

 <p style="text-align: center;">KENTUCKY CORRECTIONS Policies and Procedures</p>	Policy Number	Total Pages
	16.5	6
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	May 15, 2024	May 15, 2024
	Supersedes Effective By Memorandum Date February 17, 2022	
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	VIDEO VISITATION	

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

Policy Number	Effective Date	Page
16.5	May 15, 2024	2

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

Policy Number	Effective Date	Page
16.5	May 15, 2024	3

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.

Policy Number	Effective Date	Page
16.5	May 15, 2024	4

- 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.

Policy Number	Effective Date	Page
16.5	May 15, 2024	5

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.

Policy Number	Effective Date	Page
16.5	May 15, 2024	6

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.