packed glued outer paper or cardboard container does not, standing alone, make the item disallowed, if the item inside the container is further, commercially packed in a heat sealed bag (e.g., crackers, chips) it will be allowed.

(i) Foods allowed – Although this list covers the basic categories, please be mindful that it is not all inclusive:

(1) Beverages:

(i) sodas, juice, etc.

(ii) powdered drink mixes - Kool-Aid, etc.

(iii) coffee

(iv) teas - regular, herbal (no loose)

(v) milk - formula, fresh, powdered (boxed, plastic, canned containers)

(vi) bottled water (sealed plastic container)

(2) Bread (commercially heat sealed)

(3) Butter, margarine, etc., (commercially packaged)

(4) Cereal

(5) Cheese and other cheese products

(6) Condiments:

(i) salt - kosher, sea, regular, seasoned

(ii) pepper - black, lemon mix

(iii) ketchup

(iv) mustard

(v) sauces and gravies - barbeque, steak, hot, etc., (powdered, packaged or liquid)

(vi) dressings and salad oils - mayo, Miracle Whip, Italian, French, blue cheese, etc.

(vii) dried herbs - parsley, sage, etc., in original unopened container

(viii) spice – cinnamon only

(ix) seasoning - poultry, steak, fried chicken, Italian, Spanish, garlic, etc.

(x) marinades

(xi) creamers - powdered or liquid

(7) Eggs and egg substitutes

(8) Tofu

(9) Fruits - fresh, frozen, canned, or dried (including raisins)

(10) Jell-O, puddings, yogurt

(11) Meat (Fresh or Frozen), Poultry and Seafood:

(i) Meat - Beef, Pork, Lamb

(ii) Poultry - Chicken, Turkey, Duck, Goose (no wild game - home prepared)

(iii) Seafood - no hard- shell

NOTE: “Commercially packaged items” (i.e., from legitimate or readily recognizable sources such as a grocery stores etc.) requiring cooking shall be allowed so long they are in their original packaging. These items shall be thoroughly inspected by processing staff.

(12) Pastry - cakes, rolls, pies, donuts, etc.

(13) Nuts - without shells

(14) Shortening and cooking oils

(15) Snacks - candy, chips, cookies, crackers, cheese twist, and other similar items

(16) Sugar and sugar substitutes

(17) Vegetables - fresh, frozen, or canned

(18) Others - flour, meal, cake mixes, pie crust and fillings, etc.

j. Once the FRP visit has begun, no participant (incarcerated individual or visitor) will be permitted to leave the site, except for emergency situations.

[(g) Visitors may not bring in any alcohol, narcotics, dangerous drugs, weapons, cellular phones, wireless phones, pagers, laptop computers, personal digital assistants, any device with global positioning (G.P.S.) capabilities, any device with audio recording capabilities, radios, cameras or other similar electronic devices.]

[(h) Any medicines or drugs must be in their personal prescription container and be prescribed by a physician.]

[(i) Visitors will not be allowed to leave the FRP site except for emergencies.]

[(j)] Parents are responsible for supervising children at all times.

[(k)] No pets are allowed at the FRP site.

[(l)] Participants (incarcerated individuals and visitors) are responsible for ensuring that the residence is left clean and orderly and that all utensils are accounted for. The incarcerated individual will be held financially responsible for any lost or damaged items. [Each family is responsible for seeing that the residence unit is left in an orderly fashion upon completion of the visit.]

(n) Reasonable accommodations must be requested and approved prior to the visit.