Prison Visitation Policies: A Fifty State Survey

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INTRODUCTION

This memorandum presents a summary of the findings from a survey of prison visitation policies in the fifty states and in the system run by the Federal Bureau of Prisons ("BOP"). We embarked on the project with two primary goals. First, we wanted to provide for relatively easy state-by-state comparisons across a group of common visitation-related categories. Second, we hoped to identify similarities and differences across states in the categories we tracked. In practice, these two goals tended to converge because many of the variations warranted their own categories in the spreadsheet we used to present the data. We also discovered some significant issues that did not lend themselves to neat or easy comparisons. Thus, in addition to the attached spreadsheet, this memo provides a summary of our key findings, analyses, and areas for further research.

The lives of prisoners and their families are deeply affected by visitation policies and, to date, there has been no comprehensive effort to compare these policies across all of the fifty states.[2] We believe the dataset presented here is the first of its kind to explore the contours of how prison administrators use their discretion in prescribing visitation policies. This comparative analysis has many uses, both in identifying best practices and in uncovering policies that warrant concern as a matter of law or policy.

[2] Fifty state surveys exist in related areas. *See, e.g.*, LEGAL ACTION CENTER, AFTER PRISON: ROADBLOCKS TO REENTRY (2004) (comparing barriers to reentry from prison); NAT'L INST. OF CORR., U.S. DEP'T OF JUSTICE, SERVICES FOR FAMILIES OF PRISON INMATES (2002) (surveying the services available for families of prisoners), *available at* http://www.nicic.org/pubs/2002/017272.pdf; BRENDA V. SMITH, FIFTY STATE SURVEY OF STATE CRIMINAL LAWS, PROHIBITING THE SEXUAL ABUSE OF INDIVIDUALS UNDER CUSTODIAL SUPERVISION (2008) (documenting policies preventing sexual abuse in prisons). Note, too, that in 2002 the Department of Justice and the National Institute of Corrections sent out a survey to the Department of Corrections for all fifty states with questions about initiatives related to families of inmates. See Jade S. Laughlin, Bruce A. Arrigo, Kristie R. Blevins & Charisse T. M. Coston, *Incarcerated Mothers and Child Visitation: A Law, Social Science, and Policy Perspective*, 19 CRIM. JUST. POL'Y REV. 215, 225-26 (2008).

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Comparative analysis of visiting is particularly important given that the contours of prison visitation are determined almost exclusively by administrative discretion, unconstrained except at the margins by judicial interference. The Supreme Court and other federal courts have been largely deferential to prison administrators, granting them wide latitude generally, and in the realm of visitation regulations specifically.[3]

As a result, decisions made by corrections officials are among the primary determinants of whether and how inmates are able to maintain relationships with their parents, spouses, siblings, and children. Recent studies show that visitation is strongly correlated with decreased recidivism and improved penological outcomes.[4] Visitors often represent the only contact inmates have with the world outside the prison walls, to which they will most likely return after serving out their sentences; the strength of the connections inmates maintain with their communities may depend substantially on visitation regulations promulgated by administrators. The nearly unrestrained discretion officials have in crafting and implementing prison visitation regulations makes clear how consequential these policy choices are, both to inmates' experiences of incarceration and to the success of the correctional enterprise.

This memo is organized as follows. Part I describes the methodology we employed and discusses the challenges and limitations of our research. Part II provides our key substantive findings, beginning with broad observations about the similarities and differences across the fifty states, and then discussing specific highlights of the data in several key areas. Part III provides a

[3] *See Overton v. Bazzetta*, 539 U.S. 126 (2003) (holding unanimously that a ban on visits by minors and a restriction on visits for inmates with substance abuse violations violated neither the Fourteenth Amendment due process clause, the Eighth Amendment prohibition on cruel and unusual punishment, or the inmates' right to freedom of association under the First Amendment, on the grounds that both regulations were, as required under the four-part standard for evaluating challenges to conditions of confinement articulated in *Turner v. Saffley*, 482 U.S. 78, 89 (1987), "reasonably related to legitimate penological interests").

[4] *See, e.g.*, Grant Duwe & Valerie Clark, *Blessed be the social tie that binds: The effects of prison visitation on offender recidivism,* 20 CRIM. JUST. POL'Y REV. 1 (2011) (finding that visitation significantly decreased the risk of recidivism).

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detailed description of two sub-policy areas within visitation regulations that raise particularly complex and specialized considerations: virtual visitation and overnight family (also called "conjugal" or "extended") visitation. Finally, Part IV outlines possible next steps for research on this topic.

PART I. METHODOLOGY

A. Sources of Data

Three layers of rules govern prison visitation. The first two - administrative regulations (often general grants of rulemaking authority to correctional administrators) and policy directives (more detailed rules promulgated by those administrators) – apply to the state system as a whole. Facility-specific rules, which form the third layer, vary considerably, and are usually the most detailed, although they do not always cover the full scope of visitation policies.[5]

We began by reviewing the websites for the Department of Corrections ("DOC") for each of the fifty states and the federal BOP. We found that some websites contained direct links to the various departmental policy directives, others only gave thumbnail sketches of their visitation policies, and others had little or no information available on topic. Some of these websites also included visitor "handbooks."[6]

[5] For the purposes of this memo a "regulation" or "administrative regulation" is the code promulgated pursuant to each state's administrative law procedures. A "policy directive" is a list of policies promulgated and signed by the head of the DOC or his / her designee. Throughout this memo, we differentiate between policy directives and administrative regulations, although this distinction can at times be murky, since jurisdictions do not always use the same terminology when referring to the policies that guide their discretion. Often, the policy directives closely track the language in the regulation.

[6] Visitor handbooks or rules on the website are primarily informational, and not binding. Where available, handbooks provide a range of information about visitation policies and procedures in plain English rather than legalese. Often the handbooks closely track the policy directives or the regulations. Handbooks are issued both statewide, for an entire prison system, and by individual facilities. We considered the statewide ones only.

We compiled copies of all the available policy directives, regulations, and any other materials directly related to visitation that were available online. Roughly half of the jurisdictions have administrative regulations available on Westlaw;[7] the vast majority of jurisdictions have policy directives.

Where a directive was not available online, we contacted DOCs through the Association of State Corrections Administrators (ASCA), which counts as its members corrections directors from every state. ASCA sent its members a draft of this report, including a spreadsheet, and solicited feedback. We received valuable updates from more than half of the departments; most of the others responded to confirm that we had accurately represented their most recent policies. Through this process, we were able to obtain information about the visitation policies of all fifty state prison systems and the BOP.[8]

We chose to focus our review at the level of policy directives for several reasons.[9] First, the directives articulate policy more comprehensively than institution-specific rules,[10] and in much more detail than most regulations. They also contain the DOC's policy rationale for and philosophy of visitation. While we missed out on some variation between facilities within each of the jurisdictions, this approach allowed us to develop an understanding of visitation policies

[7] *See* Prison Visitation Regulations Spreadsheet, Column F (attached). We also acquired some administrative regulations that were not available on Westlaw directly from the DOCs.

[8] As of 2005, the last time comprehensive data was collected, there were 1,190 confinement (as opposed to community-based) correctional facilities operated under state authority (including private facilities), and 102 operated under federal authority. JAMES J. STEPHEN, BUREAU OF JUSTICE STATISTICS, CENSUS OF STATE AND FEDERAL CORRECTIONAL FACILITIES, 2005, BUREAU OF JUSTICE STATISTICS 10 tbl.2 (2008). This data set does not map perfectly onto ours, but the match is close, since it excludes facilities like city, county and regional jails, military facilities and immigration detention centers, which are not under the authority of state DOCs.

[9] While we relied principally on policy directives, we included information from administrative regulations for states where information was different or more detailed. Although administrative regulations are generally less specific, some are quite detailed, and so we considered these. Five states (FL, IL, OR, UT, VT) rely exclusively on such regulations rather than policy directives.

[10] Institution-specific rules proved too numerous, inaccessible, and subject to change for productive study, given our limited time and resources. We do reference institution-specific policies in the more detailed discussions of family and video visitation, *infra* Part III.

across the nation in a manageable way. Second, we focused on policy directives because they are most amenable to systemic assessment, and, if necessary, reform. Policy directives are issued by a single, common entity – the director of the state's DOC. Each policy directive is issued and signed by the state director and governs all facilities, with some amount of discretion left up to each facility's warden. Amending policy directives may be the most pragmatic approach to advancing policy goals, because it is likely easier to amend a policy directive than it is to change state-level regulations. Additionally, amendment or replacement of policy directives would likely have a broader and more lasting impact than changing practices at a single facility.

B. Methodological Limitations

This methodology yields data that are limited in several ways. First, our analysis does not provide a picture of how each of the numerous provisions is actually implemented, institution by institution. Disparities between policy and practice might occur for any number of reasons, including variation in the inmate populations housed within different facilities, locations of the facilities, physical infrastructure and staffing capacity, and attitudes towards visitation held by management and officers. Conducting case studies to see how policies work in practice would add valuable nuance to this study. On-the-ground research will, we hope, be the next stage of our project.

Second, this survey does not account for distinctions among particular prison populations. One key sub-group is female prisoners, who may be affected differently than male prisoners by visitation rules. Security classification also likely has a significant impact on how prisoners are permitted visitation. These key differences, which could be a rich area for future research, are rarely accounted for adequately by the categories we tracked in policy directives.

Third, in order to create data points for comparison, we organized our review into several categories. The policy directives and regulations, however, range from a few to dozens of pages and contain a disparate breadth and depth of information, and hence did not always fit neatly into the categories we used. Our review necessarily left much more to do.

Based on our initial review of the policy directives, we chose categories to target issues that came up frequently, for which there was a wide range of responses, or that presented important questions. We also chose to delve more deeply into two areas that both potentially provide greater access to and alter the experience of visitation: overnight family visitation and virtual visitation.

PART II: KEY FINDINGS

In this section, we offer observations about the similarities and differences the data revealed between and across jurisdictions. We then provide a more detailed summary of the key findings on several specific aspects of visitation policies. While most of the factual information in this section is also presented in the spreadsheet, the discussion that follows provides additional analysis and, in synthesizing the data, provides a context in which to place the policies of any particular state.

A. Overview of Key Findings

This Part reviews the main findings from our survey, organized thematically. It includes both summary statistics and illustrative examples.

Institutional Authority Over Visitation

Forty-six jurisdictions had DOC policy directives – policies promulgated by the head of the DOC. All of the five states that lacked policy directives (FL, IL, OR, UT, VT) followed an administrative regulation and or had written policies on the department website.

Number and Duration of Visits

Thirty jurisdictions promote or encourage visitation at the outset of their policy directives or regulations. (BOP, AK, AR, CA, CO, GA, HI, ID, IN, IA, LA, MD, MN, MO, MT, NH, NJ, NM, NY, OH, OK, OR, RI, SC, TX, UT, VT, VA, WA, WY). For example, in Alaska, "[t]he Department encourages prisoner visitation because strong family and community ties increase the likelihood of a prisoner's success after release. Visitation is subject only to the limitations in this policy and as necessary to protect persons and maintain order and security in the institution."[11] However, these states are not necessarily the ones in which visitation is most liberally permitted, and indeed some have policies that severely limit visitation.[12]

Twenty-eight jurisdictions have a floor for the minimum number of days or hours visitation must be made available (AK, AR, CA, CT, FL, GA, KS, KY, LA, MD, MA, MN, MS, MO, NM, NY, NC, ND, OR, PA, RI, SC, TN, TX, UT, VA, WI, WY). For example, in Georgia, "[a] minimum of SIX (6) hours shall be allotted each day for visitation periods on Saturdays, Sundays and holidays. Normally, there will be no restrictions placed on the length of visits during the facility's established visitation periods."[13]

[11] Alaska Dep't Corr. Policy 810.02 VI.A.
[12] A number of other jurisdictions explained in communication with us that their correctional philosophy does recognize the value of visitation; we have included in this count only those states that articulate this in an official policy document.
[13] Ga. Dep't of Corr. Policy IIB01-0005.VI.C.1.

Several other states provide for ceilings to visitation hours. Oregon allows only one visit per day per visitor on weekends and holidays;[14] Utah allows no more than two hours per visit per day. Overall, New York State's maximum security prisons provide perhaps the most welcoming visitation policy, allowing for up to six hour visits 365 days per year *and* overnight conjugal visits approximately every two months, while North Carolina is perhaps the most restrictive, establishing a ceiling of no more than one visit per week of up to two hours (plus legal and clergy visits).

Inmate Eligibility for Visits

Twenty-two jurisdictions specify that offenders at different security classifications will be subject to limits on visitation (AR, AZ, CA CT, DE, MA, MN, MS, NH, NJ, NM, NY, NC, OK, PA, SC, TN, TX, UT, VT, VA, WA). In addition to security classification, several states indicate special provisions for sex offenders, limiting the ability of minors to visit. Many jurisdictions note that though the policy directives do not limit visitation based on inmate classifications, individual facilities will determine their own specific rules. In most states that differentiate based on security classification, higher security inmates are allowed fewer visiting opportunities.

In Oklahoma, for example, maximum security inmates are given up to four hours per week of visitation, while minimum security inmates get up to eight hours per week. Likewise, Mississippi's regulations state that Long-Term Administrative Segregation Status offenders are allowed only "[o]ne (1) hour non-contact visit on the 2nd Monday in the last month of each

[14] Under this system, inmates are given a number of points per month to spend on visits. Weekend and holiday visits deduct two points per visitor per session (only one session per day is allowed for any given visitor), weekday visits deduct one point per visitor per session (two sessions per day are allowed for any given visitor), and visits with minor children do not deduct any points. Or. Admin. Rule 291-127-0250.

quarter with any approved visitor on their visitation list."[15] In contrast, New York is the only state that provides more visitation opportunities, and more flexible timing of visits, to inmates in higher security settings.[16]

In general, higher security inmates and those in segregation within the prison may face additional barriers to visitation, such as requirements of 'no-contact' visits. Georgia, however, has a specific provision to allow visitation to inmates in the most restrictive custody.[17] Additionally, prisoners may be temporarily or permanently banned from visits for disciplinary violations. Michigan enforces a mandatory permanent ban on visiting in some circumstances,[18] and new regulations in New York introduce harsher penalties for inmate misconduct, including a

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[15] Miss. Dep't of Corr. Policy 31-03-01.

[16] "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 inmates held in restriction status shall be allowed visitors." N.Y. Dep't of Corr. Policy 4403.III.A.

[17] "K. Special Visitation Requirements: 1. Protective custody and administrative segregation inmates shall in general have the same rights to visitation as general population inmates unless this is not feasible. Non-feasibility must be documented. An example would include inmates with documented assaultive and destructive behavior." Ga. Dep't of Corr. Policy IIB01-0005.VI.K.1.

[18] These two provisions in combinations seem to effectuate a permanent ban:

> "Except as set forth in Paragraph AAA, the Director may restrict all of a prisoner's visits if the prisoner is convicted or found guilty of any of the following:
> 1. A felony or misdemeanor that occurred during a visit.
> 2. A major misconduct violation that occurred during a visit or was associated with a visit.
> 3. Escape, attempted escape, or conspiracy to escape.
> 4. Two or more violations of the major misconduct charge of substance abuse for behavior that occurred on or after January 1, 2007, which do not arise from the same incident. This includes failure to submit to substance abuse testing."
> Mich. Dep't. of Corr. Policy 5.03.140.XX.
> "The Director may remove a restriction upon written request of the Warden or the restricted prisoner, subject to the following: 1. The restriction shall not be removed if it is based on a felony or misdemeanor that occurred during a visit or if it is based on an escape, attempted escape, or conspiracy to escape associated with a visit."
> Mich. Dep't. of Corr. Policy 5.03.140.BBB.

six-month to year-long suspension of all visiting privileges for any drug-related charges, whether stemming from a visit or not.[19]

Approval of Visitors

Thirty-two jurisdictions limit the number of visitors an inmate may have on an approved visiting list;[20] Pennsylvania allows the longest visitor list (40) and South Dakota the shortest (two plus immediate family). In contrast, California affirmatively places no limit on the number of approved visitors: "Limitations shall not be placed on the number of visitors approved to visit an inmate."[21]

Many states allow a visitor to be on only one inmate's approved visitors list, unless a visitor has multiple immediate family members incarcerated. In Connecticut, "[n]o visitor, except an immediate family member, shall be on more than one (1) inmate's visiting list at the same facility (i.e., to visit two or more inmates at the same facility, the visitor must be an immediate family member to all the inmates on whose list the visitor is on). This requirement may be waived at the discretion of the Unit Administrator."[22] In Maine, "[v]isitors shall not be approved to be placed on the approved visitor list of more than one prisoner within a facility, unless they are members of the immediate family (spouse, natural, foster or adoptive mother, father, son, daughter, grandfather or grandmother, grandchild, brother or sister, or stepmother,

[19] N.Y. DEP'T OF CORR., VISITING PROGRAM GUIDELINES, *available at* http://www.doccs.ny.gov/PressRel/2012/Visiting_Program_Guidelines_20121001.pdf.
[20] AL: 8, AR: 20; AZ: 20, CO: 12 plus minor children, CT: 5-10 depending on security classification, FL: 15 plus children under twelve, GA: 12, IN: 10 family and 2 friends, IA: 4 plus immediate family, KS: 20 with restrictions on higher security classifications, KY: 3 plus immediate family, LA: 10, MD: 15, MI: 10 plus immediate family, MN: 24, MS: 10 plus children, MO: 20, NH: 20 plus immediate family, NM: 15, NC: 18, OH: 15, OK: 6 plus immediate family, OR: 20, RI: 9, SC: 15, TN: 8 plus immediate family, TX: 10, WI: 12 plus children, WY: 10 plus children.
[21] Calif. Dep't of Corr., Operations & Rehabilitation Manual 54020.18.
[22] Conn. Dep't of Corr. Policy 10.6.4.A.4.b.

stepfather, stepson, stepdaughter, stepgrandfather or stepgrandmother, stepgrandchild or stepbrother or stepsister) of more than one prisoner."[23]

States vary in their policies for adding and removing visitors to the "approved visitors" list. In some cases, such as North Carolina and Wisconsin, they provide opportunities to add or remove visitors from the list only every six months. Tennessee requires a visitor taken off one inmate's list to wait a full year prior to appearing on another inmate's list. Utah requires that all visitors reapply every year to stay on an inmate's visitors list.

Exclusion of Visitors

Almost every jurisdiction excludes some categories of visitors, often former felons. Sometimes these restrictions bar former felons from *ever* visiting. Idaho denies anyone who has a felony conviction, or *arrest* within the last five years or a misdemeanor drug *arrest* within last two years. Michigan restricts from visiting "a prisoner or a former prisoner in any jurisdiction. However, a prisoner or former prisoner who is an immediate family member may be placed on the prisoner's approved visitors list with prior approval of the Warden of the facility where the visit will occur."[24] Hawaii, by contrast, specifically allows former felons to visit inmates, as do Massachusetts and Vermont.[25] New Jersey[26] and Nebraska are the only states that explicitly provide for inmate-to-inmate visitation in their written policies. States require various levels of background checks for visitors, ranging from nothing to a detailed criminal history check.

[23] Me. Dep't of Corr. Policy 21.4.VI.B.7.
[24] Mich. Dep't. of Corr. Policy 5.03.140.J.2.
[25] "No group of persons, such as parolees or ex-offenders may be excluded from visiting residents solely because of their status." Vt. Admin. Code 12-8-22:966.
[26] "Visits shall be permitted between incarcerated relatives that are incarcerated in facilities under the jurisdiction of the New Jersey Department of Corrections. [Conditions and limitations follow.]" N.J. Admin. Code 10A: 18-6.6.

Many states do not allow victims to visit inmates. In Indiana, "[v]ictims generally shall not be allowed to visit offenders, unless the visit is for therapeutic reasons and a therapist has requested the visit and will be a part of the visit."[27] Several jurisdictions have highly specific, and sometimes unique, rules excluding other categories of visitors. The BOP only allows visits from people inmates knew prior to their incarceration.[28] Oklahoma prohibits married inmates from receiving visits from friends of the opposite gender.[29] Washington is the only state to explicitly require, in its written policy directive, non-citizens who wish to visit to provide proof of their legal status in the US,[30] although Arkansas and Kentucky require visitors to include a social security number on the visiting information form.[31] Utah prohibits visitors from speaking any language besides English.[32]

Searches and Behavior of Visitors

Forty-one jurisdictions specify, with varying levels of detail, the search procedures for visitors (BOP, AL, AK, AR, AZ, CA, CO, CT, DE, FL, GA, ID, IL, IN, KS, LA, MD, MA, MN, MS, MO, MT, NH, NJ, NM, NY, NC, ND, OK, OR, PA, RI, SC, TN, TX, UT, VA, WA, WV, WI, WY). In some cases searches may extend to vehicles and to body cavities of visitors.

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[27] Ind. Dep't of Corr. Policy 02-01-102.IX.

[28] "The visiting privilege ordinarily will be extended to friends and associates having an established relationship with the inmate prior to confinement, unless such visits could reasonably create a threat to the security and good order of the institution. Exceptions to the prior relationship rule may be made, particularly for inmates without other visitors, when it is shown that the proposed visitor is reliable and poses no threat to the security or good order of the institution. Regardless of the institution's security level, the inmate must have known the proposed visitor(s) prior to incarceration. The Warden must approve any exception to this requirement." CFR § 540.44.c.

[29] "If the offender is married, no person of the opposite gender may be added as a 'friend' on the approved visiting list." Okla. Dep't of Corr. Policy 030118 add. 01.A.

[30] "Persons who are not United States (U.S.) citizens must provide proof of legal entry into the U.S. Aliens require documentation to visit. [List of acceptable documentation follows.]" Wash. Dep't of Corr. Policy 450.300.IH.

[31] Ark. Dep't of Corr. Policy 11-49. Attach. 1; Ky. Corr. Policy 16.1.II.D.2(b).

[32] The DOC website provides a list of rules for visitors including: "All visits will be conducted in English." *Visiting Rules*, UTAH DEP'T OF CORR., http://corrections.utah.gov/visitation_facilities/visiting_rules.html (last visited Oct. 10, 2012).

Various additional methods of search are specified. For example, in Arizona, "[a]ll visitors and their possessions are subject to physical search by staff, electronic metal detection devices, barrier sniff screening (Narcotics Detection) by a Department Service Dog, and/or Ion Scanning. . . . All vehicles on Department property are subject to search."[33]

In some cases, the refusal to submit to a more intrusive search bars entrance to the facility, and can be a cause for sanctions. In Georgia, "[i]f a person refuses to be searched, an incident report will be completed and this could be cause for removal from the inmate's approved visitor list."[34] Pennsylvania, however, prohibits its correctional officers from conducting pat or strip searches of incoming visitors.

Several states also have noteworthy policies controlling what visitors can wear or bring with them into the prison. Tennessee's visitor dress code specifically requires visitors to wear undergarments but prohibits "thong and water brassieres."[35]

Many policy directives limit displays of physical affection. In New Hampshire, "[p]hysical contact and displays of affection will be kept within bounds of decorum with hugging and kissing allowed only at start and end of visits for 15 seconds or less,"[36] and in Kentucky, "[a]n inmate in the regular visiting area shall be allowed brief physical contact (example: holding hands, kissing, and embracing). This contact shall be permitted within the bounds of good taste and only at the beginning and end of the visit."[37]

Children Visiting

[33] Ariz. Dep't of Corr. Policy 911.03.1.1.1.
[34] Ga. Dep't of Corr. Policy IIB01-0005.VI.J.7.
[35] Tenn. Dep't of Corr. Policy 507.01.VI.M.1.b.
[36] N.H. Dep't of Corr. Policy 7.09.IV.N.1.d.).
[37] Ky. Corr. Policy 16.1.II.H.1.

Some states have in place policy directives pertaining to minor visitors. Many provide for the termination of visits if children cannot be controlled.[38] New Hampshire prohibits all toys from the visiting room.[39] At the opposite end of the spectrum, some states, like Washington, provide for child-friendly visiting rooms, including toys, games and rule enforcement sensitive to children.[40] Maine has a specific provision to ensure that minors can visit.[41]

Extended Visits

Nearly all states offer some form of extended daytime visit, and some offer overnight family visits. These visits look different in each jurisdiction, however, as there is no consistent length of time allotted for an "extended" visit, and there is no consistent definition of "family" for the purposes of overnight visit eligibility – in some cases, this category includes only children (of a certain age) or only spouses (and sometimes domestic partners), while in others it includes all immediate family members and legal guardians.

Forty-seven jurisdictions provide for "Special Visitation," which in most instances specifically includes visitors who have traveled a great distance to the prison (BOP, AL, AK, AZ, AR, CA, CO, CT, DE, FL, GA, HI, ID, IL, IN, IA, KS, KY, LA, ME, MD, MA, MI, MN,

[38] *See, e.g.*, Tex. Dep't of Crim. Just. Policy I-218.3.14.1.
[39] "Although children are allowed in the visiting room, no toys are allowed." N.H. Dep't of Corr. Policy 7.09.IV.I.3.
[40] "Visit rooms will provide toys and games suitable for interaction by family members of all ages[;] rule enforcement will be sensitive to visitors, particularly children." Wash. Dep't of Corr. Policy 450.300.I.A.1(a). Georgia's women's prison also has a separate visiting room for children, called the Children's Center.
[41] "Visits by Minors. Each facility shall ensure that minors (persons under 18 years of age, unless married or emancipated by court order) are permitted to visit prisoners, unless the minor is on the prisoner's Prohibited Visitor List. A minor visitor must have an application completed on their behalf and must be accompanied at the visit by an immediate family member or legal guardian who is an adult (persons 18 years of age or older, married, or emancipated by court order). An adult who is not an immediate family member or legal guardian may also be allowed to bring in a minor visitor with the written permission of the parent(s) having legal custody or the legal guardian of the minor and with the prior approval of the Chief Administrative Officer, or designee. A professional visitor from the Department of Health and Human Services may also be allowed to bring in a minor visitor with the prior approval of the Chief Administrative Officer, or designee." Me. Dep't of Corr. Policy 21.4.VI.H.

MS, MO, MT, NE, NH, NJ, NM, NC, ND, OH, OK, OR, PA, RI, SC, SD, TN, TX, VA, WA, WV, WI, WY). In Iowa, for example, "[t]he Warden/Superintendent or designee may permit special visits not otherwise provided for in this policy. These may include, but are not limited to, extended visits for close family members traveling extended distances, immediate visits for close relatives or friends about to leave the area, visits necessary to straighten out critical personal affairs, and other visits for similar reasons."[42] A number of states exempt visitors who have traveled long distances from early visit termination due to overcrowding.

Nine jurisdictions allow for overnight family visits (CA, CO, CT, MS, NB, NM, NY, SD, WA). California provides for "Family Visiting" in great detail. Connecticut offers "Extended Family Visit. A prolonged visit between an inmate and specified immediate family member(s), and/or a legal guardian, in a designated secure area separate from the inmate population."[43] However, family visitation is not currently operational in any Connecticut facilities.[44] Only Mississippi refers to these visits as "conjugal" visits. Nebraska only allows for overnight visits in one women's facility, and only for children under age six.[45] According to communication with the Director of the DOC, Colorado also has overnight visits in its women's prison, though its official policy directives do not mention this. Though not in its formal policy, South Dakota also provides for weekend-long visits for incarcerated mothers and their children, "intended to alleviate some of the familial stress associated with the mother's incarceration, create a better

[42] Iowa Dep't of Corr. Policy 5.IV.J.2.
[43] Conn. Dep't of Corr. Policy 10.6.5.E.
[44] This information has been confirmed with the director of ASCA and with family members of CT inmates.
[45] *See Nebraska Correctional Center for Women*, NEB. DEP'T OF CORR. SERVS., http://www.corrections.nebraska.gov/nccw.html (last visited Oct. 10, 2012).

understanding of the parent role, and provide the opportunity of the inmate mother to maintain some direct responsibility for the care of her children."[46]

Virtual Visits

At least eighteen jurisdictions have some form of virtual (video) visitation (AK, CO, FL, GA, ID, IN, LA, MN, MO, NJ, NM, NY, OH, OR, PA, VA, WA, WI). Indiana and Wisconsin allow video visitation where the inmate is not allowed other forms of visitation, on a temporary or permanent basis. New Mexico and Pennsylvania, by contrast, allow for video visitation as a supplement to, rather than a replacement for, other forms of visitation. Alaska, Colorado, Georgia, Louisiana, New Jersey, New York and Ohio reported that they also have programs, many of which are limited in scope and/or privately operated, but these programs do not appear in their policy directives or regulations.

The Alaska program is only for inmates at a contract facility in Colorado, and it is run by that contractor and the Tanana Chiefs Conference; the Colorado program likewise applies to only one facility; the Georgia program is being piloted by JPay in women's facilities; the New York program is facilitated, in part, by the Osborne Association; the Ohio program operates in four facilities; and the Virginia program has recently expanded from one facility to ten and is now incorporated into its official state-level policy. Oregon explicitly permits video visitation in its policy documents but has decided to allow access to video interactive phones and cover the related policy directives as part of their administrative phone rule. Oregon will offer video interactive phone calls at all institutions after piloting the concept at the two located most

[46] South Dakota Dep't. of Corr., South Dakota Women's Prison, available at: http://doc.sd.gov/adult/facilities/wp/mip.aspx.

remotely from population centers. Florida, Idaho, Missouri and Washington also have limited programs that do not appear in their policy directive or regulations.[47]

B. Similarities and Differences Across the Fifty States

Substantial consistency and significant commonalities exist across all the jurisdictions surveyed. All states have some provisions for prison visitation; all states screen visitors and place limitations on who can visit and when, and all states provide a substantial level of discretion to each prison's warden or superintendent in implementing the policy directives. Reading through the various policy directives, administrative regulations, and visitation codes makes clear that all DOCs treat visitation as a privilege, not a right. In most of the policies reviewed, DOCs note that inmates are not entitled to visits.[48]

However, some jurisdictions generally restrict visitation, while other states specifically encourage and promote visitation as a core part of the rehabilitation process. While the various state policies exist on a continuum, these extremes symbolize divergent policy approaches to visitation and suggest key questions for further exploration: Do states that promote and encourage visitation have better or worse outcomes in terms of institutional security or recidivism rates? To what extent, if any, does the general attitude towards visitation articulated in policy directives correlate with actual visitation policy? Does it correlate with other related policies in the jurisdiction, such as family law provisions preserving or dissolving custodial relationships when parents or children are incarcerated?

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[47] *See* PATRICK DOYLE, CAMILLE FORDY & AARON HAIGHT, VERMONT LEGISLATIVE RESEARCH SERVICE, PRISON VIDEO CONFERENCING 3 (2011), *available at* http://www.uvm.edu/~vlrs/CriminalJusticeandCorrections/prison%20video%20conferencing.pdf.

[48] The Supreme Court held in *Overton v. Bazetta*, 539 U.S. 126, 136-37 (2003), that bans on all visitation for two years following an inmate's second substance-abuse violation did not violate the Eighth Amendment, although it noted that "indefinite withdrawal of visitation or dential of procedural safeguards" might not also pass muster.

The differences between states' visitation policies are also revealing. First, limits on visitation are often justified in terms of security, which may lead one to expect consistent policies across jurisdictions. We do not know why similar security concerns yield widely variant statewide policies. Jurisdictions evaluate security in different ways in different contexts, so we need to learn more about policy in practice in order to understand this variation.

No clear regional, geographic, or political trends appear to explain variation in policies. One might expect that certain policies – for example, overnight family visits – would exist in a state or group of states with certain common characteristics. Instead, the states in each category we examined do not appear to have much in common. The eight states that allow for overnight family visits, for example, are not from any one or even two geographic regions, and it is unclear what else of significance California, Colorado, Connecticut, Mississippi, Nebraska, New Mexico, New York, and Washington have in common.

Further, while the states often serve as laboratories of policy experimentation, one might expect some harmonization of best practices. If there has been such a harmonization or cross-pollination process, it is not apparent in several key areas. For example, North Carolina allows just one visit per week for a maximum of two hours, while New York allows its maximum-security offenders 365 days of visiting. While South Dakota allows only two people (plus family members) to be placed on an inmate's list of approved visitors, California allows inmates to list an unlimited number of visitors. It would be useful to know more about how these policies are developed and revised, both procedurally and substantively. What resources and which stakeholders are consulted when policy directives are drafted or updated? What prompts the issuance of new policies?

PART III: OVERNIGHT FAMILY VISITS AND VIRTUAL VISITATION

Two particular types of visitation stood out in our research as worthy of additional focus: overnight family visits and virtual visits. These forms of visitation are extremes – overnight family visits that allow for the most intimate of human contact, and virtual video visits that allow for secure visitation without contact and across great distances. Both kinds of visits are present in a minority of states. Overnight family visits have existed for approximately 100 years in at least one state, while virtual visitation only became technologically feasible in recent years. Yet both of these forms of visitation present opportunities and risks from the perspective of prison safety on the one hand, and the rights of inmates and their families on the other. In short, these cutting edge topics make for an excellent point of departure for the research that will hopefully flow from our dataset.

These subsections will describe the policies that currently exist, and then discuss some potential costs and benefits of each.

A. Overnight Family Visits

While most prisons limit visiting to specially designated rooms under close supervision by correctional officers, several states allow for overnight family visits. Specifically, the policy directives in six states (CA, CT, MS, NM, NY, WA)[49] allow for some sort of overnight family visit. Some other states, such as Colorado, Nebraska, and South Dakota, provide for extended family visitation in some facilities, even though this program is not mentioned explicitly in their policy directives or regulations. Others, such as Tennessee, allow for outdoor visits including cooking and picnicking in lower security classifications, or longer visits with family in

[49] See also Kacy E. Wiggum, *Defining Family in American Prisons*, 30 WOMEN'S RTS. L. REP. 357, 357 (2009).

supervised visitation rooms, but do not provide for overnight visiting. This section describes the range of policies in those few states that address the issue of overnight visiting in their policy directives, as well as the costs and benefits of these rare programs.

California's "Family Visitation" program is described in the Department of Corrections and Rehabilitation Code.[50] Participating correctional facilities allow for overnight visitation,[51] and provide the inmates and their families with all the necessary accommodations, except for food, at no cost. Only those visitors meeting the statutory definition of "immediate family" are allowed to participate in the program.[52] Inmates convicted of sex offenses or violent offenses involving minors are barred from participating in the program, as is a broader class of inmates with extremely long sentences (e.g. life without parole).

Connecticut's "Extended Family Visitation" program is described in the general visitation policy directive. The program is defined as "[a] prolonged visit between an inmate and specified immediate family member(s), and/or a legal guardian, in a designated secure area separate from the inmate population." All inmates wishing to participate in the program must be tested for tuberculosis and other unspecified contagious diseases. The policy directive does not provide many details but allows each facility offering the program to develop local rules.[53]

Mississippi does not have a policy directive, but the DOC website briefly mentions "conjugal visitation" as being available only for married inmates. These visits are not referred to

[50] Title 15, § 3177
[51] Note that the regulations do not stipulate the length of visits.
[52] This definition includes domestic partners.
[53] Note that the CT DOC does not, in practice, currently have any facilities that allow for overnight visitation. *See supra* note 43.

either as a "program" or as having any relationship to "family." This form of visitation has been in continual existence for nearly a hundred years.[54]

New Mexico's policy directive provides for "family visits" defined as "extended visit[s] between eligible inmates and their families where physical contact is allowed. Visits are conducted in the Family Visitation units," and the DOC provides all of the necessary accommodations in mobile or modular homes. These visits are generally limited to spouses and children of inmates. The goal of the program is to "promote family stability, encourage participation in programming, and enhance the reintegration/rehabilitation process."[55] The DOC charges a fee to defray all costs associated with the family visit.[56] Access to the program is limited by type of conviction, disciplinary status, and security classification. New Mexico has a detailed list of eligibility requirements that must be met prior to approval of a family visit and varying by the inmate's sentence. For example, all inmates eligible for family visit must request, schedule, and receive a family visit counseling session with medical staff before the family visit is allowed to take place. Information about the inmates' health may be communicated to his or her family prior to a family visit. In addition, inmates and their spouses are encouraged to use prophylactic devices when engaging in sexual activity, and condoms are available upon request.

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[54] Christopher Hensley, Sandra Rutland & Phyllis Gray-Ray, *Inmate Attitudes Toward the Conjugal Visitation Program in Mississippi Prisons: An Exploratory Study*, 25 AM. J. CRIM. JUST. 137 (2000); COLUMBUS B. HOPPER, SEX IN PRISON: THE MISSISSIPPI EXPERIMENT WITH CONJUGAL VISITING (1969).

[55] Note that New Mexico has two directives on point: one is a general family visit program directive and the other is specific for female inmates. It appears from the language of the directives that there is a female specific program that is designed to allow children of female inmates to visit overnight though a program administered by a contractor. There is also a more general program – though it is unclear if this program is male only – that allows spouses, family, and children to visit overnight. While this gender distinction may accurately reflect the reality of who visits whom and which inmates are likely to be actively engaged in parenting from prison, the gender distinction also raises significant concerns. *Compare* N.M. Dep't of Corr. Policy CD-100205 *with* N.M. Dep't of Corr. Policy CD-100202.

[56] Fees range from $10 to $30.

The family visit program is highly structured and divided into three phases. Phase I consists of 6-hour family visits. Phase II consists of 12-hour family visits. Finally, Phase III consists of 24-hour family visits, but only those inmates who have successfully completed Phases I and II and are within one year of a projected release or discharge date may apply for Phase III visits.

New York's Family Reunion Program "is designed to provide approved inmates and their families the opportunity to meet for an extended period of time in privacy. The goal of the program is to preserve, enhance, and strengthen family ties that have been disrupted as a result of incarceration."[57] Only those inmates on good behavior and with active participation in prison programming will have access to the Family Reunion visits. Some prisoners may be denied the privilege of participating on the basis of their convictions or security statuses. Only immediate family members (including partners in same-sex marriages and civil unions) may visit, and they may only use the Family Reunion Program once they have "established a recent visiting pattern" in regular visiting rooms. The policy directive defines this as at least three regular visits over the preceding twelve months, although this requirement may be waived. The New York policy directive provides explanations of the program, including the application process, the punishment for violations (for example, testing positive for drug use), contagious disease testing and prevention, and the various forms used in administering the program.

Most of the state policy directives do not provide enough detail for a meaningful comparison of overnight family visitation programs. Without knowing how many individual prisons actually offer the overnight visitation programs within each state, and how many inmates are eligible, it is difficult even to compare the sizes of the programs. However, the relative rarity of these programs was, in itself, notable; we wondered why more overnight family visitation

[57] N.Y. Dep't of Corr. Policy 4500.

programs do not exist around the country. Family visitation programs could be costly, because they would require institutions to construct modular or mobile homes, and secure them within appropriate fencing or walls. Allowing inmates, some of whom may be violent offenders, to have unsupervised visits over extended periods of time may present certain risks, including the potential for physical violence and smuggling of contraband. Contagious diseases may be spread, and female inmates may become pregnant, increasing medical costs for the state.

On the other hand, those states that do have family visitation programs maintain them, and other states might consider making the investment, given their apparent positive impact on offender behavior. As far back as 1980, studies showed positive outcomes from participation in family visitation.[58] Participation in such programs could be a powerful incentive for good inmate behavior (if its revocation effectively disincentives inmate misconduct), and the strengthened family ties that result may ease the transition home upon release.[59] Allowing conjugal visitation may also decrease sexual violence within prisons.[60] Family members and children who visit and

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[58] *See, e.g.*, D. G. MACDONALD & D. KELLY, NAT'L INST. OF JUSTICE, FOLLOW-UP SURVEY OF POST-RELEASE CRIMINAL BEHAVIOR OF PARTICIPANTS IN FAMILY REUNION PROGRAM 1 (1980) (finding that inmates who had participated in overnight visiting programs with their families were as much as 67 percent less likely to recidivate).

[59] Studies evaluating the impact of family connections on recidivism have consistently found a strong positive effect. *See* MINN. DEP'T OF CORR., THE EFFECTS OF PRISON VISITATION ON OFFENDER RECIDIVISM (2011) (noting that visits from former romantic partners were not, however, correlated with reduced recidivism), *available at* http://www.doc.state.mn.us/publications/documents/11-11MNPrisonVisitationStudy.pdf; *see also* NANCY G. LA VIGNE, CHRISTY VISHER & JENNIFER CASTRO, URBAN INSTITUTE, CHICAGO PRISONERS' EXPERIENCES RETURNING HOME 8-9 (2004), *available at* http://www.urban.org/UploadedPDF/311115_ChicagoPrisoners.pdf; MARTA NELSON, PERRY DEESS & CHARLOTTE ALLEN, VERA INSTITUTE OF JUSTICE, THE FIRST MONTH OUT: POST-INCARCERATION EXPERIENCES IN NEW YORK CITY 8-13 (1999), *available at* http://www.vera.org/download?file=219/first_month_out.pdf; CHRISTY VISHER, VERA KACHNOWSKI, NANCY LA VIGNE & JEREMY TRAVIS, URBAN INSTITUTE, BALTIMORE PRISONERS' EXPERIENCES RETURNING HOME, *available at* http://www.urban.org/UploadedPDF/310946_BaltimorePrisoners.pdf; William D. Bales & Daniel P. Mears, *Inmate Social Ties and the Transition to Society: Does Visitation Reduce Recidivism?*, 45 J. RES. CRIME & DELINQ. 287 (2008); Rebecca L. Naser & Christy Visher, *Family Members' Experiences with Incarceration and Reentry*, 7 W. CRIMINOLOGY REV. 20 (2006).

[60] *See* Stewart J. D'Alessio, Jamie Flexon & Lisa Stolzenberg, *The Effect of Conjugal Visitation on Sexual Violence in Prison*, AM. J. CRIM. JUST. (2012) (finding that after controlling for a variety of likely determinants of prison rape, the rate of inmate-on-inmate sexual violence was approximately four times lower – a statistically significant finding – in states with conjugal visitation programs than in those without), *available at*

are thus able to build and sustain more meaningful relationships with their incarcerated parent or family member may benefit tremendously. Indeed, more generally, the positive impact of visitation on visiting family and on inmates has been well documented.[61] But to reap these benefits, DOCs must be willing to invest the resources to establish, maintain, and administer family visitation programs, and also to take on the liability that inevitably comes with extended, unsupervised visits.

Finally, political obstacles to developing family visitation programs in other states might include the difficulty of appropriating funds for prison programing, especially in times of widespread budget deficits. Overnight visitation programs may be particularly subject to attack as insufficiently punitive. Thus, before arguing for expansion into other jurisdictions, policy advocacy in this area may have to begin by justifying those programs that exist.

B. Virtual Visitation

Virtual visitation has been implemented in a limited number of states, either to enable visitation where long distance is a barrier or to enhance security where a contact visit presents safety concerns. Many inmates are incarcerated far away from friends and family; sheer distance

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http://www.prearesourcecenter.org/sites/default/files/library/theeffectofconjugalvisitation.pdf; *see also* Rachel Wyatt, Note, *Male Rape in U.S. Prisons: Are Conjugal Visits the Answer?*, 37 CASE W. RES. J. INT'L L. 579 (2006).

[61] *See* CHILDREN WITH PARENTS IN PRISON: CHILD WELFARE POLICY, PROGRAM, & PRACTICE ISSUES 13 (Cynthia Seymour & Creasie Finney Hairston eds., 2001); Denise Johnston, *Parent–Child Visitation in the Jail or Prison*, *in* CHILDREN OF INCARCERATED PARENTS (Katherine Gabel & Denise Johnston eds., 1995) 135; Joseph Murray & David P. Farrington, *The Effects of Parental Imprisonment on Children*, 37 CRIME & JUST. 133 (2008) (reviewing literature and citing studies); Christy Visher & Jeremy Travis, *Transitions from Prison to Community: Understanding Individual Pathways*, 29 ANN. REV. SOC. 89, 100 (2003); Note, *On Prisoners and Parenting: Preserving the Tie That Binds*, 87 YALE L.J. 1408 (1978) (arguing that facilitating child–parent bonds in the context of incarceration is in the interests of the children); *see also* STEVE CHRISTIAN, NAT'L CONFERENCE OF STATE LEGISLATURES, CHILDREN OF INCARCERATED PARENTS 1, 13 (2009) (suggesting that visitation may be a crucial part of breaking intergenerational cycles of incarceration), *available at* http://www.cga.ct.gov/COC/PDFs/fatherhood/NCSL_ChildrenOfIncarceratedParents_0309.pdf.

serves as a major barrier to visitation.[62] Some inmates are incarcerated out of state due to a lack of prison bed space or inadequate facilities for housing specific offenders, or because out-of-state facilities are more cost-effective than in-state facilities. Other inmates are housed within their home states, but still hundreds of miles from their homes (for example, New York City residents housed in upstate New York). From a security standpoint, in-person visitation presents a number of acknowledged concerns, among them the potential to exchange contraband or to engage in dangerous conduct.

These programs generally, although not always, charge inmates and their visitors money. DOCs may also pay to install and operate virtual visitation facilities, both in correctional institutions and in the centers where visitors come to use the system. In assessing the value of virtual visitation programs for inmates, visitors, and institutions, it will be important to compare the costs of these visits to each party to the costs of contact visits and phone calls.[63]

In the last decade, several private vendors have developed technologies that facilitate virtual visits over web-based or closed-circuit cameras.[64] One company, JPay, has developed electronic kiosks installed in prison facilities that allow inmates to participate in video visits with

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[62] For example, sixty-two percent of parents in state correctional facilities and eighty-four percent of parents in federal facilities were incarcerated more than one hundred miles from their place of residence at arrest; only fifteen percent of parents in state facilities and about five percent of parents in the federal system were within fifty miles of their place of residence at arrest. SARAH SCHIRMER, ASHLEY NELLIS, & MARC MAUER, THE SENTENCING PROJECT, INCARCERATED PARENTS AND THEIR CHILDREN: TRENDS 1991–2007, at 8 (2009), *available at* http://www.sentencingproject.org/doc/publications/publications/inc_incarceratedparents.pdf. *See also* Susan D. Phillips, Video Visits for Children Whose Parents Are Incarcerated: In Whose Best Interest? (2012), *available at* http://www.sentencingproject.org/doc/publications/cc_video_visitation_white_paper.pdf.

[63] Phone calls from prisons are often very expensive, as a result of additional security technologies and because facility operators receive revenues from the phone companies that operate these systems. *See* Todd Shields, *Prison Phones Prove Captive Market for Private Equity*, BLOOMBERG, Oct. 4, 2012, http://www.bloomberg.com/news/2012-10-04/prison-phones-prove-captive-market-for-private-equity.html.

[64] In addition to JPay, Primonics, Inc. has created a "TeleCorrections" system to "reduce the need for physical visits" to jail facilities. *See* Press Release, Primonics, Westchester County Department of Corrections Selects Primonics' Televisit Corrections Solution (Mar. 6, 2009) (promoting its product as cost-saving for Westchester County, New York's jail system), http://www.corrections.com/vendor/show_press/15701.

friends and family using a personal computer. JPay advertises the service as "reduc[ing] traffic at the facilities and sav[ing] friends and family the cost of traveling to and from the facilities. Video visitation also facilitates a reduction in inmate movement; thereby increasing security within the facility."[65] Private industry will likely play a continued role in promoting this form of visitation. Private vendors stand to gain from expanding their market. Companies like JPay will profit from installing access points for inmates, charging visitors and inmates for using the service, and potentially even from including advertising on the video feeds.[66]

The oldest continually running virtual visitation program in the country is in Pennsylvania.[67] In 2001, with a federal grant,[68] the Pennsylvania DOC and the nonprofit Pennsylvania Prison Society entered a partnership to provide inmates at a handful of state prisons the opportunity to visit with their families in Philadelphia via videoconferencing.[69] The goal of the program is to maintain family ties.[70] The initial program received positive feedback from

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[65] Lisa Chunovic, *KDOC Contracts for Inmate Banking, Electronic Messaging, Video Visitations*, GOV. SECURITY NEWS, Sept. 23, 2009, http://www.gsnmagazine.com/article/19246/kdoc_contracts_inmate_banking_electronic_messaging.

[66] *Jail Selling Ad Space on Video Visitation Monitors*, NBC2, Oct. 7, 2009 ("A few months ago, the Charlotte County Jail added video visitation for inmates in a separate building so inmates can have video contact with their friends, loved ones, and professionals. Visitors are no longer allowed to go into the main jail building for visitations. Officials with the Bureau of Corrections say the video terminals offer the opportunity to place advertisements that will be seen by both inmates and visitors and say the idea may be the first in the whole country."), http://www.nbc-2.com/Global/story.asp?S=11267954 (last accessed Oct. 10, 2012).

[67] Predating the 2001 program, video conferencing for incarcerated inmates had "been used for inmates to attend court hearings, reducing the costs and risks of transporting inmates to court. Video conferencing has [also] been discussed for possible use during inmate medial examinations." Melissa Crabbe, *Virtual Visitation Program Uses Video Conferencing to Strengthen Prisoner Contacts with Families and Children*, 6 OFFENDER PROGRAMS REP. 35 (2002). In Michigan, the Department of Corrections provided video visitation at no cost from 1998 to 1999, while the state temporarily housed prisoners in Virginia.

[68] *Id*. (noting that the "program is funded through a 3-year Federal grant through the Pennsylvania Commission on Crime and Delinquency").

[69] Katy Califa, *Prisoners as Parents: The Importance of Strong Parent-Child Relationships During Parental Incarceration* 21, Stanford U. Criminal Just. Center Working Paper (2006), *available at* http://papers.ssrn.com/sol3/papers.cfm?abstract_id=977050.

[70] It appears that the program, while it still exists in a very similar form, is as of November 2011 no longer operated in partnership with the Pennsylvania Prison Society, "due to a lack of funding." *See Virtual Visitation*, PA. PRISON SOC'Y ("Family Virtual Visitation's goal was to help inmates incarcerated far from home stay connected to their

inmates and corrections officials.[71] Today, the program has expanded from four prisons to eight prisons in Pennsylvania, one in Michigan, and one in Virginia.[72] The program allows families "real time" visits with the inmate. Families can schedule a 55-minute visit once a month in the Prison Society's Philadelphia office, where the Society provides family friendly rooms.[73] Visits cost $20, effectively pricing out many prisoners and their families. According to the DOC policy directive, families can also schedule visits in the Pittsburgh area.[74]

As we noted, seven jurisdictions provide for some form of video visitation in their policy directives or regulations (IN, MN, NM, OR, PA, VA, WI), while another eleven (AK, CO, FL, GA, ID, LA, MO, NJ, NY, OH, WA) have also implemented programs that are not mentioned in the policy directives.[75] Indiana and Wisconsin allow video visitation where the inmate is not permitted other forms of visitation. Wisconsin's regulations provide that among the limitations that can be placed on visitation, "no contact visits or visitation provided by technological means not requiring direct personal contact, such as video connections" can be applied.[76] Indiana's

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families. Some family members cannot travel the long distance to prison locations due to their age, the cost of transportation, or disabilities. The virtual visits provided an opportunity for families who might not otherwise have a chance to see their loved ones at all. We believe that creating stronger links between families is important for the stability of the inmate's family and his/her successful reentry into the community. Increasing the frequency of family visits helped support family relationships and improves the inmate's ability to adjust to life in prison."), http://www.prisonsociety.org/progs/ifs_fvv.shtml (last visited Oct. 10, 2012).

[71] Crabbe, *supra* note 65 ("Participating in the virtual visitation program has been viewed as an effective inmate management tool. Better behavior from inmates involved in the program has been identified, as well as inmates providing positive feedback, indicating program success. However, the program has not come about without encountering obstacles, such as whether to allow program participation by sex offenders, and future funding. Part of the success of the program is that few, if any negative incidents have taken place in the first year of operation.").

[72] *Supra* note 68, *Virtual Visitation*, PA. PRISON SOC'Y.

[73] *Id*.

[74] Pa. Dep't of Corr. Policy DC-ADM 812 §1-K ("Virtual Visitation").

[75] Alaska, Colorado, Florida, Georgia, Idaho, Louisiana, Missouri, New Jersey, New York, Ohio, and Washington's programs are not addressed in detail because they do not appear in the states' policy directives. Washington plans to pilot a JPay program at its women's prison in the imminent future. Note, too, that Michigan has used video conferencing technology for more than a decade to save on inmate transportation costs for doctor visits, parole hearings and so forth, but not for visiting. Patrick Doyle et al., *Prison Video Conferencing*, *supra* note 45.

[76] Wis. Adm. Code DOC § 309.08(3). Wisconsin also intends to create a program for tele-visits, with terminals at community sites, for visitors who would have to travel long distances.

policy directive has merged the two concepts of video visitation and "non-contact" visitation, so that video visitation is offered as an alternative to contact visits only where contact visits are prohibited.[77] Offenders in segregation may also have access to video visitation where restricted to "non-contact" visits. Indiana defines video visitation as a "method of visitation which allows offenders to visit through electronic media"[78] and does not specify whether a visitor can conduct her visit from home or is required to appear at a specific location. One provision does indicate that visitors could video-conference from outside a facility through vendors, where available:

> Offenders who are placed on non-contact visitation may have the option of regular non-contact visits, intra-facility video visitation or video visitation through a vendor, if these options are available at the facility. There shall be no cost for intra-facility video visitation; however, there may be a cost associated with video visitation provided by a vendor.[79]

Pennsylvania's policy directive provides the most comprehensive explanation of any virtual visitation program:

> 1. Virtual Visitation shall be available at the facilities listed in the Virtual Visiting Program Facilities . . . and limited to persons living in the Philadelphia and Pittsburgh areas.
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> 2. The Virtual Visitation Program uses video conferencing technology as a means to:
>
> a. enhance the parenting skills program;
> b. allow an inmate to visit with immediate family members, caregivers of the inmate's children, and other individuals on the inmate's approved visiting list approved by the Facility Manager/designee with whom he/she would otherwise not be able to visit;
> c. increase the frequency of visits for an inmate with the individuals listed on the inmate's approved visiting list; and
> d. permit the scheduling of visits at times that are best for the individuals

[77] "The Department recognizes that in some cases, the visitation privilege can be abused or used for inappropriate purposes and for this reason the Department shall establish visitation guidelines. These guidelines may include the imposition of restrictions ranging from non-contact visits, including video visits, to not allowing certain persons to visit." Ind. Dep't of Corr. Policy & Admin. Proc. 02-01-102 §II ("Policy Statement").
[78] *Id.* §III ("Definitions").
[79] *Id.* §XVIII ("Bodily Contact Between Offenders and Visitors"). Message boards indicate that the vendor option may only be available in a handful of facilities. See *Video Visits*, JPAY FORUM, http://forum.jpay.com/showthread.php?57-video-visits (last visited Oct. 10, 2012) (last posting Aug. 24, 2009).

> listed on the inmate's approved visiting list.
>
> 3. The cost to the inmate or his/her family participating in this program shall be determined by the Department.
>
> 4. Inmate participation in the Virtual Visitation Program is voluntary and every inmate in general population status, regardless of his/her custody level, is eligible. An inmate housed in Administrative and Disciplinary Custody is not permitted to participate in the Virtual Visitation Program. . . .
>
> 6. The Department shall attempt to reserve at least 10 percent of the Virtual Visitation Program visiting slots per month for long-term offender inmates. A long-term offender inmate is defined as having a minimum sentence of 10 or more years and an inmate serving a life sentence.
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> 7. Up to five persons will be permitted to visit if space permits. . . .[80]

New Mexico and Oregon follow the Pennsylvania model of affirmative forms of virtual visitation. New Mexico distinguishes between video visitation and tele-visits. A video visit is a limitation—a "non-contact visit using video cameras to permit visits between an inmate and any visitor"[81] which is used within the prison "when a resident is not allowed to visit face-to-face."[82] Tele-visits are "[p]rearranged televised visits coordinated through [partner organization] PBJ Family Services, Inc. and the facility between inmates and their child/children from the facility to a community site. The visits are designed to promote healthy family relationships by reunifying and connecting children with their incarcerated parents."[83] Inmates must meet certain criteria to be eligible for tele-visits and the "child/children participating in the visit must be relatives or the inmate must have been in a parenting relationship prior to the incarceration."[84] Once inmates have met the eligibility requirements, New Mexico provides a detailed step-by-

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[80] Pa. Dep't of Corr. Policy DC-ADM 812 §1-K ("Virtual Visitation").
[81] N.M. Dep't of Corr. Policy CD-100200, at 4.
[82] N.M. DEP'T OF CORR., GUIDE FOR FAMILIES AND FRIENDS OF JUSTICE INVOLVED NEW MEXICANS 16, *available at* http://www.corrections.state.nm.us/family/docs/Offender_Family_Guidebook.pdf.
[83] N.M. Dep't of Corr. Policy CD-100200, at 4.
[84] N.M. Dep't of Corr. Policy CD-100204.

step process for arranging a tele-visit.[85] In a parallel manner, Oregon determined that the limitations caused by inclusion of video visiting within the visiting rule could be avoided if the chance to have visual and audio contact were open to all inmates through video interactive phones." The decision to allow video interactive phones maintains security limits within the visiting rule while allowing contact with friends and family who may visit by computer from home.[86]

According to the Virginia DOC website, it appears that Virginia has followed Pennsylvania's model of partnering with nonprofits and establishing off-site visiting centers for visitors to log into the system.[87] Virginia's program is now included in its DOC policy for those "selected facilities" where it is available.[88]

As with any technological innovation, and any correctional policy judgment, video visitation has potential trade-offs. Among the salutary benefits, video visits can enhance access to visits for far-flung relatives and friends, young children who may be unable to comply with

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[85] *Id.*

> 1. The facility coordinator will communicate with the designated contact staff at Peanut Butter and Jelly (PB & J) Family Services, Inc., to inform of the approval and the regional area where the child/children are located. The Tele-visit Application Form (CD-100204.1) indicating approval will be faxed to PB & J informing that the visit was approved at the facility level.
> 2. PB & J will contact the family and provide assistance in preparing the child/children for the visit, through support and therapy as needed. PB & J will inform the designated prison coordinator that the family has agreed to the visit and services.
> 3. PB & J will schedule the visit at the community site, make arrangements for transportation, and coordinate the time and date with the prison sponsor.
> 4. PB & J will provide ongoing support and therapy for the child/children following each of the visits. PB & J will coach inmate parents before and after the visit if needed.
> 5. Following each visit, PB & J staff will document an evaluation of the televised visit.
> 6. Prior to the actual visit, PB & J will conduct a tele-visit orientation with the inmate parent. The session will explain the program and process.
> 7. PB & J staff will conduct a group session yearly with the parent inmate for feedback and evaluation. The Corrections Family Services Liaison will coordinate this session.

[86] Or. Admin. Rule 291-127-0210. This program becomes active November 01, 2012.

[87] *Video Visitation Program*, VA. DEP'T OF CORR., http://www.vadoc.state.va.us/offenders/prison-life/videoVisitation.shtm (last accessed Oct. 10, 2012) (effective date Jan. 30, 2010).

[88] Va. Op. Proc. 851.1.IV.O.

prison visiting rules, and elderly and disabled visitors. Video visits can save the cost and time of travel for visitors, as well as reduce costs for prison facilities.[89] The possibility for the exchange of contraband is eliminated, and prisons reduce the movement of persons through their facilities. Visitors would not be subjected to intense processing and search procedures. Visitors, especially children, could choose to avoid the potential trauma and intimidation of entering a prison.[90]

The flip side, however, is that video visitation could be used as an alternative or replacement for in-person visits. If video visitation is cheaper, easier, and safer, then prisons may begin to prefer this form of visitation, reducing or eliminating the availability of contact visits, and placing less of a priority on locating inmates in facilities near their families.[91] Virtual visits that replace contact visits, even if potentially more frequent and less costly for visitors, might not serve as effectively to strengthen or maintain family ties and thereby reduce recidivism. Additionally, the loss of non-contact visits (which might be viewed as equivalent to telephone call privileges) may not provide as strong a disincentive to disciplinary infractions in the prison, thereby decreasing rather than increasing security in correctional facilities.[92]

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[89] Primonics, Inc. claimed the technology would save Westchester County $300,000 by increasing the efficiency of visits. *See* Press Release, Primonics, *supra* note 62 ("County officers like bail expeditors and probation officers don't have to visit the jail. It saves on the cost of transportation and of correction officers to take the prisoners in and out of the housing locations.").

[90] As the Indiana Directive notes, "Facilities shall take into consideration the impact that visits with parents or grandparents in a correctional facility may have on young children, especially preschool age children." Ind. Dep't of Corr. Policy 02-01-102.IV.

[91] This concern was raised by the *Washington Post*, in response to the decision to replace in-person visits at the D.C. jail with (free) virtual visits. Editorial, *Virtual Visits for Inmates?*, WASH. POST, July 26, 2012 ("While there may be benefits to video visitation, there are also significant drawbacks. In-person visits provide the obvious benefit of strengthening family ties in times that can threaten those bonds, and they do much to preserve inmates' morale."), http://www.washingtonpost.com/opinions/virtual-visits-for-inmates/2012/07/26/gJQAultJCX_story.html; *see also* Adeshina Emmanuel, *In-Person Visits Fade as Jails Set Up Video Units for Inmates and Families*, N.Y. TIMES, Aug. 7, 2012, http://www.nytimes.com/2012/08/07/us/some-criticize-jails-as-they-move-to-video-visits.html.

[92] This point and the preceding one are necessarily speculative; because virtual visitation in prisons is a relatively new phenomenon, there has been no research evaluating its impact on family relationships and on inmate behavior – or assessing whether it in fact increases visitation rates, by how much, and for whom.

Virtual visitation in prisons is still an emergent concept. Advocates in Illinois have pushed for virtual visits;[93] Florida has experimented with it;[94] and Congress inserted it into a 2004 House bill, though it did not pass.[95] More generally, virtual visitation is a new concept in family law, where there is a relatively sparse literature analyzing virtual visitation in child custody disputes.[96] Undoubtedly, the technology will spread.

As virtual visitation expands, any jurisdiction seeking to implement such a program will have to consider several important factors: (1) how and where inmates will access the interface – in the yard, in a private booth, in a shared visiting room; (2) where visitors will access their interface – at the prison itself, at a partner organization, from their homes; (3) the degree to which video visits will be used to supplement or replace in-person visits; and (4) all of the related rules that accompany other forms of visitation—the degree of monitoring for the visits, eligibility to participate, sanctions for breaking the rules, the frequency and duration of visits, etc. These decisions will likely determine the contours of virtual visitation in a state or institution – how much it is used, by whom, and to what effect.

PART IV: FURTHER RESEARCH

Our fifty-one jurisdiction survey was a significant undertaking, but much work remains to be done. This final Part considers four categories of next steps: (1) further analysis of the

[93] Jeffrey M. Levring, *Illinois Virtural Visitation for Incarcerated Fathers*, FATHERS' RIGHTS, Apr. 1, 2009, http://dadsrights.com/index.php/illinois-virtual-visitation-for-incarcerated-fathers/.
[94] Califa, *supra* note 67, at 22.
[95] *Id*. at 23 n.3. The 2004 Re-Entry Enhancement Act, H.R. 5075, 108th Congress § 101(a)(17) (2004) was proposed, but not passed, by Congress. The bill generally supported enhanced visitation opportunities, including "developing programs and activities that support parent-child relationships, such as . . . (B) using videoconferencing to allow virtual visitation when incarcerated persons are more than 100 miles from their families"). The proposed Act also promoted family visits of the sort discussed in our previous sub-part.
[96] *See, e.g.*, Charles P. Kindregan, Jr., *Family Interests in Competition: Relocation and Visitation*, 36 SUFFOLK U. L. REV. 31 (2003); Anne LeVasseur, Note, *Virtual Visitation: How Will Courts Respond to a New and Emerging Issue*, 17 QUINNIPIAC PROB. L.J. 362 (2004).

information already available to us; (2) relating the data we have gathered to existing indicators of correctional success or failure; (3) gathering of additional information to add depth and breadth to our survey; and (4) presentation of these findings in accessible formats.

First, the areas detailed *supra* in Part III – extended family visitation and virtual visitation – as well as other topics in the accompanying spreadsheet, such as grievance procedures and limitations on numbers of visitors or hours of visitation, warrant more detailed treatment. As an example, additional research might track language in regulations referring to children (or to gender, marital status, or any number of other variables) and analyze the ways in which children (or males/females, or married/unmarried persons) are specially privileged or burdened in the context of prison visitation. Another analysis might scrutinize the various ways that visitation policies define "family," where family members are granted special privileges. For example, which states recognize civil unions as equivalent to marriages for the purposes of visitation? Further analysis might likewise focus on the category of "special visits" by attorneys, clergy, and child welfare officials bringing children in their charge to see a parent. These arrangements tend to be subject to their own particular rules, and many of states have detailed provisions on point. With the wealth of information in our spreadsheet and database, there are numerous other topics that could be worth pursuing.

Second, it could be valuable to combine the data we have gathered about visitation policies with data about correctional outcomes, such as recidivism rates and institutional security, to learn about correlations between certain visitation policies and better or worse correctional outcomes. These correlations could then in turn prompt research to better understand

whether and how overall rates of visitation and specific features of visitation systems contributed to or detracted from the correctional mission of security and rehabilitation.[97]

Third, gathering more information could substantially enhance the value of our data for scholars, policymakers, and practitioners. Specifically, as we discussed, it would be useful to get more information on how visitation policies operate at the level of individual institutions. The administrator of each facility has substantial discretion to implement polices, and hence there is an inevitable gap between policies on paper and in practice. Similarly, it would be useful to look into the legislative or regulatory process used in each jurisdiction to develop the regulations or policy directives currently on the books. In addition, other studies could adopt a broader scope by looking at visitation policies in detention facilities not covered by this data set, including jails and immigration detention centers.

Fourth, it would be valuable to present the information we have gathered in a format that is accessible not only those who make and study visitation regulations, but also to those whose interpersonal relationships are so profoundly affected by them: inmates and their families and friends. Ensuring that prisoners and prison visitors can easily access clear and comprehensive information about the rules governing their visits would allow them to maximize contact with loved ones and avoid frustration, and promote institutional security though compliance. Discretion will always be a necessary feature of visitation management, but making visitation policies and their implementation in practice more transparent might even create opportunities for those who participate in the visitation process to work with correctional administrators to improve it.

In conducting the first fifty state survey of prison visitation regulations, we have likely raised more questions than we answered. This report offers a sense of the policy landscape, and

[97] *See, e.g.*, MINN. DEP'T OF CORR., *supra* note 57.

through further work on our part and the part of other researchers, we aim to better understand the ways these policies work in practice and impact specific groups of inmates and their families and friends. We hope, too, that this research will offer correctional administrators the tools to consider their own and other states' approaches and develop best practices.

	Accessing Visiting Policies Online				Written Visiting Policies				Tone of Policies	Basic Limitations	
	Department of Corrections ("DOC") Website	Any Policies on DOC Website?	Visiting Policy on DOC Website?	URL for Policies on Website	Has a Visiting Regulation available on Westlaw?	Has a Policy Directive from DOC?	Has a Visitor's Handbook or Plain English Instructions?	Date of most recent source document	Promotes / Encourages visitation in policy documents?	Limits number of visitors on approved list?	Sets a floor for minimum visitation hours/days?
Alabama	http://www.doc.state.al.us/	Yes	No	http://www.doc.state.al.us/adminregs.asp	No	Yes	Yes Information about sending Packages and Mail, not Visiting	2009	No "It is the policy of the ADOC to afford inmates the privilege of participating in the visitation program in accordance with this regulation." Ala. Admin. Reg. 303, "Visitation," at II (2006).	Yes 8. Can change list only every six months. Ala. Admin. Reg. 303, "Visitation," at V.B (2006). Specifies gender/relationship status of allowed visitors. *Id*. at V.B.6. Visitors can only be on one inmate's visitation list unless family. *Id*. at V.B.12.	No Varies by institution. Ala. Admin. Reg. 303, "Visitation," at V.J.1 (2006).
Alaska	http://www.correct.state.ak.us/corrections/index.jsf	Yes	Yes	Statutes & Admin: http://www.correct.state.ak.us/corrections/commish/statutes.jsf Policies & Procedures: http://www.correct.state.ak.us/corrections/pnp/policies.jsf	Yes 22 Alaska Admin. Code 05.130. Visitation of prisoners.	Yes	No	2010	Yes "The Department encourages prisoner visitation because strong family and community ties increase the likelihood of a prisoner's success after release. Visitation is subject only to the limitations in this policy and as necessary to protect persons and maintain order and security in the institution." Alaska Dep't Corr. Policy 810.02 VI.A.	No	Yes "Visitation must be made available on at least three week days and one weekend day; a facility must make reasonable efforts to schedule visitation to accommodate day and night work shifts of potential visitors." Alaska Dep't Corr. Policy 810.02 VII.B.1.(e).
Arizona	http://www.azcorrections.gov	Yes	Yes	http://www.azcorrections.gov/Policies/900/0911.pdf	No *But see* Arizona Admin. Code, Title 5	Yes	Yes	2012	No	Yes 20 Ariz. Dep't of Corr. Policy 911.01.1.1.1.	No

	Special Visiting Provision			Specific Procedures		Specific Rules		
	Contains provision for long-distance visitors ("special visitors")?	**Contains provision for overnight visiting (referred to as family reunion / extended / conjugal visiting)?**	**Contains provisions for video visitation?**	**Contains provisions for grievance procedures for when visitation is suspended?**	**Specifies search procedures for visitors?**	**Limits visitors based on security classifications?**	**Has child-specific rules?**	**Notes for reader**
Alabama	Yes Once per six months for out of state family. Ala. Admin. Reg. 303, "Visitation," at V.B.13 (2006).	No	No	Yes Write the warden. Ala. Admin. Reg. 303, "Visitation," at V.N.9 (2006).	Yes Ala. Admin. Reg. 303, "Visitation," at V.L (2006).	No	Yes Children defined as "Anyone under 19 nineteen years of age." Ala. Admin. Reg. 303, "Visitation," at III.B (2006). "Visitors who bring minor children to visit will be expected to control the behavior of the children so that they do not interrupt other visitors." *Id*. at V.I.2.	
Alaska	Yes "The Superintendent may authorize extended visits for situations such as families traveling long distances or for professionals requiring extended hours of contact." Alaska Dep't Corr. Policy 810.02 VII.C.3(d).	No	No But does exist only for inmates at contract facility in Hudson, Colo. Service offered by contractor and by Tanana Chiefs Conference. *See* http://www.correct.state.ak.us/corrections/institutions/images/Hudsonvideovisitation.pdf	Yes "A prisoner may file a grievance concerning the denial or restriction of visitation directly to the Director of Institutions through the facility Grievance Coordinator. See policy #808.03, Prisoner Grievances." Alaska Dep't Corr. Policy 810.02 VII.D.4.	Yes Alaska Dep't Corr. Policy 810.02 VII.F.5.	No	Yes Alaska Dep't Corr. Policy 810.02 VII.E.	
Arizona	Yes Ariz. Dep't of Corr. Policy 911.05.	No	No	Yes "The visitor may submit a written statement to the Warden or unit Deputy Warden for review within five work days of the incident." "After reviewing all available information, the Warden or Deputy Warden shall determine appropriate action based on the specific circumstance and/or types of contraband detected." "Visitor appeals relating to visitation suspensions shall be addressed to, reviewed by, and decided by the Warden and not a designee. The Warden shall forward the appeal to the appropriate Regional Operations Director for review. The Regional Operations Director's decision is final." "Inmate visitation suspensions may be addressed through the inmate disciplinary system. Inmate appeals involving visitation suspensions may be addressed through the inmate disciplinary system appeals process." Ariz. Dep't of Corr. Policy 911.06.	Yes "All visitors and their possessions are subject to physical search by staff, electronic metal detection devices, barrier sniff screening (Narcotics Detection) by a Department Service Dog, and/or Ion Scanning." "All vehicles on Department property are subject to search. The owner/user shall be present during the search." Ariz. Dep't of Corr. Policy 911.03.	Yes "Maximum Custody Inmates - Maximum custody inmates shall be allowed to visit a maximum of one, 2-hour block per week. Visitation shall be by appointment only. All maximum custody inmate visitations shall be for one block, and is always non-contact, regardless of what phase the inmate is in." Greater privileges for lower custody & various "phases." Ariz. Dep't of Corr. Policy 911.08.	No	

	Accessing Visiting Policies Online				Written Visiting Policies				Tone of Policies	Basic Limitations	
	Department of Corrections ("DOC") Website	**Any Policies on DOC Website?**	**Visiting Policy on DOC Website?**	**URL for Policies on Website**	**Has a Visiting Regulation available on Westlaw?**	**Has a Policy Directive from DOC?**	**Has a Visitor's Handbook or Plain English Instructions?**	**Date of most recent source document**	**Promotes / Encourages visitation in policy documents?**	**Limits number of visitors on approved list?**	**Sets a floor for minimum visitation hours/days?**
Arkansas	http://www.adc.arkansas.gov/	Yes	Yes	http://adc.arkansas.gov/resources/Documents/adcar_pdf/AR865.pdf	Yes Ark. Admin. Code 004.00.2-865	Yes	Yes	2011	Yes Notes that visitation "is essential to maintaining good morale, sustaining family life and ensuring relationship in the community upon release." Ark. Dep't of Corr. Policy 11-49.II.	Yes 20 Ark. Dep't of Corr. Policy 11-49.III.A.9. If a visitor is removed from list, must wait 6 months to be placed on any other inmate visitor list. Ark. Dep't of Corr. Policy 11-49.III.G.1.	Yes Saturdays and Sundays from Noon until 4 p.m., depending on security level. Ark. Dep't of Corr. Policy 11-49.III.C.
California	http://www.cdcr.ca.gov/	Yes	Yes	http://www.cdcr.ca.gov/Regulations/index.html	Yes CA Code of Reg Title 15, Art. 7, Visiting	Yes Operations Manual, Ch 5, Art. 42, Visiting	Yes	2011	Yes "The California Department of Corrections and Rehabilitation (CDCR) encourage inmates to develop and maintain healthy family and community relationships." It is a privilege for inmates to have personal contact visits while confined in CDCR institutions and facilities. Visiting in CDCR institutions and facilities shall be conducted in as accommodating a manner as possible in keeping with the need to maintain order, the safety of persons, the security of the institution/facility, and the requirements of prison activities and operations." Op. Man. 54020.1	No Affirmative ban on limiting the number of visitors. Op. Man. 54020.18	Yes "Each institution/facility shall establish a schedule that provides a minimum of 12 visiting hours per week." Op. Man. 54020.7
Colorado	http://www.doc.state.co.us/	Yes	Yes	http://www.doc.state.co.us/visiting-rules	No (But see 8 Colo. Code Reg. 1503)	Yes	No	2009	Yes "[P]romotes the furtherance of family and other supporting relationships important to offender stability while incarcerated, as well as upon release; while foremost maintaining the security and integrity of the facility." Colo. Admin. Reg. 300.01.I & II. *But see id.* at IV. A.1.	Yes 12; minor children must be named on the visitor application but do not count towards this cap. Colo. Admin. Reg. 300.01.IV.B.1.	No

	Special Visiting Provision			Specific Procedures		Specific Rules		
	Contains provision for long-distance visitors ("special visitors")?	**Contains provision for overnight visiting (referred to as family reunion / extended / conjugal visiting)?**	**Contains provisions for video visitation?**	**Contains provisions for grievance procedures for when visitation is suspended?**	**Specifies search procedures for visitors?**	**Limits visitors based on security classifications?**	**Has child-specific rules?**	**Notes for reader**
Arkansas	Yes Ark. Admin. Reg. 865, "Visitation," at VI.F.1 (2001); Ark. Dep't of Corr. Policy 11-49.III.B.	No	No	No	Yes Visitors must submit to searches, including of wigs and religious headgear. Brief cut and provocative clothing is not permitted. Ark. Dep't of Corr. Policy 11-49.III.E.	Yes All Class I inmates will be permitted weekly Sunday visits.All Class II, III and IV inmates will be permitted two visits a month, either the first and third Saturday of the month or the second and fourth Saturday of the month as determined by the Unit's schedule. In cases where inmates of the same immediate family are housed at the same unit/center, the Warden/Center Supervisor may approve requests by those inmates to visit on the same day, per the schedule of the lower class inmate. Ark. Dep't of Corr. Policy 11-49.III.C.	Yes Only visitors over the age of 12 must present photo ID. Ark. Dep't of Corr. Policy 11-49.III.D.	The Ark. Dep't of Corr. Indicated in correspondence with the authors that it is considering implementing a virtual visitaiton program. The DOC also referenced the availability of a guidebook as noted in column H.
California	Yes Termination of visits due to overcrowding will not apply if a visitor has traveled a distance of 250 miles or more and has not visited within the last 30 days. This exception is applied to allow two consecutive days of visiting.	Yes A "privilege earned by the inmate through successful program participation," Family Visiting is outlined in detail. Op. Man. 54020.33 - 33.20.13	No	Yes Visitation can be denied under Op. Man. 54020.23. To then appeal: "Visitors who wish to discuss visiting-related issues are encouraged to contact the visiting supervisor for resolution. Interviews shall be conducted or scheduled at the earliest opportunity. Visitors and/or inmates may register complaints/appeals regarding visiting through procedures contained in CCR Section 3179 and Chapter 5, Article 42." Op. Man. 54020.34	Yes Includes provisions for: Contraband / Metal Detectors - Op. Man. 54020.13.1 Clothed Searches - Op. Man. 54020.13.2 Unclothed Searches - Op. Man. 54020.13.3 Visitor Consent for Search - Op. Man. 54020.14 Refusal to Submit to Search - Op. Man. 54020.14.1 Documentation of Info Leading to Search - Op. Man. 54020.14.2 Search of Minors - Op. Man. 54020.14.3	Yes CCR Section 3170	Yes "Minors shall be accompanied by an adult who has been approved to visit the inmate. Approval of an emancipated minor's visit requires a one-time submission of a certified copy of the court order of emancipation." Op. Man 54020.10 "Any inmate convicted of specified criminal acts against minors shall be prohibited from visiting with minors in accordance with provisions of CCR Section 3173.1" Op. Man 54020.10.1	Both the Regulations and the Operations Manual are available online and contain overlapping information.
Colorado	Yes Termination of visits due to overcrowding does not apply to visitors who have traveled over 200 miles one way. Extended visits are available for visitors who have traveled a long distance. Colo. Admin. Reg. 300.01.IV.A,C.	Yes Denver Women's Correctional Facility has implemented the Apartment Program, which allows overnight visits with children.	No But does exist: the Centennial Correctional Facility currently implements virtual visitation. *See* http://www.doc.state.co.us/facility/ccf-centennial-correctional-facility	Yes Visitation can be suspended/denied when visitor has not come for 1 year. For any suspension the Visitor may appeal in writing to Administrative Head. Sanctions can include permanent denial of Visitor's right to visit. Focuses on visitor's rights and not inmates'. Colo. Admin. Reg. 300.01.IV.K	Yes Colo. Admin. Reg. 300.01.IV.H.	No	No	

	Accessing Visiting Policies Online				Written Visiting Policies				Tone of Policies	Basic Limitations	
	Department of Corrections ("DOC") Website	**Any Policies on DOC Website?**	**Visiting Policy on DOC Website?**	**URL for Policies on Website**	**Has a Visiting Regulation available on Westlaw?**	**Has a Policy Directive from DOC?**	**Has a Visitor's Handbook or Plain English Instructions?**	**Date of most recent source document**	**Promotes / Encourages visitation in policy documents?**	**Limits number of visitors on approved list?**	**Sets a floor for minimum visitation hours/days?**
Connecticut	http://www.ct.gov/doc/site/default.asp	Yes	Yes	http://www.ct.gov/doc/cwp/view.asp?a=1492&Q=450576&docNav=|	No *But see* Conn. Agencies Regs. Title 18.	Yes	Yes	2009	No	Yes From 5-10 depending on security classification. Conn. Dep't of Corr. Policy 10.6.4.B.	Yes At least one (1) evening visit weekly; 2. Weekend visits; and, 3. Visits of at least one (1) hour in duration. Inmates shall normally be allowed a minimum of two regular visits each week. Conn. Dep't of Corr. Policy 10.6.6.B.
Delaware	http://doc.delaware.gov/	Yes	No	http://doc.delaware.gov/information/DOC_Policy_Manual.shtml	No	Yes	Yes	2001	No	No	No Visits are by appointment only. Visiting hours range from one 45 minute visit per month to 1.5 hours per week. Del. Dep't. of Corr. Pol. 5.2, at IV.A, G (2001).
Florida	http://www.dc.state.fl.us/	Yes	Yes	http://www.dc.state.fl.us/secretary/legal/ch33/index.html	No *But see* Fla. Admin. Code Title 33, Chpt. 33-5.	No	No	2010	No	Yes 15 plus children under age 12. Fla. Admin. Code 33-601.716(3) (2005).	Yes Visits allowed between 9:00 a.m. and 3:00 p.m. each Saturday and Sunday. Fla. Admin. Code Ann. r.33-601.722 (2005).
Georgia	http://www.dcor.state.ga.us/	Yes	Yes	http://www.dcor.state.ga.us/InmateInfo/FamilyInfo/Families-Friends.html	Yes (Georgia Admin. Code, Title 125, Chpt. 125-3-4. Visitation)	Yes	Yes	2006	Yes "[P]rovide visiting programs that are conducive to the establishment and maintenance of positive relationships with family and Significant Others. Visitation is a privilege for inmates and should not be considered a right." Ga. Dep't of Corr. Policy IIB01-0005.I.	Yes 12 Ga. Dep't of Corr. Policy IIB01-0005.VI.D.1.	Yes A minimum of 6 hours shall be allotted each day for visitation periods on Saturdays, Sundays and holidays. Ga. Dep't of Corr. Policy IIB01-0005.VI.C.1.

	Special Visiting Provision			Specific Procedures		Specific Rules		
	Contains provision for long-distance visitors ("special visitors")?	**Contains provision for overnight visiting (referred to as family reunion / extended / conjugal visiting)?**	**Contains provisions for video visitation?**	**Contains provisions for grievance procedures for when visitation is suspended?**	**Specifies search procedures for visitors?**	**Limits visitors based on security classifications?**	**Has child-specific rules?**	**Notes for reader**
Connecticut	Yes For out-of-state one-time visitors. Conn. Dep't of Corr. Policy 10.6.5.A.	Yes Extended Family Visit. A prolonged visit between an inmate and specified immediate family member(s), and/or a legal guardian, in a designated secure area separate from the inmate population. Conn. Dep't of Corr. Policy 10.6.5.E. Not currently offering conjugal visits in any state facilities.	No	*See* Conn. Dep't of Corr. Policy 10.6.4.A.6.	Yes Conn. Dep't of Corr. Policy 10.6.6.G.	Yes Limits the number based on level of facility. Conn. Dep't of Corr. Policy 10.6.6.k.	Yes Scattered references.	
Delaware	Yes For visitors living more than 100 miles away. Del. Dep't. of Corr. Pol. 5.2, at IV.Q (2001).	No	No	No	Yes Criminal background check may be required. Del. Dep't. of Corr. Pol. 8.48, at VI.B (2011). Various clothing requirements (e.g. no tight clothing) specified. Del. Dep't. of Corr. Pol. 5.2, at IV.E, T (2001).	Yes Del. Dep't. of Corr. Pol. 5.2, at IV.G (2001).	Yes Del. Dep't. of Corr. Pol. 5.2, at IV.C, D, F (2001).	
Florida	Yes May allow additional visiting hours based on such factors as great travel distance or infrequency of visits. See also Fla. Admin. Code Ann. r.33-601.736 (2005).	No	No But does exist. *See* Patrick Doyle, et al., Prison Video Conferencing, Vermont Legislative Research Service 3, May 15, 2011	Inmates shall be allowed to file grievances concerning visiting privileges in accordance with the provisions of Rule 33-103.005. Fla. Admin. Code Ann. r.33-601.732(5) (2005).	Yes Fla. Admin. Code Ann. r.33-601.726, (2005).	No	Yes Warden to "ensure that games, small toys and other suitable activities are available for small children to assist visitors with keeping their children occupied during visitation." Fla. Admin. Code Ann. r.33-601.721 (2005). Visit Subject to termination if child misbehaves. Fla. Admin. Code Ann. r.33-601.727 (2005).	
Georgia	Yes *See* Ga. Dep't of Corr. Policy IIB01-0005.VI.C.5.	No Family programming exists through the Children's Center in the women's prison, but no overnight visitation occurs.	No Georgia reported a program that does not appear in its directive.	No	Yes *See* Ga. Dep't of Corr. Policy IIB01-0005.VI.J.	No	Yes Visitors are responsible for keeping children under their control. Ga. Dep't of Corr. Policy IIB01-0005.VI.O.6.	

	Accessing Visiting Policies Online				Written Visiting Policies				Tone of Policies	Basic Limitations	
	Department of Corrections ("DOC") Website	Any Policies on DOC Website?	Visiting Policy on DOC Website?	URL for Policies on Website	Has a Visiting Regulation available on Westlaw?	Has a Policy Directive from DOC?	Has a Visitor's Handbook or Plain English Instructions?	Date of most recent source document	Promotes / Encourages visitation in policy documents?	Limits number of visitors on approved list?	Sets a floor for minimum visitation hours/days?
Hawaii	http://hawaii.gov/psd	Yes	Yes	http://hawaii.gov/psd/policies-and-procedures/P-P/3-COR/3-P-P%20Table%20of%20Contents/3-COR/COR%20P-P%20Table%20of%20Contents%2003-23-2009.html/?searchterm=Visitation	Yes Code of Hawaii Rules, Title 23, Subtitle 2, Chpt 100	Yes	No	2010	Yes Privilege not a right, but "visitation is intregral to the correctional and rehabilitative process of inmates." Haw. Dep't of Pub. Safety Policy COR.15.04.3.0.	No	No
Idaho	http://www.corr.state.id.us/	Yes	Yes	http://www.corr.state.id.us/about_us/policy.htm	Yes Idaho Admin. Code, Agency 06, Title 01, Chpt 01.604	Yes	Yes	2009	Yes "The Idaho Department of Correction (IDOC) encourages visitation between offenders and their friends and family. Visitation is important for offenders to maintain relationships and contact with the outside world." Idaho Dep't of Corr. Policy 604.02.01.001.	No	No
Illinois	http://www.idoc.state.il.us/	Yes	Yes	http://www.idoc.state.il.us/subsections/visitationrules/default.shtml	Yes Ill. Admin. Code, Title 20, Part 525.20	No	No	2003	No	No	No "[E]ach correctional facility shall establish regular visiting hours." Ill. Admin. Code tit. 20, § 525.20(a), "Visiting Privileges."
Indiana	http://www.in.gov/idoc/	Yes	Yes	http://www.in.gov/idoc/2322.htm	No	Yes	Yes	2009	Yes "[E]ncourage offender communication and contact with family and friends. . . . [T]he majority of offenders will be released into the community and that the offender's eventual reintegration will be more effective if a visitation program permits the maintenance of social relationships. In addition to traditional forms of visitation (contact and non-contact), alternative methods of visitation may be made available to help facilitate persons unable to travel to facilities." Ind. Dep't of Corr. Policy 02-01-102.II.	Yes 10 family and 2 friends. Ind. Dep't of Corr. Policy 02-01-102.VI.	No
Iowa	http://www.doc.state.ia.us/	Yes	Yes	http://www.doc.state.ia.us/visitinghours.asp	Yes Iowa Admin. Code, Agency 201, Chpt 20.3(904)	Yes	No	2010	Yes "It is the policy of the IDOC to allow offenders, including violator program offenders, visiting privileges to maintain and strengthen relationships with family members and friends." Iowa Dep't of Corr. Policy 3 at II.	Yes 4 plus family and children. Iowa Dep't of Corr. Policy 3 at IV.A.1.	No

	Special Visiting Provision			Specific Procedures		Specific Rules		
	Contains provision for long-distance visitors ("special visitors")?	Contains provision for overnight visiting (referred to as family reunion / extended / conjugal visiting)?	Contains provisions for video visitation?	Contains provisions for grievance procedures for when visitation is suspended?	Specifies search procedures for visitors?	Limits visitors based on security classifications?	Has child-specific rules?	Notes for reader
Hawaii	Yes Where not on the same island. Haw. Dep't of Pub. Safety Policy COR.15.04.3.2.	No	No	No	No *See* Haw. Dep't of Pub. Safety Policy COR.15.04.3.9.	No	Yes *See* Haw. Dep't of Pub. Safety Policy COR.15.04.3.8.	
Idaho	Yes Normally limited to immediate family members who have traveled a distance and time does not permit normal processing of the visiting application. Idaho Dep't of Corr. Policy 604.02.01.001.22.	No	No But does exist. *See* Patrick Doyle, et al., Prison Video Conferencing, Vermont Legislative Research Service 3, May 15, 2011	Yes If denied, and the offender is immediate family, reapplies in 90 days or files an appeal. If denied, and the offender is not immediate family, reapplies one (1) year. Decision cannot be appealed. Idaho Dep't of Corr. Policy 604.02.01.001 at Table 9.1.	Yes *See* Idaho Dep't of Corr. Policy 604.02.01.001. at Table 15.1.	No	Yes *See* Idaho Dep't of Corr. Policy 604.02.01.001.6.	
Illinois	Yes Ill. Admin. Code tit. 20, § 525.20(a)(2), "Visiting Privileges."	No	No	No	Yes Visitors shall be subject to search in accordance with Ill. Admin. Code tit. 20, § 501.220.	No	Yes Depending on age, children must be accompanied by an approved visitor and have the written consent of a parent or guardian, unless waiver granted. Ill. Admin. Code tit. 20, § 525.20(b)(2)	The link for the Inmate Visitation Policy is to the Illinois Department of Corrections directive in the Illinois Administrative Code. There is also an agency administrative directive, and each facility has an institutional directive.
Indiana	Yes Ind. Dep't of Corr. Policy 02-01-102.XIV.	No	Yes Only as punishment where inmate not allowed non-contact or contact visists. Ind. Dep't of Corr. Policy 02-01-102.XV & XVIII.	Yes *See* Ind. Dep't of Corr. Policy 02-01-102.XVI.	Yes Includes possibility of frisk search, metal detectors and ion scanning equipment, and trained K-9s. Ind. Dep't of Corr. Policy 02-01-102.XII.	No	Yes Restrictions on visits with minors. Ind. Dep't of Corr. Policy 02-01-102.XX.	
Iowa	Yes Iowa Dep't of Corr. Policy 3 at IV.J.	No	No	Yes Applicant can appeal denial of visit or restriction within 45 days. Iowa Dep't of Corr. Policy 3 at IV.D.	No	No	No	

	Accessing Visiting Policies Online				Written Visiting Policies				Tone of Policies	Basic Limitations	
	Department of Corrections ("DOC") Website	Any Policies on DOC Website?	Visiting Policy on DOC Website?	URL for Policies on Website	Has a Visiting Regulation available on Westlaw?	Has a Policy Directive from DOC?	Has a Visitor's Handbook or Plain English Instructions?	Date of most recent source document	Promotes / Encourages visitation in policy documents?	Limits number of visitors on approved list?	Sets a floor for minimum visitation hours/days?
Kansas	http://www.dc.state.ks.us/	Yes	Yes	http://www.doc.ks.gov/kdoc-policies/impp/?searchterm=IMPP	Yes Kansas Admin. Regulations, 44-7-104	Yes	Yes	2009	No	Yes 20 for Inmates Level II and III, "Inmates assigned to Level I shall be limited to visits from attorneys, clergy, law enforcement, a primary visitor, and immediate family members." Kan. Dep't of Corr. Policy 10-113.	Yes Minimum of four (4) hours per week of visiting for all inmates in the general population. Kan. Dep't of Corr. Policy 10-113.V.
Kentucky	http://www.corrections.ky.gov/	Yes	Yes	http://corrections.ky.gov/community info/Policies%20and%20Procedures/Pages/default.aspx	Yes Kentucky Admin. Regulations, Title 501, Chpt 3:140	Yes	No	2012	No	Yes 3 plus family Ky. Corr. Policy 16.1.II.D	Yes Minimum of eight (8) hours per month. Ky. Corr. Policy 16.1.II.C.1.
Louisiana	http://www.doc.louisiana.gov	No	No	-	Yes La. Admin. Code, Title 22, Sec 316	Yes	Yes	2009	Yes "The department recognizes the importance of visitation in the maintenance of an offender's family ties; visitation is an integral component of institutional management. ... Visiting can improve public safety and encourage offender accountability. Authorized visitation is permitted by the department to facilitate an offender's institutional adjustment in accordance with the department's goals and mission." L.A. Dep't Pub. Saf. & Corr. Policy C-02-008.5.	Yes 10 L.A. Dep't Pub. Saf. & Corr. Policy C-02-008.7.C.	Yes Two visits per month per visitor Two hour visit is "optimum." L.A. Dep't Pub. Saf. & Corr. Policy C-02-008.7.F.

	Special Visiting Provision			Specific Procedures		Specific Rules		
	Contains provision for long-distance visitors ("special visitors")?	**Contains provision for overnight visiting (referred to as family reunion / extended / conjugal visiting)?**	**Contains provisions for video visitation?**	**Contains provisions for grievance procedures for when visitation is suspended?**	**Specifies search procedures for visitors?**	**Limits visitors based on security classifications?**	**Has child-specific rules?**	**Notes for reader**
Kansas	Yes 1. Requests for a single visit prior to background verification and approval of subsequent visits; 2. When the visitor has traveled a distance of 150 miles (one way) or more; or, (ACI 3-4442) 3. When the special visit is in the best interest of the inmate's rehabilitative needs or other correctional goals. Kan. Dep't of Corr. Policy 10-113.VIII.B.	No	No	No	Yes Kan. Dep't of Corr. Policy 10-113.XI.	No	No	
Kentucky	Yes Factors include: Distance the visitor travels; Frequency of visits for a particular inmate; Health problems of an inmate or visitor; or A visit for business purposes if a decision is needed that substantially affects the assets or prospects of a business or property. Ky. Corr. Policy 16.1.II.C.3	No	No	No	No	No	Yes Visitors are responsible for keeping children under their control. Ky. Corr. Policy 16.1.II.H.6. Inmates may hold child or stepchild on lap. Ky. Corr. Policy 16.1.II.H.10.	Defines "immediate family" broadly, to include "those who may reared the inmate in palce of parents" and "a child to whom the inmate, although not a natural parent, acted as a parent." Ky. Corr. Policy 16.1.I.
Louisiana	Yes L.A. Dep't Pub. Saf. & Corr. Policy C-02-008.7.N.	No	No Though Louisiana reported a program that does not appear in its directive explicitly, but is included under special visitation.	Yes The Warden or designee shall notify the visitor in writing that he has been removed from all applicable visiting lists, the reason why and that the removal will be reviewed after a specified amount of time. The visitor shall also be notified in writing that he may appeal the Warden's decision to the Secretary by sending a letter within 15 days of the date of the notice. If the visitor exercises this appeal right, the Secretary or designee shall review the appeal and investigate, as appropriate, within 30 days of notice. If necessary, a hearing shall be scheduled and the visitor shall be notified of the time, date and location of the hearing. L.A. Dep't Pub. Saf. & Corr. Policy C-02-008.12.I.(1-2).	Yes See La. Admin Code. tit. 22, pt. I, § 303; L.A. Dep't Pub. Saf. & Corr. Policy C-02-008 Attachment.	No	Yes Minors must be accompanied by parents or legal guardians at all times. Adults are responsible for behavior of children. L.A. Dep't Pub. Saf. & Corr. Policy C-02-008 Attachment.	

	Accessing Visiting Policies Online				Written Visiting Policies				Tone of Policies	Basic Limitations	
	Department of Corrections ("DOC") Website	Any Policies on DOC Website?	Visiting Policy on DOC Website?	URL for Policies on Website	Has a Visiting Regulation available on Westlaw?	Has a Policy Directive from DOC?	Has a Visitor's Handbook or Plain English Instructions?	Date of most recent source document	Promotes / Encourages visitation in policy documents?	Limits number of visitors on approved list?	Sets a floor for minimum visitation hours/days?
Maine	http://www.state.me.us/corrections/	Yes	Yes	http://www.state.me.us/corrections/PublicInterest/policies.htm	No (But see, Code of Maine Rules, 03)	Yes	No	2006	No	No	No
Maryland	http://www.dpscs.state.md.us/	No	No	http://www.dsd.state.md.us/comar/SubtitleSearch.aspx?search=12.02.16.*; http://www.dpscs.state.md.us/locations/prisons.shtml	Yes Code of Md. Regulations. Title 12, Subtitle 2, Chpt 16	Yes	Yes	2011	Yes The Division of Correction (DOC) encourages visiting by family, friends, and community groups to maintain the morale of the inmate and to develop closer relationships between the inmate and family members or others in the community. Md. Div. of Corr. Policy 195.0001.01	Yes 15 Md. Division of Corr. Inmate Handbook at IV. L (2007). See also Md. Div. of Corr. Policy 195.0001.05.M.1.	Yes Friday, Saturday, Sunday, Monday visiting hours. At least two visits per week. Md. Div. of Corr. Policy 195.0001.05.F, G.
Massachusetts	http://www.mass.gov/?pageID=eopsagencylanding&L=3&L0=Home&L1=Public+Safety+Agencies&L2=Massachusetts+Department+of+Correction&sid=Eeops	Yes	Yes	http://www.dpscs.state.md.us/locations/prisons.shtml	Yes Code of Mass. Regulations, Title 103, Chpt 483.00	Yes	Yes	2004	Yes Mass. Dep't of Corr. Family and Friends Handbook 18 (2001)	No	Yes 3 days per week (including a weekend day and a weekday evening) 103 CMR 483.08(4)
Michigan	http://www.michigan.gov/corrections	Yes	Yes	http://www.michigan.gov/corrections/0,1607,7-119-1441_44369---,00.html	Yes Mich. Admin. Code, R791	Yes	Yes	2007	No	Yes 10 plus immediate family Mich. Dep't. of Corr. Policy 5.03.140.G	No

	Special Visiting Provision			Specific Procedures		Specific Rules		
	Contains provision for long-distance visitors ("special visitors")?	**Contains provision for overnight visiting (referred to as family reunion / extended / conjugal visiting)?**	**Contains provisions for video visitation?**	**Contains provisions for grievance procedures for when visitation is suspended?**	**Specifies search procedures for visitors?**	**Limits visitors based on security classifications?**	**Has child-specific rules?**	**Notes for reader**
Maine	Yes In extenuating circumstances, e.g., visit from out of state. Me. Dep't of Corr. Policy 21.4.VI.A.9.	No	No	Yes Any suspension of the prisoner's visiting privileges may be imposed only by the Chief Administrative Officer and only with the approval of the Commissioner of Corrections. The suspension may last only as long as necessary to resolve the risk to safety, security, or orderly management. A suspension of the prisoner's visiting privileges shall not be imposed in any case in which a restriction of visiting privileges, such as a requirement of non-contact visitation, would be sufficient to address the risk. The prisoner shall be notified in writing of a suspension or restriction of visiting privileges, whether imposed on the prisoner or the visitor. A prisoner may use the grievance process to grieve a decision to terminate a visit or to deny, suspend or restrict visiting privileges. A visitor may contest a denial, suspension or restriction of visiting privileges by writing to the Chief Administrative Officer, or designee, within seven (7) business days of written notification. Me. Dep't of Corr. Policy 21.4.VI.G.	No	No	Yes Each facility shall ensure that minors are permitted to visit prisoners. . . . Me. Dep't of Corr. Policy 21.4.VI.H.	
Maryland	Yes Where travel one way is greater than 200 miles, etc. Md. Div. of Corr. Policy 195.0001.05.T.	No	No	Yes Md. Div. of Corr. Policy 195.0001.05.W, X.	Yes Code of Md. Reg. 12.02.16.06 Visitor Searches. See also Md. Div. of Corr. Policy 195.0001.05.I, J, K, V.	No	Yes If space is available may provide facilites for children visitors. Md. Div. of Corr. Policy 195.0001.05.E.7	
Massachusetts	Yes Special accomodations, which vary by facility, are available for visitors travelling long distances.	No	No	Yes Visitor's may contest restrictions in a letter within 15 days 103 CMR 483.16(6)	Yes *See* 103 CMR 483.14	Depends on the particular institution.	Yes Requires consent forms for visiting minors unaccompanied by parents. There are specific clothing exclusions and allowable items for children and infants, and each visiting room has a children's area.	
Michigan	Yes Termination of visits due to overcrowding does not apply to visitors who have traveled over 400 miles round trip. Mich. Dep't of Corr. Policy 5.03.140.HH	No	No	Yes See Mich. Dep't. of Corr. Policy 5.03.140. (scattered provisions including L; LL; XX).	No	No	No	

	Accessing Visiting Policies Online				Written Visiting Policies				Tone of Policies	Basic Limitations	
	Department of Corrections ("DOC") Website	**Any Policies on DOC Website?**	**Visiting Policy on DOC Website?**	**URL for Policies on Website**	**Has a Visiting Regulation available on Westlaw?**	**Has a Policy Directive from DOC?**	**Has a Visitor's Handbook or Plain English Instructions?**	**Date of most recent source document**	**Promotes / Encourages visitation in policy documents?**	**Limits number of visitors on approved list?**	**Sets a floor for minimum visitation hours/days?**
Minnesota	http://www.doc.state.mn.us/	Yes	Yes	http://www.doc.state.mn.us/DOcpolicy2/html/DPW_Main.asp	Yes (see, e.g. Minn. Rules 2945.2520)	Yes	Yes	2010	Yes To provide the opportunity for offenders to receive visits from carefully screened family and friends while incarcerated. Minn. Dep't of Corr. Policy 302.100	Yes 24 Minn. Dep't of Corr. Policy 302.100.B.1.	Yes Time limit: 2 hours, extendable with permission. Minn. Dep't of Corr. Policy 302.100.A.1.
Mississippi	http://www.mdoc.state.ms.us/	No	Yes		No (But see Miss. Admin. Code, Title 29)	Yes	Yes	2011	No	Yes 10, not including children. Updated every 6 months. No cross listing of visitors. Miss. Dep't of Corr. Policy 31-03-01 at 417-26.	Yes Varies by institution and security level. Medium & Minimum Custody Offenders – Saturday or Sunday, 0900 – 1400 hours. Each unit has its own assigned visitation days. Special Treatment Units – Protective Custody Offenders - Minimum Custody - every Monday, (except 5th) Medium Custody – 2nd & 4th Monday; Closed Custody – 3rd Monday. Closed Custody Offenders – Unit 29 – 3rd or 4th Tuesday & 3rd or 4th Wednesday. (Please contact MSP Visitation Department for further information). Closed Custody Offenders – Unit 32 – Alpha Building – 2nd Tuesday, Bravo Building – 1st Wednesday Closed Custody General Population: Unit 29 -2nd Tuesday monthly; Unit 32–4th Tuesday Behavior Management Program – NO VISITS Death Row Offenders – 1st & 3rd Tuesday Long-Term Administrative Segregation Status – One (1) hour non-contact visit on the 2nd Monday in the last month of each quarter with any approved visitor on their visitation list. Miss. Dep't of Corr. Policy 31-03-01.
Missouri	http://doc.mo.gov/	No	No		No (But see, Missouri Code of State Regulations, Title 14)	Yes	Yes	2010	Yes Strongly supports and encourages use of the visiting privilege to assist the offender population in maintaining strong ties to the community. Mo. Dep't of Corr. Policy IS13-3.1. I.	Yes 20. May change list twice per year. No cross visiting. Background check on all proposed visitors. Mo. Dep't of Corr. Policy IS13-3.1.III.I.1., L.1.	Yes Friday, Saturday, Sunday. Two separate four hour blocks of visiting. Mo. Dep't of Corr. Policy IS13-3.1.III.F. Minimum of 8 visits per month. Mo. Dep't of Corr. Policy IS13-3.1.III.H.

	Special Visiting Provision			Specific Procedures		Specific Rules		
	Contains provision for long-distance visitors ("special visitors")?	**Contains provision for overnight visiting (referred to as family reunion / extended / conjugal visiting)?**	**Contains provisions for video visitation?**	**Contains provisions for grievance procedures for when visitation is suspended?**	**Specifies search procedures for visitors?**	**Limits visitors based on security classifications?**	**Has child-specific rules?**	**Notes for reader**
Minnesota	Yes May request an extension of visiting time when there are special circumstances or the visitor has driven more than 100 miles to visit. Minn. Dep't of Corr. Policy 302.100.A.1; G.	No	Yes Minn. Dep't of Corr. Policy 302.100OPH.	Yes Denial of visiting privileges may be appealed in writing within 15 days of an official written decision to the warden or designee, who will render a decision within 5 days from the receipt of the appeal. Minn. Dep't of Corr. Policy 302.100.F.	Yes Minn. Dep't of Corr. Policy 302.100.D.	Yes Levels 5 and 4: 16 hours per month Level 3: 24 hours per month Levels 2 and 1: 36 hours per month Minn. Dep't of Corr. Policy 302.100.A.1.	Yes Minors can visit only if accompanied by a parent or guardian or another adult they authorize. There are additional restrictions on visitation within inmates who have abused children in the past. Minn. Dep't of Corr. Policy 302.100.B.2.	
Mississippi	Yes Death bed visits and family members not on approved list Miss. Dep't of Corr. Policy 31-03-01 at 506.	Yes Conjugal visit/extended family visit, but not available for inmates married to other inmates after 1999. Ten dollar per night fee. Maximum of 5 nights every three months. Spouses of inmates with STD's may be prohibited. Miss. Dep't of Corr. Policy 31-03-01 at 99-100, 634-82, 745-47, 773-85.	No	No	Yes Miss. Dep't of Corr. Policy 31-03-01 at 193-220.	Yes *See* Miss. Dep't of Corr. Policy 31-03-01 at 453-505.	Yes Diaper bags allowed. Toys not allowed. Miss. Dep't of Corr. Policy 31-03-01 at 261-263, 288.	Offenders who have immediate family incarcerated at the same facility will be allowed to visit each other two (2) times per year (January and July). Miss. Dep't of Corr. Policy 31-03-01 at 597-598.
Missouri	Yes "Food visits" as an incentive for good behavior. Mo. Dep't of Corr. Policy IS13-3.1.III.K.3. Various kinds of special visits (military leave; long distance travel; terminal illnes; etc.). Mo. Dep't of Corr. Policy IS13-3.1.III.S.	No	No But does exist. *See* Patrick Doyle, et al., Prison Video Conferencing, Vermont Legislative Research Service 3, May 15, 2011	Yes A visitor may appeal visiting restrictions or suspension of visiting privileges to the appropriate deputy division director in Central Office. May also reapply after one year. Mo. Dep't of Corr. Policy IS13-3.1.III.L.11. *See also* Mo. Dep't of Corr. Policy IS13-3.1.III.R (termination of visiting privileges - visitor).	Yes "Trace technology searches." Mo. Dep't of Corr. Policy IS13-3.1.III.N.	No	Yes Play areas for children will be provided. Mo. Dep't of Corr. Policy IS13-3.1.III.D.3. Children's birthday celebrations within one month of actual birthday (12 and under). Mo. Dep't of Corr. Policy IS13-3.1.III.K.4.	

	Accessing Visiting Policies Online				Written Visiting Policies				Tone of Policies	Basic Limitations	
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Montana	http://www.cor.mt.gov/default.mcpx	Yes	Yes	http://www.cor.mt.gov/Resources/Policy/default.mcpx	No (But see, Admin. Rules of Mont., 20.9.622 (for juvenile facilities))	Yes	Yes	2011	Yes Encourages family ties and supportive relationships important to the stability of offenders while incarcerated and upon release. Mont. Dep't of Corr. Policy 3.3.8.I.	No	No
Nebraska	http://www.corrections.nebraska.gov/	Yes	Yes	http://www.corrections.nebraska.gov/policiesmailphonevisit.html	Yes Neb. Admin. Code. Title 68, Chpt 4	Yes	No	2010	No	No	No
Nevada	http://www.doc.nv.gov/	Yes	Yes	http://www.doc.nv.gov/ar/index.php?idnum=0	No (But see, Nev. Admin. Code, Ch. 211 on jails)	Yes	No	2011	No	No *But see* Nev. Dep't of Corr. Admin. Reg. 719.7.	No
New Hampshire	http://www.nh.gov/nhdoc/	Yes	Yes	http://www.nh.gov/nhdoc/documents/7-09.pdf	Yes N.H. Code Admin. R. Cor 305	Yes	No	2009	Yes To foster relationships with family and community volunteers that will improve the opportunities for inmates to successfully reintegrate into the community. N.H. Dep't of Corr. Policy 7.09.I.	Yes 20 plus family. N.H. Code Admin. R. Corr. 305.02(i). No visitor can visit more than one inmate unless family. N.H. Dep't of Corr. Policy 7.09.IV.I.10.	No *But see* N.H. Dep't of Corr. Policy 7.09. (Hours of each unit listed).
New Jersey	http://www.state.nj.us/corrections/pages/index.shtml	No	No	http://www.michie.com/newjersey/lpext.dll?f=templates&fn=main-h.htm&cp=	Yes N.J. Admin. Code 10A, Chpt 18	Yes	No	-	Yes "It is the mission of the Department of Corrections' inmate visit programs to encourage inmates to maintain the closest ties possible with family, friends and other members of the community, including clergy, and any other persons as determined by the Department, who may have a constructive influence on the inmate." N.J. Dep't of Corr. Policy IMM.007.000.	No	No

	Special Visiting Provision			Specific Procedures		Specific Rules		
	Contains provision for long-distance visitors ("special visitors")?	**Contains provision for overnight visiting (referred to as family reunion / extended / conjugal visiting)?**	**Contains provisions for video visitation?**	**Contains provisions for grievance procedures for when visitation is suspended?**	**Specifies search procedures for visitors?**	**Limits visitors based on security classifications?**	**Has child-specific rules?**	**Notes for reader**
Montana	Yes Long distance; deathbed; clergy; etc. Mont. Dep't of Corr. Policy 3.3.8.IV.K.	No	No	No *But See* Mont. Dep't of Corr. Policy 3.3.8.IV.D.	Yes Mont. Dep't of Corr. Policy 3.3.8.IV.G. *See also* Mont. Dep't of Corr. Policy 3.1.17.	No	Yes Children must be accompanied by parent, guardian, or other approved adult. Mont. Dep't of Corr. Policy 3.3.8.IV.C.2. Facilities issue specific rules related to children. Mont. Dep't of Corr. Policy 3.3.8.IV.B.1.f.	
Nebraska	Yes Long distance, health emergency, clergy, legal, etc. Neb. Dep't of Corr. Policy 205.02.IV.	Yes Only in one women's facility for children under age 6. See http://www.corrections.nebraska.gov/nccw.html.	No	No	No *But see* Neb. Dep't of Corr. Policy 205.02.VII.A (dress code).	No	Yes Must control children, but cannot use corporal punishment. Neb. Dep't of Corr. Policy 205.02.VI.A.	
Nevada	No	No	No	No	No	No	No	
New Hampshire	Yes N.H. Dep't of Corr. Policy 7.09.IV.K.	No	No	No	Yes N.H. Dep't of Corr. Policy 7.09.J.6.; N.H. Code Admin. R. Corr. 305.02(m).	Yes N.H. Dep't of Corr. Policy 7.09.IV.C	Yes Restrain children from disruptive behavior. N.H. Code Admin. R. Corr. 305.02(q)(3). No toys allowed; joint responsibility of visitor and inmate. N.H. Dep't of Corr. Policy 7.09.I.3.	
New Jersey	Yes	No	Yes See video visitation description: http://www.state.nj.us/corrections/pages/VideoConference.html	No But inmates whose contact visit privileges are revoked may petition after 1 year for reinstatement. N.J. Admin. Code 10A:18-6.20.	Yes N.J. Admin. Code 10A:18-6.14.	Yes Although not described in policy documents, limitations on frequency and duration of visits exist for inmates in the Management Control Unit, those with zero tolerance offenses, and close custody inmates.	Yes N.J. Admin. Code 10A:18-6.8.	

	Accessing Visiting Policies Online				Written Visiting Policies				Tone of Policies	Basic Limitations	
	Department of Corrections ("DOC") Website	**Any Policies on DOC Website?**	**Visiting Policy on DOC Website?**	**URL for Policies on Website**	**Has a Visiting Regulation available on Westlaw?**	**Has a Policy Directive from DOC?**	**Has a Visitor's Handbook or Plain English Instructions?**	**Date of most recent source document**	**Promotes / Encourages visitation in policy documents?**	**Limits number of visitors on approved list?**	**Sets a floor for minimum visitation hours/days?**
New Mexico	http://www.corrections.state.nm.us/	Yes	Yes	http://www.corrections.state.nm.us/policies/current/CD-100200English.pdf	No	Yes	Yes	2010	Yes Shall provide a visiting program designed to enhance the inmates' opportunities to establish or maintain family and personal relationships. N.M Dep't of Corr. Policy CD-100200 at Policy B.	Yes 15 N.M Dep't of Corr. Policy CD-100200 at Policy C.1.	Yes Hours from 830-3 at least on weekends. *Guide for Families and Friends of Justice Involved New Mexicans*, N.M. Dep't of Corr. at 18 (no date). The number of visitors an inmate may receive and the length of visits may be limited only by the institution's schedule, space, and personnel constraints, or when there are substantial reasons to justify such limitations. N.M Dep't of Corr. Policy CD-100200 at Policy I.
New York	www.docs.state.ny.us/	No	Yes	http://www.docs.state.ny.us/RulesRegs/index.html	Yes N.Y. Code of Rules and Regulations, Title 7, Chpt IV	Yes	Yes	1991	Yes To provide inmates with an opportunity to maintain relationships with friends and relatives in order to promote better community adjustment upon release. N.Y. Comp. Codes R. & Regs. 7, § 200.1.	No	Yes Varies by security classification. N.Y. Dep't of Corr. Policy 4403.III.
North Carolina	www.doc.state.nc.us/	Yes	Yes	http://www.doc.state.nc.us/publications/	No N.C. Admin. Code Title 15, Sec .0200 REPEALED	Yes (unsigned 'rules')	Yes	2006 (2010 for handbook)	No	Yes 18. Can only make changes every 6 months. N.C. Dep't of Corr. Policy 956 at 1.	Yes No more than 1 visit per week of up to two hours (plus legal/clergy visits) N.C. Dep't of Corr. Policy 956 at 2.
North Dakota	www.nd.gov/docr/	No	No	No	No (But see, North Dakota Admin. Code, Title 94)	Yes	No	2010	No	No *But see* N.D. Dep't of Corr. Policy 6G-4.3.B.	Yes Three days per week for two hours per day. N.D. Dep't of Corr. Policy 6G-4.3.A.3. Up to a total of 20 hours per month. N.D. Dep't of Corr. Policy 6G-4.3.C.2.
Ohio	www.drc.ohio.gov/	Yes	Yes	No	Yes (Baldwin's) Ohio Admin. Code 5120-9-15	Yes	No	2009	Yes The visiting program is designed to enhance contact with family and other support persons that will enable the offenders to successfully re-enter society at the conclusion of their incarceration. Ohio Dep't of Corr. Policy 76-VIS-01.II.	Yes 15 Ohio Dep't of Corr. Policy 76-VIS-01.VI.C.1.	No Discretion of each warden. Ohio Admin. Code 5120-9-15(I).

	Special Visiting Provision			Specific Procedures		Specific Rules		
	Contains provision for long-distance visitors ("special visitors")?	**Contains provision for overnight visiting (referred to as family reunion / extended / conjugal visiting)?**	**Contains provisions for video visitation?**	**Contains provisions for grievance procedures for when visitation is suspended?**	**Specifies search procedures for visitors?**	**Limits visitors based on security classifications?**	**Has child-specific rules?**	**Notes for reader**
New Mexico	Yes	Yes *Guide for Families and Friends of Justice Involved New Mexicans*, N.M. Dep't of Corr. at 16 (no date). Up to 24 hours, but fee for visits. N.M Dep't of Corr. Policy CD-100201, 2-CO-5D-01. *See also* N.M Dep't of Corr. Policy CD-100205, "Family overnight Visitation for Female Offenders."	Yes *Guide for Families and Friends of Justice Involved New Mexicans*, N.M. Dep't of Corr. at 16 (no date). "PB&J program." Especially for inmates for whom contact visitation is restricted. N.M Dep't of Corr. Policy CD-100200, *"Televised Visits."*	Yes N.M Dep't of Corr. Policy CD-100201, "Visitor Investigations; Termination and Suspension of Visiting Privileges." *See also* N.M Dep't of Corr. Policy CD-100203, Indefinite/Permanent Suspensions of a Relatives Visiting Privileges."	Yes *Guide for Families and Friends of Justice Involved New Mexicans*, N.M. Dep't of Corr. at 14 (no date). Published dress code. N.M Dep't of Corr. Policy Attachment CD-100201.B. N.M Dep't of Corr. Policy CD-100201, "Visitor Investigations; Termination and Suspension of Visiting Privileges" at G.	Yes *Guide for Families and Friends of Justice Involved New Mexicans*, N.M. Dep't of Corr. at 14, 18-19 (no date). Depending on security level you can/cannot hold your own children. N.M Dep't of Corr. Policy CD-100201, "Visitor Investigations; Termination and Suspension of Visiting Privileges" at A.	Yes Hospitality centers to provide comfortable space for kids after long trip. The number of visitors an inmate may receive and the length of visits may be limited only by the institution's schedule, space, and personnel constraints, or when there are substantial reasons to justify such limitations (8) *Guide for Families and Friends of Justice Involved New Mexicans*, N.M. Dep't of Corr. at 16 (no date). N.M Dep't of Corr. Policy CD-100200 at Policy I.	
New York	No	Yes *See* N.Y. Dep't of Corr. Policy 4500.	Yes New program run by Osborne Association - not in policy documents.	Yes N.Y. Comp. Codes R. & Regs. 7, § 200.5. N.Y. Dep't of Corr. Policy 4403.VIII.C.	Yes N.Y. Dep't of Corr. Policy 4403.VI.	Yes Higher security classifications have expanded visiting hours. N.Y. Dep't of Corr. Policy 4403.III.	Yes Scattered references. N.Y. Dep't of Corr. Policy 4403.	Separate policy directive for general inmate visitor program, family reunion program, and legal visiting.
North Carolina	Yes Dep't of Corr., *Handbook for Family and Friends of Inmates* 31 (2010).	No Dep't of Corr., *Handbook for Family and Friends of Inmates* 32 (2010).	No	No Dep't of Corr., *Handbook for Family and Friends of Inmates* 33 (2010).	Yes Dress code N.C. Dep't of Corr. Policy 956 at 2. Dep't of Corr., *Handbook for Family and Friends of Inmates* 29-30 (2010).	Yes N.C. Dep't of Corr. Policy 956 at 2.	No B*ut see* Dep't of Corr., *Handbook for Family and Friends of Inmates* 36 (2010).	
North Dakota	Yes N.D. Dep't of Corr. Policy 6G-4.3.D; N.D. Dep't of Corr. Policy 6G-4.3.B.4.o.	No	No	No	Yes N.D. Dep't of Corr. Policy 6G-4.3.F.2, 6, 7.	No	Yes Visitors with children may bring a diaper bag. N.D. Dep't of Corr. Policy 6G-4.3.F.8	
Ohio	Yes Ohio Dep't of Corr. Policy 76-VIS-01.VI.E.	No	No But does exist as a new program, not in policy documents, at four facilities.	No *But see* Ohio Dep't of Corr. Policy 76-VIS-01.VI.F.8-10; Ohio Admin. Code 5120-9-15(H).	No But visitor applicants are background checked, including an electronic search through records kept by the Department of Corrections. Ohio Dep't of Corr. Policy 76-VIS-01.VI.C.3.	No	Yes Minor children do not count towards visitor list limitations. Ohio Dep't of Corr. Policy 76-VIS-01.VI.C.9. Visit will be terminated if visitor fails to control children. Ohio Dep't of Corr. Policy 76-VIS-01.VI.F.8.c.	

	Accessing Visiting Policies Online				Written Visiting Policies				Tone of Policies	Basic Limitations	
	Department of Corrections ("DOC") Website	**Any Policies on DOC Website?**	**Visiting Policy on DOC Website?**	**URL for Policies on Website**	**Has a Visiting Regulation available on Westlaw?**	**Has a Policy Directive from DOC?**	**Has a Visitor's Handbook or Plain English Instructions?**	**Date of most recent source document**	**Promotes / Encourages visitation in policy documents?**	**Limits number of visitors on approved list?**	**Sets a floor for minimum visitation hours/days?**
Oklahoma	http://www.doc.state.ok.us/	Yes	Yes	http://www.doc.state.ok.us/offtech/toc03.htm	No (But see, Okla. Admin. Code, Title 170, Dept. of Corrections)	Yes	Yes	2011	Yes Visits are encouraged within the Department of Corrections (DOC) to enable the offender to strengthen family and community ties, increasing the likelihood of the offender's success after release. Okla. Dep't of Corr. Policy 030118.	Yes 6 plus family, but family is narrowly defined. Children do not count. Parents count as one visitor. Varies by facility. Okla. Dep't of Corr. Policy 030118.I.A; II.D.	No Ceiling is set per security classification. Okla. Dep't of Corr. Policy 030118.I.B, C, D.
Oregon	http://www.oregon.gov/DOC/index.shtml	Yes	Yes	http://www.oregon.gov/DOC/PUBSER/rules_policies/rules_alpha.shtml	Yes Oreg. Admin. Rules, 291-127	No	Yes In partnership with family advocacy group.	2011	Yes The Department encourages productive relationships between families and inmates and sees inmate visitation as a positive means to strengthen ties and increase the likelihood of success upon release. Or. Admin. R. 291-127-0200(2).	Yes 20, exclusive of children under age 13. Prisoners may add or remove visitors from the list at any time. Or. Admin. R. 291-127-0240(6)(A).	Yes Inmates are allowed one visit per day per visitor, but up to four in total, on weekends and holidays. Or. Admin. R. 291-127-0260(5)(c). Complicated point system for allocating visiting room space on a monthly basis. *See* Or. Admin. R. 291-127-0250.
Pennsylvania	http://www.cor.state.pa.us/portal/server.pt/community/department_of_corrections/4604	Yes	Yes	http://www.cor.state.pa.us/portal/server.pt/community/department_of_corrections/4604/doc_policies/612830	Yes Penn. Admin. Code, Title 37, Chpt 93.3 & 95.233	Yes	No	2009	No	Yes 40 Pa. Dep't of Corr. Policy DC-ADM 812 § 1 at E.1.	Yes Up to every day of year, with possible morning, afternoon, and evening visiting hours. At least one hour per visit and at least one visit per week. 37 Pa. Code § 93.3(h)(3)-(4). Pa. Dep't of Corr. Policy DC-ADM 812 § 1 at B.3.
Rhode Island	http://www.doc.ri.gov/index.php	Yes	Yes	http://www.doc.ri.gov/friends/index.php	Yes R.I. Admin. Code, 17-1-16	Yes	No	2007	Yes It is the policy of the Rhode Island Department of Corrections (RIDOC) to encourage inmates, in a manner consistent with sound security practices, to have regular social visits with relatives and other individuals in order to maintain close family ties and other positive relationships. R.I. Dep't of Corr. Policy 24.03-3.II.	Yes 9 R.I. Dep't of Corr. Policy 24.03-3.III.D.3.	Yes 3 visiting periods per week, minimum. 1.5 hour minimum per visiting period. Discretion of warden. R.I. Dep't of Corr. Policy 24.03-3.III.B.

	Special Visiting Provision			Specific Procedures		Specific Rules		
	Contains provision for long-distance visitors ("special visitors")?	**Contains provision for overnight visiting (referred to as family reunion / extended / conjugal visiting)?**	**Contains provisions for video visitation?**	**Contains provisions for grievance procedures for when visitation is suspended?**	**Specifies search procedures for visitors?**	**Limits visitors based on security classifications?**	**Has child-specific rules?**	**Notes for reader**
Oklahoma	Yes Okla. Dep't of Corr. Policy 030118.III.D.	No	No	No	Yes Okla. Dep't of Corr. Policy 030118A, Okla. Dep't of Corr. Policy 030118D.	Yes The higher security status the lower the number of hours for visits per week (max is just 4 hours/week plus holidays; min is 8). Okla. Dep't of Corr. Policy 030118.I.B, C, D.	No Local rules govern children. Okla. Dep't of Corr. Policy 030118.III.A.5.	If the offender is married, no person of the opposite gender may be listed as "friend" on the approved visiting list. Okla. Dep't of Corr. Policy 030118. Add-01.A.
Oregon	Yes Or. Admin. R. 291-127-0280.	No	Yes Robust policy provisions in place to allow video visitation both by prisoners on "basic" visitation and those for whom it is more convenient, but does not appear to exist in practice yet. Or. Admin. R. 291-127-0210(29).	Yes Or. Admin. R. 291-127-0240(9)(b); Or. Admin. R. 291-127-0245; Or. Admin. R. 291-127-0330.	Yes Dress code; no blue denim; must wear underwear. Or. Admin. R. 291-127-0290.	No	Yes Visiting points shall not be deducted for a child one year of age and under, as long as the child is held during the visiting session. Visiting points shall not be deducted for visitors age 65 and older. Or. Admin. R. 291-127-0250(1)(b). Also scattered provisions on diaper bags; visit termination if children not controlled; no children to be left unattended in parked cars; etc. Some facilities have special programming for infants and children, including extended visits, and visiting rooms designed for children and families.	
Pennsylvania	Yes Pa. Dep't of Corr. Policy DC-ADM 812 § 2 at B; 37 Pa. Code § 93.3(h)(7).	No	Yes "Virtual visitation" Pa. Dep't of Corr. Policy DC-ADM 812 §2 at K.	Yes Pa. Dep't of Corr. Policy DC-ADM 812 § 1 at N.	Yes Prohibits pat/frisk searches. In some cases metal detector alarm will result in a no contact visit. Electronic drug detection can be used on individuals and their vehicles Pa. Dep't of Corr. Policy DC-ADM 812 § 3.	Yes Pa. Dep't of Corr. Policy DC-ADM 812 § 1 at B.3.	Yes Pa. Dep't of Corr. Policy DC-ADM 812 § 1 at D.3.	
Rhode Island	Yes R.I. Dep't of Corr. Policy 24.03-3.III.G.	No	No	Yes R.I. Dep't of Corr. Policy 24.03-3.III.F.10.	Yes Narcotics equipment, metal detector, hand or wand frisk. Visual inspection of open mouth. R.I. Dep't of Corr. Policy 24.03-3.III.F. Dress code R.I. Dep't of Corr. Policy 24.03-3 Attachment 1.	No	Yes Failure to control children will lead to termination of visit. Children are not to run or play loudly. R.I. Dep't of Corr. Policy 24.03-3.III.B.11(s).	

	Accessing Visiting Policies Online				Written Visiting Policies				Tone of Policies	Basic Limitations	
	Department of Corrections ("DOC") Website	Any Policies on DOC Website?	Visiting Policy on DOC Website?	URL for Policies on Website	Has a Visiting Regulation available on Westlaw?	Has a Policy Directive from DOC?	Has a Visitor's Handbook or Plain English Instructions?	Date of most recent source document	Promotes / Encourages visitation in policy documents?	Limits number of visitors on approved list?	Sets a floor for minimum visitation hours/days?
South Carolina	http://www.doc.sc.gov/	Yes	Yes	http://www.doc.sc.gov/family/visitation.jsp	No (But see, S.C. Code of Regulations, Chpt. 33)	Yes	Yes	2006	Yes Practice is to enable and encourage inmates, consistent with security and classification requirements, to visit with family members and friends. S.C. Dep't of Corr. Policy OP-22.09.	Yes 15, must have no criminal record. Changes to list only once per 120 days. S.C. Dep't of Corr. Policy OP-22.09.4	Yes Only on Friday, Saturday, Sunday, and holidays. One visit per day. No more than 8 visits per month. S.C. Dep't of Corr. Policy OP-22.09.2, 3.
South Dakota	http://doc.sd.gov/	No	No	No	Yes Admin. Rules of So. Dak., 17:50:02	Yes	Yes	2007	No	Yes 2, plus family. Must clear background check first. S.D. Dep't of Corr. Policy 1.5.D.1.IV at "Approval for Visits" A.23; S.D. Admin. R. 17:50:02:01.	No Discretion of facility S.D. Admin. R. 17:50:02:02.
Tennessee	http://www.state.tn.us/correction/	Yes	Yes	No	No (But see, Rules & Regs. Of State of Tennessee, Chpt. 0420)	Yes	Yes By facility	2010	No	Yes 8 plus family. One year wait between being on one list and being put on another. Tenn. Dep't of Corr. Policy 507.01.VI.B.6(a), (o).	Yes Weekends, and holidays, plus one weeknight per week, plus more at discretion. Cannot visit both at evening and on weekend. Tenn. Dep't of Corr. Policy 507.01.VI.E.
Texas	http://www.tdcj.state.tx.us/	Yes	Yes	http://www.tdcj.state.tx.us/documents/cid/Offender_Rules_and_Regulations_for_Visitation_English.pdf	No (But see, Tex. Admin. Code, Title 37)	Yes	Yes	2008	Yes Tex. Dep't of Crim. Just. Policy I-218.	Yes 10. Ex-offenders require written permission from the supervising agency, based on which Warden makes a decision to grant or deny visit. Changes to list allowed every 6 months. Tex. Dep't of Crim. Just. Policy I-218.2.1 - 2.3.	Yes Weekends from 8am to 5pm. One visit per weekend with up to two adult visitors for a maximum of two hours at a time. Tex. Dep't of Crim. Just. Policy I-218.1.4.

	Special Visiting Provision			Specific Procedures		Specific Rules		
	Contains provision for long-distance visitors ("special visitors")?	**Contains provision for overnight visiting (referred to as family reunion / extended / conjugal visiting)?**	**Contains provisions for video visitation?**	**Contains provisions for grievance procedures for when visitation is suspended?**	**Specifies search procedures for visitors?**	**Limits visitors based on security classifications?**	**Has child-specific rules?**	**Notes for reader**
South Carolina	Yes Must be immediate family and on the visiting list. S.C. Dep't of Corr. Policy OP-22.09.5.12.	No	No	Yes S.C. Dep't of Corr. Policy OP-22.09.17.2	Yes Dress code. S.C. Dep't of Corr. Policy OP-22.09.7.1. Search procedures. S.C. Dep't of Corr. Policy OP-22.09.8, 9.	Yes S.C. Dep't of Corr. Policy OP-22.09.2, 3.	Yes Only immediate family allowed to visit. S.C. Dep't of Corr. Policy OP-22.09.5.1. Visit subjection to termination if children are disturbing other visitors. S.C. Dep't of Corr. Policy OP-22.09.7.7.	
South Dakota	Yes S.D. Dep't of Corr. Policy 1.5.D.1.IV at "Special Visits."	No But see Women mother's weekend-long program: http://doc.sd.gov/adult/facilities/wp/mip.aspx	No	No	No But subject to search S.D. Dep't of Corr. Policy 1.5.D.1.IV at "Searches." S.D. Admin. R. 17:50:02:08.	No, but two classes of visiting room.	No	
Tennessee	Yes For children, those from over 200 miles away, attorneys, crisis intervention, etc. Tenn. Dep't of Corr. Policy 507.01.VI.E.4.	No	No	Yes Review of visitation suspension every 6 months. Tenn. Dep't of Corr. Policy 507.01.VI.G.4.	Yes Dress code: no thongs, no water brassieres. Tenn. Dep't of Corr. Policy 507.01.VI.M. *See also* policy #506.06.	Yes Minimum security inmates get most choice of areas for visitation. Max security are limited to more secure areas for visiting. Tenn. Dep't of Corr. Policy 507.01.VI.K.	Yes Scattered provisions. Special family visitation program (pg 7). Tenn. Dep't of Corr. Policy 507.01.VI.E.4(b). "The TDOC recognizes the value of family bonding in regards to the development of children (especially toddlers and infants). Visitation rules of each facility should therefore make reasonable allowances for some physical contact between parents and toddlers and infants." Tenn. Dep't of Corr. Policy 507.01.VI.F.2. Visits may be terminated if kids misbehave. Tenn. Dep't of Corr. Policy 507.01.VI.G.2(b).	
Texas	Yes Over 300 miles away, for immiediate family members. Special visits include clergy; prospective employers; health emergency; etc. Tex. Dep't of Crim. Just. Policy I-218.6.0	No	No	Yes May appeal within 14 days of suspension. If denied, may appeal again 6 months later. Tex. Dep't of Crim. Just. Policy I-218.3.12.3.13.17.	Yes Search of person and vehicle. Tex. Dep't of Crim. Just. Policy I-218.3.6. Visitor rules and dress code. Pants must be worn "at or above the waist." Tex. Dep't of Crim. Just. Policy I-218.3.12.	Yes Tex. Dep't of Crim. Just. Policy I-218.1.5.	Yes Visit will be terminated if children distrub other visitors. Tex. Dep't of Crim. Just. Policy I-218.3.14.1.	

	Accessing Visiting Policies Online				Written Visiting Policies				Tone of Policies	Basic Limitations	
	Department of Corrections ("DOC") Website	Any Policies on DOC Website?	Visiting Policy on DOC Website?	URL for Policies on Website	Has a Visiting Regulation available on Westlaw?	Has a Policy Directive from DOC?	Has a Visitor's Handbook or Plain English Instructions?	Date of most recent source document	Promotes / Encourages visitation in policy documents?	Limits number of visitors on approved list?	Sets a floor for minimum visitation hours/days?
Utah	http://corrections.utah.gov/	No	Yes	http://corrections.utah.gov/visitation_facilities/visiting.html http://corrections.utah.gov/visitation_facilities/visiting_rules.html	Yes Utah Admin. Code, R251-305 & R251-706	No	Yes	2011	Yes "Visitation serves an important role in preserving the relationship between inmates and their families and friends." Utah. Dep't of Corr. Inmate Oreintation Booklet 4, available at http://corrections.utah.gov/visitation_facilities/documents/friendsandfamilymanual2012.pdf.	No But all approved visitors must submit a renewal form annually.	Yes No more than 2 hours per visit per day
Vermont	http://www.doc.state.vt.us/	Yes	No	http://www.doc.state.vt.us/about/policies/policies-home	No (But see, Vermont Admin. Code, Title 12, Subtitle 8)	No	No	2010	Yes "The Department urges and encourages extensive visiting to foster and maintain family and community ties. Therefore, in order to ensure that the facility does not isolate the residents from the public and from their families and friends, each facility shall establish visiting practices that are as open as facility resources, program demands, and security will permit." Vt. Admin. Code 12-8-22:966.	No	No Discretion of each warden. Vt. Admin. Code 12-8-22:966.
Virginia	http://www.vadoc.virginia.gov/	No	No	http://www.vadoc.virginia.gov/about/procedures/documents/800/851-1.pdf	Yes Virginia Admin. Code, Title 6, Chpt 15-45-1840 (see also,6 VAC 15-40-680; 6 VAC 15-40-1330; 6 VAC 15-80-470)	Yes	Yes	2012	Yes "The DOC encourages visiting by the family, friends, clergy, and other community representatives when visits do not pose a threat to others or violate any state or federal law." Va. Op. Proc. 851.1.I	No	Yes "Newly received offenders" no visitation for 60 days. Then, generally Saturday, Sunday and all state holidays. Though inmates given "one hour" on "designated days" within that range if visits exceed capacity. Va. Op. Proc. 851.1.IV.G.
Washington	http://www.doc.wa.gov/	Yes	Yes	http://www.doc.wa.gov/policies/default.aspx	No (But see, Wash. Admin. Code, Title 137)	Yes	Yes	2011	Yes Recognizes the vital role families play in the re-entry process and will support offenders in maintaining ties with family, friends, and the community by setting reasonable criteria for pesonal visits. Recognizes the need to engage community stakeholders, partners, and offender families in the re-entry process. Wash. Dep't of Corr. Policy 450.300 at Policy I, II.	No But must be preapproved and visitors can only appear on one inmate's list, except that provisions are made for immediate family to visit multiple inmates. Wash. Dep't of Corr. Policy 450.300.IV.A, D.	No
West Virginia	http://www.wvdoc.com/wvdoc/	No	No	No	No (But see, West Va. Code of State Rules, Title 90)	Yes	No	2010	No	No But all visitors must apply and are subject to background check. May only appear on one inmate's list unless family. W. Va. Div. of Corr. Policy 505.03.V.C, D. (2010).	No
Wisconsin	http://www.wi-doc.com/	Yes	Yes	https://docs.legis.wisconsin.gov/	Yes Wisc. Admin. Code, Chpt. 309	Yes	Yes	2010	No	Yes 12, not counting children. Can only change list every 6 months. Must clear a background check. Wis. Dep't of Corr. Policy 309.06.01.II.B.2, III.D. Wis. Admin. Code DOC § 309.08(1)(a).	Yes At least 9 hours per week. Wis. Admin. Code DOC § 309.09(3).

	Special Visiting Provision			Specific Procedures		Specific Rules		
	Contains provision for long-distance visitors ("special visitors")?	**Contains provision for overnight visiting (referred to as family reunion / extended / conjugal visiting)?**	**Contains provisions for video visitation?**	**Contains provisions for grievance procedures for when visitation is suspended?**	**Specifies search procedures for visitors?**	**Limits visitors based on security classifications?**	**Has child-specific rules?**	**Notes for reader**
Utah	No Not in policy but prisons regularly make accomodations for long distance, etc.	No	No	Yes Utah Admin. Code r.251-305-3(26). See also Utah. Dep't of Corr. Inmate Oreintation Booklet 5, available at http://corrections.utah.gov/visitation_facilities/documents/friendsandfamilymanual2012.pdf.	Yes Ionizer, property, vehicle search. Attire "must be conservative to enhance a family atmosphere." Female visitors must wear a bra and undergarments.	Yes Level I and Level II inmates shall not exceed one and one-half hours per visit. High level security visits are all 'barrier' The Inmate's Privilege Matrix Level shall determine the number of visits allowed per week/month.	Yes Visitors with babies may bring two diapers, one bottle, but no sippy cups allowed. Children under ten may wear shorts and sleeveless shirts.	All visits must be conducted in English. Unless otherwise noted, all information comes from rules posted on Utah Dep't of Corr. Website.
Vermont	No	No	No	No	No	Yes Limits may be placed on the visiting program of a resident in a special classification status. Vt. Admin. Code 12-8-22:966.	No	
Virginia	Yes Includes, but not limite to: clergy, attorneys, former or prospective employers, sponsors, parole advisors, and immediate family on "infrequent" visits or "extreme travel distance." Va. Op. Proc. 851.1.IV.E.	No	Yes Va. Op. Proc. 851.1.IV.O. *See* http://www.vadoc.virginia.gov/offenders/prison-life/videoVisitation.shtm	Yes Va. Op. Proc. 851.1.IV.L.5.	Yes Reference is made to a specific procedure, though that procedure is not published online. Va. Op. Proc. 851.1.IV.A.6. Specific search procedures included. Va. Op. Proc. 851.1.IV.I.	Yes "The total number of hours an offender may visit per month will be in accordance with Operating Procedure 440.4" which is not published online. Va. Op. Proc. 851.1.IV.G.7.	Yes Allows unaccompanied visitation with a notarized statement. Va. Op. Proc. 851.1.IV.F.3.	Includes standards, such as "Offenders receive approved visitors except where there is substantial evidence that the visitor poses a threat to the safety of the offender or the security of the program." Va. Op. Proc. 851.1.IV.A.2.
Washington	Yes From over 300 miles away, clergy, attorneys, health crisis. Wash. Dep't of Corr. Policy 450.300.II.A.	Yes Wash. Dep't of Corr. Policy 590.100.	No Though Washingont is piloting a program in its women's facilities soon. *See* Patrick Doyle, et al., Prison Video Conferencing, Vermont Legislative Research Service 3, May 15, 2011	Yes Wash. Dep't of Corr. Policy 450.300.XIII.	Yes Canine searches, pat searches, electronic searches. Wash. Dep't of Corr. Policy 450.300.XV and 420.340.	Yes Inmates in Intensive Management Unit are limited to no contact visits with immediate family members. Wash. Dep't of Corr. Policy 320.255.	Yes Child friendly space: "visit rooms will provide toys and games suitable for interaction by family members of all ages"; "rule enfrcement will be sensitive to visitors, particularly children." Wash. Dep't of Corr. Policy 450.300.I.A.1(a), I.A.2, V.	
West Virginia	Yes Long distances, hospitalized inmates, attorneys, clergy, etc. W. Va. Div. of Corr. Policy 505.00.V.F (2006).	No	No	No	Yes Must present two forms of ID. W. Va. Div. of Corr. Policy 505.01.V.B (2004).	No	No	
Wisconsin	Yes Wis. Dep't of Corr. Policy 309.06.01.V; Wis. Admin. Code DOC § 309.10.	No	Yes Where inmate is restricted from normal visits. Wis. Admin. Code DOC § 309.08(3).	Yes Wis. Admin. Code DOC § 309.12(4); Wis. Dep't of Corr. Policy 309.06.01.III.G.	Yes Dress code. May be required to remove bra if it has an underwire. Wis. Dep't of Corr. Policy 309.06.01.VIII.	No	Yes Scattered provisions. Breastfeeding allowed during visitation. Wis. Dep't of Corr. Policy 309.06.01.IX.E.	

	Accessing Visiting Policies Online				Written Visiting Policies				Tone of Policies	Basic Limitations	
	Department of Corrections ("DOC") Website	**Any Policies on DOC Website?**	**Visiting Policy on DOC Website?**	**URL for Policies on Website**	**Has a Visiting Regulation available on Westlaw?**	**Has a Policy Directive from DOC?**	**Has a Visitor's Handbook or Plain English Instructions?**	**Date of most recent source document**	**Promotes / Encourages visitation in policy documents?**	**Limits number of visitors on approved list?**	**Sets a floor for minimum visitation hours/days?**
Wyoming	http://corrections.wy.gov	Yes	Yes	http://corrections.wy.gov/policies/index.html	No (But see, Wyoming Rules & Regulations)(listing a Department)	Yes	Yes	2012	Yes "It is the policy of the Wyoming Department of Corrections (WDOC) to provide an opportunity for inmates to visit on-site with approved individuals in an orderly and safe environment. Visiting is an integral component of facility management, inmate habilitation and community safety. Visiting can improve public safety and encourage responsible familial relationships by holding inmates accountable and reducing the risk of future criminal behavior." Wyo. Dep't of Corr. Policy 5.400.II.A and B.	Yes 10, not counting children. Can only change list every 6 months. Those over age 16 must pass background check. Wyo. Dep't of Corr. Policy 5.400.IV.H.1.	Yes At least 3 days per week. At least 16 hours of visitation per institution per week required, with access to at least 2 visiting periods per week for each general population inmate. Wyo. Dep't of Corr. Policy 5.400.IV.A.4 and 5.
Federal BOP	http://www.bop.gov/	Yes	Yes	http://www.bop.gov/policy/index.jsp	Yes 28 Code Fed. Reg. 540.40 et. seq.	Yes	No	2006	Yes	No	No

	Special Visiting Provision			Specific Procedures		Specific Rules		
	Contains provision for long-distance visitors ("special visitors")?	**Contains provision for overnight visiting (referred to as family reunion / extended / conjugal visiting)?**	**Contains provisions for video visitation?**	**Contains provisions for grievance procedures for when visitation is suspended?**	**Specifies search procedures for visitors?**	**Limits visitors based on security classifications?**	**Has child-specific rules?**	**Notes for reader**
Wyoming	Yes Wyo. Dep't of Corr. Policy 5.400.IV.M.	No	No	Yes Wyo. Dep't of Corr. Policy 5.400.IV.Q.	Yes Wyo. Dep't of Corr. Form 534: Visiting Rules.	Yes The number of hours and visits allowed is determined by inmate status. Wyo. Dep't of Corr. Form 535: Summary of Inmate Visiting Eligibility by Status.	Yes Scattered provisions.	
Federal BOP	Yes Business, consular, clergy, community groups, prospective employer, etc. 28 C.F.R. § 540.45	No	No	No	Yes Background check may be performed. Search required, but details vary by facility. 28 C.F.R. § 540.51.	No	Yes Under sixteen must be accompanied by and adult. 28 C.F.R. § 540.51(b).	