



## **INMATE VISITING CONTROL**

### **POLICY.**

Corrections staff will allow inmates to visit family, friends, attorneys, and others in a way that maintains jail safety, security, and good order and meets legal requirements. Corrections staff will also assist other law enforcement and corrections agencies in their need to visit with inmates.

### **PURPOSE.**

The purpose of this policy is to establish basic visiting procedures that apply to all visitors and general visiting operations.

### **OREGON JAIL STANDARDS:**

- D-201 Visiting Schedule
- D-202 Number of Visitors
- D-203 Visiting Area
- D-204 Privacy and Monitoring Visits
- D-206 Visitor Eligibility
- D-207 Identification and Registration
- D-208 Visitor Attire
- D-209 Visiting Rules
- D-210 Special Visits
- E-318 Visitor Searches

### **REFERENCES:**

- ORS 40.225 Rule 503, Lawyer-Client Privilege
- ORS 165.540, Obtaining Contents of Communications
- ORS 169.076, Standards for Local Correctional Facilities
- DCAJ Policies:
  - [CD-6-7, Inmate Grievances](#)
  - [CD-8-8, Contraband Control and Searches](#)
  - [CD-12-4, Media Visits](#)
  - [CD-12-5, Social Visiting](#)
  - [CD-12-6, Professional Visits](#)
  - [CD-12-7, Official Visitors](#)

### **DEFINITIONS.**

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**Attorney visit.** A visit covered by lawyer (attorney)-client privilege under Oregon statute. A visitor on such a visit may be the attorney or one employed to assist the attorney in providing legal services. The visit may be in person or by video.

**Contact visit.** A visit conducted without contraband barriers or other physical separation of inmates and visitors.

**Frisk search.** Touching a person's outer clothing in various ways to detect contraband in the clothing or on the body. Contact with the intimate body parts: genital, anal, or female breast areas is only incidental.

**Media visit.** A visit between an inmate and a person working in the communications industry, such as television, radio, newspaper, or book publishing.

**Official visit.** A visit between an inmate and a law enforcement, correctional, parole hearing, or probation officer; civil deputy; or a presentence investigator.

**Professional visit.** A visit between an inmate and a health care professional; a clergy member; foreign consulate officer; court interpreter; an attorney or representative of an attorney such as an investigator, a legal assistant, a polygrapher, interpreter; or a child services representative.

**Social visit.** A video visit between an inmate and his or her family, friends, or associates.

## **PROCEDURES.**

### ***SECTION A: CONTROL OF VISITOR ACCESS***

**A-1. Control of Inmate Visiting.** Corrections staff will control inmate visiting using these basic areas of control:

- a. Who can visit with an inmate?
- b. Where the visit will take place?
- c. What restrictions apply to the visit?
- d. What identification (ID) the visitor needs to present to corrections staff?

**A-2. Inmate Refusal to Visit.** Inmates do not have to visit anyone. An inmate may refuse any visit by telling a deputy he or she does not want to visit. The deputy will tell corrections administrative staff of the refusal. Note the refusal in the Jail Management System (JMS).

**A-3. Restrictions on When to Visit.** Staff will restrict visiting if it affects the safety, security, and good order of the jail. Specific restrictions to an inmate's access to a visit may vary based on the type of visit, inmate's classification level and disciplinary sanctions. All visits must end, or will be cancelled, if an emergency or operational concern exists. Corrections supervisors will make that determination. Note early endings or cancellations in JMS and reschedule visit if necessary and/or appropriate.

- A-4. Disabled Visitors and Inmates.** Staff will make reasonable accommodations and provide reasonable access for visitors or an inmate with a disability. Disabled visitors can use auxiliary aid (i.e. a cane) on a visit. Corrections staff must inspect any auxiliary aid for security. Unusual accommodation requests will be evaluated by a supervisor for approval.
- A-5. Visiting Control Documentation.** Staff will note any restrictions, warnings, rule violations, special instructions, or any unusual activity in JMS. This may include a Jail Incident Report.

### **SECTION B: VISITING RULES**

- B-1. Visiting Rules.** Visitors and inmates must comply with jail visiting rules. Corrections staff will end or deny a visit based on rule violations. Serious or multiple violations and criminal acts will result in the restriction of future visits, informal or formal discipline, or criminal charges depending on the severity of the act.
- B-2. Rules for Inmates.** Visiting procedures are part of inmate orientation. All visiting rules are part of the *Inmate Manual* and posted in visiting locations.
- B-3. Rules for Visitors:** Administrative staff will make a guide available for visitors to read before a visit. A visitor violates a jail rule if the visitor—
- a. Looks or acts as if he or she is under any influence of drugs or alcohol. Staff will assume “influence” if they smell alcohol on a person.
  - b. Transmits or attempts to bring contraband into the jail or Work Center (WC).
  - c. Was lodged in any correctional facility within the past 60 days. (On-Site only)
  - d. Is on probation or parole. (On-Site only)
  - e. Behaves in a way that is disruptive, threatens the safety, security, and good order of the jail, inmates or staff.
  - f. Fails to abide by dress standard requirements.
  - g. Refuses a frisk search or search of belongings.
  - h. Refuses to secure personal belongings.
  - i. Fails to present proper identification.
  - j. Enters an unauthorized visiting area.
  - k. Does not end the visit within the set time.
  - l. Fails to properly supervise a minor on a visit.
  - m. Damages, marks, tampers with, or soils a visiting area.
  - n. Failure to follow visiting rules.
- B-4. Dress Standards.** Corrections staff will not allow visitors to visit if they wear clothing that poses a threat to the safety, or security of the jail; or the safety and security of any person.
- a. Visitors must wear conventional clothing in a manner that is not sexually suggestive. Corrections staff will consider the following types of clothing as being sexually suggestive for a jail setting and will deny visits to visitors who wear such attire:

- 1) Dresses, skirts, jumpers, culottes, or shorts that expose an undue amount of flesh on the chest, back, thigh, midsection, or intimate body parts.
  - 2) Wraparound skirts and dresses or skirts with slits that expose an undue amount of flesh on the chest, back, thigh, or midsection, or intimate body parts.
  - 3) Tank tops, halter dresses or tops, tube tops, or other clothing with plunging or low-cut necklines, loose fitting or too tight as to expose or accentuate genitals and/or breasts.
  - 4) See-through clothing, including sheer and loose-weave fabrics. Any other clothing that exposes an undue amount of flesh on the chest, back, thigh, or midsection
  - 5) Tight-fitting clothing
- b. Visitors must wear undergarments if the absence of undergarments may lead to a sexually suggestive situation or exposes intimate body parts.
- c. Visitors must wear footwear.
- d. Visitors may only wear hats or head coverings that do not interfere with staff's ability to identify them.
- e. Visitors may not have hairstyles or wear clothing or insignias with language, symbols, or markings that—
- 1) Indicate affiliation with a criminal gang or security threat group,
  - 2) Contain derogatory comments or slurs directed at a class of people
  - 3) May otherwise disrupt jail order or place a person's safety at risk.
- f. Administrative staff will contact a supervisor for any visitor in gross violation of dress standards.
- g. Staff will note any warning they give for dress standard violations as a remark for the visitor in the appropriate visiting module of JMS. Further violations will result in restricted access or denial.

### ***SECTION C: EXCLUDING VISITORS***

- C-1. Excluding a Visitor.** Corrections staff may exclude a person from visiting an inmate for cause or if it is in the best interest of the jail, inmate, or visitor. If a visiting rule is violated, staff may warn the visitor before termination and/or exclusion of visiting privileges. Exclusions may include current/past violations, disciplinary issues, or concern for operational safety and security. All inmates who have a visitation exclusion/restriction will be notified. Notification includes length of exclusion or restriction and appeals process.

- C-2. Temporary Exclusions.** The staff listed below may temporarily exclude a visitor for up to 90 days for the reason given.
- a. A corrections supervisor may exclude a visitor —
    - 1) When the safety and security of the jail or visitor is at risk.
    - 2) When a visitor violates rules or otherwise disrupts the good order of the jail.
  - b. Programs staff may exclude a visitor if the visit could interfere with an inmate's successful completion of a jail program.
  - c. Health care staff may exclude a visitor or deny a visit if it could adversely affect the health of the inmate or the visitor.
- C-3. Notification and Review of Temporary Exclusions.** Any exclusion requires written notice and command review with 7 working days.
- C-4. Permanent Exclusions.** The Corrections Captain can permanently exclude any visitor. The exclusion will be in writing. The district attorney or the inmate's attorney may submit a written request for the Corrections Captain to exclude a visitor.
- C-5. Challenges to Exclusions.** A visitor may ask to meet with a supervisor to question the exclusion. The Corrections Captain will handle temporary exclusions; the Sheriff any permanent exclusions. They will treat the handling of exclusions as a public courtesy—not a right to a hearing or appeal. An inmate may grieve an exclusion using procedures in policy [CD-6-7, Inmate Grievances](#).

#### ***SECTION D: VISITOR REGISTRATION***

- D-1. Visitor Registration.** All visitors (not including social video visits via tablet) must check in and out with administrative staff. All visits will follow the respective policies based on the approved type of visit. All visitors will register according to policy [CD-12-7](#). Administrative staff may check JMS for any limits or restrictions on visiting or other information, such as a warrant, a previous warning on dress-code violations, or temporary exclusion.
- D-2. Visitor Identity.** Staff will verify the identity of visitors with government issued picture ID.
- a. All visitors must have acceptable ID. The only approved exceptions will be for known frequent professional visitors conducting official business.
  - b. Required ID for an adult;
    - Driver's license
    - State issued ID
    - Military ID card
    - Passport

- c. ID for a child 16-17;
  - Driver's license
  - State issued ID
  - Current school ID card
  - Passport
- d. ID for a child – 15 and younger;
  - Birth certificate
  - State provisional driver's license
  - State issued ID
  - Current school ID card
  - Passport
- e. For professional visitors, an attorney ID card may serve as picture ID.
- f. A supervisor may approve the use of nonstandard picture ID. It must be from a government agency and include the person's signature.

**D-3. Visitors with Warrants.** Any visitor with a warrant will be taken immediately into custody.

**D-4. Visit Documentation.** Corrections staff will record the date, visit start and stop times, in the appropriate visiting and event screen in JMS.

***SECTION E: VISITING AREA CONTROL***

**E-1. Jail Lobby Hours.** 8:00 a.m. - 5:00 p.m. Monday through Friday, except for holidays, emergencies or exigent circumstances.

**E-2. Work Center Lobby Hours.** 8:00 a.m. – 10:00 p.m. Every day, except for emergencies or exigent circumstances.

**E-3. Approved Visitors.** Only approved and confirmed visitors will be allowed in the visiting area.

**E-4. Visiting Area.** Staff will assign social visitors to an available area. Professional visitors and others will be assigned based on schedules, requests and availability.

**E-5. Special Visits.** A supervisor may approve special accommodations for the following reasons:

- a. Release matters.
- b. Overflow for official or professional visits that require a larger group.
- c. Special attorney visit before a court appearance.
- d. Family member or friend to notify an inmate of an emergency or death.
- e. Family member in town from out of state.

- f. Other exigent circumstances.
- E-6. Recording Devices.** A visitor may not possess or use a camera, tape recorder, computer devise, cell phone or other visual or sound recording device without approval from a supervisor. If approved, the equipment will be searched/examined prior to being allowed in.
- E-7. Recording Visits.** Corrections staff will not make a sound recording of an attorney or approved “private” clergy visit. A corrections supervisor may direct the sound recording of other visits for safety and security reasons. Corrections staff may record security camera images of any visit solely as a part of normal jail security monitoring of jail areas. Inmates and visitors are notified prior to accepting and starting a visit that their visit is subject to recording and monitoring. Visitors are notified visits are subject to recording and monitoring on the Deschutes County Sheriff’s Office – Adult Jail website, and inmates are notified of the recording in the Inmate Manual.

### ***SECTION F: CONTRABAND CONTROL***

- F-1. Contraband Control.** Corrections staff will take steps to prevent any visitor from bringing contraband into the jail. Policy [CD 8-8, Contraband Control and Searches](#), contains general guidelines on contraband control.
- F-2. Personal Belongings.** The following items are restricted, in the visiting area, without approval:
- a. Cellular phones or other two-way electronic communication devices.
  - b. No purses or bags.
  - c. No personal items.
  - d. Excess clothing, coats, sweaters, and similar outer layers of clothing concealing contraband.
  - e. AJ staff will not accept or hold any personal property. Property will not be stored, held, or secured for visitors. Excess property must be left at home or locked in automobiles prior to entering the visiting area. We do not accept responsibility for any property.
- F-3. Metal Detector.** Visitors are required to submit to a metal detector search prior to entering the visiting area adjacent to Jail Administration. Visitors, who cannot pass through the metal detector, will be manually searched with a metal detector wand.
- F-4. Frisk Searches of Non-contact Visitors.** A deputy may frisk search any visitor when the deputy has reasonable suspicion the visitor is in possession of contraband.
- a. Visitors are not required to submit to searches unless—
    - 1) They have been placed under arrest.
    - 2) They are obviously trying to destroy contraband that is a crime to possess.
    - 3) They are the subjects of a search warrant.

- b. Any visitor who refuses a “consent search” will not be allowed to visit. The refusal and visit cancellation will be logged in JMS.
- c. A deputy that is the same gender as the visitor will complete the search unless there is the need for an immediate response for safety or evidence-protection. All emergency situations will be documented.
- d. Any search conducted on reasonable suspicion will be documented.

**F-5. Frisk Searches of Non-contact Visitors.** See policy [CD-12-6, Professional Visits](#), for the frisk searching of professional visitors having contact visits.

**F-6. Unclothed Search of Any Visitor.** Staff may not ask a visitor to submit to an unclothed search as a precondition to a visit unless there is individualized or reasonable suspicion to believe the visitor is concealing contraband, evidence, or other violation of jail rules. A deputy will not conduct an unclothed search of any visitor unless he or she has the written approval of the Corrections Captain or higher authority even if the visitor voluntarily consents to an unclothed search. A deputy that is the same sex as the visitor will do any approved search.

- a. A visitor who refuses to be searched will not be forcibly searched even if reasonable suspicion exists. Staff will deny the visitor a visit that day and the visitor may face further exclusion.
- b. The requesting deputy will write an incident report (JMS) to fully document the unclothed search request and any actions taken. The report will include the justification for the reasonable suspicion.
- c. If there is probable cause the visitor is trying to introduce contraband into the jail a deputy may arrest the visitor for the appropriate statutory offense.

**F-7. Contact Visit.** Social visitors may not have contact visits with an inmate without a court order.

#### **FORMS USED**

- *Jail Incident Report Form No. 102*
- *Inmate Request Form No. 326*
- *Inmate Social Visiting Guide Form No. 327*