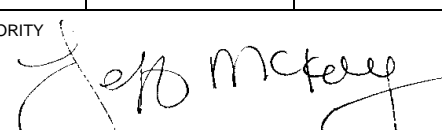
 <p><b>NEW YORK STATE</b> <b>Corrections and Community Supervision</b></p> <p><b>DIRECTIVE</b></p>	TITLE		NO. 4403
	<p><b>Incarcerated Individual Visitor Program</b></p>		DATE 08/23/2016
SUPERSEDES DIR #4403 Dtd. 10/10/1991	DISTRIBUTION A B	PAGES PAGE 1 OF 25	DATE LAST REVISED 3/7/2018
REFERENCES (Include but are not limited to) Correction Law 146 and 7 NYCRR Part 200, 201, 302 and Chapter V, Subchapter A	APPROVING AUTHORITY 		

**I. PURPOSE:** This directive sets forth the policy and guidelines for uniform operation of the Incarcerated Individual Visitor Program which gives incarcerated individuals opportunities for personal contact with friends and relatives to promote better community adjustment upon release. This directive sets forth the requirements of the Incarcerated Individual Visitor Program, provides for a uniform manner of operation of the program, and is intended to provide such guidance for Department staff, incarcerated individuals, and visitors to correctional facilities under the jurisdiction of the Department of Corrections and Community Supervision. The full text of 7NYCRR Part 200 and Part 201; and this directive are located on the Department Website at: [www.doccs.ny.gov](http://www.doccs.ny.gov).

- |  |                                       |   |
|--|---------------------------------------|---|
| I. PURPOSE   | C. Attire                             | VIII. TERMINATION, SUSPENSION & INDEFINITE SUSPENSION                     |
| II. REFERENCES                                     | D. Contraband                         | A. Termination of a Visit   |
| III. GENERAL POLICIES                              | E. Packages                           | B. Notification of Temporary Suspension                                   |
| A. Visiting Times                                  | F. Medication                         | C. Limitation to Non-Contact Visiting                                     |
| B. Visiting Spaces                                 | G. Money                              | D. Visitor Suspension Less Than Six Months                                |
| C. Local Control                                   | H. Small Children                     | E. Visitor Suspension Six Months or More, Including Indefinite Suspension |
| D. Incarcerated Individual Consent                 | VI. SEARCHES                          | F. Incarcerated Individual Suspension                                     |
| E. Security  | A. Search Procedures                  | G. Types of Visiting Penalties  |
| F. Visitor List                                    | B. Strip Searches                     | IX. VISITOR APPEAL HEARING  |
| G. First-time Visitors                             | C. Substance Detection Test/ION Scan  | X. RECONSIDERATION OF SUSPENSION MORE THAN TWO YEARS                      |
| IV. RESTRICTIONS                                   | VII. VISITING ROOM PROTOCOL AND RULES | APPENDIX A - (Misconduct/Penalties Chart)                                 |
| A. Visitors under 18                               | A. Search                             |   |
| B. Visitors with Criminal Histories                | B. Food                               |   |
| C. Visits to Hospitalized Incarcerated Individuals | C. Objectionable Behavior             |   |
| D. Cross-Visiting                                  | D. Physical Contact                   |   |
| E. Orders of Protection                            | E. Physical Conduct                   |   |
| V. ENTRANCE RULES AND PROCEDURES                   | F. Exchange/Review of Items           |   |
| A. Identification                                  | G. Legal Visits                       |   |
| B. Sobriety  | H. Lavatories                         |   |
|  | I. Departure                          |   |
|  | J. Smoking - Prohibition              |   |

**II. REFERENCES:** The following sources contain additional information concerning visits to correctional facilities and/or communication with incarcerated individuals:

- #4022 – Special Events Program
- #4423 – Incarcerated Individual Telephone Calls
- #4404 – Incarcerated Individual Legal Visits
- #4500 – Family Reunion Program
- #4421 – Privileged Correspondence

#4760 – Incarcerated Organizations

#4422 – Incarcerated Individual Correspondence Program

#4935 – Outsiders Visiting or Applying to Visit Facilities

### III. GENERAL POLICIES

- A. Visiting Times: Unless a different schedule is approved by the Commissioner, at maximum security facilities, visiting is allowed every day of the year and at hours intended to encourage maximum visitation.

At medium and minimum facilities, visiting is allowed on weekends and holidays only. At Work Release facilities, only incarcerated individuals held in restriction status shall be allowed visitors.

At Upstate and Southport Correctional Facilities, visiting is allowed on weekends and holidays only and visits for incarcerated individuals confined to a Special Housing Unit (SHU) are limited to one non-legal visit per week.

Visiting in special program units will be permitted on a schedule approved by the Commissioner or designee.

Except in cases of emergency, and except for instances of denial, termination, a term of suspension or indefinite suspension of either a visitor's or incarcerated individual's visiting privileges under the provisions of 7 NYCRR Part 201 and 7 NYCRR Chapter V, Subchapter A (as described in Section VIII of this directive), the number, length, and frequency of visits by each visitor will be limited only as necessary to accommodate all visitors who arrive during scheduled visiting times.

- B. Visiting Spaces: The designated area or areas for visiting shall be specified and arranged to provide as much space as practical, while maintaining appropriate security, along with adequate heat, light, and ventilation, convenient seating arrangements for both visitors and incarcerated individuals, lavatory facilities, and any other appropriate accommodations.

In facilities which have more than one visiting area, visiting room assignments may be made based upon the incarcerated individual's program assignment, institutional adjustment, or security risk level. However, in such instances, no incarcerated individual shall be deprived of visiting privileges available to incarcerated individuals in the general population except as provided in 7 NYCRR Section 201 and 7 NYCRR Chapter V, Subchapter A (as described in Section VIII of this directive).

The Superintendent will designate an area for confidential meetings which will ensure the privacy of conversations during professional visits of attorneys or their duly authorized representatives or visiting clergy (see Directive #4202, "Religious Programs and Practices," and Directive #4404, "Incarcerated Individual Legal Visits").

- C. Local Control: Superintendents may modify Departmental visiting rules to adjust to local conditions only with the prior approval of the Commissioner.

However, a Superintendent may deny, limit, suspend for a term, or indefinitely suspend visitation privileges of any incarcerated individual or visitor if the Superintendent has reasonable cause to believe that such action is necessary to maintain the safety, security, and good order of the facility. See Section VIII below.

- D. Incarcerated Individual Consent: No incarcerated individual is to be visited against his or her will by any person including attorneys or their duly authorized representatives, or representatives of the news media.

- E. Security: All visitors, incarcerated individuals, and visiting areas will be searched prior to visiting and carefully observed to guard against importation of contraband, to deter misbehavior, and to prevent escapes. All incarcerated individuals and visiting areas will be searched after visiting.
- F. Visitor Record: A record of prospective visitors for each incarcerated individual, and a record of each visit will be maintained. Unrecorded persons will not be admitted to a facility except as provided for in sub-section G below.
1. Names provided by an incarcerated individual at reception will form the basis for that incarcerated individual's Visitor Record. This record will be maintained and updated by each facility having custody of the incarcerated individual.
  2. The facility Visitor Record will be updated as visitors register and are processed to visit incarcerated individuals. This record will be updated by security staff in the area where visitors are processed.
  3. A visitor's name shall be removed from an incarcerated individual's Visitor Record upon written request of that incarcerated individual or the visitor.
- G. First-time Visitors: The Watch Commander will allow initial visits for persons not on an incarcerated individual's approved visitor record subject to the following conditions:
1. First-time visitors will be allowed to visit if proper identification is presented and if the incarcerated individual to be visited agrees to the visit.
  2. First-time visitors will be required to sign a statement indicating that they have been advised of and agree to abide by the rules and regulations regarding visiting. This signed statement will be attached to the incarcerated individual's Visitor Record, and a copy will be sent to the incarcerated individual. If the visitor has limited English proficiency (LEP), the statement will be provided in the visitor's dominant language.

#### IV. RESTRICTIONS

- A. Visitors Under 18 Years of Age
1. All minors must be escorted by an adult approved to visit or an adult in an official capacity with proper identification and the approval of the Superintendent or designee except as otherwise provided in subparagraphs 2, 3, and 4 of this part. The adult escort will be responsible for the behavior and conduct of the minor while on facility property as well as for identification of the minor.
  2. Unmarried minors under 18 years of age, who are not accompanied by their parent or guardian, must have written permission from the parent or guardian to visit an incarcerated individual. Written permission may be mailed to the facility in advance or presented by the accompanying adult at the time of the visit. The written permission must be signed before a witness and contain a telephone number of both the parent or guardian and the witness to permit staff to verify the permission at the time of the visit.
- Married persons under 18 years of age who are related to an incarcerated individual do not need the permission of a parent, guardian, or an adult escort in order to visit an incarcerated individual; however, proof of age and marriage will be required.

3. Children of incarcerated individuals will be allowed to visit without written permission. No visit will be permitted if a court order prohibiting such visiting is on file with the facility. Children of incarcerated individuals who are 16 years of age and older will be admitted without adult escort.
4. Special arrangements approved by the Superintendent of the facility may be made for groups of children to be brought to the facility by an adult approved to visit (e.g., for the Children's Center Program at Bedford Hills).

B. Visitors with Criminal Histories

1. Pending or past criminal proceedings, a person's status as a former employee, contractor, volunteer, or ex-incarcerated individual shall not solely disqualify that person from visiting an incarcerated individual in a correctional facility except as provided herein. These types of visits all require approval by the Superintendent of the facility to be visited. The Superintendent of a facility may deny visiting privileges to such persons by indicating in writing to that person, specific reasons, if he or she determines that the proposed visitor's presence poses a threat to the security and good order of the facility. Criteria to be considered shall include but shall not be limited to: the time frame between discharge/releases or post release supervision and the proposed visit; the purpose of the proposed visit; the former institutional adjustment of an ex-incarcerated individual; the nature of the pending criminal proceeding against the proposed visitor or incarcerated individual; circumstances of separation from service of any prior employee, contractor, or volunteer; and any other articulable factors the Superintendent may identify, particularized to the proposed visitor, the incarcerated individual and/or former employee, contractor, or volunteer that establishes or tends to establish that such proposed visitor may pose a threat.

**NOTE: If a proposed visitor, who is a former incarcerated individual, wishes to visit a facility where he/she was never incarcerated and is beyond five years of any criminal proceedings, discharge/release and/or post release supervision, the prior approval for visitation is not required.**

2. Pending criminal charges related to conduct at a correctional facility or involving an incarcerated individual shall disqualify a person from visiting any Department facility until charges are resolved (e.g., promoting contraband).
3. Persons under probation or parole supervision will be allowed to visit an incarcerated individual only with the prior permission of the Superintendent and written permission of the person's Probation or Parole Officer.
4. An incarcerated individual released from any facility through the Department's Temporary Release Program will be allowed to visit another correctional facility only with the prior permission of both the Superintendent of the facility from which the incarcerated individual is temporarily released and the Superintendent of the facility which the incarcerated individual wishes to visit.

- C. Visits to Hospitalized Incarcerated Individuals: If an incarcerated individual is in a facility infirmary, Regional Medical Unit, or outside hospital, the incarcerated individual may be visited for limited periods of time by persons on his or her Visitor Record, an attorney or his or her duly authorized representative, or visiting clergy. Such visits shall be subject to the approval of the Superintendent, the facility's Health Services Director or the incarcerated individual's doctor, and the visiting rules of the hospital.

- D. Cross-Visiting Requests: Cross visiting is the participation of two incarcerated individuals in a visit with one or more visitors. Cross visiting is permitted with the approval of the Superintendent and, in the case of immediate family members, is to be encouraged.
1. Incarcerated individuals wishing to cross visit must submit requests to their respective Offender Rehabilitation Coordinator at least one month prior to the proposed visit.
  2. Only persons who are on both incarcerated individuals' visiting records may participate in cross visits.
  3. Cross visiting may be limited, when necessary, in order to accommodate all visitors.
  4. Small children may play with each other with the permission of their families provided that they are not disruptive.
  5. When a cross visit is taking place the two incarcerated individuals may participate in a common photograph.
- E. Orders of Protection: An Order of Protection is issued by the court to limit the behavior of someone who harms or threatens to harm another person. A variety of courts can and do issue Orders of Protection. There are two types of Orders of Protection. One is generally referred to as a "stay away" Order of Protection. When preparing such an order, the judge will usually check one or more boxes that instruct an individual (defendant or respondent) to stay away from the protected person and/or his or her home, school, business, or place of employment. The other type of Order of Protection is referred to as a "refrain from" Order of Protection. In such an order the judge will usually check off boxes that instruct an individual (defendant or respondent) to refrain from engaging in certain behaviors when interacting with the protected person. Often the order will instruct the individual to, among other things, refrain from assaulting or otherwise harming the protected person.

Note: A protected person, whether incarcerated individual or visitor, cannot waive the protection afforded by an Order of Protection. As further noted in Section IV-E-3 below, only a court with proper jurisdiction can modify or terminate an Order of Protection.

1. When a correctional facility receives a current "stay away" Order of Protection, visitation between the incarcerated individual and the protected person should not be permitted as the incarcerated individual must stay away from the protected person.
2. When a correctional facility is presented with a "refrain from" Order of Protection, the presumption is that regular visitation will be allowed, unless there is a reason to limit or deny such visitation under another provision of this Directive.

Note: It is possible that a judge that issued a refrain from Order of Protection may have done so under the mistaken belief that there is normally a physical barrier between an incarcerated individual and his or her visitor or that there is an abundance of security coverage in our visiting rooms. Consequently, when a correctional facility receives a current refrain from Order of Protection, the facility may consider contacting the issuing judge to ensure that he or she understands the physical layout and security coverage in the facility's Visiting Room. The judge may confirm that contact

visitation can occur or issue a letter or subsequent order clarifying that visitation should either not occur at all or should only occur when non-contact visiting space is available at the facility.

3. An Order of Protection will include an expiration date and can also be modified or terminated by a subsequent order of the same court. In addition, the standard form Order of Protection issued in a criminal proceeding involving a Family Offense (C.P.L. § 530[1]), provides that the Order of Protection is subject to modification by "subsequent order issued by a family or supreme court, in a custody, visitation, child abuse or neglect proceeding." In the absence of such language, however, where multiple Orders of Protection with conflicting provisions are currently in effect, the Office of Counsel should be contacted for clarification and, in the interim, the more restrictive provisions should be enforced.

**V. ENTRANCE RULES AND PROCEDURES:** Incarcerated individuals and their authorized visitors will be expected to abide by the visiting rules and regulations, posted facility rules, and to follow the instructions and guidelines given by facility staff. Violation of visiting rules and regulations, posted facility rules, or instructions by staff to either incarcerated individual or visitor may result in the denial or termination of a visit and the suspension or indefinite suspension of future visits. (See "Termination, Suspension, and Indefinite Suspension" in Section VIII below.)

All visitors shall be provided with written notification of the visiting rules; however, it will be considered sufficient notice if such rules are conspicuously posted. If the visitor has LEP, the visiting rules will be provided in the visitor's dominant language.

- A. Identification: Visitors to a correctional facility will be required to furnish valid unexpired identification. Failure to produce adequate identification shall result in the denial of a visit. Prior to visiting, visitors shall sign appropriate visiting forms as required by the facility. These records will be maintained by the facility.

Adequate identification shall consist of any of the following:

1. Picture I.D. (e.g., driver's license, non-driver's identification, other government issued picture identification, Armed Services I.D., or employment identification with the visitor's picture on it).
2. Signature Card (e.g., social security card, employment I.D., drug program card, or any other official document with the visitor's signature on it).
3. Birth or baptismal certificates shall not be considered adequate identification for an adult visitor; however, they may be used as identification for a minor child. In the case of a minor with no other creditable identification documentation, an adult approved to visit may vouch for the identification of a minor.
4. To participate in Family Reunion Program visits, a spouse must possess documentation of a valid marriage license or a declaratory judgment stating the validity of an out-of-state common-law marriage or same-sex marriage. (See Directive #4500, "Family Reunion Program.")

Except at minimum security facilities, each visitor (over 5 years of age) shall be hand stamped upon entry to a facility to aid in the identification of visitors leaving the facility.

- B. Sobriety: Visitors appearing to be intoxicated or under the influence of drugs will not be admitted to a correctional facility
- C. Attire: Visitors appearing in inappropriate attire will not be admitted to a correctional facility. The following are unacceptable: see-through clothing, bare midriffs or backs, plunging necklines, short-shorts or athletic shorts, mini-skirts, bare feet, and bathing suits. Shorts or skirts shorter than mid-thigh-length are unacceptable. If in doubt, the visitor should not wear a questionable item of clothing. Visitors are cautioned that clothing containing metal (e.g., decorative buckles, buttons, or studs) or wire, including, but not limited to underwire bras, may cause the metal detector to alert and require further processing pursuant to Section VI of this directive.
- D. Contraband: All visitors shall be searched and required to surrender contraband and any other article or thing considered potentially dangerous to the safety and security of the facility. (See "Searches" in Section VI below). Contraband is defined as:
1. Any article or thing the possession of which would constitute an offense under any law applicable to the public;
  2. Any article or thing which is readily capable of being used to cause death or serious physical injury, including but not limited to a hand gun, shoulder gun, cartridge, knife, explosive, or dangerous drug (including marijuana);
  3. Any article or thing that is introduced into a correctional facility under circumstances evincing an intent to transfer same to an incarcerated individual without the permission of the Superintendent or designee;
  4. Any article or thing that is not specifically authorized to be possessed by an incarcerated individual in a State correctional facility pursuant to the rules of the Department or the local rules of the facility. Alcohol, money, 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 are among the items incarcerated individuals are not permitted to possess. Other items including pocketknives, alcohol, and other items posted at the facility entrance or as directed by staff is also prohibited.

As a prerequisite to entry to a correctional facility, the Superintendent or designee shall have the authority to require any visitor to surrender any article or thing to the Gate Officer if the Superintendent or designee reasonable believes it to be potentially dangerous to the safety and security of the facility or constitutes contraband as defined above.

- E. Packages: Prior to a visit, a visitor may leave a package only for the incarcerated individual they are visiting. Only authorized items will be allowed, and the package contents will be searched prior to delivery to the incarcerated individual. (Reference Directive #4911, "Packages & Articles Sent or Brought to Facilities.") An attempt to introduce contraband through a package may result in the denial or termination of a visit and a term of suspension or indefinite suspension of future visits.
- F. Medication: Visitors having medication in their possession shall declare it and relinquish it to the Gate Officer.
1. Medication shall be identified and stored in a secure area.
  2. If a visitor needs the medication during the visiting period, it may be obtained as directed by the facility.

- G. Money: Visitors may leave funds for deposit only to the account of the incarcerated individual they are visiting. Funds may be received in cash, check, or money order, but shall be limited to \$50 per incarcerated individual per day regardless of the number of visitors transmitting funds. The Deputy Superintendent for Administration (DSA) shall employ appropriate fiscal policies and procedures to ensure accountability of monies received.
- H. Small Children: A visitor arriving with a small child will be allowed to take a diaper bag, three (3) diapers and plastic baby bottles into the visiting room, provided all articles are thoroughly searched beforehand. If possible, a suitable area within the perimeter of the visiting room should be provided for the changing of diapers.

## VI. SEARCHES

### A. Search Procedures

1. Each visitor entering the facility shall pass through a metal detector and/or be scanned with a hand scanner. Any visitor who refuses to comply with search procedures will not be permitted entry into the correctional facility.
2. If there is any difficulty clearing a visitor by use of the walk-through metal detector, a hand scanner shall be used to locate the problem area.
3. When the hand scanner indicates the presence of metal, which is concealed under clothing, the visitor shall reveal (if appropriate) the object in question thereby establishing that the item revealed caused the alarm or, if necessary, the visitor shall remove the item for inspection.
4. If, prior to an approved legal visit, an attorney or duly approved legal representative is unable to clear the metal detection process, staff shall contact the Superintendent or designee for further direction.
5. If the visitor is unable to reveal or remove the detected object due to its personal nature, the visitor shall be provided with a document explaining they have the right to leave the facility or they can consent to search options listed below.
6. A limited visual search may be conducted in a private area where an Officer or staff member of the same sex will visually inspect the area in question by having the visitor lift any articles of clothing or under garments to satisfy staff that no contraband is secreted on the visitor's person in the area in question.

Note: When the limited visual search procedure is utilized, staff must obtain a signed Form #2061, "Notice of Consent to Search," form from the visitor and an Unusual Incident Report must be filed in accordance with Departmental Directive #4004, "Unusual Incident Report."

7. A personal item search: If a staff member of the same sex as the visitor is not available, a personal item search may be conducted as an alternative to a limited visual search. The visitor shall be provided a private area or other room that provides personal privacy to remove items of a personal nature including braces, underwire bras, etc.; a paper bag in which to place any personal items they have removed; and an opportunity to use a large mess hall style white shirt as an outer covering during reprocessing procedures. (The facility shall have at least two x large and two xx large mess hall style shirts available. The facility must specifically advise any female visitor who may be required to remove an underwire bra of the availability of these shirts to wear over their clothes during reprocessing procedures.)



8. A visitor shall not be routinely required to remove religious headwear during search procedures. However, if staff determines following the use of the hand scanner that removal of the headwear or any other item of religious apparel is necessary, the item shall be removed in a private area in the presence of a security staff member of the same sex, if one is on duty.
9. If no security staff member of the same sex is on duty, a non-uniformed staff member of the same sex shall be used. The staff member of the same sex shall conduct a hand scanner search and visual inspection of both the visitor and the removed item in a private area. If there is no staff member of the same sex on duty, and the visitor still refuses or cannot remove the item due to its personal nature in the visitor processing area, the visit will be denied.
10. Once the detected item is removed and placed in the paper bag, staff shall reprocess the visitor via a hand scanner or walk-through metal detector and both the bag and its contents shall be discreetly inspected for contraband.
11. All visitors must be dressed in appropriate attire, as outlined in Section V-C above, when not within the private area. Once the visitor has cleared the detector, the personal items shall be returned and a private area made available for redressing. The outer covering shirt shall be returned to a security staff member.
12. Whenever possible, the private area used to disrobe shall not be the same area that is used for redressing. Any private area shall be out of sight of the incarcerated individual population. If separate areas are not available, staff must search the area before the visitor enters to redress. Contact between processed and unprocessed visitors shall be prevented.
13. If the hand scanner fails to locate the source of the problem or the employee feels that there is probable cause for further processing, he or she shall follow the strip search procedures as set forth in Section B below, even if the visitor offers to voluntarily remove items of clothing other than coat, hat, or shoes.
14. Handbags, briefcases, and other containers shall be searched.
15. Items not permitted in the facility shall be properly identified and stored or placed in available lockers until the visitor leaves the facility. If no locker is available, the visitor shall remove the item from the facility and secure it in appropriate location (e.g., the visitor's vehicle).
16. Upon surrender of contraband, the visitor shall be given a receipt for the article. When such person leaves the facility, the item will be returned upon surrender of the receipt. If, however, there is reasonable ground to believe that the possession of such article would constitute an offense under any law, the contraband shall not be returned to the visitor. Instead, the employee shall detain the visitor in the facility and notify the appropriate law enforcement agency.
17. When undeclared contraband is found, the visitor's intent shall be controlling. At times, innocent oversights will occur (e.g., medication). Officers should use their discretion in judging whether the visitor intentionally attempted to introduce contraband into the facility. Criteria to be considered include past history, the visitor's demeanor, whether it appears that the contraband was for the visitor's personal use and was inadvertently left in a pocket or handbag, and whether an effort was made to conceal the contraband where it would not readily be found.

---

## B. Strip Searches

1. If a visitor to a correctional facility has complied with the aforementioned processes and the Officer in charge believes further processing is required to prevent the introduction of contraband into the facility, the visitor shall be asked to remain in the gate area. The Officer in charge shall contact his or her immediate superior.
2. If, after evaluating the situation, the supervisor determines that further processing is warranted, the Superintendent or the designee in charge of the facility shall be notified and shall make the determination as to whether a strip search of the visitor is warranted.
3. In order to justify a strip search of a particular visitor, the Superintendent or designee, must point to specific objective facts and rational inferences that he or she is entitled to draw from those facts in light of his or her experience. In other words, the Superintendent must have reasonable cause to believe that contraband is concealed upon the person of the visitor, based on specific and articulable facts and inferences reasonably drawn from those facts. Generalized suspicion of smuggling activity is insufficient.
4. Strip searches may not be ordered based on uncorroborated information or 'tips' merely stating that visitors would attempt to introduce contraband into a facility where the informant's reliability cannot be assessed and observations of visitors upon arrival at the facility do not contribute to reasonable suspicion that contraband is being concealed. Reasonable suspicion exists only if the uncorroborated information can be linked to other objective facts.
5. The visitor must be informed that he or she has the option to submit to the requested search procedure or refuse. If a visitor refuses to submit to a strip search the visit may be denied by the Superintendent or designee. In the alternative, a non-contact visit may be allowed in the discretion of the Superintendent if sufficient staff and a non-contact visiting area is available.
  - a. Guilt is not to be assumed from a visitor's refusal to submit to a strip search.
  - b. Future visits may not be denied solely on the basis of refusing to submit to a strip search.
  - c. A visitor's past refusal to submit to a strip search may not be used as a basis or factor in establishing reasonable suspicion for future strip searches.
6. If a visitor submits to a strip search, the supervisor must obtain his or her written consent on [Form #2061](#), "Notice of Consent to Search." In the case of a minor child, the consent must be given by an accompanying parent or guardian. For purposes of this Section the term "minor child" shall mean any person who is under the age of 18, but the term shall not include any person who is emancipated (i.e., 16 years of age or older who is married (with proof of age and marriage) and who is related to the incarcerated individual to be visited).
  - a. In an unusual circumstance when the visitor to be strip searched is a minor child, the parent or guardian who has escorted the minor to the facility shall be requested to be present and, at the discretion of the Officer, may participate in the strip search.
  - b. If at any time during the procedure the minor objects to the strip search, the procedure shall be terminated immediately.

- c. Strip searches shall be conducted in locations heated to a level of human comfort for disrobed persons.
- d. Strip searches shall be conducted by an Officer of the same sex as the visitor being searched.
- e. In performing strip searches, Officers shall conduct themselves professionally. Officers shall be alert to the sensitive nature of the strip search and conduct such searches in a manner least degrading to all involved while fulfilling the objective of the search.
- f. A strip search must be reported as an Unusual Incident in accordance with Directive #4004, "Unusual Incident Report." A subsidiary report of the circumstances surrounding the incident should accompany the Unusual Incident Report. Particular care should be given to setting forth in detail the factor or factors which led to a determination that the visitor required processing under this subdivision.

C. Substance Detection/Ion Scan Testing

1. Visitors entering any Department facility, by whatever gate, may be subject to ion scanning or other non-intrusive test for detection of illicit substances.
2. If a visitor tests positive, a second test will be conducted to confirm or negate the first test result. Upon a confirmed positive test result, or test refusal, the visitor will be denied entrance into any correctional facility for two days.
3. If that visitor is a minor child, that child's parent, guardian or approved escort will also be denied entrance into the correctional facility.
4. A confirmed positive test result on a specific visitor will not serve as a basis to deny entrance to any other visitor. A confirmed positive test means that a second sample from the same area on the person or the person's belongings tests positive for the same substance.
5. No disciplinary action shall be taken against an incarcerated individual solely because an individual attempting to visit the incarcerated individual tests positive or refuses to test.

**VII. VISITING ROOM PROTOCOL AND RULES:** Incarcerated individuals and their authorized visitors will be expected to abide by the facility's rules and regulations and to follow the instructions and guidelines given by facility staff.

Violation of these rules and protocol by either incarcerated individuals or visitors may result in termination of a visit and the suspension or indefinite suspension of future visits. (See "Termination, Suspension, and Indefinite Suspension" in Section VIII below.)

- A. Search: The visiting room and the visiting room lavatories will be searched before and after visiting to make certain that nothing has been concealed therein which might be removed by visitors or incarcerated individuals.

Each incarcerated individual's person, clothing, and possessions will be searched before and after entrance to visiting areas in accordance with Directive #4910, "Control of and Search for Contraband."

- B. Food: Only foodstuffs or beverages purchased by the visitor from vending machines located in the visiting area may be consumed in the visiting room.

An exception will be made for visitors with small children needing to utilize baby bottles. Plastic baby bottles will be allowed into the visiting room after the contents have been examined. Jars of baby food should be left in a designated area where the visitor may go to feed the child.

- C. Objectionable Behavior: Objectionable behavior may result in termination of a visit. Such behavior may include loud, abusive, or boisterous actions, disruptive or argumentative behavior, or unacceptable physical contact, or unacceptable physical conduct. (See Appendix A)
- D. Acceptable Physical Contact: Acceptable physical contact during contact visits is described as follows:
1. In general, kissing, embracing, and touching are allowed as long as they would be acceptable in a public place and do not offend other incarcerated individuals and visitors or aid in the introduction of contraband or escape attempts.
  2. At a minimum, a visitor and incarcerated individual may embrace and kiss at the beginning and at the end of any contact visit. Brief kisses and embraces are permitted during the course of the contact visit. However, prolonged kissing and what is commonly considered "necking" or "petting" is not permitted.
  3. A visitor and an incarcerated individual may hold hands, as long as the hands are in plain view of others.
  4. Incarcerated individuals and visitors sitting next to one another may also rest their hands upon each other's shoulders or around each other's waists. Resting one's head on another's shoulder is also permitted when the incarcerated individual and visitor are sitting next to one another.
- E. Unacceptable Physical Conduct: No visitor or incarcerated individual may engage in unacceptable physical conduct e.g., intercourse, sodomy, touching sexual or other intimate parts of another person, or masturbation.
- F. Exchange or Review of Items: During visits, incarcerated individuals and visitors are not authorized to exchange or share any items without prior approval of the area Sergeant.
1. Generally, approval may be granted for incarcerated individuals and their visitors to review only personal legal papers, the Bible and Koran and similar religious writing, and personal photographs (excluding Polaroid photographs) after the materials have been examined for contraband by facility security personnel.
  2. If visitors wish to leave any materials with the incarcerated individual that they have brought into the visiting area, or if they wish to remove materials brought into the visiting area by the incarcerated individual, the exchange must take place through the package room. (See Directive #4404, for exchange of legal materials.)
  3. Prior to a visit, a visitor may leave a package for an incarcerated individual, containing authorized items only, which will be inspected prior to delivery to the incarcerated individual. An attempt to introduce contraband through a package may result in the denial or termination of a visit and a term of suspension or indefinite suspension of future visits.

- G. Legal Visits: An incarcerated law clerk or an incarcerated individual approved to provide legal assistance pursuant to Directive #4483, "Law Libraries, Incarcerated Individual Legal Assistance and Notary Public Services," shall be permitted to be present at conferences between an incarcerated individual and his attorney. (Refer to Directive #4404.)
- H. Lavatories: Incarcerated individuals and visitors will not be allowed to use the same lavatories.
- I. Departure: Incarcerated individuals and visitors shall not be permitted to leave the visiting area together.
- The visited incarcerated individual must be accounted for by the visiting room Officer before the visitor is allowed to leave. Visitors may be detained until the incarcerated individual is secured.
- J. Smoking: Smoking is prohibited in indoor visiting areas.

**VIII. TERMINATION, SUSPENSION, AND INDEFINITE SUSPENSION:** A Superintendent may deny, limit, suspend for a term or indefinitely suspend the visitation privileges of any visitor if the Superintendent has reasonable cause to believe that such action is necessary to maintain the safety, security, and good order of the facility. A loss of visiting privileges may be imposed for an incarcerated individual pursuant to the procedures for implementing the standards of incarcerated individual behavior under 7NYCRR Part 254 and Directive #4932, "Chapter V, Standards Behavior & Allowances," and as set forth in VIII-F below.

- A. Termination of a Visit: A visit may be terminated at the discretion of the Superintendent or designee, who must be the Watch Commander or higher ranking official, if objectionable behavior is displayed during such visit. If a visit is terminated on the weekend, the Watch Commander shall promptly notify the Officer of the Day.

1. Termination for Objectionable Behavior

- a. Objectionable behavior may consist of loud, abusive, or boisterous actions, disruptive or argumentative behavior, or sexual activities which constitute unacceptable physical contact (see Appendix A).

Facility staff supervising visiting areas should give incarcerated individuals and visitors instructions on proper behavior and admonitions if they observe improper behavior prior to giving out an "official" warning.

- b. Before termination of a visit, a verbal warning must be issued by the visiting room Officer to the visitor and the incarcerated individual that the objectionable behavior is prohibited and that failure to cease such behavior will result in termination of the visit. Such warning will be noted on the visitor's record.

2. Termination for Misconduct

- a. A visit will be terminated immediately without warning if any of the following misconduct takes place:

- (1) A visitor or incarcerated individual becomes apparently under the influence of alcohol or drugs during a visit;
- (2) Unapproved parties continue to cross-visit after a warning is given by facility staff;
- (3) A visitor or incarcerated individual refuses to follow instructions given by facility staff or facility rules;

- (4) A visitor or incarcerated individual attempts to introduce or pass contraband to the other as defined in V-B above;
  - (5) Assault on facility staff, incarcerated individuals, or other visitors; or
  - (6) A visitor and/or incarcerated individual engages in unacceptable physical conduct.
- B. Notification of Temporary Suspension: If a visit is terminated, the area supervisor will advise the visitor and incarcerated individual that his or her visiting privileges are suspended for a period not to exceed one week or until such time as the visitor receives written notification from the Superintendent which reinstates, limits, suspends for a term, or indefinitely suspends the visitor's visiting privileges. The Watch Commander will cause an entry to be made on the computerized visitor record imposing an interim suspension for one week and make appropriate entry into the Watch Commanders logbook. Within one week, the Superintendent shall issue a written notification reinstating visiting privileges, limiting visiting privileges, suspending visiting privileges for a term, or indefinitely suspending visiting privileges in accordance with subdivision B, C, and D of this part.
- C. Limitation to Non-Contact Visiting: Contact visiting privileges of either an incarcerated individual or a visitor may be suspended (i.e., an incarcerated individual or a visitor may be limited to non-contact visiting), by the Superintendent for a violation of visiting rules and regulations, or for conduct which represents a threat to the safety, security, and good order of the facility. An incarcerated individual may also be limited to non-contact visiting as a penalty pursuant to a disciplinary disposition resulting from a Superintendent's Proceeding as set forth in 7 NYCRR Part 254 and Directive #4932.
1. Criteria: Contact visiting rights may be suspended or indefinitely suspended as an alternative to the term of suspension or indefinite suspension of all visiting privileges for either a visitor or an incarcerated individual depending upon who committed the misconduct. The determination to limit a visitor or an incarcerated individual to non-contact visiting in lieu of a term of suspension or indefinite suspension of all visiting privileges is within the discretion of the Superintendent or designee.
  2. Non-contact visitation: Non-contact visiting will be permitted during the suspension of contact visitation rights in the area of the facility designated for that purpose.
- D. Visitor Suspension for a Term of Less Than Six Months: A Superintendent may suspend a visitor's visitation privileges for any term less than six months for a violation of visiting rules and regulations which represents a threat to the safety, security, and good order of the facility as set forth under Section G, pursuant to the following procedures:
1. Upon imposing a term of suspension, the Superintendent shall notify the visitor in writing of his or her action.
    - a. The notice shall contain:
      - (1) The reason for the suspension;
      - (2) The duration of the suspension; and
      - (3) Copies of all charges and reports of misconduct relating to the charges.

- b. The visitor shall also be notified of his or her right to appeal the decision of the Superintendent and the manner in which to do so, including notification that such an appeal must be taken within 60 days of receipt of the notice.
      - c. A copy of such notice and related documents must be sent to the incarcerated individual.
    2. An appeal may be taken by the visitor.
      - a. Such an appeal shall be addressed to the Commissioner and shall be in writing. The visitor may submit any written material he or she wishes to be considered.
      - b. The Commissioner or designee shall render a written decision within 45 days of receipt of the appeal as follows:
        - (1) The decision shall affirm, reverse, or modify the determination of the local facility;
        - (2) An affirmance shall be supported by a preponderance of the evidence; and
        - (3) The decision shall contain a statement of the evidence relied upon and a statement of the reasons therefore.
- E. Visitor Suspension for a Term of Six Months or More, Up to an Indefinite Suspension Pending Reinstatement: A Superintendent may suspend a visitor's visitation privileges for a term of six months or more, or indefinitely suspend a visitor's visiting privileges (subject to reinstatement under Section X below), for misconduct which represents a serious threat to the safety, security, and good order of the facility as specified under Section G, pursuant to the following procedures:
  1. Upon imposition of such a term of suspension or indefinite suspension, the Superintendent shall notify the visitor in writing of his or her action.
    - a. The notice shall contain:
      - (1) The reason for the suspension or indefinite suspension;
      - (2) For term of suspension of visiting privileges, the duration of such term;
      - (3) Copies of all charges and reports of misconduct relating to the charges; and
      - (4) The reason for imposing the maximum penalty; if imposed.
    - b. The visitor shall be also be notified of his or her right to a hearing to appeal the decision of the Superintendent within 60 days of such notice.
    - c. Only the visitor may request a hearing.
    - d. If a hearing is not requested, a review based upon written submissions may be had as outlined in Section VIII-D-2 above.
    - e. A copy of the notice and related documents shall be sent to the incarcerated individual.

If a visitor requests a hearing, the Commissioner shall appoint an impartial individual from outside the facility to conduct the proceeding and a hearing shall be conducted pursuant to subsection IX below.

- F. Incarcerated Individual Suspension: A Hearing Officer may impose a loss of visiting privileges, including a limitation to non-contact visiting, on an incarcerated individual as a penalty pursuant to a disciplinary disposition resulting from a Superintendent's Proceeding based on visit related misconduct as set forth in 7 NYCRR Part 254 and Directive #4932. An incarcerated individual may appeal such a loss of visiting privileges in accordance with the provisions of 7 NYCRR Part 254 and Directive #4932.

Note: The visiting privileges of an incarcerated individual in a SHU may be subject to special precautions imposed by the Superintendent under 7 NYCRR Section 302.2(i)(1) and Directive #4933.

G. Visit Related Penalties

1. Effect of visiting penalty

- a. A penalty imposed with respect to the visiting privileges of any visitor applies at all Department facilities and to all incarcerated individuals visited.
- b. A loss of visiting privileges imposed on an incarcerated individual as a penalty pursuant to 7 NYCRR Part 254 and Directive #4932 applies at all Department facilities and prohibits the incarcerated individual from visits with all visitors unless otherwise specified pursuant to the hearing disposition.
- c. A visitor or incarcerated individual serving any limitation, term of suspension, or indefinite suspension of visiting privileges, including a limitation to non-contact visiting, is also prohibited from participating in the Family Reunion Program or a special events program that is attended by members of the general public.

2. Types of visiting penalties

- a. Termination: A visit may be ended before the end of the visiting period by staff for objectionable behavior or misconduct as set forth in subsection V-III-A-2.
- b. Denial: A denial of visiting privileges may be for a specific visit (e.g., visitor fails to possess proper identification or clear a metal detector, or an incident occurred inside the facility); or for two days for a confirmed positive substance detection/ion scan test or refusal as set forth under Section VI-C above or until a certain condition is satisfied (e.g., resolution of pending criminal charges).
- c. Suspension: A suspension of visiting privileges must be set for a specific term. At the conclusion of the term of suspension, visiting privileges are automatically reinstated.
- d. Indefinite suspension: An indefinite suspension of visiting privileges has no predetermined end date. An indefinite suspension is subject to review on an annual basis and restoration in accordance with Section X below.

## IX. VISITOR APPEAL HEARING

A. Hearings

1. If a visitor requests a hearing, the Commissioner shall appoint an impartial Hearing Officer from outside the facility to conduct the proceeding.
2. The formal charge shall consist of the Superintendent's notice to the visitor.
3. The visitor may be represented by counsel.



4. The visitor may call witnesses on his or her behalf provided they are material, their testimony is not redundant, and so doing does not jeopardize facility safety, security, the good order of the facility, or correctional goals.
  - a. A visitor shall advise the Hearing Officer of any witnesses the visitor intends to offer at the hearing no later than five days prior to the hearing.
  - b. If permission to call a witness is denied, the Hearing Officer shall provide a written statement of the reasons for such denial, including the threat to the facility safety, security, the good order of the facility, or correctional goals or why the proffered testimony was immaterial or redundant.
  - c. Any witness shall be allowed to testify at the hearing in the presence of the visitor unless the Hearing Officer determines that so doing will jeopardize facility safety, security, the good order of the facility, or correctional goals.
    - (1) If permission to be present during the testimony of a witness is denied, the Hearing Officer shall provide a written statement setting forth the reasons for such denial, including the threat to facility safety, security, the good order of the facility, or correctional goals.
    - (2) Where a visitor is not permitted to have a witness present, such witness shall be interviewed out of the visitor's presence and such interview recorded.
    - (3) The witness's statement is to be made available to the visitor at the hearing unless the Hearing Officer determines that so doing would jeopardize facility safety, security, the good order of the facility, or correctional goals.
      - (a) If the witness's statement is not to be made available, the Hearing Officer shall provide a written statement setting forth the reasons for such denial, including the threat to facility safety, security, the good order of the facility, or correctional goals.
    - (4) A visitor may request witnesses by notifying the Hearing Officer no later than five days prior to the hearing.
  - d. A visitor may cross-examine adverse witnesses unless the Hearing Officer determines that so doing will jeopardize facility safety, security, the good order of the facility, or correctional goals. If permission to cross-examine is denied, the Hearing Officer shall provide a written statement stating the reasons for such denial, including the threat to facility safety, security, the good order of the facility, or correctional goals.
  - e. The visitor shall be present at the hearing unless he or she refuses to attend. The incarcerated individual shall be present at the hearing if he or she is to be a witness unless the Hearing Officer determines so doing will jeopardize facility safety, security, the good order of the facility, or correctional goals.
    - (1) If the incarcerated individual is denied permission to attend the hearing, the Hearing Officer shall provide a written statement setting forth the reasons for such denial, including the threat to facility safety, security, the good order of the facility, or correctional goals.

- (2) If an incarcerated individual is denied permission to attend the hearing as a witness, he or she shall be interviewed. The interview shall be recorded and made available to the visitor at the hearing unless the Hearing Officer determines that so doing would jeopardize facility safety, security, the good order of the facility, or correctional goals. In such instance, the Hearing Officer shall provide a written statement setting forth the reasons for such denial, including the threat to facility safety, security, the good order of the facility, or correctional goals presented.
5. The hearing shall be electronically recorded.
6. The Hearing Officer shall issue a written decision within 60 days of the completion of the hearing. The decision of the Superintendent shall be affirmed upon a finding supported by a preponderance of the evidence. The Hearing Officer shall set forth his or her decision in writing, stating the reasons therefore and the evidence relied upon. Such decision shall be effective 60 days after issuance unless appealed by any party. The decision shall also notify the visitor and incarcerated individual of appeal procedures.
7. The visitor may appeal the decision of the Hearing Officer to the Commissioner. Such appeal must be taken within 60 days of the date the decision was issued and must be in writing.
  - a. The Commissioner shall issue a written decision within 60 days of the filing of an appeal.
  - b. Such decision must contain a statement of the reasons for the affirmance, modification, or reversal of the Hearing Officer.

#### **X. RECONSIDERATION OF SUSPENSION IN EXCESS OF TWO YEARS**

- A. In the event a visitor or incarcerated individual's visiting privileges have been suspended for a term over two years or indefinitely suspended, such person may request a reconsideration at any time after it has been in effect for one year and on an annual basis thereafter, by writing to the Superintendent of the facility housing the incarcerated individual to be visited.
- B. The Superintendent shall evaluate such a request to determine if any factors exist which warrant a modification so as to permit visitation to resume at a specified time in the future. The criteria to be considered are:
  1. The incarcerated individual's institutional record;
  2. Showing of special circumstances (e.g., age of visitor or incarcerated individual, serious illness, etc.);
  3. Length of incarcerated individual's un-served sentence;
  4. Past history of violations; and
  5. Other good cause factors.
- C. The Superintendent shall advise the incarcerated individual and visitor of the results of his or her review by written decision, including the reasons therefore.
- D. Appeal of Denial of Request for Reconsideration
  1. A visitor or incarcerated individual may appeal the denial of a request for reconsideration, in writing, to the Commissioner within 60 days if:

- a. Such person's visiting privileges have been indefinitely suspended or suspended for a term over two years;
  - b. The indefinite suspension or term of suspension has remained in effect for three years; and
  - c. Such person's request for reconsideration during the third year under subparagraph (a) has been denied by the Superintendent.
2. If the indefinite suspension or term of suspension of visiting privileges remains in effect, such person may appeal a subsequent denial every three years thereafter.
  3. Nothing in this subdivision shall be construed to preclude such person from making an annual request for reconsideration to the Superintendent of the correctional facility then housing the incarcerated individual to be visited.

No appeal of a denial of a request for reconsideration may be taken if the Superintendent has modified the indefinite suspension or term of suspension to permit visitation, including non-contact visitation

**APPENDIX A - "PENALTIES FOR VISIT-RELATED MISCONDUCT"**

**NOTE: In addition to the visit related penalties set forth under 7 NYCRR Section 201.4 (e)(3), reference should be made to the separate "Guidelines for Visitor Suspension" which contain recommended visitation sanctions for certain serious misconduct specified therein. The following incorporates the penalties listed under 7 NYCRR Section 201.4 (e)(3), and those specified in the "Guidelines for Visitor Suspension." Visitor sanctions apply at all DOCCS correctional facilities and for all incarcerated offenders visited.**

**Also, in connection with incarcerated individuals' disciplinary, reference should be made to the Hearing Officer's "Guidelines for Visit-Related Misconduct" which contain recommended penalties for the misconduct included therein but not listed below. The Hearing Officer's "Guidelines for Visit-Related Misconduct is intended as a resource and practical guidelines for hearing officers but is not a directive or policy statement. Recommended visited related penalties should not exceed those under the visiting rules and regulations. The Superintendent must review any incarcerated individual disciplinary disposition of a term of Suspension of two years or longer of visiting privileges with all visitors.**

**The following are intended as maximum penalties for egregious conduct. When determining the appropriate penalty, the surrounding circumstances or the nature of the incident; the severity or egregiousness of the conduct; and/or past instances of misconduct should be considered. The visitors' prior record, type of facility and nature of the incident may serve as a mitigating or aggravating factor in determining the penalty.**

<b><u>TYPE OF MISCONDUCT</u></b>	<b><u>INITIAL OFFENSE</u></b>			<b><u>MAXIMUM PENALTY</u></b>
<b>Failure of Visitor to Possess Proper Identification</b>	Visit denied			<b><u>N/A</u></b>
<b>Presentation of False Identification</b>  (a) Regular Visiting Room program or special events  (b) Family Reunion Program				Up to 6 months suspension of visitation  Up to 1 year suspension of visitation
<b>Search Failure (i.e., metal detector)</b>  <b>Substance Detection Test</b> <b>Failure or Refusal (i.e., ION Scan Testing, metal detector)</b>	Visit denied  Visit denied For 2 calendar days			<b><u>N/A</u></b>
<b>Visitor Apparently Under Influence of Alcohol or Drugs</b>	Visit denied			<b><u>N/A</u></b>
<b>Failure to Comply with Instructions at Gate Area (e.g. refusal to undergo strip frisk)</b>	Visit denied			<b><u>N/A</u></b>
<b>Visitor Fails to Follow Instructions of Facility Staff and Facility Rules</b>	Visit denied or immediately terminated, AND			Up to 3 months suspension of visitation
<b>Incarcerated individual Fails to Comply with Frisk Procedures or Instructions of Facility Staff and Facility Rules; during Processing before or after visit</b>	Visit denied, AND			Up to 1 year suspension of visitation
<b>Visitor or Incarcerated individual Becomes Apparently Under Influence of Alcohol or Drugs During Visit</b>	Immediate termination of visit AND			Up to 1 year suspension of visitation
<b>Cross-Visiting by Unapproved Parties</b>	Immediate termination of visit AND			Up to 3 months suspension of visitation
<b>Unacceptable Physical Contact: Visitor and/or incarcerated individual engage in unacceptable physical contact (i.e., prolonged kissing, necking, etc.)</b>	Warning, if misconduct continues, termination of visit, AND			Up to 6 months suspension of visitation

**Unacceptable Physical Conduct: Visitor and/or incarcerated individual engage in unacceptable physical conduct (intercourse, sodomy, touching the sexual and or other parts of another person, masturbation, exposure)**

Immediate Termination of visit, AND

Visitor – Up to Indefinite Suspension of Visiting Privileges depending on the surrounding circumstances or the nature of the incident; the severity or egregiousness of the conduct; and/or past instances of misconduct.

Incarcerated Individual - Up to Indefinite Suspension of Visiting Privileges, however, the Superintendent must review any disposition of a term of Suspension for two years or longer of Visiting Privileges with all visitors. A term of Suspension or Indefinite Suspension shall be limited to the involved visitor if the visitor was the only direct participant in the misconduct, however, if other visitors, in particular, children, were subjected to exposure then the term of Suspension or Indefinite Suspension may be imposed with all visitors. See the Hearing Officer’s “Guidelines for Visit-Related Misconduct”

**The “Guidelines for Visitor Suspension” recommended penalties for engaging in Unacceptable Physical Conduct is as follow:**

	FIRST OFFENSE	SECOND OFFENSE	THIRD OFFENSE
No other visitors exposed:	6 months suspension or limitation to non- contact visitation	1 year to indefinite suspension of visitation	Indefinite suspension of visitation
Other visitors exposed:	1 year to indefinite suspension of visitation	Indefinite suspension of visitation	Indefinite suspension of visitation
Children exposed:	Indefinite suspension of visitation	Indefinite suspension of visitation	Indefinite suspension of visitation

**Assaultive Behavior on Facility Staff, Incarcerated individual or other visitors: Visitor and/or incarcerated individual assault on facility staff, incarcerated individual or visitor/fighting**

Immediate Termination of Visit, AND

Visitor -Up to Indefinite Suspension of Visiting Privileges depending upon assault, injuries sustained and relationship of visitor to incarcerated individual and perpetrator to visitor.

Incarcerated Individual - Up to Indefinite Suspension of Visiting Privileges depending upon assault/fight, injuries sustained and relationship of incarcerated individual to victim, however, the Superintendent must review any disposition of a term of Suspension for two years or longer of Visiting Privileges with all visitors. See the Hearing Officer’s “Guidelines for Visit-Related Misconduct.”

**The “Guidelines for Visitor Suspension” recommended penalties for engaging in assaultive behavior is as follow:**

	FIRST OFFENSE	SECOND OFFENSE	THIRD OFFENSE
Assault w/ weapon/moderate or serious injury	Indefinite suspension of visitation	N/A	N/A
Assault w/ weapon/minor injury	1 to 2 years suspension of visitation or limitation to non-contact visitation	Indefinite suspension of visitation	Indefinite suspension of visitation
Assault w/out weapon/moderate or serious injury	6 months to 2 years suspension or limitation non- contact visitation	1 year to Indefinite suspension of visitation	Indefinite suspension of visitation
Assault w/out weapon/minor or no injury	3 months to 6 months suspension or limitation to non -contact visitation	6 months to 1 year suspension or limitation to non- contact visitation	2 to 3 years suspension of visitation
Group or gang-related Assault	1 to 2 years suspension of visitation	Indefinite suspension of visitation	Indefinite suspension of visitation

APPENDIX A

**Attempt to Introduce Contraband/Smuggling**

**a) Money**

Visit Denied or Immediately Terminated, AND

Visitor- Up to Indefinite Suspension of Visiting Privileges depending on the surrounding circumstances or the nature of the incident; the severity or egregiousness of the conduct; and/or past instances of misconduct.

Incarcerated Individual - Up to Indefinite Suspension of Visiting Privileges, however, the Superintendent must review any disposition of a term of Suspension for two years or longer of Visiting Privileges with all visitors. A term of Suspension or Indefinite Suspension shall be limited to the involved visitor or visitors where the misconduct involved only the incarcerated individual and the specified visitor or visitors and the incarcerated individual did not attempt to remove the contraband from the visiting room. See the Hearing Officer's "Guidelines for Visit-Related Misconduct."

**The "Guidelines for Visitor Suspension" recommended penalties for attempting to smuggle money is as follow:**

	FIRST OFFENSE	SECOND OFFENSE	THIRD OFFENSE
Less than \$20:	3 to 6 months suspension or limitation to non- contact visitation	6 months to 1 year suspension or limitation to non- contact visitation	1 to 2 years suspension or limitation to non- contact visitation
\$20 or more:	6 months to 1 year suspension or limitation non-contact visitation	1 year to 2 years suspension or limitation to non- contact visitation	2 years to indefinite suspension of visitation or limitation to non-contact visitation

**b) Alcohol**

Visit Denied or Immediately Terminated, AND

Visitor- Up to Indefinite Suspension of Visiting Privileges depending on the surrounding circumstances or the nature of the incident; the severity or egregiousness of the conduct; and/or past instances of misconduct.

Incarcerated Individual - Up to Indefinite Suspension of Visiting Privileges, however, the Superintendent must review any disposition of a term of Suspension for two years or longer of Visiting Privileges with all visitors. A term of Suspension or Indefinite Suspension shall be limited to the involved visitor or visitors where the misconduct involved only the incarcerated individual and the specified visitor or visitors and the incarcerated individual did not attempt to remove the contraband from the visiting room. See the Hearing Officer's "Guidelines for Visit-Related Misconduct."

**The "Guidelines for Visitor Suspension" recommended penalties for attempting to smuggle alcohol is as follow:**

	FIRST OFFENSE	SECOND OFFENSE	THIRD OFFENSE
Consumed in visiting Room:	3 months to 1 year suspension or limitation to non- contact visitation	6 months to 2 year suspension or limitation to non- contact visitation	3 years to indefinite suspension of visitation or limitation to non- contact visitation
Removed from visiting Room:	6 months to 2 years suspension or limitation non- contact visitation	1 years to 3 year suspension or limitation to non- contact visitation	Indefinite suspension of visitation

**c) Non-Narcotic Drugs**

Visit denied or immediately terminated, AND

Up to 3 months suspension of visitation

**d) Marijuana**

Visit Denied or Immediately Terminated, AND

Visitor- Up to Indefinite Suspension of Visiting Privileges depending on the surrounding circumstances or the nature of the incident; the severity or egregiousness of the conduct; and/or past instances of misconduct.

Incarcerated Individual - Up to Indefinite Suspension of Visiting Privileges, however, the Superintendent must review any disposition of a term of Suspension for two years or longer of Visiting Privileges with all visitors. See the Hearing Officer's "Guidelines for Visit-Related Misconduct."

**The "Guidelines for Visitor Suspension" recommended penalties for attempting to smuggle marijuana is as follow:**

	FIRST OFFENSE	SECOND OFFENSE	THIRD OFFENSE
Visitor's personal use/ Left in personal belongings:	6 months to 18 months suspension or limitation to non- contact visitation	1 year to 3 years suspension or limitation to non- contact visitation	3 years to Indefinite suspension of visitation or limitation to non- contact visitation
Amount suggestive of Personal use by Offender:	1 year to 2 years suspension or limitation to non- contact visitation	2 years to 5 years suspension or limitation to non- contact visitation	4 years to indefinite suspension of visitation or limitation to non- contact visitation
Amount or packaging indicative of distribution (e.g., substantial quantities, multiple packages, possessed in conjunction with money, etc.):	2 years to Indefinite suspension or limitation to non- contact visitation	4 years to Indefinite suspension or limitation to non- contact visitation	Indefinite suspension of visitation

**e) Narcotic and Other Dangerous Drugs**

Visit Denied or Immediately Terminated, AND

Visitor- Up to Indefinite Suspension of Visiting Privileges depending on the surrounding circumstances or the nature of the incident; the severity or egregiousness of the conduct; and/or past instances of misconduct.

Incarcerated Individual - Up to Indefinite Suspension of Visiting Privileges, however, the Superintendent must review any disposition of a term of Suspension for two years or longer of Visiting Privileges with all visitors. See the Hearing Officer's "Guidelines for Visit-Related Misconduct."

**The "Guidelines for Visitor Suspension" recommended penalties for attempting to smuggle narcotics/dangerous drugs is as follow:**

	FIRST OFFENSE	SECOND OFFENSE	THIRD OFFENSE
Visitor's personal use/ Left in personal belongings:	6 months to 18 months suspension or limitation to non- contact visitation	1 year to 3 years suspension or limitation to non- contact visitation	3 years to Indefinite suspension or limitation to non- contact visitation
Amount suggestive of personal use by Offender:	1 year to 2 years suspension or limitation to non- contact visitation	2 years to 5 years suspension or limitation to non -contact visitation	4 years to indefinite suspension of visitation or limitation to non- contact visitation
Amount or packaging indicative of distribution (e.g., substantial quantities, multiple packages, possessed in conjunction with money, etc.):	2 years to indefinite suspension or limitation to non- contact visitation	4 years to indefinite suspension or limitation to non- contact visitation	Indefinite suspension of visitation



**f) Item Which is Readily Capable of Being Used to Cause Death or Serious Injury (except dangerous drugs)**

Visit Denied or Immediately Terminated, AND

Visitor-Up to Indefinite Suspension of Visiting Privileges.

Incarcerated Individual - Up to Indefinite Suspension of Visiting Privileges, however, the Superintendent must review any disposition of a term of Suspension for two (2) years or longer of Visiting Privileges with all visitors. See the Hearing Officer's "Guidelines for Visit-Related Misconduct."

**g) Item With Intent to Aid in an Escape (e.g., cellular telephone, portable electronic storage media containing information which may be used to aid in escape)**

Visit Denied or Immediately Terminated, AND

Visitor-Up to Indefinite Suspension of Visiting Privileges.

Incarcerated Individual - Up to Indefinite Suspension of Visiting Privileges, however, the Superintendent must review any disposition of a term of Suspension for two years or longer of Visiting Privileges with all visitors. See the Hearing Officer's "Guidelines for Visit-Related Misconduct."

**The "Guidelines for Visitor Suspension" recommended penalties for attempting to smuggle deadly/escape items is as follow:**

	FIRST OFFENSE	SECOND OFFENSE	THIRD OFFENSE
Deadly/Escape items	1 year to indefinite suspension of visitation depending upon the facts or circumstances	Indefinite suspension	Indefinite suspension

**h) Any Other Item Not Permitted Within a Correctional Facility Under 7 NYCRR Section 200.3 (C) (see Section V-D-4 of this directive) (e.g. portable electronic storage media)**

Visit Denied or Immediately Terminated; AND

Visitor - Up to one (1) Year Suspension of Visiting Privileges if possessed by the visitor, Or up to Indefinite Suspension of Visiting Privileges if any such prohibited item is transferred to an incarcerated individual or possessed under circumstances indicative of an attempt to transfer the item to an incarcerated individual.

Incarcerated Individual - Up to Indefinite Suspension of Visiting Privileges, however, the Superintendent must review any disposition of a term of Suspension of two years or longer of Visiting Privileges with all visitors. See the Hearing Officer's "Guidelines for Visit-Related Misconduct."

**i) Any Other Item Not Immediately Permitted to be Possessed in the Visiting Room by Either the Visitor or the Incarcerated Individual (e.g., tobacco):**

Immediate Termination of Visit, AND

Up to six 6 months suspension of visitation privileges.