

 <p style="text-align: center;"><b>KENTUCKY CORRECTIONS</b> Policies and Procedures</p>	Policy Number	Total Pages
	16.1	10
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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.

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

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per visitor that an inmate may receive based on space allocation, staff 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

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any visit being approved or any addition to the visitation list. The warden 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

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approved visitation list.

- 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;

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2. The visitor has a past record of disruptive conduct;
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

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1. Each adult visitor shall be identified and required to register upon entry to 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.
8. Attorney Visits
  - a. An attorney shall be permitted to bring up to fifty (50) sheets of legal material when visiting an inmate.
  - b. If an attorney needs to bring more than fifty (50) sheets of legal material, the attorney shall request permission from the Deputy Warden of Security at least forty-eight (48) hours in advance of the visit in writing. If approved, the institution shall provide a laptop with the drives required to access the material, and the attorney may:
    - (1) Place the legal materials on a thumb drive if the attorney will take the thumb drive with them after the visit; or
    - (2) Place the legal materials on a CD-R/DVD-R (non-rewritable) disc if the attorney has requested to leave the materials with the inmate after the visit. CD-RW/DVD-RW discs shall not be permitted. At the conclusion of the visit, the disc containing legal material that will remain with the



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inmate shall be recorded per CPP 16.2 section II.G.10 and processed and stored in the same manner as if received through legal mail at that institution.

- c. An attorney seeking to bring in legal material that contains contraband or dangerous contraband eligible for alternative treatment as set out in Section II.K.4. of CPP 16.2 shall request permission from the Deputy Warden of Security at least forty-eight (48) hours in advance of the visit in writing to include an explanation of why it is necessary for the inmate to access the legal material. If the attorney wants to leave the legal material containing contraband or dangerous contraband at the institution, the material shall be recorded in the manner set out in Section II.G.10. and handled in the manner set out in Section II.K. of CPP 16.2.
- d. Any legal material brought into the institution shall be subject to search by staff in the presence of the attorney but not copied. Paper legal material shall be processed through the x-ray machine and manually searched for contraband but not read. All CDs, DVDs, and USB flash drives shall be accessed by staff and inspected for contraband but not read. If during the search, staff detect or suspect the presence of contraband, staff shall contact the shift supervisor for assistance.
- e. An Attorney Appeal for Denial of Permission to Bring in More than Fifty (50) Pages of Legal Material or Legal Material Containing Contraband or Dangerous Contraband Eligible for Alternative Treatment
  - 1. An attorney may appeal a decision to deny permission to bring in more than fifty (50) pages of legal material or legal material containing contraband or dangerous contraband eligible for alternative treatment in writing to the Warden.
  - 2. An attorney shall appeal within five (5) days of receipt of the notice of denial.
  - 3. The Warden or designee shall respond in writing within fifteen (15) days of receipt of the attorney's appeal.
  - 4. If the appeal is denied, a further appeal shall not be allowed.

J. General Dress Code

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

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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:
  - 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

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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.
  - 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>
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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 \_\_\_\_\_