

	<b>DEPARTMENT OF PUBLIC SAFETY</b>	<b>EFFECTIVE DATE:</b> FEB 17 2010	<b>POLICY NO.:</b> COR.15.04
	<b>CORRECTIONS ADMINISTRATION  POLICY AND PROCEDURES</b>	<b>SUPERSEDES (Policy No. &amp; Date):</b> COR.15.04 & 4/21/2006	
	<b>SUBJECT:</b>  <b>VISITATION</b>	<b>Page 1 of 5</b>	

## 1.0 PURPOSE

To supplement existing guidelines of the Hawaii Administrative Rules, Title 23 of the Department of Public Safety (PSD), concerning visits allowed to inmates within the State of Hawaii's correctional facilities.

## 2.0 REFERENCES AND DEFINITIONS

### .1 References

- a. Hawaii Revised Statutes (HRS) section 26-14.6, PSD; and Section 353C-2 Director of Public Safety, Power and Duties.
- b. Hawaii Administrative Rules Title 23, PSD, Subtitle 2, Corrections, Chapter, 100 VISITS.
- c. Departmental Policies and Procedures (P&P), COR.08.02, Searches of Visitors and Staff; COR.08.03, Seizure of Evidence; COR.08.04, Notice of Laws Relating to Contraband; COR.15.01, Restricted Visitors.
- d. HRS, Section 353-30, other visitors by Permission.
- e. HRS, Section 577-25, Emancipation of Certain Minors.
- f. American Correctional Association (ACA), Standards for Adult Correctional Institutions, 4<sup>th</sup> Edition, 4-4498,4-4499, 4-4491-1, 4-4500, 4-4501, 4-4502, 4-4503, 4-4504.
- g. ACA, Guidelines for the Development of a Security Program, 3<sup>rd</sup> Edition, Visiting Operations.

### .2 Definitions

Minor: A person under the age of 18 years old, unless such person has been married pursuant to Chapter 572.

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### 3.0 POLICY

While considered by the Department to be a privilege rather than a right afforded to inmates, visitation is integral to the correctional and rehabilitative process of inmates. Visitation encourages the maintenance of positive familial and community ties and positive inmate motivation. All facilities shall provide necessary resources and programs to facilitate visits by family and friends of the inmate as well as community groups to boost the inmate's morale, and to cultivate good public relations, a better understanding of facility programs and the general goals and working concepts of the Department. All visitors must fill out the attached form PSD 8247 Visiting/Correspondence Application and be approved prior to being allowed to visit.

#### .1 Pre-Trial Detainees

The formal approval process for pre-trial detainees may prevent them from receiving visitors during the initial period of confinement. Hence, to the extent possible, without compromising security requirements, Wardens may allow family members to visit for the initial thirty (30) days of confinement while processing their application. However, such visitors must acknowledge and follow the applicable rules, regulations, and search procedures by filling out and signing the appropriate forms.

#### .2 Special Visits

Wardens may grant special visiting privileges for an inmate / detainee aside from the general visiting schedule. Such a request may be made and authorized because the visitor does not live on the island the inmate / detainee is incarcerated; the individual may have special health or security needs; or such requests may be granted at the discretion of the Warden, Deputy Warden or the Chief of Security (COS). If such a visit request is granted, the visitor shall be informed of the specific date, time and length of time of the visit. The inmate and appropriate staff are to be notified of the special visit arrangements.

Facility staff shall make every effort to ensure the provisions of the approved and scheduled special visit are carried out. The Warden, Deputy Warden or COS shall authorize the cancellation of a special visit only for circumstances of extreme emergencies, and when other alternatives to allow the visit could not be accommodated due to the emergency.

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### .3 Special Visitors

Special visitors are not subject to be on the inmate Visitor List. Exception to the normal established visiting hours are permitted so long as it does not interfere with the orderly operations and good government of the facility. Examples of Special Visitors are:

- a. Inmate's attorney of record.
- b. Clergy for special requests.
- c. Representatives from agencies, to include but not limited to:
  - 1) Office of the Ombudsman
  - 2) Local Office of the Prosecutor
  - 3) Department of the Attorney General
  - 4) Local Police Department
  - 5) Legislators
  - 6) Local City Council Representatives
  - 7) Other agency representatives approved by the COS or Warden

### .4 Group Visits

- a. Interested community groups may request permission to visit correctional facilities. Permission of the COS or the Warden is required and all visitors must comply with the rules, regulations, policies and procedures regarding visiting a correctional facility.
- b. Groups may also be invited by the Warden to participate in activities or perform entertainment functions as part of an approved program.
- c. All groups allowed to enter the facility shall be kept at a manageable number of participants. In all cases, allowing a group to visit the facility shall not deprive any eligible inmate / detainee from attending the event.

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- d. Food may be served at a charge determined in advance. However, meals shall not interfere with the orderly operation of the institution or place undue burden on the employees or inmates.
  - e. Visitors may be escorted through the institution for a tour in accordance with instructions issued by the COS. Such tours shall not bring embarrassment to visitors or inmate / detainees.
- .5 Inmates in Administrative Segregation
- a. Inmates in administrative segregation may have restrictions placed on visiting privileges based on the security and care requirements for that individual.
  - b. Inmates, who are on this status, excluding those who are pending investigation, will normally be allowed to receive visitors but may do so under modified conditions due to their status.
- .6 Inmates on Disciplinary Status
- a. Inmates who are on disciplinary status may be denied personal visits for a specified period of time but not to exceed the imposition of discipline rendered by the adjustment committee that imposed the loss of privilege.
  - b. Attorneys of record for current cases shall not be denied access to inmates who are separated and on disciplinary status. These visits shall be allowed as long as the safety, security, and good government of the facility are not jeopardized. These visits will not be subject to auditory supervision. An attorney may use tape recordings during the course of the visit if the attorney certifies in writing, in advance, that the only purpose of the recording is to facilitate the attorney-client relationship and receives authorization by the Warden to bring the recording device into the institution.
- .7 Transfers of Visitation Privileges
- When an inmate is transferred to another facility, the inmate's approved visitation list at the former facility shall be transferred to the receiving facility. The receiving facility shall accept the approved visitation list to allow visitors from the list. However, this does not preclude the receiving facility from conducting their own verification of those on the list as changes to the visitor's criminal history or other concerns may have changed.

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The receiving facility Warden or designee shall be responsible for approving any new names the inmate wishes to add to the visitation list after transfer or to delete names as may be appropriate.

.8 Minors

Minors may be permitted to visit an inmate / detainee at the discretion of the COS or the Warden. An adult, who is an authorized visitor, must accompany minors. However, a minor who is legally married shall be provided all the privileges of an adult visitor. The married minor shall be required to produce proof of marriage prior to the visitation.

.9 Searches

All visitors shall be subject to personal search in accordance with the department's policies and facility procedures.

.10 Withdrawal of visiting Privileges

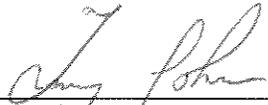
Withdrawal of visiting privileges may be rendered because of non-compliance with established rules and facility procedures regarding the visiting program.

.11 Facility Wardens' shall establish limits on the amount of visitors in regards to population and space accommodations. Visiting days shall be established according to operational needs.

**4.0 SCOPE**

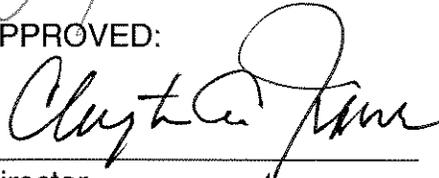
This policy applies to all correctional facilities.

APPROVAL RECOMMENDED:

  
 \_\_\_\_\_  
 Deputy Director for Corrections

1/7/10  
 \_\_\_\_\_  
 Date

APPROVED:

  
 \_\_\_\_\_  
 Director

2/17/10  
 \_\_\_\_\_  
 Date