

<b>POLICY TITLE: VISITATION</b>		<b>PAGE 1 OF 24</b>
<b>POLICY NUMBER: 16.3</b>		
<b>CHAPTER 16: COMMUNICATION, MAIL AND VISITING</b>		
 <p><b>STATE of MAINE</b>  <b>DEPARTMENT OF CORRECTIONS</b>  Approved by Commissioner:</p> 		<b>PROFESSIONAL STANDARDS:</b>  See Section VII
<b>EFFECTIVE DATE:</b> February 1, 2002	<b>LATEST REVISION:</b> November 7, 2019	<b>CHECK ONLY IF</b> APA [ ]

**I. AUTHORITY**

The Commissioner of Corrections adopts this policy pursuant to the authority contained in Title 34-A M.R.S.A. Section 1403.

**II. APPLICABILITY**

All Departmental Juvenile Facilities

**III. POLICY**

It is the policy of the Department of Corrections that residents receive visits with family and others who have had a positive influence on a resident's life in order to maintain family and prosocial relationships which promote a successful reentry into the community. Visitation shall be allowed with limitations necessary to maintain safety, security, and orderly management of the facility.

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## VI. PROCEDURES

### Procedure A: Visitation, General

1. The Superintendent, or designee, of each facility shall establish a visitation program to afford residents with reasonable opportunities to visit with family, professional, and other approved visitors, in accordance with Department policy and written facility specific practices.
2. The Superintendent, or designee, shall establish written visitation rules that govern family, professional, and other visits. This information shall include, at a minimum, the facility address, phone number, and directions to the facility, any information about local transportation, days and hours of visitation, approved dress code and identification requirements, items authorized in the visit room, any special rules for children, items allowed to be brought into the visitation area by visitors, special visits, and rules governing resident and visitor conduct.
3. A written copy of the visitation rules governing family visits shall be provided to each resident upon admission to the facility and communicated to the resident's parent/legal guardian within twenty-four (24) to seventy-two (72) hours after the resident's arrival at the facility. Family visitation rules shall also be conspicuously posted in the main lobby.
4. A written copy of the visitation rules governing professional and other visits shall be provided to each professional or other visitor at or prior to the initial visit to the facility.
5. The Superintendent, or designee, shall develop and implement written facility specific practices for the processing, searching, and supervision of visitors, including, but not limited to, requirements for metal detectors, pat search, property search, and/or canine search, and practices to prevent visitors and residents from giving or receiving any items or written communications during visits.
6. The Superintendent, or designee, shall ensure sufficient space is available for visits, including storage space for items not allowed in visits, and shall make provisions for appropriate levels of staffing to accommodate the visitation program.

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7. The Superintendent, or designee, shall ensure that there is a bathroom available in the visit room for use by visitors during visits and that a diaper changing table is available in the bathroom. Residents shall not be allowed to use or otherwise enter a visitor bathroom during visits for any reason. Prior to a resident being allowed to clean a visitor bathroom as part of a work assignment, the bathroom shall be thoroughly searched by security staff and security staff shall directly observe the cleaning.
8. If space permits, a children's reading/play area shall be provided with toys and books.
9. A visitor traveling from out of state or presenting another reason for an extended visit or an additional visit may make a request for extra visit time or an additional visit. The Superintendent, or designee, may grant the request, provided space and staff are available to accommodate the request. The decision whether to grant or deny the request is at the sole discretion of the Superintendent, or designee.
10. During facility orientation, residents shall be informed of the possibility of communications during visits being monitored. A notice stating that communications by or with residents made during visits are subject to being listened to and/or recorded, except for attorney/client privilege communications, shall also be included in the resident handbook.
11. Residents shall be informed that they must wear issued clothing or other approved clothing, not including sweat shirts and sweat pants, to visits and that the clothing must not have any cuts, rips, and/or holes. A resident not in compliance with this provision shall not be permitted to have the visit.
12. Except for a resident who is on a furlough pass or furlough leave, a resident who is in a hospital emergency room or who is hospitalized, whether in a medical hospital or psychiatric hospital, shall not be permitted any visitors while in the hospital, unless approved in writing by the Commissioner. If approval has been granted for a person to visit a resident at a hospital, the Department's Director of Operations, or designee, shall specify the security precautions that will be taken during the visit, including, but not limited to, that the visitor will be searched using a hand-held metal detector and a pat search; the visit will be supervised in person by at least one security staff who shall not leave the room during the visit; neither the resident nor the visitor will be allowed to enter the patient's bathroom during the visit; and the visitor will not be allowed to give the resident any item, directly or indirectly (for example, the visitor will not be allowed to order flowers to be delivered to the resident).
13. The Superintendent, or designee, shall post signage at the visitor entrance to the facility stating that firearms and other weapons are not allowed on State property; that trafficking in contraband is a crime; and that visitors and their belongings are subject to search.

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14. The Superintendent, or designee, shall post signage in the facility lobby stating that visitors must inform the lobby officer of any medication being brought in.
15. The Superintendent, or designee, shall post signage approved by the Department's Director of Operations, or designee, in the facility lobby and in all visit areas stating that communications by or with residents made during visits are subject to being listened to and/or recorded, except for attorney/client privilege communications.
16. The Superintendent, or designee, shall make available a copy of this policy in the facility lobby and shall post the facility visitation rules in all visit areas.
17. Anytime a visitor is not admitted into a visit or a visit is terminated and the visitor is required to leave the facility, designated facility staff may also require other visitors accompanying that person to also leave the facility.
18. Anytime a visitor is not admitted or a visit is terminated, staff shall complete appropriate documentation and submit it to the Juvenile Facility Operations Supervisor (JFOS), who shall forward it to the Superintendent, or designee.
19. The Superintendent, or designee, shall develop and implement written facility specific practices for accurate and complete documentation of all visits to residents by the use of a visitor sign-in sheet for each day visits are allowed and by the use of a visit card for each individual resident or by entries for each individual resident in an electronic database.
20. Notwithstanding any other requirements of this policy to the contrary, the facility Superintendent may establish practices specific to an on-grounds residential placement outside the secure perimeter of the facility that:
  - a. allow approved visitors to enter the placement directly without having to be processed in the main lobby of the facility;
  - b. allow approved visitors to have a visit without first clearing a walk-through metal detector, provided that any visitor may be required to clear a hand-held metal detector search and, if applicable, subsequent pat search as determined by placement staff supervising the visit;
  - c. dispense with the requirement for body cameras or hand-held cameras to record staff interactions with visitors;
  - d. allow an approved visitor to bring to a visit item(s) approved in advance by the placement management team that do not pose a risk to safety, security, or orderly management;
  - e. allow residents to wear issued or approved sweat shirts and/or sweat pants during visits, as determined by the placement management team;
  - f. provide for the supervision of visits as determined appropriate by the placement management team; and

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- g. provide for dispensing with requirements for searches of residents before and after visits as determined appropriate by the placement staff supervising the visit.

No exceptions may be made to any other requirements of this policy.

**Procedure B: Family Visitation**

1. The Superintendent, or designee, shall establish a family visitation schedule that considers the daily activities of the residents as well as times convenient to family members.
2. If the family member is approved through the regular visitor approval process (Procedure E), a resident shall be allowed regular visits with the resident's parent/legal guardian and, if a resident is married or has a child, the resident shall be allowed regular visits with the resident's spouse and/or child. If also approved by the Juvenile Program Manager (JPM), a resident may be allowed a visit with a grandparent, with a minor sibling as part of a visit with a parent/legal guardian, or with an adult sibling as part of a visit with a parent/legal guardian or as a separate visit. If also approved by the Superintendent, or designee, a resident may be allowed a visit with another family member or a person with whom the resident has a family-like relationship.
3. A visit with a family member shall not be allowed if there is reasonable suspicion that allowing the person to visit would facilitate criminal activity or violation of facility rules, would create a risk to safety, security, orderly management of the facility or the welfare of the resident or other residents, or if contact between the resident and the person is prohibited under one of the circumstances listed in Procedure H.
4. Under no circumstances shall any person claiming to be a family member be permitted to visit a resident until the person's family relationship to the resident is verified, including, if necessary, by court or other legal document (e.g., custody order, marriage certificate, birth certificate, etc.) and it is determined by the Juvenile Program Manager (JPM), or designee, that visits between the resident and that person are allowed.
5. The JPM, or designee, shall record in the resident's Case Management file and in CORIS the name, relationship to resident, address and phone number of each person authorized to visit.
6. Family visits during scheduled family visitation times shall be allowed a minimum of twice a week for residents committed to the facility by a court for an indeterminate period (e.g. "up to age 18") and a minimum of once a week for other residents. Additional visits during these times may be offered based on the resident's treatment phase and behavior motivation level as outlined in Department Policy (JF) 15.2, Behavior and Skill Development. A special visit may be approved by the Superintendent, or designee, on a case-by-case basis in

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the event of a verified family crisis, including, but not limited to, a death in the family, the resident's or family member's hospitalization, etc.

7. Housing unit staff shall have access to the daily family visitation schedule and shall notify the appropriate resident when the resident's family comes for a visit.
8. Family visits shall be limited to four (4) visitors per visit.
9. Except for visits at the on-ground residential placement outside the secure perimeter of the facility, all visitors shall expect that at least fifteen (15) minutes will be needed in order to complete processing prior to the start of the visit.

**Procedure C: Visits by Minors, Including Infants**

1. The Superintendent, or designee, of each facility shall ensure that minors (persons under 18 years of age) who are family members of the resident are permitted to visit residents, unless the minor is a prohibited visitor as set out in Procedure H.
2. A minor visitor must be accompanied at the visit by a parent or legal guardian who is an approved adult visitor, has listed the minor on his or her application, and has provided proof of parental status (minor's birth certificate or court adoption order) or proof of legal guardianship (court order). A power of attorney or grant of guardianship document other than a court order is not acceptable.
3. An adult who is not a parent or legal guardian and is an approved visitor may also be allowed to bring in a minor visitor with the written permission of a parent or a legal guardian and with the prior approval of the Superintendent, or designee. The written permission must be notarized and be accompanied by proof of parental status (minor's birth certificate or court adoption order) or proof of legal guardianship (court order). A power of attorney or grant of guardianship document other than a court order is not acceptable. The parent or legal guardian giving permission is not required to be an approved visitor. A person giving permission cannot be a resident unless the resident provides proof that the rights of the other parent have been terminated (court order) or that the resident has been granted sole parental rights (court order). All documentation must be received by the Superintendent, or designee, at least two (2) business days prior to requesting the visit.
4. The only exception to the requirement of a minor visitor being accompanied by an adult visitor is for a minor who is married or emancipated by court order. Such a minor must complete a Visitor Application Form and provide with it the marriage certificate or court order of emancipation.
5. In the case of a minor in the custody of the Department of Health and Human Services (DHHS), the Superintendent, or designee, may approve a visit from a minor if accompanied by a DHHS caseworker. An adult who is an approved visitor may also be allowed to bring in the minor visitor with the written authorization of a DHHS caseworker.

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6. An approved professional visitor from DHHS may also be allowed to bring in a minor visitor, with the prior approval of the Superintendent, or designee.
7. If the minor is an infant or child who wears diapers, the visitor may bring in to the visit up to two diapers and a reasonable quantity of baby wipes in a clear plastic bag, provided they pass an inspection and/or search.
8. If the minor is an infant, the visitor may bring into the visit one clear plastic bottle of pre-mixed infant formula and a pacifier, provided they pass an inspection and/or search.
9. In the case of a male or female resident who is a parent of an infant born within the six (6) weeks prior to the resident's confinement or born during the resident's confinement, the facility Superintendent, or designee, shall ensure that the resident is allowed to have bonding visits with the infant until the infant is six (6) weeks old, provided that the resident's visit privileges are not suspended; the infant is not a prohibited visitor as set out in Procedure H; the infant is accompanied by a parent or legal guardian (or other adult with the resident's written permission) who is an approved visitor; and there is no other reason of safety, security or orderly management to deny, restrict, or terminate the visit.
10. In order to be allowed a bonding visit, the resident or adult visitor shall provide a certified copy of the infant's birth certificate listing the resident as a parent, unless, in the case of a female resident, she gave birth to the infant during her confinement.
11. Unless the Superintendent, or designee, grants an extended visit or an additional visit as set out in Procedure A, a bonding visit shall occur during normal visit hours.
12. During a bonding visit, the resident may breastfeed or bottle feed the infant.

**Procedure D: Other Regular Visitation**

1. If the proposed visitor is approved through the regular visitor approval process (Procedure E), persons who are neither family members nor professionals, but are persons who have had a positive influence on the resident's life, such as coaches, teachers, youth leaders, etc., may be authorized to visit a resident unless the person is prohibited under one of the circumstances listed in Procedure H.
2. The resident's unit treatment team shall review and make recommendations to the Superintendent, or designee, with respect to requests to visit a resident by such a person. The following shall be considered when making a recommendation to approve or deny a request to visit:
  - a. the relationship that exists and is documented between the resident and the proposed visitor;
  - b. the resident's treatment plan;

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- c. whether the visit would support the treatment plan;
  - d. facility security and order;
  - e. if the resident is under eighteen (18) years of age or is eighteen (18) years of age or older and has a guardian, the wishes of the resident's parent/legal guardian;
  - f. recommendations, if any, of other departmental staff; and
  - g. any other relevant factors.
3. The Superintendent, or designee, shall make the final decision whether to approve or deny the request to visit.
  4. All other visitation procedures and rules shall apply as if the person were a family member.

**Procedure E: Regular Visitor Approval Process and Approved (Regular) Visitor List**

1. The Superintendent, or designee, of each facility shall ensure that Visitor Application Forms (Attachment A) are available to proposed regular visitors.
2. A proposed regular adult visitor shall be required to complete a Visitor Application Form. An incomplete application shall not be processed. False information on an application form may result in denial of approval to visit.
3. A background check of proposed regular visitors who are adults (eighteen years of age or older, married, or emancipated by court order) shall be a requirement for visits. For a person less than eighteen years of age who is married or emancipated by court order, a certified copy of the marriage certificate or court order must be attached to the application form.
4. Once a minor visitor becomes an adult, he or she shall be required to complete a Visitor Application Form and a background check shall be required before further visits are allowed.
5. A background check may be required by the Superintendent, or designee, for other proposed visitors (regular visitors who are minors and professional visitors).
6. Prior to approving a proposed regular visitor, the Superintendent, or designee, shall ensure the resident's Master Administrative Record and other relevant records are reviewed to determine whether the proposed visitor is to be added to the resident's Prohibited Visitor List (see Procedure H).
7. The Superintendent, or designee, may allow an exception to the requirement of completion of the application form in extenuating circumstances, for example, a family member making a one-time visit from out of state. The decision whether to allow or deny an exception is at the sole discretion of the Superintendent, or designee. In such a case, no exceptions are allowed to the requirements of

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verification of a family relationship, a background check, or a records review to determine whether the person is a prohibited visitor.

8. The Superintendent, or designee, after consultation with the resident's juvenile community corrections officer, may allow visits by a parent/legal guardian to a newly admitted resident pending completion and processing of the application form. The decision whether to allow or deny such visits is at the sole discretion of the Superintendent, or designee. Pending processing of the application form, the requirements of verification of a family relationship and determination whether the person is a prohibited visitor may be fulfilled by requesting information from the resident's juvenile community corrections officer. The application form shall be completed no later than at the time of the first visit.
9. A proposed regular visitor who is approved shall be included on the resident's Approved Visitor List (Attachment B).
10. Both the resident and a proposed regular visitor who is not approved shall be notified in writing of a denial of approval to visit. The visitor shall, if applicable, be included on the resident's Prohibited Visitor List (Attachment C) and entered into CORIS as a prohibited visitor.
11. The Superintendent, or designee, may require that a new background check of an approved visitor be conducted at any time for any reason in his or her complete discretion.
12. If information is received indicating that an approved visitor has been charged with or found guilty of a crime or juvenile crime since the last background check, a new check shall be conducted.
13. A regular visitor is required to notify the Superintendent, or designee, at least one week prior to scheduling the next visit if he or she has been charged with or found guilty of a crime or juvenile crime since approval was granted.
14. A resident may request at any time that a regular visitor be removed from the resident's Approved Visitor List by writing to the visit officer or other staff designated by the Superintendent.
15. A regular visitor who has been approved for a resident's Approved Visitor List may submit a written request to be removed from the list.
16. The visitor may be reinstated to the resident's visit list upon written request by the resident or visitor who asked for the removal. A new background check may be required for any visitor prior to reinstatement and shall be required if it has been more than a year since the last background check.
17. A visitor shall not be approved to be placed on the Approved Visitor List of more than one resident within a facility, unless he or she is a member of the immediate family (spouse, parent, child, sibling, grandparent or grandchild, whether the

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relationship is natural, adoptive, foster, or through marriage (step)) of more than one resident, or unless authorized in writing by the Superintendent, or designee.

18. A Department staff member, volunteer, or student intern shall not be permitted to schedule a regular visit with any resident or be placed on any resident's Approved Visitor List, unless approved by the Superintendent of the facility where the resident is housed and, if the person works or volunteers elsewhere, unless also approved by the facility Chief Administrative Officer, or designee, Regional Correctional Administrator, or designee, or Central Office supervisor, as applicable. The person shall comply with Department Policy 3.5, Code of Conduct in all respects.
19. A person who is a professional visitor to a resident shall not be permitted to have a regular visit with that resident or be placed on that resident's Approved Visitor List.
20. Any person who is on a resident's Prohibited Visitor List shall not be approved as a regular visitor.

#### **Procedure F: Visitors with Service Dogs**

1. A visitor who is otherwise allowed to visit and who has a disability and is using a service dog to perform work or tasks related to the visitor's disability shall be allowed to bring the service dog while on the visit, provided performance of the work or tasks might be needed traveling to or from the visit or during the visit, subject to the following.
2. A service dog is a dog that is individually trained to do work or perform tasks for a person with a disability. The work or tasks performed by a service dog must be directly related to the person's disability. Examples of such work or tasks include, but are not limited to, assisting a person who is totally or partially blind with navigation; alerting a person who is deaf or hard of hearing to the presence of people or sounds; pulling a wheelchair; assisting a person during a seizure; and providing physical support and assistance with balance and stability to a person with a mobility disability.
3. A dog whose primary purpose is to deter crime or to provide emotional support, comfort, well-being or companionship does not qualify as a service dog for purposes of this policy.
4. In determining whether a dog is a service dog, facility staff may ask the visitor if the dog is required because of the visitor's disability and what work or task the dog is trained to perform, unless this information is readily apparent (e.g., a guide dog leading a person whose sight is impaired). Staff may not demand proof or documentation of the visitor's disability or certification that the service dog is trained, although the visitor may provide these voluntarily.
5. On the first occasion when a visitor brings a service dog to a visit, prior to allowing the service dog to be admitted to the visit, the lobby officer shall require

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the visitor to sign the Acknowledgement for Visitors with Service Dogs form, (Attachment D), acknowledging that the visitor is liable for all injuries or property damage caused by the service dog while on facility property. The signed form shall be maintained in the visit office, or other designated area and an entry shall be made in CORIS noting that the visitor is allowed to bring a service dog to the visit.

6. If the visitor refuses to sign the form, unless there is another reason to not allow the visit, the visitor shall be given the opportunity to visit without the dog, provided the dog is removed from facility property.
7. A service dog may be excluded from entering or removed from the facility if it is out of control and the visitor does not take effective action to control it; if it is aggressive toward or interferes with staff, other visitors, residents, other persons, or other dogs; if it is not housebroken; or if its behavior otherwise presents a risk of injury or property damage.
8. A service dog may also be excluded from entering the facility based on a past incident of behavior at the facility or another facility that presented a risk of injury or property damage.
9. A determination to exclude or remove a service dog shall be made on an individualized basis and not on assumptions about the animal's behavior or propensities based on its breed or size.
10. If a dog is excluded before a visit begins, either because it is not a service dog or because of its behavior, unless there is another reason to not allow the visit, the visitor shall be given the opportunity to visit without the dog, provided the dog is removed from facility property.
11. If a service dog is removed during a visit, the visitor shall be required to leave with the service dog and shall not be allowed to return to complete that visit.
12. Neither a service dog nor any dog claimed to be a service dog shall be permitted to be left in a vehicle on facility property under any circumstances.
13. If a dog is excluded or removed from a facility, it shall not be allowed in the facility again unless the visitor requests in writing to the Superintendent, or designee, for the dog to be allowed. An entry shall be made in CORIS noting that the dog is not allowed unless the Superintendent, or designee, grants a request to allow the dog.
14. If the visitor claims that it was wrongly determined that a dog is not a service dog, the Superintendent, or designee, shall consult with the Department's representative in the Attorney General's Office prior to making a decision on the request.
15. If the visitor claims a service dog was wrongly excluded or removed based on the dog's behavior or for some other reason, the Superintendent, or designee, in his

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or her complete discretion, shall decide whether the service dog will be allowed in the facility in the future.

16. A service dog allowed to be brought into the facility during a visit shall be on a leash, harness or tether at all times while on facility property, unless this would interfere with the tasks it performs, in which case it shall be under voice control of the visitor.
17. Facility staff shall not provide care for a visitor's service dog. The visitor may not bring in food, water or medication for the service dog. The service dog may not transport carrying bags or other containers or other property unless necessary to the work or task it performs for the visitor.
18. A service dog and its leash, harness, tether, vest or other items shall be required to pass all security searches applicable to visitors. A visitor with a service dog may be separated briefly from the service dog to allow for a search by a facility's canine unit.

**Procedure G: Professional Visitation**

1. A professional visit is a visit concerning a professional matter involving the resident between that resident and an attorney, paralegal, or private investigator, a representative of a legal advocacy organization, Department of Corrections staff from outside the facility, staff from another state agency, staff from a federal agency, a law enforcement official, a community treatment provider, or clergy.
2. No professional shall be allowed to visit a resident unless first authorized by the Superintendent, or designee, who may require verification of professional capacity and any other reasonable requirements to be met. If such requirements are met, authorization shall be given unless there is reasonable suspicion that allowing the professional to visit would facilitate criminal activity or violation of facility rules, would create a risk to safety, security, orderly management of the facility or the welfare of the resident or other residents, or unless contact between the resident and the professional is prohibited under one of the circumstances listed in Procedure H.
3. All professional visits must be scheduled in advance with the Juvenile Program Manager (JPM), or designee. Professional visits shall be scheduled for reasonable times and for times which least impact the resident's daily programming. The Juvenile Facility Operations Supervisor (JFOS) may schedule a professional visit in a time-sensitive situation.
4. A professional visit shall be provided in an area that affords an opportunity for privacy. Except as set out Procedure O, communications during a professional visit shall not be listened to or recorded.
5. Any person who is on a resident's Prohibited Visitor List shall not be approved as a professional visitor.

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## Procedure H: Prohibited Visitors

1. The Superintendent, or designee, shall ensure that there is a Prohibited Visitor List (Attachment C) for every resident to whom at least one of the following circumstances applies.
2. A person shall be included on a resident's Prohibited Visitor List and entered into CORIS as a prohibited visitor under the following circumstances:
  - a. A resident who is adjudicated of or otherwise known to have committed child abuse or neglect or a sex offense against a minor shall not be allowed to receive a visit from the victim without the prior approval of the Commissioner, or designee.
  - b. A resident who is a victim of child abuse or neglect or a sex offense shall not be allowed to receive a visit from the offender without the prior approval of the Superintendent, or designee.
  - c. A resident who is adjudicated of or otherwise known to have committed a domestic violence offense against a person shall not be allowed to receive a visit from the victim without the prior approval of the Commissioner, or designee.
  - d. A resident who is a victim of a domestic violence offense shall not be allowed to receive a visit from the offender without the prior approval of the Superintendent, or designee.
  - e. When contact between a resident and another person is prohibited by court order (e.g., custody order, protection order), the resident shall not be allowed to receive a visit from that person.
  - f. When a resident's parental rights have been terminated, the resident shall not be allowed to receive a visit from the child while the child is still a minor unless the resident provides proof that the termination was voluntary and not the result, direct or indirect, of a child protection investigation by the Department of Health and Human Services (DHHS) and the visit has received the prior approval of the Commissioner, or designee.
  - g. When contact between a resident and another person is prohibited by a condition of bail or conditional release, administrative release, deferred disposition, probation, supervised release for sex offenders, supervised community confinement, parole, or community reintegration status of either person, the resident shall not be allowed to receive a visit from that person. This includes any condition that is currently in effect, is to become effective at a later date, or is no longer in effect as the result of a current revocation, current detention order for violation of conditional release, or current return from community reintegration status.
  - h. When a resident is prohibited by a current notification issued pursuant to Title 17-A, section 506-A, for the resident not to engage in harassing conduct against another person, the resident shall not be allowed to receive a visit from that person.

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- i. The person's privileges to visit at any Department facility are under current suspension.
  - j. The person is a former resident or prisoner within one year of discharge from any correctional facility for whom an exception to visit has not been approved by the Superintendent, or designee.
  - k. A person on bail or conditional release, administrative release, deferred disposition, probation, supervised release for sex offenders, supervised community confinement, parole, or community reintegration status, for whom an exception to visit has not been approved by the Superintendent, or designee.
  - l. A resident may be prohibited by the Superintendent, or designee, from receiving a visit from any other person when there is reasonable suspicion that allowing a visit between them would facilitate criminal activity or violation of facility rules or would create a risk to the safety, security, or orderly management of the facility.
  - m. If the resident is under eighteen (18) years of age, a resident may be prohibited by the Superintendent, or designee, from receiving a visit from any other person when the prohibition is determined to be in the best interest of the resident.
3. Having a criminal or a juvenile criminal record shall not, in and of itself, constitute a barrier to visits, but the nature and the circumstances of the offense may provide the reasonable suspicion for prohibiting visits.
  4. Being a former staff member, volunteer, or student intern shall not, in and of itself, constitute a barrier to visits.
  5. The Superintendent, or designee, shall ensure that a copy of a resident's Prohibited Visitor List is provided to all appropriate staff, with a copy to the resident's Master Administrative Record and housing unit Case Management File.

**Procedure I: Processing Visitors**

1. Each visitor shall enter through the main lobby, check in with the designated staff person, who shall verify that the visitor is an approved visitor, and, if able, the visitor shall sign the Visitation Log.
2. Staff processing visitors shall wear body cameras to record all their interactions with visitors, unless a body camera is not available, in which case the staff's interactions with visitors shall be video recorded with a hand-held camera.
3. A visitor shall complete the sign-in sheet prior to entering the facility, which shall include the date, time, printed name, signature, and name of the resident being visited.

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4. An adult visitor shall be required to present government-issued picture identification, such as a driver's license, prior to admittance into the visit. An adult accompanying a minor visitor may be required to present government-issued picture identification, such as a State of Maine identification card, or other appropriate government-issued identification, such as a certified birth certificate, for the minor, prior to admittance into the visit. In addition to government-issued picture identification, professional visitors may be required to present proof of professional capacity prior to admittance into the visit.
5. If a visitor is wearing a head covering for religious reasons that covers his or her face so that it inhibits visual identification, he or she shall be required to temporarily remove the head covering enough to establish visual identification and shall be permitted to do so in a private area with staff of the same gender or, in the case of a transgender or intersex visitor, by the gender staff of the visitor's choice. Once the visitor is identified and otherwise clears the required search, he or she shall be permitted to wear the head covering during the visit.
6. If an approved professional visitor is not listed on the visit schedule or if a visitor arrives late for a visit, the staff processing visitors shall contact the Juvenile Facility Operations Supervisor (JFOS). The JFOS may allow the visit, if there are extenuating circumstances, e.g., for a professional visitor not on the schedule, a reasonable mistake about scheduling, or for a visitor who is late, inclement weather, car mechanical problems, traffic accident, etc. If the JFOS does not allow the visit, he or she shall contact the facility Superintendent, or designee, for a final decision.
7. A visitor shall not be allowed to bring into visits any items, including, but not limited to, handbags, wallets, outer clothing, electronic communication devices, keys, coins, and any item that might be used as a weapon. All such items shall be secured in the visitor's vehicle or storage space provided by the facility.
8. A visitor shall not be allowed to bring onto facility property any animal, whether wild or domestic, trained or untrained, except for a visitor with a disability who has a service dog as set out in Procedure F.
9. A visitor shall not be allowed to bring onto facility property any alcohol, illegal drugs, or marijuana.
10. If a visitor is suspected of being under the influence of or has an odor of alcohol, drugs or marijuana (whether medical marijuana or not) about their person or if a canine alerts to the presence of drugs or marijuana, the visitor shall not be permitted to visit any resident and the staff shall contact the Juvenile Facility Operations Supervisor (JFOS), who shall determine whether or not there is reasonable suspicion that the person is under the influence. If a visitor is suspected of being under the influence, unless there is another person with the visitor who is clearly not under the influence and is able and willing to drive the visitor off facility property, facility staff shall immediately contact the appropriate law enforcement agency.

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11. Except as set out below, a visitor is allowed to bring onto facility property only prescription medication and only in an amount necessary to be taken traveling to or from the visit. Such medication must be in the original container and shall be left in the visitor's vehicle during the visit.
12. In the case of emergency life-saving medication (e.g., nitroglycerine, inhaler, epi-pen, etc.), the visitor may bring the medication with him or her during the visit. The visitor shall keep the medication on his or her person at all times unless being used. The visitor shall advise the lobby officer upon arrival of any medication that he or she is bringing in during the visit. Medication must be in the original container and have a prescription label showing that it was prescribed for the visitor.
13. Visitors shall be provided an opportunity to declare any item in their possession that may be contraband or non-allowable. Contraband or non-allowable items declared by a visitor shall be secured in the visitor's vehicle or in storage space provided by the facility, unless the item is suspected to be criminal in nature, in which case, the visit shall not be allowed. Also, if the item is suspected to be criminal in nature, staff shall contact a Department law enforcement officer for further instructions. If a Department law enforcement officer is not available, staff shall contact the JFOS for further instructions.
14. If it is discovered that a visitor is attempting to bring any contraband or any other non-allowable item into a visit, the visit shall not be allowed. If the item is suspected to be criminal in nature, staff shall contact a Department law enforcement officer for further instructions. If a Department law enforcement officer is not available, staff shall contact the JFOS for further instructions.
15. If a resident is wearing clothing that is not allowed at visits, including clothing with cuts, rips, and/or holes, or if a visitor is not in compliance with the facility dress code, the visit shall not be allowed and the staff shall contact the JFOS, who shall determine whether or not the clothing is allowed.
16. Prior to a visit, if a resident or visitor exhibits behavior which is inappropriate, a violation of the facility rules, criminal in nature, or a risk to the safety, security, or orderly management of the facility or fails to follow facility visitation rules or the instructions of staff, the visit shall not be allowed and the staff shall contact the JFOS, who shall determine whether or not the behavior is not allowed. If the behavior involves criminal activity by the visitor, staff shall contact a Department law enforcement officer for further instructions. If a Department law enforcement officer is not available, staff shall contact the Juvenile Facility Operations Supervisor (JFOS) for further instructions.
17. A visit that is not allowed for one of the reasons set out in this procedure may be charged against a resident's maximum allowable number of visits as determined by the Superintendent, or designee.

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## **Procedure J: Visitor Searches**

1. All visitors and their property shall be subject to search in accordance with this policy when entering a facility or at any other time while on facility grounds.
2. A visitor may at any time decide not to submit to or continue with a search and, if so, shall be required to leave the facility immediately.
3. Visitor vehicles on facility grounds may be subject to an inspection from outside the vehicle at any time for any reason or randomly. A vehicle search may be conducted only by a Department law enforcement officer in accordance with the applicable Department policy.
4. Whenever a law enforcement agency presents a search warrant authorizing the agency to search a visitor or a vehicle of a visitor, the Superintendent, or designee, shall be notified immediately.
5. Staff participating in searches of visitors or their property shall wear body cameras to record all their interactions with visitors, unless a body camera is not available, in which case the staff's interactions with visitors shall be video recorded with a hand-held camera.
6. Each visitor is required to successfully clear a walk-through metal detector or clear the additional searches as set out below.
7. If a visitor triggers the metal detector's alarm when walking through it, the visitor shall be offered the opportunity to remove any item he or she thinks might be triggering the alarm (e.g., shoes, belt, ring, watch, jewelry, etc.).
8. If the visitor does remove item(s) that might be triggering the alarm, the visitor shall then be given the opportunity to pass through the walk-through metal detector a second time.
9. If the visitor clears the walk-through metal detector without an item that the visitor wishes to wear into visits and the item is allowable, the staff shall perform a visual or manual search of the item.
10. If the visitor does not remove the item(s) triggering the alarm, he or she shall be directed to wait for further processing until after all visitors who have cleared the walk-through metal detector have been allowed into visits. A hand-held metal detector shall then be used to search the visitor.
11. If the visitor does not clear the hand-held metal detector, the visitor shall be asked to submit to a pat search limited to the area(s) of the body where the hand-held metal detector indicated the presence of metal and only as necessary to sufficiently identify the item triggering the alarm. If the visitor agrees to a pat search, it shall be performed in a private area by security staff of the same gender or, in the case of a transgender or intersex visitor, by the gender staff of

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the visitor's choice. There shall be an additional staff person present during every pat search.

12. If a visitor has a medical device (e.g., pacemaker or implanted defibrillator), medical equipment (e.g., artificial arm or leg), or medical implant (e.g., knee or hip replacement), that triggers the walk-through metal detector, a hand-held metal detector search and pat search shall be used to search the visitor as set out above and a manual search shall be performed of the item, if possible.
13. If a visitor claims that he or she cannot go through a metal detector search because he or she has a pacemaker or implanted defibrillator that would be negatively affected by a metal detector, a full body pat search shall be performed.
14. If a visitor is wearing a head covering for religious reasons and that is the area that does not clear the hand-held metal detector, the visitor shall be given the alternative choice of temporarily removing the head covering in order for the hand-held metal detector to be used without the head covering being worn and for the covering to be manually searched. The visitor shall be given the opportunity to have this done in a private area by security staff of the same gender or, in the case of a transgender or intersex visitor, by the gender staff of the visitor's choice. If the visitor clears this search, he or she shall be permitted to wear the head covering during the visit.
15. For a visitor who is a minor, a pat search may only be performed with the consent of an accompanying parent or legal guardian. If the parent or legal guardian consents, in addition to the other requirements for a pat search as set out above, the minor shall be searched in the presence of the parent or legal guardian.
16. If a visitor does not submit to a pat search or, in the case of a religious head covering, to a manual search of the covering, the visitor shall be required to leave the facility.
17. If the walk-through metal detector is not operational, hand-held metal detectors shall be used on all visitors.
18. A visitor may be required to pass a canine drug search in accordance with the applicable Department policy.
19. If it is discovered that a visitor is attempting to bring any contraband or any other non-allowable item into a visit, the visit shall not be allowed and the staff shall contact the Juvenile Facility Operations Supervisor (JFOS), who shall determine whether or not the visitor is attempting to bring a non-allowable item into a visit. If an item triggering an alarm cannot be identified, the visit shall not be allowed and the staff shall contact the Juvenile Facility Operations Supervisor (JFOS), who shall determine whether or not the item can be identified. If an item is suspected to be criminal in nature, staff shall contact a Department law enforcement officer for further instructions. If a Department law enforcement officer is not available, staff shall contact the JFOS for further instructions.

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### **Procedure K: Supervising Visits**

1. All visits shall occur in a designated visitation area.
2. A visitor and resident may be required to use a non-contact visit booth when it is determined by the JFOS that the resident's behavior may pose a threat to the safety of any person or security of the facility.
3. The visitation area shall be searched prior to and immediately following visitation.
4. Visitors shall not be allowed to leave and reenter the visitation area once visits begin.
5. Facility staff shall be present in the visitation area to supervise the conduct of visitors and residents.
6. A visitor may be required to be seated at an assigned table if staff believe close observation is required to control contraband or control resident or visitor behavior.
7. Under no circumstances shall a visitor for one resident be allowed to communicate with another resident or with a visitor for another resident within the visitation area.
8. A visitor is allowed to breastfeed her infant during a visit. Unless the breastfeeding is impacting orderly management, a visitor who is breastfeeding shall not be asked to cover up, move to a private area, etc.
9. Facility staff shall not take on the role of a "supervisor" for the purpose of supervised visits allowed by a court order or by the Department of Health and Human Services (DHHS).

### **Procedure L: Resident Searches Related to Visits**

1. Prior to entering the visitation area, the resident shall be pat searched and may also be searched by a hand-held metal detector. Staff may also conduct a visual mouth search.
2. In addition, the resident may be required to remove his or her footwear for inspection by staff. If required to be removed, the footwear shall be visually and manually searched by staff and may also be searched by a hand-held metal detector.
3. If the visit was a contact visit, the resident shall be pat searched upon completion of the visit and may also be searched by a hand-held metal detector. Staff may also conduct a visual mouth search.
4. The resident shall not be strip searched prior to entering the visitation area or upon completion of the visit, unless there is reasonable suspicion that the

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resident has contraband on his or her person and a pat search, hand-held metal detector search, and/or other less intrusive means are not adequate to retrieve the contraband. The staff shall contact the Superintendent, or designee, who shall make the final determination whether there will be a strip search of the resident or whether some other action is appropriate.

5. Except when warranted by an emergency, the searches provided for in this procedure shall be conducted in a location where the search cannot be observed by persons other than those staff conducting or assisting in the search. The resident being searched shall be treated with professionalism and respect by staff to minimize embarrassment and indignity. These searches shall otherwise comply with Department Policy (JF) 9.7, Search Procedures, General Guidelines.

**Procedure M: Termination of Visits**

1. Visitors and residents shall follow all posted visitation rules and instructions of staff. Failure to comply with the visitation process, posted visitation rules, or the instructions of staff may result in the visit being terminated.
2. If any visitor or resident exhibits behavior which is inappropriate, including excessive physical contact, or involves criminal activity, violation of the facility rules, or a risk to safety, security or orderly management of the facility or the welfare of the resident or other residents, the visit shall be terminated. The staff shall contact the Juvenile Facility Operations Supervisor (JFOS), or designee, who shall determine whether or not the behavior is not allowed. If the behavior involves criminal activity by the visitor, staff shall contact a Department law enforcement officer for further instructions. If a Department law enforcement officer is not available, staff shall contact the JFOS for further instructions.
3. If a resident or visitor refuses to attend or continue a visit, the visit shall be terminated.
4. If a visitor leaves the visit area for any reason, other than to use a bathroom in a facility where the visitor bathroom is outside the visit area, the visit shall be terminated. If a visitor is allowed to use a bathroom outside the visit area, the visitor shall be escorted by designated facility staff to and from a bathroom that is not used by residents and the visitor shall be required to submit to another search.
5. If a visit is terminated, the visitor shall be required to leave facility property immediately.
6. A terminated visit may be charged against a resident's maximum allowable number of visits as determined by the Superintendent, or designee.

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## **Procedure N: Suspension and Restriction of Visit Privileges**

1. If a visit is not allowed or terminated due to the behavior of the resident or visitor, the Superintendent, or designee, shall determine whether to impose a suspension or restriction of visiting privileges.
2. The Superintendent, or designee, may impose a suspension or restriction of visiting privileges for any other reason of safety, security, or orderly management.
3. A restriction of visiting privileges may include a requirement of non-contact visitation.
4. The resident shall be notified in writing of a suspension or restriction of his or her visiting privileges. The resident shall be responsible for notifying their visitors of a suspension or restriction of his or her visiting privileges. Designated facility staff shall also make reasonable efforts to inform visitors whenever a suspension or restriction has been imposed on a resident's visits.
5. Both the resident and visitor shall be notified in writing of a decision to suspend or restrict the visitor's visiting privileges.
6. If the suspension or restriction is imposed on the visitor, the suspension or restriction may be imposed for either a definite or indefinite period of time. An indefinite suspension or restriction may be imposed on a visitor only by the Superintendent.
7. If a visitor has failed to notify the Superintendent, or designee, of a criminal or juvenile criminal charge or finding of guilt as required by Procedure E, this shall result in an automatic suspension of the visitor's privileges for at least one year.
8. In the case of a suspension or restriction of a visitor's visiting privileges for a definite period of time, once the specified time has elapsed, the visitor may apply for reinstatement of full visiting privileges by writing to the Superintendent, or designee. The Superintendent, or designee, may decide to grant reinstatement, extend the suspension or restriction for a definite period of time, or change a suspension to a restriction for a definite period of time.
9. In the case of a suspension or restriction of a visitor's visiting privileges for an indefinite period of time, after a year has elapsed, the visitor may apply for reinstatement of full visiting privileges by writing to the Superintendent. The Superintendent may decide to grant reinstatement, extend the suspension or restriction for a definite or indefinite period of time, or change a suspension to a restriction for a definite or indefinite period of time.
10. If a visitor's visiting privileges have been restricted or suspended, the visitor shall be informed in writing that he or she may reapply for reinstatement once the specified definite period of time has elapsed or, if the restriction or suspension is for an indefinite period of time, that he or she may reapply after one year has elapsed.

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11. A new background check may be required for any visitor requesting reinstatement and shall be required if it has been more than a year since the last background check.
12. If the suspension or restriction is imposed on the resident, it may be imposed for either a definite or indefinite period of time. A restriction or suspension may be imposed on a resident only by the Superintendent.
13. In the case of a suspension or restriction of a resident's visiting privileges for a definite period of time, once the specified time has elapsed, the resident may apply for reinstatement of full visiting privileges by writing to the Superintendent. The Superintendent may decide to grant reinstatement, extend the suspension or restriction for a definite period of time, or change a suspension to a restriction for a definite period of time.
14. In the case of a suspension or a restriction of a resident's visiting privileges for an indefinite period of time, after a year has elapsed, the resident may apply for reinstatement of full visiting privileges by writing to the Superintendent. The Superintendent may decide to grant reinstatement, extend the suspension or restriction for a definite or indefinite period of time, or change a suspension to a restriction for a definite or indefinite period of time.
15. If a resident's visiting privileges have been restricted or suspended, the resident shall be informed in writing that he or she may reapply for reinstatement once the specified definite period of time has elapsed or, if the restriction or suspension is for an indefinite period of time, that he or she may reapply after one year has elapsed.

**Procedure O: Monitoring of Resident Communications during Visits**

1. All communications by or with residents made during visits, except for attorney/client privilege communications, may be listened to and/or recorded with written authorization from the Superintendent, or designee, using the Authorization to Monitor Communications form (Attachment E). Attorney/client privilege communications are communications between the resident and an attorney, paralegal, or private investigator concerning a legal matter.
2. This monitoring may be done by the facility correctional investigative officer (detective) or other employee of the Department authorized to exercise law enforcement powers, if the employee is conducting an investigation of a crime or juvenile crime relating to the security or orderly management of the facility, is cooperating with an investigation being conducted by another criminal justice agency, or is engaging in any other activity that is related to the administration of criminal justice or the administration of juvenile criminal justice. Only those communications reasonably suspected to be related to the investigation or other activity may be monitored.
3. Recordings of any communications related to the investigation or other activity shall be maintained in accordance with departmental policy on the preservation of

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evidence. Investigations shall be coordinated with appropriate criminal justice agencies in accordance with departmental policy.

4. In every case in which the Superintendent, or designee, authorizes the facility correctional investigative officer or other employee of the Department authorized to exercise law enforcement powers to monitor communications during visits, the employee shall document on the Communications Monitoring Record (Attachment F):
  - a. the name and MDOC number of the resident;
  - b. the date and time of the visit;
  - c. a description of the communications monitored, including the name of the visitor and the subject matter of the communication;
  - d. a description of any other action taken and the grounds justifying such action; and
  - e. the name of the employee monitoring the communications.
5. The employee shall attach to the Visit Communications Monitoring Record the written authorization from the Superintendent, or designee, to monitor the resident's communications during visits.
6. After the monitoring is completed, the forms shall be forwarded to the Superintendent. If a criminal or juvenile criminal prosecution is likely to result, the resident shall not be notified of the monitoring without the approval of the prosecuting attorney.
7. If there is reasonable suspicion that attorney/client visits are not actually legal in nature, the Superintendent, or designee, shall consult with the Department's representative in the Attorney General's Office as to what steps, if any, may be taken.

**Procedure P: Appeals and Grievances**

1. Except in the case of a denial of approval under Procedure H.2.a. or c., a proposed visitor may appeal a denial of approval to visit by writing to the Superintendent, or designee, within seven (7) business days of written notification of the denial.
2. An approved visitor may appeal not being allowed to visit on a particular occasion by writing to the Superintendent, or designee, within seven (7) business days of not being allowed the visit.
3. A visitor may appeal a termination of a visit by writing to the Superintendent, or designee, within seven (7) business days of the termination.

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4. A visitor may appeal a suspension or restriction of his or her visiting privileges by writing to the Superintendent, or designee, within seven (7) business days of written notification of the suspension or restriction.
5. Except in the case of a denial of approval under Procedure H.2.a. or c., a Resident may use the grievance process to grieve a decision related to visits.
6. In the case of a denial of approval under Procedure H.2.a. or c., a Resident or proposed visitor may appeal the denial as set out in Department Policy 6.3, Contact with Victims of Domestic Violence, Child Abuse or Neglect, or Sex Offense against a Minor.

## VII. PROFESSIONAL STANDARDS

### ACA:

- 4-JCF-3A-18**      **Within 24 to 72 hours after a juvenile’s entry into the facility, the following information is communicated to the juvenile, his/her parents, guardian and/or custodian:**
1. Visitation procedures
  2. Facility address and phone number
  3. Directions to facility and information about local transportation
  4. Visitation days and hours
  5. Approved dress code and identification requirements for visitors
  6. Items authorized in visitation room
  7. Special rules for children
  8. Authorized items that visitors may bring to give to the juvenile
  9. Special visits
- 4-JCF-3A-19 & 3-JCRF-5G-06**      **Juveniles may receive approved visitors except when there is substantiated, documented evidence that the visitor poses a threat to the safety of the juvenile or the security of the facility. Procedures specify:**
1. That visitors register on entry into the facility
  2. The circumstances under which visitors are searched
  3. The circumstances under which visits are supervised
  4. Provisions for special visits.
- 3-JCRF-5G-07**      **Written policy, procedure, and practice provide for special visits.**

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