

August 26, 2016

TO: ALL CONCERNED  
FROM:   
Nolan P. Espinda, Director  
SUBJECT: **AMENDMENTS TO COR.14.05: FUNERAL AND SICK BED VISITS BY INMATES**

The following are the significant changes to COR.14.05, effective August 26, 2016:

- 1) In Section 2.0, regarding the Reference section, added relevant PSD policies.
- 2) Removed Definitions from References section and created a Section 3.0 for Definitions. Renumbered the subsequent sections..
- 3) Under definitions, modified the definition for "Immediate Family" to include partners in civil unions, reciprocal relationships and live-in relationships.
- 4) Section 5.0 added a section regarding video calls for funerals and sick bed visits.
- 5) Eliminated inter-island travel for funeral and/or bedside visits.
- 6) Modified formatting so that it is consistent with other policies.
- 7) Other minor grammatical changes.

If you require any clarification, please contact Shelley Nobriga at 808-587-1415 or [shelley.d.nobriga@hawaii.gov](mailto:shelley.d.nobriga@hawaii.gov).

	<b>DEPARTMENT OF PUBLIC SAFETY</b>  <b>CORRECTIONS ADMINISTRATION</b> <b>POLICY AND PROCEDURES</b>	<b>EFFECTIVE DATE:</b> <b>August 26, 2016</b>	<b>POLICY NO.:</b> <b>COR.14.05</b>
		<b>SUPERSEDES (Policy No. &amp; Date):</b> <b>COR.14.05 &amp; 12/01/09</b> <b>COR.14.05 &amp; 02/09/93</b>	
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## 1.0 PURPOSE

To provide guidelines wherein inmates may be provided the opportunity to be with family during times of death and critical illness.

## 2.0 REFERENCES

### .1 References

- a. Department of Public Safety (PSD), Policy and Procedures (P & P), COR.08.01, Court Appearance and Transport of Inmates.
- b. PSD, P & P, COR.08.24, Use of Mechanical Restraints.
- c. Hawaii Administrative Rules (HAR), Title 23, Department of Public Safety, Subtitle 1, Administration, Chapter 1, General Provisions, § 23-1-6, Inmate Control.
- d. Hawaii Revised Statutes (HRS), § 353C-2, Director of Public Safety; Powers and Duties.

## 3.0 DEFINITIONS

- .1 **Bedside Visits:** Visits to an inmate's immediate family member's hospital bedside. Bedside visits are made to an immediate family member only if he/she is critically ill and, in the attending physician's opinion, is not expected to survive.
- .2 **Immediate family:** Includes mother, stepmother, adoptive mother, father, stepfather, adoptive father, spouse, adoptive child, grandparents 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. This shall also include partners in a civil union or reciprocal relationship, and a live-in partner, if there is a bona-fide, long-term spousal relationship.
- .3 **Video Calls:** Calls, conferencing, and/or messaging occurring over the Internet which allows for video communication between two or more parties. This includes but is not limited to Skype, FaceTime, Tango, etc.

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#### 4.0 POLICY

Facility Wardens, with the exception of the Mainland Branch Administrator, shall make video conferencing available for bedside visits and funerals as a means for inmates to communicate with family members. The Institutions Division Administrator (IDA), at his/her discretion in extreme circumstances and/or in unique situations, may allow inmates to leave the facility in the custody of corrections staff to attend funerals or make bedside visits to members of their immediate family (see definition).

#### 5.0 PROCEDURES

##### .1 In-State Inmates:

- a. Video calls shall be the primary method offered to inmates for funeral services and bedside visits.
- b. Video calls for funeral and/or bedside visits shall apply only to the immediate family members of the inmate making the request.
- c. Video Calls
  - 1) Approval by the Warden/designee is required for all video calls between an inmate and the immediate family members for funeral and/or bedside visits.
  - 2) The inmate shall make the request for a video call through his/her case manager.
  - 3) The case manager shall submit the request for the video call to the Warden/designee.
  - 4) The video call shall be conducted on State-owned property, and not equipment belonging to PSD staff.
  - 5) The video call shall take place in an area away from other inmates.
  - 6) Each video call shall be monitored by a staff member.
  - 7) There shall be only one inmate on the video call at all times.

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8) Whenever possible, the request for a video call shall be made 48 hours in advance to allow for coordination of the video call between the inmate and his/her immediate family members.

d. In Person Visits (Same Island Only):

1) It shall be at the IDA's discretion to allow an inmate to attend funeral services or a bedside visit in person.

a) It is important to note that the court does not have unrestricted authority to dictate that PSD transport an inmate to a funeral or bedside visit. Any court orders of this nature shall be referred to the Litigation Coordination Officer (LCO) for appropriate action.

2) The IDA has the discretionary authority to determine whether the situation requires the inmate to attend a funeral service or bedside visit "in person" rather than through video conferencing.

a) Bedside visits, if granted, shall be at a hospital, nursing home or convalescence center.

b) Attendance at funeral services, if grant, shall be at the mortuary, funeral home or graveside, subject to the IDA's discretion.

c) Inmates are prohibited from attending funeral services or bedside visits conducted in a private residence.

d) If the inmate is community custody and in a furlough program, the facility has the option to issue a furlough pass to attend funeral or bedside visit. This decision shall be at the Warden's discretion.

3) The inmate and/or inmate's immediate family shall be responsible for all costs surrounding an in-person visit, including the fees for the escorting Adult Corrections Officer (ACO), transportation costs (such as vehicle use fee, mileage, gas), preparation costs, and any other costs associated with the in-person visit.

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- 4) All payments shall be made in advance of the date of the visit by cashier's check, payable to the Director of Finance, in care of the Warden of the facility.
- 5) Based on the unique situation, an inmate's custody, and status, if the IDA determines that the inmate shall be allowed an "in-person" funeral or bedside visit, the inmate shall be escorted by an ACO to and from the facility and in compliance with COR.08.01 and COR.08.24.
  - a) The Warden shall issue complete written instructions to the escorting employee.
  - b) All long-distance telephone calls necessary for funeral attendance shall be paid for in advance, whenever possible, by the inmate or their family.
  - c) All funeral or bedside only attendance shall be limited to one (1) hour.

.2 Mainland Branch/Out of State Inmates

- a. It shall be the responsibility of the Mainland Branch Administrator to notify the respective out-of-state facility during times of death and critical/terminal illness of a family member of an inmate.
- b. In all cases, after facility notifications has been completed and referred to the facility Chaplain, the inmate shall be allowed to contact their family members via telephone.
- c. With proper authorization from the Mainland Branch Administrator, the out-of-state facilities shall offer extended phone times to the inmate, video visitation if possible, and/or special family visits at the facility of incarceration. In addition, grief counseling shall be provided by the facility Chaplain.
- d. With proper authorization from the Mainland Branch Administrator, the families may send in a copy of the funeral services via videotape or DVD to watch in private in the presence of the facility Chaplain. All U.S. Postal mail shall be subject to inspection upon arrival at the out-of-state facility.

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**6.0 SCOPE**

This policy applies to all Correctional facilities.

APPROVAL RECOMMENDED:

 August 26, 2016  
Deputy Director for Corrections Date

APPROVED:

 August 26, 2016  
Director Date

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