

	DEPARTMENT OF PUBLIC SAFETY CORRECTIONS ADMINISTRATION POLICY AND PROCEDURES	EFFECTIVE DATE: APR 21 2010	POLICY NO.: COR.15.01
		SUPERSEDES (Policy No. & Date): 493.15.01 & 11/17/88	
	SUBJECT: RESTRICTED VISITORS		Page 1 of 4

1.0 PURPOSE

To provide a policy, supplemental to the general policy on visitors, which deals with conditions and restrictions on potential visitors to inmates and wards in branch facilities.

2.0 REFERENCES AND DEFINITIONS

.1 References

- a. Departmental Policies and Procedures (P&P), COR.08.04, Contraband; COR.15.04, Visitation.
- b. Hawaii Revised Statutes (HRS) Sections 710-1022 and 710-1023, Promoting Prison Contraband, First and Second Degree.

.2 Definitions

Immediate family: Mother, father, wife, husband, child, or sibling(s). In instances of "hanai" relationships, individuals who functioned in the roles as parent(s) sibling(s) or child (ren) will be considered as part of the inmate's immediate family. Proper legal documentation of guardianship must be provided.

3.0 POLICY

It is the policy of the Department of Public Safety (PSD) that curtailment of visitation eligibility shall be kept at a minimum and for reasons of only the strictest necessity. Only if it has been determined that a visitor may have a detrimental effect on the rehabilitation and/or reintegration of the inmate/ward into the community, or poses a threat in the preserving of order and good management of the facility, may visitation be denied.

It is the policy of the PSD to promote visitation privileges for inmates as much as is practicable. Visitation may be denied if it is determined that a visitor is detrimental to the rehabilitation and/or reintegration of an inmate or there is a threat to the security and/or good government of the facility concerned.

- .1 No person shall be denied the opportunity to visit any inmate solely on the basis of:

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Such person has been convicted in any court of any misdemeanor, felony or is an active probationer or active parolee in any correctional system. Such persons shall be required to notify the facility of their status as a convicted person, parolee, or probationer and shall be granted access as visitors if the Warden in the exercise of sound discretion decides such visits will aid or will not impede the reintegration of the inmate into society.

State probation or parole agencies do not have the authority to approve or disapprove visitation of a probationer or parolee. The decision regarding what individuals shall be allowed or denied to visit an inmate is solely an administrative one, which shall be made by the Warden. If the Warden needs further information about a probationer or parolee in order to arrive at a decision as to the appropriateness of such visitation, the Warden shall submit their inquiry in writing to the respective agency explaining what information they require regarding the individual. The probation or paroling agency shall not be asked for their opinion as to the appropriateness of a visitation. Should a Warden dispute an active probationer's or active parolee's fitness to visit a facility, the burden of proving such fitness shall rest with the party applying for visitation.

- .2 Any person detected attempting to transmit any item to an inmate constituting contraband as determined by the Warden and any person carrying such contraband on his person while visiting an inmate may, in the Warden's discretion, be denied visitation privileges for a period of up to one year from the date of the discovery of the contraband by the facility. Factors that shall be considered by the Warden in determining the length of such person's exclusion from the facility shall include but is not limited to the following:
- a. Whether the person is a member of the immediate family of the inmate being visited.
 - b. The seriousness of the contraband violation as indicated by nature of the item brought in, the amount or number, and the potential for danger or disruption that the contraband presents; and
 - c. The nature and quality of the relationship of the visitor and the inmate; i.e., the closeness of the relationship, the apparent positive or negative influence of the relationship on the inmate's life.
 - d. The seriousness of the contraband violation as measured by the number of the item(s) discovered and the related threat or disruption such contraband presents.

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e. Any other violations, inappropriate behavior, and/or actions of the visitor that the Warden believes to be detrimental to the inmate and/or disrupting the visitors presence in the facility poses to its operations.

1) Lifetime bans of visitation may be imposed for:

- a) The possession or introduction of any weapon, i.e., firearm, knife, etc. into a correctional facility.
- b) The possession or introduction of any instrument, tool, lock, pick, or false document into a correctional facility that would aid or assist an escape.
- c) For the possession or the introduction of unauthorized drugs or alcohol.
- d) Assisting in the introduction of weapons, escape instruments, unauthorized drugs, drug paraphernalia, alcohol or directly aiding in plans for an escape.

2) All individuals who have been banned from visitation for life may appeal that sanction after five years from the date of their violation(s). The appeal shall be written to the Warden and forwarded to the Institutions Division Administrator who shall provide recommendations relative to the reinstatement of the visitation. Those recommendations shall be forwarded to the Deputy Director of Corrections who will make the final decision regarding the return of visitation privileges to the requesting party.

If the Warden deems the violation serious enough to warrant a denial of visitation privileges for a period of time, the suspension period should be no longer than is absolutely necessary to further the punitive interest involved.

- .3 Visitation privileges may likewise be suspended for a period up to one year from the date of incident for any behavior, such as any acts or threats of violence, harassment of staff, or excessive bodily display that potentially jeopardizes security or good management of the facility.
- .4 Should any person's visitation privileges be suspended, the facility applying the suspension shall notify other facilities of the person's suspension indicating the name, the reason for the suspension, and the period for which

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the suspension shall remain in effect. Facilities receiving notice of suspension shall take into account factors discussed in 3.2 above, should the suspended person apply for visitation.

- .5 Visitations shall be denied if a visitor is under the influence of drugs or alcohol.
- .6 Special visits are scheduled to allow visits by individuals who cannot visit during regular visitation hours. Generally, these persons are from off island or are visiting from another state.
 - a. Those who are requesting a special visit must be able to provide evidence that they are visitors who cannot visit the inmate during the general visiting hours / days because of circumstances of where they reside or reasons acceptable to the Chief of Security or Warden. Special visits are normally granted during normal business hours.
 - b. If a special visit is approved, the name of the inmate, names of the visitor(s), date, time and length of the visit, and place of the visit shall be provided to the Watch Commander to allow for the visit to take place.
 - c. The Watch Commander on duty shall ensure proper security is provided for the safety of the staff, inmate, and visitor(s). The Watch Commander shall:
 - 1) Provide a written record regarding the special visit to the Warden via their respective supervisory chain of command.
 - 2) Once approved, special visits cannot be cancelled without the approval of the Warden or higher authority.

4.0 SCOPE

This policy applies to all state correctional facilities.

APPROVAL RECOMMENDED:



 Deputy Director for Corrections

4/19/10

 Date

APPROVED:



 Director

 Date