 <p style="text-align: center;"><b>KENTUCKY CORRECTIONS</b> Policies and Procedures</p>	Policy Number	Total Pages
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Authority/References	Subject	
KRS 196.035, 197.020; <i>Bell v. Wolfish</i> , 441 U.S. 520 (1979); <i>Kentucky Dept. of Corrections v. Thompson</i> , 490 U.S. 454 (1989); ACA 5-ACI-2E-03, 5-ACI-4A-21, 5-ACI-7D-14, 5-ACI-7D-16, 5-ACI-7D-17, 5-ACI-7D-19, 5-ACI-7D-21, 2-CO-5D-01, 2-CO-5E-01 CPP 3.20, 9.8, 15.2, 16.5	<b>INMATE VISITS</b>	

## I. DEFINITIONS

“Bona fide identification” means a valid form of government issued photo identification such as a passport or biometric passport.

“Contact visit” means regular visiting areas may be arranged to permit personal contact while being continuously supervised.

"Immediate family" means the following:

1. Parents, including step-parents and those who may have reared the inmate in place of parents;
2. Grandparents;
3. Brothers and sisters and other sibling relations, for example, half and step siblings;
4. Spouse and children, including step-children or adopted children;
5. Son-in-law, daughter-in-law, sister-in-law, brother-in-law, mother-in-law, father-in-law;
6. A child to whom the inmate, although not a natural parent, acted as a parent; and
7. Grandchildren.

“Non-contact visit” means a visit held in an area with a clear barrier between the visitor

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and the inmate that prevents physical contact.

"Special Management Housing" is defined by CPP 10.2.

"Video visitation" is defined by CPP 16.5.

## II. POLICY and PROCEDURE

### A. Visiting Facilities

1. The Warden shall provide a clean, comfortable, safe visiting area for the inmate and visitors and shall provide adequate supervision and security. If adequate space and funding is available, the Warden may have a portion of the visiting area equipped to provide activities for children.
2. Regular visiting areas may be arranged to permit personal contact but the entire visiting area, visitors, and inmates shall be continuously supervised.
3. Outdoor visiting areas may be provided inside the security perimeter and under the same degree of supervision as described in 1 and 2 above.
4. Areas for non-contact visits may be provided for inmates who have demonstrated a substantial security risk.
5. Video visitation shall be available as specified in CPP 16.5.

### B. Visiting Times

Each Warden shall establish visiting times and days.

### C. Frequency and Number of Visitors

1. The Warden may allow each inmate the opportunity to visit a minimum of eight (8) hours per month as permitted or restricted by this policy, and the 8 hours shall be a combined total of all forms of visitation, including in-person and video.
  - a. Visiting limitations and restriction of lengths of visits shall be established to avoid overcrowding.
  - b. Any visitor may be barred for security reasons.
2. The Warden shall establish consistent procedures for the maximum number of people, the number of visiting hours per month, and the number of visits per visitor that an inmate may receive based on space allocation, staff

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resources, and the existence of a threat to security and order of the institution.

3. An exception may be made to any institutional procedure if special circumstances arise; however, a request for an exception shall be made and approved one (1) week in advance by the Warden or designee. Special circumstances shall include:
  - a. Distance the visitor travels;
  - b. Frequency of visits for a particular inmate;
  - c. Health problems of an inmate or visitor; or
  - d. A visit for business purposes if a decision is needed that substantially affects the assets or prospects of a business or property.
4. Visiting shall be scheduled so that inmate work and programming schedules are not interrupted.

#### D. Allowed Visitors

1. Each institution shall maintain an approved visitation list for all inmates. An inmate may request visitation from any immediate family, as verified by the Presentence and Postsentence Investigation Report or other verified source. In addition to immediate family, an inmate may request visitation from three (3) additional adults and one (1) clergy. The visitation list may be updated twice a year based on the last digit of an inmate's institutional number:
  - a. January and July for digits 1 and 2;
  - b. February and August for digit 3;
  - c. March and September for digits 4 and 5;
  - d. April and October for digit 6;
  - e. May and November for digits 7 and 8;
  - f. June and December for digits 9 and 0.
2. A potential visitor shall fully complete a visiting information form and send by the United States Postal Service to the attention of the warden prior to any visit being approved or any addition to the visitation list. The warden

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of each institution shall have a process of approval or denial of the addition of the visitor. It shall be the inmate's responsibility to send the form and address to the potential visitor. The visitor information shall contain:

- a. The inmate's name and number; and
  - b. The requested visitor's:
    - (1) Name;
    - (2) Address;
    - (3) Date of birth;
    - (4) Social security number (if non-U.S. citizen, refer to section (II)(D)(13) of this policy);
    - (5) Sex;
    - (6) Race; and
    - (7) Relationship to inmate.
3. An inmate shall not receive a completed visitor information form from a visitor or submit it to a Classification and Treatment Officer.
  4. If an inmate does not have any immediate family, the Warden may increase the number of adult visitors.
  5. An individual shall not be allowed to visit an inmate unless the individual's name appears on the approved visitation list.
  6. The visitation list shall originate at the institution where the Presentence and Postsentence Investigation Report is initially received.
  7. Falsification of visitor information may be cause to deny approval of the visitor and may result in disciplinary action.
  8. Except for clergy, a visitor shall not be placed on more than one (1) inmate visitation list unless the visitor is an immediate family member for each inmate. The relationship may be verified by the Warden's designee.
  9. A visitor, including clergy, shall not visit more than one (1) inmate at a time unless authorized by the Warden or designee.
  10. Children under the age of eighteen (18) shall not visit unless approved and included on the inmate's visiting list and accompanied by a parent or legal guardian or by another immediate family member with written parental or guardian approval. The name of the parent, legal guardian, or other immediate family member accompanying the child shall be included on the approved visitation list.

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- a. A family member accompanying a minor who is not the parent or guardian shall have the written, signed, and notarized consent of the parent or guardian. This consent shall be presented to the visiting officer upon registration.
- b. A person under the age of eighteen (18) who provides proof of marriage to an inmate may be placed on the visiting list.

11. Persons exempted from the visitation list: attorneys, governmental officials, law enforcement officials visiting on official business, or approved volunteers may be approved for visitation on a case-by-case basis with prior written approval of the Warden or designee.

12. Visitation by an ex-offender, parolee, probationer, or former Department of Corrections employee shall not be permitted without prior approval by the Warden or designee, the Parole or Probation Office, if applicable, and shall not occur until one (1) year following: (a) the date of release from an institution for either parole or conditional release; (b) placement on probation status; or (c) termination of employment with the Department of Corrections. If the presence of this visitor constitutes a probable danger to the institutional security and operations, the visitor may be excluded from visiting.

13. International Visitors

A non-U.S. citizen visitor eighteen (18) years of age and above that does not have an assigned U.S. social security number shall provide:

- a. A copy of the visitor's bona fide identification;
- b. A copy of the visitor's criminal history or verification of no criminal history record from the visitor's local jurisdiction; and
- c. A completed Visiting Information Form (see Attachment I).

E. Excluded Visitors

A visitor may be excluded from the institution if:

- 1. The presence of the visitor in the institution constitutes a probable danger to institutional security or interferes with the orderly operation of the institution;
- 2. The visitor has a past record of disruptive conduct;

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3. The visitor is under the influence of alcohol or drugs;
4. The visitor refuses, upon request from the officers, to show proper photo identification. If it is an initial visit, the visitor may be permitted entry without proper identification; however, any subsequent visit shall not be permitted unless photo identification is provided;
5. The visitor refuses upon request from a correctional officer to submit to a search; or
6. The visitor is directly related to the inmate's criminal behavior.

F. Identification

1. Each visitor eighteen (18) years of age and above shall be required to show proof of identification that has both a photo and current legal address. Approved forms of identification shall include a driver's license or government-issued identification card. For international visitors, see section (II)(D)(13) of this policy.
2. If a Kentucky resident visitor whose address on the state-issued identification presented does not match the address listed in the electronic Kentucky Offender Management System (KOMS), then the staff member shall verify with the visitor which address listed is the current legal address and take the following action:
  - a. If the address on the identification is the current legal address, but the address in KOMS is not the current legal address, the staff member shall update KOMS; or
  - b. If the address in KOMS is the current legal address but the address on the identification is not, the visitor shall be advised to have the visitor's identification updated with the current legal address prior to the next visit. This occurrence shall be noted in KOMS in Comment/Warnings under the Visitor Entry section for future reference. Failure to provide approved identification with a current legal address at the next visit shall result in denial of the visit.

G. Inmates in Administrative Visiting Controls

1. An inmate in disciplinary segregation may be allowed normal visiting times and hours in a restricted setting. This may be in the form of non-contact or video visitation.

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2. Other inmates in Special Management Housing may be allowed normal visiting hours but may be restricted to a more secure visiting area if a threat to the security or order of the institution exists.

#### H. The Visit

1. An inmate in the regular visiting area shall be allowed brief physical contact (examples: 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. The institution may have a designated spot that this brief physical contact take place.
2. Sexual stimulation or activity shall be strictly prohibited.
3. The inmate shall be frisked or strip searched before and after visits.
4. The inmate may be restricted to few or no articles in his possession while in the visiting area.
5. Children shall be under control at all times and shall be the responsibility of the accompanying adult.
6. Staff shall supervise every inmate visit to ensure the security and order of the institution.
7. The visitor and inmate shall be treated in a courteous and positive manner. Instructions shall be given in a firm but positive manner.
8. A visit shall be conducted in a quiet and orderly manner and may be terminated if visiting procedures are not followed or the inmate or visitor becomes disruptive.
9. The inmate may hold his minor child, or minor stepchild, on his lap in an appropriate manner during the visit. Any inappropriate behavior may lead to an immediate termination of the visit and possible disciplinary action. This may be denied by the warden based on past behavior of the inmate, staffing levels to monitor, or for the protection of the child.
10. Clergy shall be allowed to bring to the visit one (1) copy of the sacred writings of his identified faith, e.g., Holy Bible, Holy Qur'an, etc. These items remain subject to search by staff.

#### I. General Visiting Procedures

1. Each adult visitor shall be identified and required to register upon entry to

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the institution.

2. Minors or children included on the approved visiting list shall be registered by the accompanying parent, guardian, or authorized immediate family member.
3. Staff may require a visitor to submit to a personal search of his person, any object brought with him, and any vehicle brought onto institutional grounds as a condition of allowing or continuing a visit. This search may include the use of metal detectors, frisk searches, and body scanners. A consent form shall be available if any visitor is to submit to a strip search or body cavity search. Staff shall conduct all searches pursuant to CPP 9.8.
4. A visitor shall not be permitted to possess a communication device or recording device as defined in CPP 3.20.
5. A copy of the institution's visiting policies and procedures shall be made available to the visitor.
6. The visiting room staff shall not accept an article, food, or gift of any kind from an inmate or visitor.
7. All institutions shall post a copy of KRS 520.050 and 520.060 that prohibit contraband and cite the criminal penalty for violations.

J. General Dress Code

Each institution shall require a dress code for visitors and inmates.

1. The dress code shall define the type of clothing allowed.
2. Clothing shall be in good taste.

K. Penalty for Visitors for Violation of Visiting Procedures

1. A violation of the visiting procedures or laws may result in visiting restrictions. If this is necessary, a written notice shall be sent to the visitor describing why and how long the restriction will be.
2. Criminal prosecution may be initiated against the visitor in case of a criminal violation.
3. An individual involved in the following rule violations shall not have contact visiting privileges:



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- a. Smuggling or attempting to smuggle dangerous contraband into an institution;
  - b. Assisting or aiding in the planning of an escape or attempted escape; or
  - c. An employee or volunteer who developed a relationship with an inmate that was unrelated to correctional activities.
4. Visitation limitations imposed administratively by the Warden shall not exceed one (1) year for the visitor subject to the limitation. After one (1) year, the visitor may contact the Warden in writing and request a reconsideration to have the limitation removed. The Warden may:
- a. Allow for contact visitation to resume;
  - b. Allow for non-contact or video visitation or a combination of both; or
  - c. Extend the visitation limitation for an additional one (1) year time period.
  - d. If a one (1) year extension is approved by the Warden, this should be the maximum visitation limitation for the visitor unless there is documented evidence of continued behavior by the visitor, as described above. In this instance, the Warden may remove visitation privileges for the visitor indefinitely.

L. Penalty for Inmates for Violation of Visiting Procedures

- 1. An inmate receiving disciplinary action in accordance with CPP 15.2 for the following rule violations shall not have contact visiting privileges:
  - a. Smuggling or attempting to smuggle dangerous contraband into an institution; or
  - b. Planning of an escape or attempted escape.
- 2. Visitation limitations imposed administratively by the Warden shall not exceed one (1) year for the inmate subject to the limitation. After one (1) year, the inmate may contact the Warden in writing and request a reconsideration to have the limitation removed. The Warden may:
  - a. Allow for contact visitation to resume;
  - b. Allow for non-contact or video visitation or a combination of both; or
  - c. Extend the visitation limitation for an additional one (1) year time period.

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- d. If a one (1) year extension is approved by the Warden, this should be the maximum visitation limitation for the inmate unless there is documented evidence of continued behavior by the inmate, as described above. In this instance visitation limitation may be extended for additional one (1) year periods until the inmate's behavior improves. The Warden shall review the inmate's behavior at the end of each one (1)-year period and issue a decision on whether visits can resume or the limitation will remain for another one (1) year period.

**DEPARTMENT OF CORRECTIONS  
VISITING INFORMATION FORM**

The inmate below has requested to add your name to his/her approved visiting list. Please complete this form and return it to the address below. Please be reminded that falsification of any of the information may result in denial of visiting privileges.

**Inmate Information:**

Name \_\_\_\_\_ Number \_\_\_\_\_

Institution \_\_\_\_\_

Inmate Signature \_\_\_\_\_ Date \_\_\_\_\_

**Visitor Information:**

Name \_\_\_\_\_

Address \_\_\_\_\_

City \_\_\_\_\_ State/Province \_\_\_\_\_ Zip Code \_\_\_\_\_

Country: \_\_\_\_\_

Telephone No. \_\_\_\_\_ Date of Birth \_\_\_\_\_

Social Security No. \_\_\_\_\_ or \*Non-U.S. Citizen \_\_\_\_\_ Sex: M \_\_\_\_\_ F \_\_\_\_\_ Race \_\_\_\_\_

Relationship to inmate \_\_\_\_\_

Are you an:		If yes, date of release
Ex-offender	Yes/No	_____
Parolee or Probationer	Yes/No	_____
Former Dept. of Corrections Employee, Contractor, or Volunteer	Yes/No	_____
Have you been denied previously for video visitation?	Yes/No	

<p><b>*Non-U.S. Citizens shall provide with this form:</b></p> <p>Copy of bona fide identification; and</p> <p>Copy of background criminal history or verification of no criminal history from their local jurisdiction.</p>
--

Visitor Signature \_\_\_\_\_ Date \_\_\_\_\_

Return to: \_\_\_\_\_

\_\_\_\_\_

**Or phone this information to:** \_\_\_\_\_


\*\*\*\*\*

**To be filled in by CTO**

On PSI \_\_\_\_\_ Not On PSI \_\_\_\_\_

Comments: \_\_\_\_\_

CTO Signature \_\_\_\_\_ Date \_\_\_\_\_

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Authority/References KRS 196.035, 197.020 ACA 5-7D-4487 through 5-7D-4496, 2-CO-5D-01 <i>Espinoza v. Wilson</i> , 814 F.2d 1093 (6th Cir. 1987); <i>Meadows v. Hopkins</i> , 713 F.2d 206 (6th Cir. 1983); <i>Larado v. Keshane</i> , 992 F.2d 601 (6th Cir. 1993); <i>Turner v. Safley</i> , 107 S.Ct. 2254 (1987); <i>Thornburgh v. Abbott</i> , 490 U.S. 401 (1989); <i>Montcalm Publishing v. Beck</i> , 80 F.3d 105 (4th Cir. 1996); <i>Martin v. Kelley</i> , 803 F.2d 236 (6th Cir. 1986); <i>Rogers v. Martin</i> , 84 Fed.Appx. 577, 579 (6th Cir. 2003)	Subject  <b>INMATE CORRESPONDENCE</b>	

## I. DEFINITIONS

“ACN” means attorney control number.

“Contraband” is defined in CPP 9.6.

“Copying” means any type of duplication or reproduction, including photocopying, scanning, photographing, video recording, or any other means by which an identical or similar version of an original is created.

“Day”, for purposes of this policy only, means a calendar day which includes any day of the week and weekends.

“General correspondence” means all incoming or outgoing mail except privileged mail, including magazines, periodicals, books, and other similar items.

“Indigent” is defined in CPP 15.7.

“Inmate email” means electronic correspondence that is sent through an approved vendor.

“Legal mail portal” means a system in which licensed attorneys register and receive an attorney control number and a secondary code to send privileged mail to Department of Corrections inmates.

“Nudity”, for purposes of this policy only, means a pictorial depiction where male or female genitalia, buttocks, anus, or the nipples or areola of female breasts are exposed.

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“Privileged mail” means correspondence received or sent from or to a clearly identified attorney, the Department of Public Advocacy, a law school legal clinic, or rape crisis center. Mail shall not be considered privileged mail if it does not concern a challenge to the legality of either the inmate’s criminal conviction or the conditions of his incarceration. Information, forms, and other material not specific to a particular inmate shall not be considered privileged mail. Mail received from other organizations including courts, officials of the Department of Corrections, state and local government officials and the Parole Board shall only be treated as “privileged mail” if it is marked with a valid attorney control number and secondary code.

“Sexually explicit”, for purposes of this policy only, means nudity or pictorial depictions of actual or simulated sexual acts including sexual intercourse, oral sex, or masturbation.

## II. POLICY and PROCEDURES

A. Inmates shall be advised upon arrival at an institution of the mail policies for that institution.

### B. Outgoing Mail

1. An inmate may send mail to any addressee, except as provided for in this policy.
2. All outgoing inmate mail shall be processed as follows:
  - a. Privileged mail for which postage is not affixed shall be handled according to requirements for outgoing privileged mail in F. Outgoing Privileged Mail;
  - b. Mail, excluding the mail indicated in subsection a. above, shall be sealed, subject to being opened by prison staff to determine that contraband is not being sent nor any violation of prison rules has occurred or is planned; or
  - c. If the mail is opened by prison staff, there shall appear on the envelope or container, language that states this mail has been opened and inspected or read by staff at the (institution name).
3. Letters placed into the process for mailing shall be done at the inmate's request and the inmate shall be responsible for the contents of the mail he sends.
4. Outgoing mail that contains material that constitutes a violation of prison rules or appears to be a violation of federal or state law shall be rejected for mailing and may result in disciplinary charges or referrals to law enforcement. However, mail shall not be rejected for containing criticism of the institution, its staff, or government officials.

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5. The inmate shall affix sufficient postage stamps to the envelope to cover the costs of mailing the item.
6. An inmate who is indigent shall receive, upon request, postage and stationery sufficient to send at least two letters, weighing one ounce or less, per week.
7. If an inmate is without funds to pay the postage for privileged mail, he shall sign a written money authorization for payment from his inmate account that allows payment when funds are received.
8. Prior to being mailed, mail that does not have the proper return address shall be returned to the sender if the sender can be identified. If the sender cannot be identified, the mail shall be held for thirty (30) days to be claimed by the sender. If not claimed, it may be destroyed.
9. The institution shall stamp the mail envelope or container to identify the institution.
10. Outgoing inmate email may only be pre-purchased by a non-incarcerated person.

C. Incoming Mail

1. An inmate may receive mail from any sender, except as provided in this policy.
2. A sender may include within mail sent to an inmate, a standard white envelope, 9.5 by 4 inches or smaller. The envelope may have metered postage printed on it but shall not have any stamp. An inmate shall not receive more than three (3) envelopes inside one mailing.
3. Correspondence received shall, if possible, be delivered to the inmate within forty-eight (48) hours of receipt during normal workdays, excluding weekends and holidays.
4. Publications
  - a. An inmate may receive publications from a mail order distributor of published materials. Publications received shall be prepaid by the inmate through institutional procedures and mailed prepaid by the distributor. Free publications that do not violate this policy from a legitimate publisher may be received if requested by the inmate. A list shall not be maintained of specific publications that shall be rejected.

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- b. Inmates may order catalogs and the like by paying the distributor to mail it by first or second class postage.
  - c. Catalogs or magazines to which the inmate subscribes shall not be considered prohibited mail under this subsection unless it includes prohibited items listed in this policy.
5. All incoming mail; except privileged mail, shall be opened and inspected or read to determine if contraband is enclosed or any violation of prison rules has occurred.
- a. If an item is removed from incoming mail, staff shall make a written record of the item removed.
  - b. If contraband is found that is illegal, it shall be seized and the inmate may be prosecuted as provided in KRS 520.050 or 520.060 or other applicable statute.
  - c. If contraband is found that is not illegal, notice shall be given to the inmate and the sender. The notice shall indicate the nature of the contraband and allow the inmate to advise how the item is to be disposed.
  - d. An inmate may appeal the decision to not deliver the item through the process provided below.
  - e. Inmate email shall be processed as regular incoming mail. Inmate email shall not be treated as privileged mail and shall not be printed unless required by law.
6. Rejected mail shall be handled by one of the following methods:
- a. Publications shall be rejected on a case-by-case basis. Publications shall not be rejected solely for being mailed into the institution in a non-white envelope or sent in packages with mailing labels.
    - (1) If publications are mailed in a non-white envelope, the contents of the envelope shall be reviewed and delivered to the inmate if it does not violate this policy. The inmate shall not be allowed to possess the envelope itself.
    - (2) If publications are mailed in a package with mailing labels, the mailing label shall be removed by the institution before delivery to the inmate.
    - (3) If any publication is rejected by the institution, the Warden or his designee shall notify the publisher of the rejection within three (3) business days and the specific reason(s) by use of the Notice of Unauthorized Mail Form.
  - b. If mail is rejected, it shall be held by the appropriate staff until the appeal is resolved. If no appeal is made or the appeal is denied, the inmate shall have seven (7) days to indicate in writing a disposition of the item. If no disposition is indicated, the item may be destroyed, donated to charity, or used for institutional purposes.

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- c. If the rejected mail is to be sent out, the inmate shall secure the necessary costs. If the inmate fails to secure the costs within the seven (7) days, the item may be disposed of as provided herein.
- d. Notwithstanding the provisions above, any matter that is received of an unsanitary or non-hygienic nature shall be destroyed upon receipt.
- e. Notwithstanding all other provisions of this policy, if a letter or correspondence is received that does not comply with a proper address that includes the name and address of the sender, has extraneous stickers or decals, or otherwise demonstrates reasons for its rejection, the institution may immediately return the item to the post office for return to the sender with notice and an explanation to the inmate.

#### 7. Appeals

- a. An inmate may appeal a decision to not deliver an item in writing to the Warden.
- b. An inmate shall appeal the rejection within five (5) days of receipt of the notice of rejection.
- c. The Warden or his designee shall respond in writing within fifteen (15) days of receipt of the inmate's appeal.
- d. If the appeal is denied, a further appeal shall not be allowed.
- e. A publisher may appeal a decision to not deliver an item to an inmate to the Commissioner.
- f. The Commissioner or designee shall respond in writing within fifteen (15) days of receipt of the publisher's appeal.

#### D. Incoming Privileged Mail

- 1. Privileged mail from licensed attorneys shall include both an attorney control number and a secondary code. An attorney sending privileged mail to an inmate shall register and obtain an ACN from the Department of Corrections through the legal mail portal.
- 2. For each piece of privileged mail sent, the attorney shall obtain a confidential secondary code from the Department of Corrections through the legal mail portal. Secondary codes are valid for thirty (30) days. Any secondary code not used within thirty (30) days will expire and the attorney shall request a new secondary code.
- 3. Incoming privileged mail shall be reviewed to determine if it includes both a valid ACN and a valid secondary code from the legal mail portal.
  - a. If mail includes a valid ACN but does not have the secondary code or an incorrect or invalid secondary code, the sender shall be



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- contacted to verify that the privileged mail was sent by a registered attorney.
- b. If reasonable efforts to verify the privileged mail are not successful, the mail shall be rejected and returned to the sender.
  - c. If efforts to verify the privileged mail are successful, the mail shall be processed using the process in subsection 4 below.
4. If the incoming privileged mail includes a valid ACN and secondary code, the privileged mail shall be opened in the presence of the inmate and inspected only to determine if it is contraband or if it contains contraband. If the mail does not contain contraband, it shall be given to the inmate to whom it is addressed.
  5. Institutional staff shall not inquire of an inmate how privileged mail relates to the inmate's case or withhold privileged mail that complies with the ACN system for any reason unrelated to a determination that it contains contraband or an investigation into whether the mail contains contraband.
  6. Incoming privileged mail from an attorney, the Department of Public Advocacy, a law school legal clinic, or rape crisis center that does not comply with the ACN system, and is marked to indicate that the sender does not seek to have it treated as privileged mail, shall be processed as general incoming inmate mail in section II(B) above, except that the mail shall not be read and the procedure for copying the mail shall comply with subsection II.C.7, below.
  7. Incoming privileged mail copied pursuant to subsection 6 above, or section D below, shall be copied in the presence of the inmate, with the inmate able to view the person making copies and the copying process.
    - a. The inmate shall be allowed to review all copied pages to ensure that all copied pages are substantially similar to the original, including readability. The inmate shall have adequate time to review the copies for quality and accuracy. If the inmate objects to the quality of a particular copied page, an additional copy shall be made.
    - b. Copies shall be made on a machine that does not retain copies of copied material.
    - c. Each institution shall designate a single area for copying privileged mail received by general population inmates. This area shall permit the inmate, regardless of physical condition, to observe the copying process free of visual obstruction. If an institution does not have an area available within the mail room that meets these requirements, or special management inmates are unable to travel to the mail room copying area, the copying process shall be completed using a portable copier, shredder, or rolling cart to take to an inmate's cell so the inmate may observe the opening, copying, and shredding of

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- privileged mail.
- d. Once copies are made using this process, and the inmate confirms the receipt of a complete copy of the privileged mail, the originals shall be destroyed immediately.
8. Review of documents submitted without a valid ACN and secondary code, that cannot be copied.
    - a. If the document has a watermark, or other proof of status as an original document, or if the document cannot be accurately reproduced using the institution's equipment, the inmate may request that the original document be retained in a secure location not accessible to other inmates or unauthorized staff. Material that falls under this section shall not be reviewed by staff other than to be inspected for contraband.
    - b. After the documents have been determined not to contain contraband, the inmate to whom the privileged mail was addressed may view the material privately away from other inmates and staff, subject only to visual supervision by staff by making a request to view to staff.
    - c. Access to view this material shall be granted within 48 hours of receipt of the request, not including weekends and holidays.
    - d. Staff shall not make inquiries to the inmate regarding the content of the material or the inmate's reason for viewing it.
  9. Incoming mail from attorneys that is not privileged shall be marked by the sender as "Not Privileged" and shall be treated as regular mail. If it is not marked "Not Privileged" and does not have an ACN or a secondary code, it shall be rejected as non-compliant.
  10. Incoming privileged mail shall be recorded as to the date and time of delivery to the inmate. The inmate may be required to sign for receiving privileged mail.
  11. Bulk Mail
    - a. An attorney who desires to send legal mail to a large volume of inmates at once shall send a request to [doc.legalmailportal@ky.gov](mailto:doc.legalmailportal@ky.gov) with their ACN and the date the bulk mail will be mailed.
    - b. DOC staff will provide the attorney a unique secondary code that shall be included, along with the ACN, on each piece of bulk legal mail.
    - c. The unique secondary code will only be valid for ten (10) days from the date the attorney indicated the bulk legal mail would be mailed.

E. Violations of Legal Mail Portal Rules

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1. Attorneys seeking to use the legal mail portal to send privileged mail to an inmate shall first create an account and agree to the rules of the legal mail portal.
2. Attorneys who violate a rule of the legal mail portal may be suspended or permanently banned from using the legal mail portal and may be reported to the Kentucky Bar Association and any other applicable licensing agency.
3. Incoming privileged mail from an attorney who has been suspended or permanently banned from the legal mail portal shall be treated as privileged mail that does not comply with the ACN system and copied pursuant to the process in Section II.C.7 above.
4. As a condition to use the legal mail portal, all attorneys and any staff using the attorney's account, shall not send contraband. Attorneys shall ensure that official documents sent using the ACN system come from a trusted official source. Attorneys shall be responsible for anything sent using the attorney's account. General guidance and rules may be reviewed on the DOC website on the legal mail portal page. The notice on the website may be reviewed regularly for contraband and mail problem updates.
  - a. If an attorney violates the no-contraband rule, and the Department determines that the violation was intentional, the Department may immediately suspend or terminate the attorney's use of the legal mail portal.
  - b. If an attorney violates the no-contraband rule unintentionally, a written warning shall be mailed to the address listed on the attorney's registration. A subsequent violation may result in the Department terminating the attorney's use of the legal mail portal.
5. An attorney's privilege to use the legal mail portal may be suspended or permanently banned for multiple instances of an incorrect ACN or secondary code or other violations of this policy. After two (2) written warnings, the attorney's use of the ACN system may be suspended for thirty (30) days. Subsequent violations may result in the Department terminating the attorney's use of the legal mail portal.
6. A violation of a legal mail portal rule shall be reported to the Office of the Commissioner. If an attorney is suspended or permanently banned from using the legal mail portal, written notice shall be mailed to the address listed on the attorney's registration.
7. An attorney may appeal a decision to suspend or ban the attorney's legal mail portal account in writing to the Commissioner.
8. The Commissioner or designee shall respond in writing within fifteen (15)

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days of receipt of the attorney's appeal.

F. Outgoing Privileged Mail

1. If an inmate has placed adequate postage on the item, outgoing privileged mail shall be sealed by the inmate and not inspected by staff so long as the inmate has clearly indicated an addressee that meets the definition of privileged mail.
2. If an inmate seeks to send mail after signing a written money authorization for payment from his inmate account that allows payment when funds are received, the outgoing privileged mail shall be presented to staff in an unsealed envelope in the manner determined by the institution. The institution shall not require the inmate to leave unsealed outgoing privileged mail for later review. In the presence of the inmate, staff shall scan or read only those sections of the mail that are necessary to determine if it meets the definition of privileged mail. Privileged mail shall not be removed from the inmate's presence before being sealed.
3. If it is determined that the outgoing mail does not comply with the privileged mail policy, the inmate shall receive an appropriate disciplinary charge and the mail shall be rejected.

G. Prohibited Sexually Explicit Materials

1. Sexually explicit materials shall be prohibited, including pictorial depictions in books, pamphlets, magazines, periodicals, and any other graphic images, or any other publication or any personal pictures, drawing, or photocopies of any of these items.
2. The Warden shall designate a staff member or members to review incoming publications to determine if they violate this policy and if so, shall be rejected.
  - a. A list shall not be maintained of specific publications that shall be rejected.
  - b. Material rejected under this section shall be held by the appropriate staff and notice of the rejection with the reason therefor shall be provided to the inmate and to the sender. The inmate shall have the same appeal process as set forth in B.7. above.

H. Other Prohibited Mail

Outgoing or incoming mail may be rejected, in addition to other provisions of this policy, for any of the following reasons:

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1. The mail contains threats of physical harm against any person or threats of criminal activity;
2. The mail contains plans to smuggle contraband into or out of the institution;
3. The mail contains information regarding formulation of escape plans, plans to commit a crime, or plans to violate a prison rule;
4. The mail contains solicitation of gifts, goods, money, or things of value from individuals or entities other than family or established close friends;
5. The mail contains a code or gang insignia;
6. The mail contains obscene language or drawings;
7. The mail contains any information that, if communicated, would create a threat to the security of the institution;
8. The mail constitutes free advertising material, fliers, and other bulk rate mail except that received from a recognized religious organization sent in care of the institutional chaplain. This mail may be discarded upon receipt.
9. The mail is to the victim of the inmate's crime, or a person of a close relationship to the victim.
10. The mail contains address labels, stickers, homemade cards, musical cards, non-white envelopes or paper, paintings, tracing paper, pages from coloring books, drawings in colored ink, marker, crayon, glitter, raised decorations, paint or the use of white-out, glue, or any other liquid form.
11. The mail contains stamps, blank envelopes or stationery, money orders, cash or checks, except as allowed in the Incoming Mail section of this policy.

I. Inmate Limited Access to Otherwise Prohibited Items

1. Inmates shall not possess contraband or dangerous contraband and nothing in this policy shall be construed to allow any inmate to possess contraband or dangerous contraband.
2. Contraband or dangerous contraband contained within incoming privileged mail that was sent by a verified user of the ACN system, in compliance with the ACN system process, and that falls within the categories listed in subsection 4 below, may qualify for special treatment as set out in subsection 5 below.

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3. Contraband or dangerous contraband contained within incoming privileged mail not sent by a verified use of the ACN system, or not in compliance with the ACN system process, shall be rejected and returned to the sender.
4. Items that may qualify for alternate treatment as discussed in subsection 2 above shall include:
  - a. Architectural information describing the design and layout of a correctional facility or jail;
  - b. Information describing the operation or location of security apparatus used in correctional settings;
  - c. Employee schedules within the institution;
  - d. The design and construction of firearms;
  - e. The formula for the production of intoxicating substances;
  - f. Other information that would clearly pose a threat to the institution by describing information that may facilitate an assault, an escape, or the importation or creation of contraband.
5. Alternate Treatment
  - a. Items listed in subsection 4 above shall be allowed to remain at the institution if the sender:
    - (1) Is an attorney who is a verified user of the ACN system; and
    - (2) Has requested and received authorization from the warden of the institution where items are to be sent, prior to sending the items;
  - b. The request shall include a verification from the attorney of the necessity for the inmate's access to the item. The attorney shall not be required to provide a specific reason for the belief or provide confidential details about the inmate or the inmate's case.
  - c. The warden shall have fifteen (15) business days to respond to a request. The time frame for a response may be extended. Time necessary for any follow-up shall not be counted in the fifteen (15) day timeframe.
  - d. For the items to remain at the institution, the inmate shall follow the rules established by the institution. Any violation of those rules shall result in the return of the material in question to the attorney from whom the materials were sent, at the inmate's expense.
6. Returned Items
  - a. Items returned to the sending attorney shall not be reviewed by staff.
  - b. Correspondence accompanying the contraband that is sent in compliance with the ACN system may be delivered to the inmate, despite the materials being returned to the sending

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attorney.

- c. Materials to be returned to the sending attorney for failure to request and receive proper authorization shall not be reviewed by staff and shall be placed in a properly addressed envelope and mailed to the sending attorney, with the inmate or the law office bearing the mailing costs.

7. Nothing in this policy shall be construed as a waiver of disciplinary proceedings for violations of institution policy.

8. ~~Nothing in this policy shall prohibit DOC from inspecting privileged mail for contraband at the time the mail is delivered to the inmate, or conducting an investigation if there is probable cause to believe that an article of privileged mail contains contraband.~~

9. Materials allowed into the institution under II.G. of this policy shall be securely stored in a location not accessible to inmates or unauthorized staff.

- a. An inmate for whom the items are stored shall be permitted to view those items upon a proper request to staff. The following shall apply to any request:

- (1) Staff shall not inquire as to the context of the document or media, or the inmate's reason for wishing to review it;
- (2) The request to view materials shall be granted within forty-eight (48) hours not including weekends and holidays;
- (3) The inmate shall be allowed to view the materials privately, away from other inmates and staff, subject only to visual supervision by assigned or dedicated staff to the extent allowed by security protocols.

- b. Staff shall not review the content of the stored materials for any purpose other than to determine if the materials contain contraband. Any such review shall occur in the presence of the inmate.

10. Any search of legal materials, including material stored in an inmate's cell, shall occur in the inmate's presence.

- a. This restriction shall not prohibit institution staff, who are packing an inmate's property for a move from checking the property for contraband, provided that staff does not read the legal material.
- b. Institution staff may confiscate legal mail items from an inmate, but staff may not review or inspect those items until the inmate is present except as provided in subsection 10(a) above.

#### J. Special Postal Services

1. An inmate may send correspondence by registered, certified, or insured mail

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so long as the inmate pays the necessary costs required by the U.S. Postal Service.

2. Express mail, COD, private carriers, and similar services shall not be provided for outgoing mail.

K. Forwarding Mail

1. Inmates shall inform their correspondents of a change of address.
2. Staff shall forward all first class mail of a transferred or released inmate to the address provided by the inmate. However, if the inmate is on a court trip, hospital stay, or other trip, that is anticipated to last less than seven (7) days, the mail, except privileged mail, shall be held until the inmate returns.
3. Mail forwarded to an inmate who is transferred or released shall continue for thirty (30) days after which his mail shall be returned to the sender, including privileged mail.
4. Every effort shall be employed to promptly forward privileged mail, but if the inmate is expected to return within forty-eight (48) hours, mail shall be held for the inmate's return.
5. All privileged mail returned to the sender shall have noted on the face of the envelope the reason for returning it and the last known address of the inmate.

L. Mail Returned to the Institution

1. Mail returned to the institution shall be opened and inspected for contraband prior to it being returned to the inmate sender.
2. Staff shall determine if returned mail contains material that originated from the inmate identified on the envelope to ensure that no substance, material, or property is being improperly sent into the institution. Further, staff shall determine, to the extent possible, that the mail has not been opened or tampered with before its return to the institution.
3. Returned privileged mail shall be opened and inspected for contraband in the inmate's presence.

M. United States Postal Service

Notwithstanding other provisions of this policy, directives from the United States Postal Service shall be followed pertaining to mail received.




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N. Inmate to Inmate Mail

1. Inmate to inmate mail shall be placed in the mailboxes located throughout the institution. It shall be stamped and processed through the U.S. Postal Service.
2. Inmate to staff mail shall be processed through the institutional mail room and shall not require postage.
3. All correspondence, except for legal or grievance paperwork, passed between inmates shall be processed as provided in K(1). Any inmate passing an item in any other manner shall be subject to disciplinary action.
4. Inmate to inmate mail shall consist of only correspondence. Any mail with an enclosure like stamps or a photograph shall be rejected.

O. Violations of procedures in this policy may result in disciplinary charges or referral to appropriate authorities for prosecution.

 <p style="text-align: center;"><b>KENTUCKY CORRECTIONS</b> Policies and Procedures</p>	Policy Number	Total Pages
	16.3	2
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	October 12, 2012	February 1, 2013
Authority/References ACA Standard 4-4497 4-4497-1, 4-4275, 2-CO-5D-01 KRS 196.035, 197.020 CPP 15.2	Subject  <b>INMATE ACCESS TO TELEPHONES</b>	

## I. DEFINITIONS

“Emergency telephone call” means a call involving an illness of a serious nature, death of immediate family, or impending disaster related to the inmate’s property.

“Immediate family” means:


1. Parents, including stepparents and those who may have reared the inmate in place of parents;
2. Grandparents;
3. Brothers and sisters and other sibling relations, for example, half and step siblings;
4. Spouse and children including step-children or adopted children;
5. Son-in-law, daughter-in-law, sister-in-law, brother-in-law, mother-in-law, father-in-law;
6. A child to whom the inmate, although not a natural parent, acted as a parent; and
7. Grandchildren.

## II. POLICY and PROCEDURE

- A. An inmate shall be provided with reasonable and equitable access to the telephone. The telephone service shall be reasonably priced, with rates and surcharges commensurate with the general public, and comply with state and federal regulations.

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- B. An inmate with hearing or speech disabilities and inmates who wish to communicate with parties who have these disabilities shall be afforded access to a telecommunications device for the deaf (TDD) or comparable equipment.
- C. An inmate telephone call may be monitored on a random basis or if there is reason to believe the telephone privilege is being abused in a manner that is in violation of law or detrimental to the security of the institution, employees, or other inmates. If an institution monitors an inmate's telephone call, a sign clearly stating that telephone conversations may be monitored shall be visibly posted by every inmate telephone or within the telephone area if multiple phones are provided.
- D. Staff shall not listen to a call from an inmate to his attorney.
- E. If an inmate receives an incoming emergency telephone call, the call shall be referred to an appropriate institutional staff member who shall verify the emergency nature of the call and obtain the telephone number and name of the calling party. The inmate may be advised of this information and permitted to return the call.
- F. An inmate telephone call shall be a collect call made at the expense of the person called. Third party calls shall not be permitted. An inmate telephone call may be charged to the institution only in an emergency situation with prior approval from institutional administrative staff.
- G. The offenses and penalties for a violation of this policy shall be in accordance with CPP 15.2.

 <p style="text-align: center;"><b>KENTUCKY CORRECTIONS</b> Policies and Procedures</p>	Policy Number	Total Pages
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	Date Filed	Effective Date
	August 12, 2016	January 6, 2017
References/Authority ACA Standard 4-4493, 4-4494, 4-4495, 4-4496 KRS 196.035, 197.020	Subject  <b>INMATE PACKAGES</b>	

## I. DEFINITIONS

"Family and Friends order" means a package purchased and ordered for an inmate through a secure vendor website.

"Special packages" means packages that contain items necessary to meet the needs of a specific medical condition.

"Vendor order" means an order purchased through the institution with appropriate percentage markup as directed by KCICI.

## II. POLICY and PROCEDURES

An inmate may receive separate packages containing food only and personal property items only as allowed per CPP 17.1.

### A. Vendor Order

1. An inmate may receive a vendor order in accordance with the following procedures:
  - a. Within sixty (60) days of departure from the Assessment and Classification Center;
  - b. Three (3) vendor property orders per calendar quarter with no maximum dollar limit;
  - c. Unlimited vendor food order with a \$125 maximum dollar limit per calendar quarter;
  - d. Vendor property and vendor food orders may be submitted by an inmate or through a Family and Friends order; and
  - e. The Warden or a designee may authorize additional vendor orders.
2. An inmate shall not purchase personal clothing through a vendor order if receipt of the order will exceed the number or type of items authorized by

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CPP 17.1. An inmate may only use vendors approved by the institution. Each institution shall maintain a current list of:

- a. authorized vendors; and
  - b. items approved for purchase from these vendors that shall include description, price and size.
3. The only items authorized for purchase shall be those listed in CPP 17.1, Attachment 1. These items shall only be ordered from an approved vendor through the institution.
  4. To order items from an approved vendor, an inmate shall submit the appropriate form to the Warden or designee for approval. The form shall contain pictures or descriptions of items and include price and size.
  5. If the item is approved, the form shall be forwarded to the appropriate personnel for processing of the order.
    - a. Institutional or canteen staff shall have five (5) working days to order the item(s).
    - b. The Warden or designee may withdraw approval upon receipt of the requested item(s).
  6. A denial of an inmate request by the Warden or designee shall be in writing and include the reasons for the denial.
  7. Property received without prior approval of the Warden or designee shall be returned at the expense of the inmate.
  8. Upon receipt of the property at the institution, designated staff shall inspect, register, and deliver the property to the inmate in accordance with established procedure.
  9. The institution shall be authorized to place a mark-up, not to exceed that approved by the canteen board, on any purchase made from an approved outside vendor.
  10. A package shall not be held for more than seventy-two (72) hours, excluding weekends and holidays.
  11. First Class packages shall be forwarded for thirty (30) days following the release or transfer of an inmate; however, packages received after thirty (30) days shall be returned to the sender.

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B. Special Packages

In addition to the number of authorized packages outlined above, the Warden may authorize inmates to receive additional packages that contain items necessary to meet the needs of a specific medical condition such as pregnancy, amputation of a limb, or other documented reasons.

C. Disposition of Unauthorized Items or Contraband


1. A package may be immediately returned to the sender or postal service for proper disposition if it:
  - a. Is in excess of the authorized limit;
  - b. Contains "collect on delivery" or payment invoices; or
  - c. Does not contain a verifiable return address (full name, street address or P. O. Box, City, State and Zip Code);

A notice of rejection shall be sent to the inmate for a package returned under these circumstances.

2. If contraband is found in a package that is not otherwise illegal, notice shall be sent to the inmate (intended recipient). The notice shall indicate:
  - a. The nature of the contraband;
  - b. That the inmate may appeal to the Warden within forty-eight (48) hours the decision not to deliver the contraband; and
  - c. The method of disposition if the appeal is denied or no appeal is requested.
3. It shall be the responsibility of the inmate to dispose of unauthorized items or contraband found in packages.
4. Disposition may be made by:
  - a. Returning the item to the sender at the inmate's expense;
  - b. Donating it to a charitable cause of the institution's choice if deemed appropriate for donation, or
  - c. Destruction.

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5. Items not disposed of by the inmate or items not deemed suitable for donation may be destroyed by the institution.

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Authority/References KRS 196.035, 197.020; <i>Bell v. Wolfish</i> , 411 U.S. 520 (1970); <i>Kentucky Dept. of Corrections v. Thompson</i> , 490 U.S. 454 (1989); 42 U.S.C. § 12102, 12103, 12131, 12132, 12134; 28 C.F.R. § 35.104, 35.160, 35.161 CPP 16.1 ACA 5-ACI-2E-03, 5-ACI-4A-21, 5-ACI-7D-14, 5-ACI-7D-16, 5-ACI-7D-17, 5-ACI-7D-19, 5-ACI-7D-21, 2-CO-5D-01, 2-CO-5E-01	<b>VIDEO VISITATION</b>	

## I. DEFINITIONS

“Electronic offender management system” means the web-based application software used by the Department of Corrections for inmate management and community supervision.

“Video message” means a method of communication which allows inmates to receive brief, pre-recorded video messages through a video visitation provider.

“Scheduling visitor” means the individual registering an account and scheduling a video visitation session through a video visitation provider.

“Video remote interpreting service” means an interpreting service that allows deaf and hard-of-hearing inmates to communicate clearly in real time through electronic media.

“Video remote interpreting service provider” means the vendor supplying video remote interpreting service.

“Video visitation” means a method of visitation which allows an inmate to visit remotely through electronic media.

“Video visitation provider” means the current vendor supplying video visitation service.

## II. POLICY and PROCEDURE

The privilege of video visitation, using the designated kiosks installed and available at the institutions, is designed to increase visiting opportunities, reduce burdens on family and friends, and facilitate successful reentry of offenders through the cultivation of constructive



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relationships in the community.

A. Video Visitation Kiosks

1. Video visitation kiosks shall be installed and available for use by the inmates housed within general population areas of the institutions.
2. All video visitation kiosk locations shall have a sign containing the following information posted next to the kiosk: "All electronic communications are subject to monitoring and recording."
3. Video visitation kiosks shall only be used for remote visits. On-site visiting in person shall continue to be available as specified in CPP 16.1.

B. Video Visitation Times

1. An inmate may use the video visitation system according to a schedule established by the institution. A video visit shall not count against the number of kiosk sessions allowed per day.
2. Inmate use of the video visitation system may be prohibited by the Warden during planned security events, such as count times, or unplanned security events, such as lockdowns.
3. An inmate shall ensure that use of the video visitation system does not interfere with his scheduled institutional obligations, such as assigned work or educational and programming activities.
4. A video visitation session shall be a maximum of twenty-five (25) minutes in duration.

C. Frequency and Number of Visitors

1. Up to three (3) pre-approved visitors may visit with the inmate at a time..
2. A video visit shall not count against the number of regularly allowed in person visits.
3. Only one (1) inmate may visit at a time.
4. Video visits shall not be limited as a penalty for institutional rule violations (excluding rule violations associated directly with video visitation).

D. Allowed Visitors

1. Use of the video visitation system shall be open to all visitors over the age

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of eighteen (18), who are not restricted from contacting a given inmate by statute, regulation, court order, or conditions of supervision. Minors may only use the video visitation system under supervision of the scheduling visitor, provided the minor and adult visitor meet the above listed criteria as well.

2. The scheduling visitor shall be on the inmate's in person visitation list in the electronic offender management system as outlined in CPP 16.1.
3. A visitor excluded or restricted from in person visitation may use the video visitation system.
4. Attorneys of record may use the video visitation system. A designated staff member shall verify the credentials entered by the attorney before approving the attorney for video visitation. Once this has been completed, video visits shall not be recorded by the vendor.

#### E. Video Visitation Registration and Scheduling

1. All scheduling visitors shall follow the registration process directed by the video visitation provider to establish an account for video visitation. A valid driver's license or official photo identification shall be required to establish an account (see CPP 16.1).
2. Staff assigned to approve and monitor video visitation shall ensure the connected party appearing on the video visit matches the submitted identification. If the identification does not match, the video visit shall be terminated.
3. All scheduling visitors shall comply with the terms and conditions of use, as stated in their account agreement with the video visitation provider, when participating in video visitation.
4. The cost of video visitation shall be paid by the scheduling visitor.
5. All scheduling visitors shall schedule video visits as directed by the video visitation provider. All video visits shall be scheduled at least forty-eight (48) hours in advance. Video visits are subject to availability of kiosks and previously scheduled video visits. Video visits shall be scheduled on a first come, first served basis.
6. Rescheduled Visits and Reimbursement
  - a. Inmates that are placed in Special Management or Restrictive Housing shall have any scheduled visits cancelled automatically.

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- b. If an inmate is transferred to another institution, the video visitation provider may attempt to provide the scheduled video visit at the receiving institution. The video visit shall be cancelled if not.
- c. If an inmate is transferred to a location other than a DOC institution (i.e., court appearance, hospital) designated institutional staff shall cancel the video visit.
- d. Any request for reimbursement by a scheduling visitor shall be referred directly to, and processed by, the video visitation provider.

F. The Video Visit

- 1. All visits shall be recorded and subject to monitoring. Visits may be terminated for any violation of the procedures or rules listed in this policy, CPP 16.1, or listed in the terms and conditions of use, as stated in the account agreement with the video visitation provider.
- 2. A video visit shall not be recorded or reproduced for any reason without advance permission from the DOC. Violation may result in a termination of the inmate's video visiting privileges.
- 3. The scheduling visitor shall ensure all other visitors present during a video visitation session adhere to the rules and criteria listed in this policy and listed in the terms and conditions of use, as stated in the account agreement with the video visitation provider.
- 4. All visitors shall wear clothing in good taste. Overly revealing clothing, form-fitting clothing, and clothing displaying offensive, illegal, or gang-related messages shall be prohibited.
- 5. There shall be no displays of nudity, pornography, sexual acts, sexual poses, violence, alcohol use, drug use, gang signs, weapons, general gang activity (including clothing), or any other illegal or disruptive activity during a video visit.
- 6. Any inmate that receives a video visit from an individual that is an unsupervised minor or an individual restricted from contacting him or her by statute, regulation, court order, or conditions of supervision shall immediately terminate the video visit. Failure to do so may result in disciplinary action and restriction of video visitation privileges against the inmate.
- 7. Video visitation may immediately be terminated at any time if a violation of visiting procedures and rules occurs.

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8. Background blurring filters shall be implemented and used during all video visits.

G. Violation of Video Visitation Procedures

1. A violation of the video visitation procedures or rules listed in this policy or listed in the terms and conditions of use, as stated in the account agreement with the video visitation provider, may result in disciplinary action and restriction of video visitation privileges against the inmate and visitor.
2. Criminal prosecution may be initiated against the visitor, the inmate, or both in case of a criminal violation. Possible criminal violations shall be referred to Internal Affairs staff for investigation and possible referral for prosecution.
3. A visitor may be restricted from video visitation for a specific period of time for a violation of the video visitation procedures or rules listed in this policy or listed in the terms and conditions of use, as stated in the account agreement with the video visitation provider.
4. Video visits shall not be imposed as a penalty for institutional rule violations, excluding rule violations associated directly with video visitation.
5. Video visitation limitations shall not be permitted as a sanction of the adjustment process, but if necessary and directly associated with violations of the video visitation process, shall be imposed as an administrative sanction as authorized by the Warden.
6. Video visitation limitations imposed administratively by the Warden shall not exceed one (1) year for the inmate or visitor subject to the limitation. After one (1) year, the visitor or inmate may contact the Warden in writing and request a reconsideration to have the limitation removed.

H. Video Remote Interpreting Service for Deaf and Hard-of-Hearing Inmates


1. The institutions are dedicated and committed to providing parity of communication opportunities, through auxiliary aids and service, for disabled inmates established as deaf or hard-of-hearing.
2. Communication opportunities for inmates established as deaf or hard-of hearing shall be provided at each institution through a video remote interpreting service supplied by a video remote interpreting service provider.

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3. An inmate established as deaf or hard-of-hearing shall have reasonable and adequate opportunity to use the video remote interpreting service.
4. Use of the video remote interpreting service shall be subject to all the video visitation procedures and rules listed in this policy and those listed in the terms and conditions of use, as provided by the video remote interpreting service provider.
5. A violation of the video visitation procedures or rules listed in this policy or listed in the terms and conditions of use, as provided by the video remote interpreting service provider, for video remote interpreting service may result in the violation of video visiting consequences described in this policy.
6. Video remote interpretation services shall be provided free of charge to an inmate established as deaf or hard-of-hearing.

I. Video Message Communication

1. Video message communication opportunities may be provided for use by inmates housed within general population areas of an institution.
2. Video message communication may be provided through a video visitation provider, using a kiosk system. Use of the kiosk system for video message communication shall not require an appointment.
3. Use of the video message communication service shall be subject to all the video visitation procedures and rules listed in this policy and those listed in the terms and conditions of use, as provided by the video visitation provider.
4. A violation of the video visitation procedures or rules listed in this policy or listed in the terms and conditions of use, as provided by the video vendor, for video message communication may result in the violation of video visiting consequences described in this policy.
5. Any inmate attempting to send or receive video messages in exchange for payment or profit may forfeit video message opportunities as stated in Section G. of this policy.

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	<b>MAY 15 2024</b>	
	Supersedes Effective Date	
Authority/References CPP 15.2, 15.6, 16.2	Subject  <b>INMATE TABLETS</b>	

## I. DEFINITIONS

“Personal Identification Number” or “PIN” means a personal security code issued to an inmate during reception to the DOC for verifying identity for tablet access.

“Serial number” means the identification number assigned to an individual tablet that is located on the tablet’s battery.

“Tablet” means a configurable mobile operating system and touchscreen display processing circuitry, and a rechargeable battery in a single, thin and flat package used for education, rehabilitation, entertainment, and communication that connects to an internal wireless secure network.

## II. POLICY AND PROCEDURE

This policy establishes procedures for the Department of Corrections (DOC) on the issuance and use of inmate tablets.

### A. General Procedures

1. Tablets authorized for DOC inmates, shall be provided by the contract vendor at no cost to the DOC or inmate incarcerated within the DOC, with the exception of those inmates who have:
  - a. Demonstrated destructive behavior involving a tablet, kiosk, or other state property within the past twelve (12) months;
  - b. Tablets restricted as a sanction imposed as a result of the adjustment disciplinary process as specified in CPP 15.2 and 15.6;
2. The Warden shall assign designated staff with a user profile with the responsibilities to enable, disable, mitigate, and monitor tablet activities for individual inmates.

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B. Tablet Issuance

1. Issuance

- a. An inmate shall be issued a tablet at an assessment and classification center, after receiving an initial classification review, or upon return to an institution from a reentry service center or jail placement.
- b. Prior to receiving the initial tablet, an inmate shall sign a tablet agreement to acknowledge understanding of the general rules governing the use of an inmate tablet. A signed tablet agreement shall be saved in the electronic offender management system by scanning the document.
- c. Upon the completion of the tablet agreement, the inmate shall be issued one (1) tablet, one (1) set of earbuds, and one (1) charging cord, which are specific to the available tablets.

2. An inmate shall be provided a general overview of the tablet and use of the inmate's assigned Personal Identification Number (PIN) as determined by the Warden. An inmate shall be responsible for maintaining the confidentiality of the inmate's PIN. The DOC shall not be responsible for any cost deductions made from any inmate account.

3. A tablet has a unique individually assigned serial number that may be viewed on the back, lower-left of the tablet. The last seven (7) characters or digits of the serial number (i.e., M101521) shall be the only means used to document which tablets is assigned to an inmate. A tablet shall not be engraved as a means of identification.

4. A tablet shall be distributed through the property issuance process and shall only be used by an inmate in areas permitted by the Warden or designee. Staff issuing the tablet shall verify the tablet is operational either upon initial issuance or upon each reissuance, noting the condition of the tablet at that time. Inmates in CPTU or Lonnie Watson C-Wing may be authorized use of a tablet as determined by the Warden and the mental health authority.

5. Replacement

- a. If loss or damage occurs, earbuds, charging cords, and headphones shall be available for purchase through the inmate canteen. If accidental damage occurs to a tablet and it no longer functions, the tablet may be considered for an exchange by the institution.

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b. Indigent inmates may replace malfunctioning earbuds damaged through normal wear a minimum of one time per year. Damaged or faulty earbuds may be exchanged on a one-for-one basis as determined by the institution's established process.

c. An indigent inmate may replace a malfunctioning charging cord damaged through normal wear a minimum of one time every two years as stated in b. of this section.

6. Inmates shall be informed of the use of tablets during orientation and within the inmate handbook. A user guide is available in the viewer application on all inmate tablets.

### C. Tablet Use

1. An inmate shall be required to acknowledge a digital agreement of the general rules governing the use of the inmate tablet annually to continue tablet use. The digital agreement shall be completed on the inmate's assigned tablet on the anniversary date of the tablet being initially issued.
2. A Warden may suspend an inmate or outside party's account at any time if the actions of either the inmate or outside party pose a threat to the safe and secure operation of an institution. This may include the physical confiscation of the inmate tablet.
3. Unless approved by the Deputy Commissioner of Adult Institutions, tablet use shall be enabled at 6:00 a.m. each day and disabled at 11:00 p.m. each night in all adult facilities regardless of custody level or individual assigned schedule.
4. An inmate shall not use a tablet assigned to another inmate.
5. An inmate may have tablet privileges suspended due to disciplinary action, as a disciplinary sanction, or for misuse of the device. An inmate may have tablet privileges suspended or revoked for violations resulting in the intentional damage or destruction of the device. If tablet privileges are limited due to a disciplinary sanction, the Warden or designee may allow continued tablet use for an active adult education, college, or vocational course.
6. An inmate shall not disassemble, draw on, alter, deface, or engrave on a tablet and shall preserve the tablet in its initial issuance condition.
7. Damage to a tablet, charger or earbuds determined to be caused by abuse or misuse may result in restitution as determined through the adjustment



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process. A replacement tablet shall not be issued until the full amount of the restitution has been paid.

8. An inmate enrolled in DOC sponsored programs such as college or a vocational or educational course may be issued supporting hardware such as a keyboard or headphone accessory. All accessories shall be documented and inventoried as part of the inmate's personal property and accounted for in consultation with the institutional education departmental supervisor.
9. A tablet, charging cord, and earbuds taken from an inmate for reasons such as transfer, adjustment sanction, or other reason shall have the items inventoried and placed into the inmate's personal property.
10. If an inmate is transferred from one institution to another, the tablet shall be inventoried and transferred with the inmate.
11. Upon an inmate's release from DOC custody, transfer to a jail or reentry service center, the tablet and charger shall be returned to a location as determined by the Warden for storage and reissuance. The tablet shall remain the property of the vendor and shall be surrendered by the inmate upon discharge from an institution or the DOC.

#### D. Tablet Applications

1. The following applications may be offered free of charge to inmates and as part of the basic tablet issuance package:
  - a. Messaging application;
  - b. Job search database;
  - c. Inmate banking inquiry;
  - d. General religious material and publications;
  - e. Learning services;
  - f. Law library;
  - g. FM radio; and
  - h. Additional resources as determined by the vendor and DOC.
2. The addition of new applications or removal of applications may be conducted as agreed upon between the DOC and vendor.
3. Additional applications may be purchased by the inmate depending upon the availability of funds in the inmate's account. These applications may include publications, movies, music, games, and other applications as provided by agreement between the DOC and vendor.
4. The inmate shall contact the vendor's support services if there is an issue with a tablet application or payment. Vendor support services may be

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reached by use of the tablet or a kiosk.

E. Inmate Messaging

1. All communication via a tablet shall be subject to monitoring, recording, and shall not be confidential. Confidential attorney communication by tablet shall not be available.
2. An inmate may send a message to any recipient and may receive a message from any sender, except as provided for in CPP 16.2, Inmate Correspondence.
3. The Warden shall assign mail room staff to review incoming and outgoing messages through access to the vendor website the inmate tablet system.
4. All incoming and outgoing messages shall be subject to review by mail room staff prior to release. The messages that do not comply with CPP 16.2 or that are determined to be a security risk shall be withheld from delivery.
5. Incoming messages, photos, and videograms that have been held for security reasons shall be reviewed by mail room staff prior to releasing the communication to the inmates.
  - a. All incoming and outgoing messages shall be subject to review by mail room staff prior to release. The messages that do not comply with CPP 16.2 or that are determined to be a security risk shall be withheld from delivery as specified in CPP 16.2. Items deemed inappropriate may be further reviewed by Internal Affairs staff. The communication shall be released for delivery within three (3) business days, if it is not determined to violate CPP 16.2 or to be a security risk.
  - b. For incoming and outgoing communication that have been held for review, an automatic system message will be sent by the vendor to the inmate and the other party.

- F. Staff to inmate tablet messages shall not be enabled at this time and shall not be permitted.