


| | | |
|--|--|------------------------------|
|  <p style="text-align: center;">KENTUCKY CORRECTIONS Policies and Procedures</p> | Policy Number | Total Pages |
| | 16.5 | 7 |
| | Date Filed | Effective by Memorandum Date |
| | August 12, 2016 ** | February 17, 2022 |
| | Supersedes Effective Date January 6, 2017 | |
| 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> , 109 S.Ct. 1904, 104 L.Ed.2d 506(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 | Subject VIDEO VISITATION | |

I. DEFINITIONS

“Electronic offender management system” means the web-based application software used by the Department of Corrections with three components: inmate management, community supervision and electronic health record.

“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 current 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.

| Policy Number | Effective by Memorandum Date | Page |
|---------------|------------------------------|------|
| 16.5 | February 17, 2022 | 2 |

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 relationships in the community. Video visitation is intended to offer an option for offenders, friends and family members who may have forfeited in person visitation privileges due to behavior or other matters that presented a threat to the security of the facility or to the safety of staff and other offenders.

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 institutionally established programming times and according to a schedule established by the individual facility. 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, educational, and programming activities.
4. The time limit for each video visitation session shall be set at a maximum of twenty-five (25) minutes in duration.

C. Frequency and Number of Visitors

1. Up to three (3) pre-approved visitors may be permitted to visit with the inmate at a time.

| Policy Number | Effective by Memorandum Date | Page |
|---------------|------------------------------|------|
| 16.5 | February 17, 2022 | 3 |

2. A video visit shall not count against the number of regularly allowed in person visits.
3. Only one (1) inmate may be permitted to 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 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 meets the above listed criteria as well.
2. The scheduling visitor shall be pre-approved in the electronic offender management system as outlined in CPP 16.1.
3. Any visitor that meets the criteria specified in this policy may use the video visitation system to visit authorized inmates as outlined in CPP 16.1.
4. A visitor excluded or restricted from in person visitation may use the video visitation system, provided he or she meets the criteria specified in this policy in addition to CPP 16.1.
5. Attorneys of record may use the video visitation system. Upon registration, they will be asked for additional information when they identify themselves as an attorney. A designated staff member shall verify the credentials before approving an attorney of record. Once this has been completed, video visits shall not be recorded.

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 such as a military ID or passport shall be required to establish an account.
2. Staff assigned to approve and monitor video visitation shall ensure the connected party on the visitation instance matches the submitted identification. If the identification does not match, the video visitation instance shall be terminated.

| Policy Number | Effective by Memorandum Date | Page |
|---------------|------------------------------|------|
| 16.5 | February 17, 2022 | 4 |

3. All scheduling visitors shall comply with the relative 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.
 - b. If an inmate is transferred to another facility, the video visitation provider may attempt to provide the scheduled video visit at the receiving facility. The video visit shall be cancelled if not.
 - c. If an inmate is transferred to a location other than a facility (i.e., court appearance, hospital, etc.) designated facility 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 may not be recorded or reproduced for any reason by members of the public without advance and approved 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.

| Policy Number | Effective by Memorandum Date | Page |
|---------------|------------------------------|------|
| 16.5 | February 17, 2022 | 5 |

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 when a violation of visiting guidelines occurs.
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 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 administrative 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

| Policy Number | Effective by Memorandum Date | Page |
|---------------|------------------------------|------|
| 16.5 | February 17, 2022 | 6 |

of the video visitation process, shall be imposed as an administrative sanction as authorized by the facility 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.
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.

| Policy Number | Effective by Memorandum Date | Page |
|---------------|------------------------------|------|
| 16.5 | February 17, 2022 | 7 |

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 remote interpreting service provider, for video message communication may result in the violation of video visiting consequences described in this policy.
5. Any offender 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.