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### **DEPARTMENT OF CORRECTIONS**

#### **DIVISION 127**

#### **VISITING (INMATE)**

##### **291-127-0200**

##### **Authority, Purpose and Policy**

(1) Authority: The authority for these rules is granted to the Director of the Department of Corrections in accordance with ORS 179.040, 423.020, 423.030, and 423.075.

(2) Purpose: The purpose of these rules is to establish Department policy and procedures regarding inmate visitation, and the administration of visitation programming in Department of Corrections facilities. The Department encourages productive relationships between families and inmates and sees inmate visitation as a positive means to strengthen ties and increase the likelihood of success upon release.

(3) Policy:

(a) Visiting is an integral component of facility management, inmate habilitation and community safety. Visiting can improve public safety, encourage responsible familial relationships and reduce the risk of future criminal behavior.

(b) Within the inherent limitations of resources and the need for facility security, safety, health and good order, it is the policy of the Department of Corrections to permit, promote, facilitate, and encourage approved visitation by inmates with their families, friends, and others in Department of Corrections facilities.

(c) When authorized, visitation in a Department of Corrections facility is permitted neither as a matter of right nor as a privilege of the inmate or the inmate's visitor; rather, visitation in Department of Corrections facilities is permitted by the Department when it furthers the inmate's correctional planning and the Department's correctional goals and mission and is consistent with the safe, secure and orderly management and operation of the facility.

(d) The Department may structure visiting in its correctional facilities as an incentive program for

inmates to encourage good institutional conduct.

Stat. Auth.: ORS 179.040, 423.020, 423.030 & 423.075

Stats. Implemented: ORS 179.040, 423.020, 423.030 & 423.075

Hist.: DOC 10-2000, f. & cert. ef. 4-25-00; DOC 3-2005, f. 3-11-05, cert. ef. 3-14-05; DOC 24-2008, f. & cert. ef. 9-26-08

## **291-127-0210**

### **Definitions**

- (1) Accompanied Visit: A type of visitation authorized by the Department of Corrections in its correctional facilities in which an inmate is permitted to visit with a minor child who remains in the company of an approved adult visitor with the written consent of the custodial parent or guardian.
- (2) Basic Visiting: A type of visitation authorized by the Department of Corrections in its correctional facilities in which an inmate and an approved visitor are permitted to see and talk with each other on a scheduled basis for a reasonable period of time with no physical contact. Basic visiting may be authorized by the Department to take place in person, or through the use of videoconferencing technology.
- (3) Caregiver: The person primarily responsible for caring for an inmate's minor child(ren).
- (4) Co-Defendant: A person who has been convicted of a crime in which the inmate had some involvement in the same criminal incident(s) which gave rise to the conviction, or who is currently the subject of a criminal prosecution for the same criminal incident(s) involving the inmate.
- (5) Conspiracy: An agreement between an inmate and one or more persons to engage in, cause, or conceal a rule violation or criminal activity.
- (6) Contraband: Any article or thing which an inmate is prohibited by statute, rule or order from obtaining, possessing, or which the inmate is not specifically authorized to obtain or possess or which the inmate alters without authorization.
- (7) Contractor: Any person working or providing services in a Department of Corrections facility under a contractual arrangement to provide services to the Department, or any person employed by private or public sector agencies who is serving under Department-sanctioned special assignment to provide services or support to the department programs.
- (8) Department of Corrections Facility: Any institution, facility or staff office, including the grounds, operated by the Department of Corrections.
- (9) Disrespect: Where a visitor directs hostile, sexual, abusive, or threatening language or gestures, verbal or written, towards or about another person.
- (10) Disturbance: Conduct or activity which unnecessarily interferes with visitation operations, or which advocates, encourages, promotes or otherwise creates or poses a threat to the safety, security, health and good order of the facility, or the safety and security of inmates, staff, visitors, contractors or the community. A visitor commits a disturbance if he/she advocates, creates, engages in, maintains or promotes an annoying condition or disorder characterized by unruly, noisy, violent conduct which

disrupts the orderly administration of the visiting process.

(11) Domestic Partner: An individual joined in a domestic partnership.

(12) Domestic Partnership: A civil contract entered into in person between two individuals of the same sex who are at least 18 years of age, who are otherwise capable and at least one of whom is a resident of Oregon, which has been filed with the County Clerk and entered in the domestic partnership registry.

(13) Employee: Any person employed full-time, part-time or on temporary appointment by the Department of Corrections.

(14) Excessive Contact: Prolonged or frequent contact between a visitor and an inmate which exceeds the brief embrace and kiss upon meeting and leaving, hand-holding, or holding of children specifically allowed. Excessive is not casual contact, but rather a pattern of contact beyond rule limits.

(15) Holiday: A day recognized and announced annually as a holiday. If the actual and generally recognized holiday differs from the day recognized by the Department of Administrative Services, the holiday recognized for purposes of this rule is the date indicated on the calendar.

(16) Immediate Family Member: Spouse, domestic partner, parent, sibling, child, aunt, uncle, grandchildren and grandparents, including foster, in-law, and step relationships. Immediate family also includes the caregiver of the inmate's minor child(ren).

(17) Inappropriate Relationship: A personal relationship between an inmate or offender and any employee, contractor, or volunteer of the Department of Corrections that developed during the course of employment/contract work/volunteering or as a result of same.

(18) Inmate: Any person under the supervision of Department of Corrections who is not on parole, post prison supervision, or probation status.

(19) Intake Status: That period of time following delivery of an inmate to the custody of the Department of Corrections in which the department conducts its intake processing of the inmate including, but not limited to, the conduct of medical and mental health assessments, custody classification, and identification of programming needs and assignments.

(20) Privileged Visiting: A type of visitation authorized by the Department of Corrections in its correctional facilities in which an inmate and an approved visitor are permitted to see and talk with each other on a scheduled basis for a reasonable period of time with limited physical contact, consisting of a brief embrace and kiss upon meeting and leaving, hand holding, and holding of children.

(21) Reasonable Suspicion: An apparent state of objective facts and rational inferences drawn therefrom which would permit a reasonable and experienced correctional staff person to conclude that an individual or set of circumstances poses a threat to the safety, security, health and good order of the facility, and/or the safety and security of inmates, staff, visitors, contractors or the community, including, but not limited to, committing a crime or rule violation or conspiring or attempting the same.

(22) Search: A close inspection, including touching in an impartial manner, of a person, vehicle, possessions, or other property, or buildings or premises. For purposes of entering a correctional institution, searches often require the removal and separate inspection of shoes, belts, jackets, and other accessories during processing. Types of searches include the following:

(a) Consent: Inspection of a person or their property conducted with prior permission of the person being searched, or of a person who owns or has in his/her possession that property which is searched.

(b) Frisk: To search a person for something by running the hands over the clothed person, through the hair, inspecting pockets and cuffs, and other items in his/her possession.

(c) Skin: A search procedure wherein the person being searched removes all of his/her clothing and is visually examined and clothing removed is carefully inspected before return and redressing, for the purpose of detecting contraband.

(23) Sexual Activity: Sexual contact including, but not limited to sexual intercourse, kissing, fondling, or manipulation of the genitalia, buttocks, and breasts of another person, or of oneself, in a manner which produces or is intended to produce sexual stimulation or gratification.

(24) Sex Crime Involving a Minor Child: Any conviction (including juvenile adjudications) of a sexual crime committed, attempted or conspired in which a minor child was involved, victimized, or the intended victim.

(25) Special Visiting: Those visits listed below:

(a) A type of visitation authorized by the Department of Corrections in its correctional facilities in which an inmate is permitted to visit with a person who is not on the inmate's approved visiting list;

(b) An extra visit by an inmate and a person who is on the inmate's approved visiting list that is permitted beyond the limits on the number of visits established by these rules and the facility; and

(c) A visit that is permitted at an hour or place at which visits are not normally permitted.

(26) Spouse: A person who is legally married to an inmate.

(27) Termination of Visiting: The end of visiting privileges for the day by order of the visiting area staff or other authorized staff.

(28) Victim: A person who was subjected to direct physical or psychological harm or injury as a result of the criminal conduct of the inmate, past or present, as identified in records or in information available to the Department of Corrections.

(29) Video Visiting: A type of visiting authorized by the Department of Corrections in which an inmate and an approved visitor are permitted to see and talk with each other on a scheduled basis through the use of videoconferencing technology. Video visitation may be used for basic visiting or as a supplement to on-site contact visiting.

(30) Volunteer: An approved person(s) who donates time, knowledge, skills and effort to enhance the mission, activities and programs of the department (includes practicums and interns). Volunteers serve at the pleasure of the department and are not considered employees. Volunteers are subject to the provisions of the Department of Corrections rule on Volunteers and Students Interns (OAR 291-015).

Stat. Auth.: ORS 179.040, 423.020, 423.030 & 423.075

Stats. Implemented: ORS 179.040, 423.020, 423.030 & 423.075

Hist.: DOC 10-2000, f. & cert. ef. 4-25-00; DOC 3-2005, f. 3-11-05, cert. ef. 3-14-05; DOC 8-2008

(Temp), f. & cert. ef. 4-1-08 thru 9-28-08; DOC 24-2008, f. & cert. ef. 9-26-08

## **Procedures**

### **291-127-0220**

#### **Inmate Eligibility**

(1) All inmates, except those inmates in intake status or as specifically provided in these rules, are eligible to apply for visits while confined in a Department of Corrections facility.

(2) Inmates Convicted of Sexual Crimes Involving Minor Children:

(a) Inmates who have a current or prior conviction for a sexual crime involving a minor child are ineligible to visit with any minor child, other than their own biological child. Inmates who have a current or prior conviction for a sexual crime involving their biological, step or foster child, or who have a documented history of sex abuse with their biological, step or foster child are ineligible to visit with any minor child, including their own biological child.

(A) The inmate shall provide or have provided verification that the child is his/her biological child; e.g., birth certificate.

(B) An adopted child is considered a biological child.

(b) An inmate who is ineligible to visit with a minor child under the provisions of this rule may request reconsideration to apply for such visits by writing to the Chief of Inmate Services. The Chief of Inmate Services or designee may authorize such visits if he/she determines these visits will achieve a legitimate correctional objective, in furtherance of the Department's mission.

(A) The written request must include an evaluation which assesses the inmate's risk to minor children. The evaluation shall be conducted by a specialized sex offender evaluator approved by the Department. This evaluation must include a specific issue polygraph performed by a licensed polygrapher approved by the Department.

(B) The Department shall develop a list of suitable evaluators and polygraphers, which will be available to inmates. Cost of the evaluation is the responsibility of the inmate.

(C) The Chief of Inmate Services or designee may request assistance from community corrections resources in making the determination to grant or deny the request.

(D) If an exception is granted, it shall be applied consistently to all Department facilities. The Chief of Inmate Services' decision shall be final and not subject to further review.

Stat. Auth.: ORS 179.040, 423.020, 423.030 & 423.075

Stats. Implemented: ORS 179.040, 423.020, 423.030 & 423.075

Hist.: DOC 10-2000, f. & cert. ef. 4-25-00; DOC 3-2005, f. 3-11-05, cert. ef. 3-14-05; DOC 24-2008, f. & cert. ef. 9-26-08

### **291-127-0230**

## Eligibility of Prospective Visitors

- (1) All persons, except as specifically provided in these rules, are eligible to be considered by the Department for approval to visit an inmate confined in a Department of Corrections facility, upon application and request by the inmate.
- (2) Certain Criminal Convictions/ Pending Charges: A person is ineligible to visit an inmate confined in a Department of Corrections facility if the person has been convicted of, or has criminal charges pending against him/her for, the following crimes/criminal activities:
  - (a) Introduction or supplying, attempting or conspiring to introduce or supply contraband as defined in ORS 162.185;
  - (b) Possession, control or delivery of an explosive device or substance, including attempt or conspiracy to do the same; or
  - (c) Assisting an inmate in an escape or unlawful departure from a correctional facility, including an attempt or conspiracy to do the same.
- (3) A person who has a pending criminal charge(s) is ineligible to visit.
- (4) A person convicted of a person-to-person crime, past or present, against an inmate is ineligible to visit that inmate.
- (5) Inmates on Transitional Leave or Assigned to Department of Corrections Facilities: Inmates on transitional leave or who are assigned to another Department of Corrections facility are ineligible to visit an inmate in a Department of Corrections facility.
- (6) A person is ineligible to visit an inmate confined in a Department of Corrections facility if the person has been determined by the Department to have introduced or conspired to introduce contraband as defined in the Department's rule on Prohibited Inmate Conduct (OAR 291-105) and the person was permanently removed from the inmate's visiting list.
- (7) Crime Victims: A person is ineligible to visit an inmate confined in a Department of Corrections facility if the person is a victim of the inmate's crime(s) of conviction, past or present.
- (8) Co-Defendants: A person is ineligible to visit an inmate confined in a Department of Corrections facility if the person and the inmate were or are co-defendants in any criminal prosecution, past or present.
- (9) Drug-Related Crimes/Criminal Activity:
  - (a) A person who within the last five years has been convicted of any drug-related crime is ineligible to visit an inmate in a Department of Corrections facility.
  - (b) Once the five year restriction has been satisfied, an individual who has been convicted of, or has criminal charges pending for any drug-related crime as stated above will be eligible to apply for basic visiting. After being on basic visiting status for a minimum of one year, the individual may apply for privileged visiting.

**(10) Present or Former Inmates of State, County or Federal Corrections Facilities:**

(a) A person who is or has been sentenced and incarcerated for a felony crime in a state, county or federal corrections facility at some time in the past five years is ineligible to visit an inmate confined in a Department of Corrections facility.

(b) Once the five-year restriction has been satisfied, an individual who has been sentenced and incarcerated in a state, county or federal correctional facility as stated above will be eligible to apply for basic visiting. After being on basic visiting status for a minimum of one year, the individual may apply for privileged visiting.

(11) Persons on Probation, Parole or Post-Prison Supervision: Other than immediate family members, a person on probation, parole or post prison supervision is ineligible to visit an inmate in a Department of Corrections facility. Immediate family members who are on probation, parole or post-prison supervision will be eligible to apply for visit with the written consent of the immediate family member's parole/probation officer, or in the case of court-supervised probation, with the written consent of the supervising judge and the approval of the facility superintendent or designee.

**(12) Department of Corrections Employees, Volunteers or Contractors:**

(a) Current Department of Corrections employees, volunteers and contractors are ineligible to visit an inmate confined in a Department of Corrections facility unless the inmate is a member of the employee's/volunteer's/contractor's immediate family as defined in these rules.

(b) Former Department of Corrections employees, volunteers or contractors who resigned in lieu of removal from their position as a result of an inappropriate relationship with an inmate, or who were discovered after their resignation, retirement or termination to have been engaged in an inappropriate relationship with an inmate, are ineligible to visit an inmate confined in a Department of Corrections facility.

(13) Any exceptions to sections (4) to (12) must have the recommendation of the Chief of Inmate Services or designee and be authorized by the Institutions Administrator or designee.

(a) Any person who is ineligible to visit for the reasons specified above may request reconsideration by writing to the Chief of Inmate Services.

(b) The Institutions Administrator or designee will make the final decision.

(c) If the exception is granted, it must be applied consistently to all Department facilities, unless otherwise stated.

(d) The exception will be cited in the DOC Visitor Tracking System.

Stat. Auth.: ORS 179.040, 423.020, 423.030 & 423.075

Stats. Implemented: ORS 179.040, 423.020, 423.030 & 423.075

Hist.: DOC 10-2000, f. & cert. ef. 4-25-00; DOC 3-2005, f. 3-11-05, cert. ef. 3-14-05; DOC 24-2008, f. & cert. ef. 9-26-08

**291-127-0240**

## **Approval/Denial of Visiting Application; Restrictions**

### (1) Visiting Application:

(a) Inmates or prospective visitors must submit a completed visiting application form (CD 50D) for each prospective visitor regardless of their age.

(b) The application must be submitted to the Inmate Services Unit. Inmates shall make the final determination which approved visitors are on their visiting list.

(c) Inmates who are returned to custody in a Department of Corrections facility following an escape or a period of parole or post-prison supervision in the community shall be required to submit a new visiting application for each prospective visitor.

(2) Criminal Records Check: All prospective visitors age 15 years and older shall be subject to a criminal records check as part of the visitation approval process.

(3) Letter of Custodial Consent: If the prospective visitor is an unemancipated minor child, a notarized letter of custodial consent signed by the custodial parent or legal guardian must be submitted to the Inmate Services Unit as part of the visitation approval process. A signed letter of custodial consent is not required if the prospective visitor is an emancipated minor. Once received, signed letters of custodial consent shall be maintained in the inmate's central file.

### (4) Approval/Denial of Visiting Application:

(a) Except when authorization is required from the Institutions Administrator, the Inmate Services Unit will approve or deny the visiting application following receipt of the application and any additional required documentation or requested information (e.g., criminal records check, letter of custodial consent, etc). If the visiting application is approved, the approved visitor's name will be placed on the inmate's visiting list along with the type of visitation authorized (i.e., privileged, basic or video).

(b) Prior to approving or denying the application, Inmate Services Unit staff may:

(A) Verify information submitted in the application;

(B) Check the name of the prospective visitor against the volunteer data base;

(C) Request additional information from the inmate, the prospective visitor, law enforcement agencies, or other reliable sources; and

(D) Interview the inmate or prospective visitor.

(c) Applications to visit with prospective visitors who are eligible to visit an inmate confined in a Department of Corrections facility under these rules will generally be approved unless the Department has reasonable suspicion that permitting the visitation would jeopardize the safety, security, health or good order of the facility, or the safety and security of other inmates, staff, visitors, contractors or the community. Specific reasons for denial include, but are not limited to, the following:

(A) The inmate or prospective visitor has previously introduced contraband into a jail or other corrections facility, or there is reasonable suspicion that the inmate or prospective visitor will introduce

contraband into a Department of Corrections facility through the visiting process.

(B) The inmate or prospective visitor has previously disrupted the visiting process or violated visiting rules and procedures within a jail or other corrections facility by words or acts, or there is reasonable suspicion that the inmate or prospective visitor will disrupt the visiting process or violate visiting rules and procedures within a Department of Corrections facility by words or acts.

(C) The inmate or proposed visitor has intentionally submitted false information to the Department as part of the visiting application process.

(D) There is reasonable suspicion that the inmate or prospective visitor is engaged in any form of criminal activity in the community or within a Department of Corrections facility.

(E) The prospective visitor has refused to submit to a search based upon reasonable suspicion during a prior visit to any Department of Corrections facility.

(5) A prospective visitor may not be on more than one inmate's approved visiting list at the facility where the inmate is confined, unless the prospective visitor is an immediate family member.

(6) Children Maximum Number of Approved Visitors:

(a) Inmates may be permitted a maximum of 15 approved visitors on their respective visiting lists.

(b) Under 13 Years of Age: The name of each approved visitor shall appear on the inmate's visiting list; however, persons under 13 years of age shall not be counted toward the maximum number of approved visitors, although their names must still appear on the list.

(c) Children Under 18 Years of Age: Children under 18 years of age may visit on any of the regular visiting days when accompanied by an adult visitor on the inmate's approved visiting list. Both visitors must be visiting the same inmate at the same time. Exceptions may be specifically authorized by the facility superintendent or designee.

(7) Denial for Submitting False Information: An inmate or prospective visitor who has intentionally submitted false information to the Department as part of the visiting application process will be denied visitation for at least one year, after which time the inmate may submit a new visiting application for approval in accordance with these rules.

(8) Restriction to Basic Visiting for Drug-Related Activity: An inmate who has been found in violation of the Department's rules of prohibited inmate conduct for drug-related activity, including attempt or conspiracy, may have his/her visits restricted to basic visiting as included in the sanction on the final order in accordance with the rule on Prohibited Inmate Conduct and Processing Disciplinary Actions (OAR 291-105).

(9) Notification to Inmate of Decision on Visiting Application: After Inmate Services Unit receives the application, inmates will receive notification whether it has been approved or denied. Some applications may be deferred for further processing.

(a) If the application is approved, the notice will include a designation of the type of visiting that has been authorized (i.e., privileged or basic).

(b) If visiting is denied, the notice shall include the specific grounds for denial upon which the decision is based, and inform the inmate that he/she may request an administrative review as specified in OAR 291-127-0245.

(10) Notification to Prospective Visitor of Decision on Visiting Application/Inquiries:

(a) Inmates are responsible for informing their prospective visitor(s) whether the visiting application has been approved or denied. Copies of the Department of Corrections rule on Visiting (Inmate) will be available for review by prospective visitors at each functional unit's visiting desk or reception area and the Department's website <http://www.oregon.gov/DOC>.

(b) Inquiries by prospective visitors regarding Department decisions to approve or deny an inmate's visiting application must be in writing and directed to the Inmate Services Unit. Department of Corrections staff will not respond to telephone inquiries by prospective visitors regarding Department decisions to approve or deny an inmate's visiting application.

(11) A visitor shall be removed from an inmate's approved visiting list upon written request by either the inmate or the approved visitor. If a visitor is removed from an inmate's approved visiting list at the request of the visitor or inmate, the visitor may not appeal this decision and, the visitor shall not be eligible to again be placed on the inmate's visiting list, or on any other inmate's approved visiting list, for a minimum of 90 days.

Stat. Auth.: ORS 179.040, 423.020, 423.030 & 423.075

Stats. Implemented: ORS 179.040, 423.020, 423.030 & 423.075

Hist.: DOC 10-2000, f. & cert. ef. 4-25-00; DOC 3-2005, f. 3-11-05, cert. ef. 3-14-05; DOC 24-2008, f. & cert. ef. 9-26-08

## **291-127-0245**

### **Administrative Review for Denial of Visiting Application**

(1) An inmate or prospective visitor may request an administrative review if the visiting application is denied by writing to the Chief of Inmate Services or designee.

(2) The Institutions Administrator or designee will issue a decision. The decision is final and not subject to further appeal. If the appeal is denied, the prospective visitor or inmate may reapply after a one year period.

Stat. Auth.: ORS 179.040, 423.020, 423.030 & 423.075

Stats. Implemented: ORS 179.040, 423.020, 423.030 & 423.075

Hist.: DOC 24-2008, f. & cert. ef. 9-26-08

## **291-127-0250**

### **Limitations on Number of Visits/Number of Visitors Allowed at One Time for Inmates Assigned to General Population**

(1) Limitations on Number of Visits Per Calendar Month: The number of visits approved in any calendar month for inmates assigned to general population in a Department of Corrections facility shall be limited

in accordance with the following point value system:

- (a) Each inmate who is permitted visiting (privileged, basic or video) shall be allocated 24 visiting points per calendar month.
- (b) Visiting points shall not be deducted for a child one year of age and under, as long as the child is held during the visiting session. Visiting points shall not be deducted for visitors age 65 and older.
- (c) On weekdays, one point shall be deducted for each visitor per visiting session.
- (d) On weekends and holidays, two points shall be deducted for each visitor per visiting session, except in those Department of Corrections facilities with weekend visiting only, in which case one point shall be deducted for each visitor per visiting session.
- (e) Based on space availability, the superintendent/designee may permit visitation periods when points are not deducted for visits with minor children.

(2) Limitation on Number of Visits on Weekends and Holidays: Inmates assigned to general population in a Department of Corrections facility may be permitted only one visiting session per visitor per day on weekends and holidays. Department of Corrections facilities shall take into consideration hours the visitors have traveled and any other extraneous situations that may warrant permitting two visiting sessions per day on weekends and holidays at the discretion of the facility superintendent or designee.

(3) Limitation on Number of Visitors Per Visit: Due to physical plant design, facilities may limit the number of visitors to no more than three or four persons at one time at the discretion of the facility superintendent or designee. Children under the age of three shall not be counted as part of the maximum number of visitors. Those with minor children exceeding these limitations may appeal to the superintendent or designee for approval in advance of the visiting.

Stat. Auth.: ORS 179.040, 423.020, 423.030 & 423.075

Stats. Implemented: ORS 179.040, 423.020, 423.030 & 423.075

Hist.: DOC 10-2000, f. & cert. ef. 4-25-00; DOC 3-2005, f. 3-11-05, cert. ef. 3-14-05; DOC 24-2008, f. & cert. ef. 9-26-08

## **291-127-0260**

### **Time, Length, and Place of Visits**

(1) The time, length, and place of visits shall be posted at the visiting desk and visiting room of each Department of Corrections facility.

(2) Termination of Visits: Visits may be terminated by the facility superintendent or designated staff at their discretion at any time due to space limitations or as deemed necessary to maintain the safety, security, health and good order of the facility, or the safety and security of other inmates, staff, visitors, contractors or the community.

(3) Visitors who engage in a disturbance or other inappropriate conduct as defined in these rules, or who loiter in or about a Department of Corrections facility, shall be subject to removal from the facility by Department staff. The officer-in-charge of the facility may notify law enforcement officials for assistance if the visitor refuses to leave the facility when requested by Department staff.

(4) Except for minimum-security facilities, privileged visiting normally occurs five days per week, including state holidays. Due to physical plant design, work environment or staff level, facilities may limit or expand number of days, length, and time of visits at the discretion of the superintendent. The Oregon State Penitentiary will provide visits seven days per week.

(5) Inmates Assigned to General Population:

(a) Visitation for inmates assigned to general population shall take place during regular visiting hours.

(b) Except for minimum-security facilities, visitors will be accommodated on a first come, first serve basis. Facilities may schedule appointments for visiting.

(c) Basic Visiting:

(A) An inmate assigned to general population in a Department of Corrections facility whose visits are restricted to basic visiting shall be permitted eight visiting sessions per month, four of which must occur on weekdays.

(B) Only two visitors shall be allowed. A third person shall be permitted if he/she is under three years of age and is held on the lap. Exceptions may be specifically authorized by the superintendent or designee.

(C) Duration of visits shall be established by the facility superintendent or designee, and shall be limited to no more than one hour in length, depending upon space availability

(6) Disciplinary Segregation:

(a) Inmates assigned to Disciplinary Segregation may be permitted basic visiting with two visitors whom they have selected from their visiting list. The inmate's own children, as defined in OAR 291-127-0250, are exempt from the total of two visitors. The two visitors selected may be changed every six months.

(b) Visits shall be scheduled in advance, and limited to one visit per week.

(c) Duration of visits shall be established by the facility superintendent or designee, and shall be limited to no more than one hour in length, depending upon space availability.

(7) Death Row: Inmates assigned to Death Row who are approved for visiting shall be permitted two visits per week with approved visitors on their visiting list. The maximum length of visits is limited to two hours, depending upon space availability. Visits shall be scheduled in advance.

(8) Administrative Housing: Inmates assigned to Administrative Housing may be permitted visits with approved visitors on their visiting list. The facility superintendent or designee shall determine the duration of the visit based upon space availability. Visits shall be scheduled in advance.

(9) Mental Health Infirmery (MHI): Inmates assigned to an MHI at a Department of Corrections facility may be permitted visits with approved visitors on their visiting list in the unit or the main visiting room, subject to recommendation of a psychiatrist and with the approval of the facility superintendent/designee. The facility superintendent or designee shall direct the type of visiting permitted (privileged or basic), upon recommendation of the psychiatrist. No minor children will be permitted to visit with the inmate if the visit occurs in the unit. Visitors must call in advance to schedule a visiting appointment.

## (10) Intensive Management Unit (IMU):

(a) Inmates assigned to an Intensive Management Unit or cell may be permitted basic visiting with two visitors whom they have selected from their visiting list. The inmate's own children, as defined in OAR 291-127-0250, are exempt from the total of two visitors. The two visitors selected may be changed every six months. Visits will be based on the inmate's program level.

(b) Visits will be conducted in a designated basic visiting area for IMU status inmates. Visits shall be scheduled in advance.

(11) Infirmery: Inmates assigned to the Infirmery at a Department of Corrections facility may be permitted visits as follows:

(a) Inmates who are permanently assigned to the Infirmery at a Department of Corrections facility may be permitted privileged visiting in the main visiting area with approved visitors on their visiting list, upon recommendation of Health Services staff. Visitation by inmates approved for privileged visiting in the main visiting area shall be subject to the 24 visiting point system set forth in OAR 291-127-0250.

(b) Inmates who are patients in the Infirmery, but are not permanently assigned to the Infirmery, and who are approved for privileged visiting may be permitted visits with two adult visitors whom they have selected from their visiting list in the Infirmery, except as otherwise recommended by Health Services staff or the facility superintendent or designee. The two visitors selected may be changed every six months. Visits shall be scheduled in advance.

(c) Inmates participating in a Department of Corrections Hospice program may be permitted extended visitation on a case-by-case basis, upon recommendation of Health Services staff and as authorized by facility superintendent or designee. Visitation in the Hospice program is not a part of the regular visitation program.

(d) Community Hospitalization: Inmates assigned to community hospitalization and under Department of Corrections supervision may be permitted visits as follows:

(A) Inmates assigned to general population and the Infirmery in a Department of Corrections facility prior to their current hospital admission may be permitted visiting during the course of their hospital stay, upon authorization of the facility superintendent and consent of the attending physician or hospital administration.

(i) Visits must be scheduled in advance with institution staff. Visits shall be during normal hospital visiting hours.

(ii) Duration of visits shall be determined by the superintendent/designee.

(B) Inmates assigned to the Disciplinary Segregation Unit, Administrative Segregation Unit, Special Management Unit, and Death Row prior to their current hospital admission will only be permitted visits on a case-by-case basis, upon recommendation of Health Services staff, and as authorized by the facility superintendent or designee.

Stat. Auth.: ORS 179.040, 423.020, 423.030 & 423.075

Stats. Implemented: ORS 179.040, 423.020, 423.030 & 423.075

Hist.: DOC 10-2000, f. & cert. ef. 4-25-00; DOC 3-2005, f. 3-11-05, cert. ef. 3-14-05; DOC 8-2008

(Temp), f. & cert. ef. 4-1-08 thru 9-28-08; DOC 24-2008, f. & cert. ef. 9-26-08; DOC 31-2008(Temp), f. & cert. ef. 12-16-08 thru 6-12-09

## **291-127-0280**

### **Special Visits**

(1) Inmates confined in a Department of Corrections facility may be permitted special visits at the discretion of the facility superintendent or designee in accordance with these rules.

(2) General Guidelines:

(a) Inmate requests for special visits shall be directed in writing to the facility superintendent or designated staff at least 30 days prior to the date of a requested special visit. The 30-day requirement may be waived if emergency or unusual circumstances exist.

(b) Type of Visit: Special visits shall be restricted to basic visiting if a criminal background check cannot be made.

(3) Professional and Therapeutic/Programming Visits:

(a) Visitation for nonsocial purposes by attorneys, representatives of criminal justice agencies, state or local agencies, other public or government agencies, or for therapeutic or programming purposes may be approved as business, professional, therapeutic or programming visits.

(A) Professional and therapeutic or programming visits shall be approved in advance by the facility superintendent or designee. Such visits should be made by appointment during regular visiting hours or hours as designated by the facility.

(B) Persons approved for these types of visits with an inmate must present credentials/ identification at the facility visiting desk or reception area sufficient to identify themselves. These types of visits are not subject to a point deduction.

(b) Attorneys and representatives from other criminal justice, state or local agencies may be permitted to bring necessary documents or paperwork into the visiting area for exchange with the inmate with prior approval of visiting staff. Computers, tape recorders, and other electronic devices may be permitted upon the approval of the facility superintendent or designee. All articles shall be searched for contraband.

(c) These types of visits shall be permitted with only one inmate at a time, except as otherwise authorized in advance by the facility superintendent or designee.

(4) Non-cash Incentives Program Visits:

(a) Inmates may be afforded extra visitation opportunities as part of the non-cash incentives program outlined in the Department's rule on Performance Recognition and Award System (Inmate) (OAR 291-077). Such opportunities will depend upon each institution's ability to accommodate enhanced visitation.

(b) Each institution's incentive visitation opportunities will be listed in their institution specific matrix of

services and privileges.

Stat. Auth.: ORS 179.040, 423.020, 423.030 & 423.075

Stats. Implemented: ORS 179.040, 423.020, 423.030 & 423.075

Hist.: DOC 10-2000, f. & cert. ef. 4-25-00; DOC 3-2005, f. 3-11-05, cert. ef. 3-14-05; DOC 24-2008, f. & cert. ef. 9-26-08

### **291-127-0285**

#### **Keeping an Inmate's List of Approved Visitors Current**

(1) Minimally every two years, the Inmate Services Unit will send the inmate a list of visitors who have not visited the inmate within the previous two years.

(2) If a visitor has not visited the inmate within the previous two years, the visitor will be automatically removed from the inmate's visiting list and the DOC Visitor Tracking System, unless the inmate notifies the Inmate Services Unit otherwise.

(3) A LEADS check will be conducted every two years on all visitors.

(4) Visitors are responsible for notifying the Department in writing of a change of address, or a name change. If it is a name change, the visitor must provide verification of the name change; e.g., marriage certificate.

Stat. Auth.: ORS 179.040, 423.020, 423.030 & 423.075

Stats. Implemented: ORS 179.040, 423.020, 423.030 & 423.075

Hist.: DOC 3-2005, f. 3-11-05, cert. ef. 3-14-05; DOC 24-2008, f. & cert. ef. 9-26-08

### **291-127-0290**

#### **Visiting Security Screening and Visiting Room Protocol**

Visiting is an important component within the correctional system. In order to enhance the visiting experience, the Department has developed protocol for visitors and inmates. Visitors are encouraged to view the agency website at <http://www.oregon.gov/DOC> or contact the facility for visiting hours, number of visitors, restroom use, parking, etc.

(1) Visiting staff will make every effort to ensure that visitors have an opportunity to visit on the day they arrive.

(2) Visiting Security Screening: Visitors must be processed through a security checkpoint to access the visiting area within all ODOC facilities. Security staff will screen all visitors and search any authorized hand-carried items in accordance with the Department's rules and facility procedures.

(a) Processing may require the removal of shoes, jackets, sweaters, suspenders, belts or other accessories for closer inspection or separate processing.

(b) Areas of the body that have body piercings or undergarments with an underwire often alarm metal detectors and may delay or even prevent visiting. Visitors may be asked to remove body piercings or

jewelry to expedite the screening process.

(3) For security purposes, initial screening of visitors will be done by metal detector. For most visitors, successfully completing the scan by metal detector and the related inspection of clothing and authorized personal items will preclude additional screening.

(a) At institutions equipped with a functional walk-through metal detector, all visitors must successfully pass through the detector unless a visitor has a documented medical condition or disability that would preclude the visitor from passing through the detector.

(b) At institutions or facilities without a functioning walk-through metal detector, a handwand type of metal detector may be used.

(4) Additional Screening:

(a) Additional Screening will occur when an individual sets off the alarm of the metal detector, an individual is selected for additional screening, or an individual has provided documentation to substantiate a condition that precludes successful screening by metal detector. This additional screening may include either a hand-wand inspection in conjunction with a frisk search of the visitor's body, including the torso; a frisk search alone; or a skin search.

(b) At this time, visitors should let staff know of any personal needs or concerns a visitor may have due to religious or cultural considerations, disability, or other medical concern.

(c) Additional searches will be conducted by staff of the same gender as the visitor.

(5) Hand-Wand Inspection: A hand-wand inspection helps staff to identify what may have set off the alarm on the walk-through metal detector or to confirm an alarm present during the initial screening. During the wand inspection procedure the visitor will be asked to stand with feet and legs apart and arms out to the side while the staff member passes the wand in close proximity to all areas of the visitor's body.

(6) Frisk Search: A frisk search complements the hand-wand inspection but may be performed as a stand-alone procedure, when appropriate, or to resolve alarms set off during an inspection by metal detector. In order to ensure security, this inspection may include touching sensitive areas of the body.

(7) Skin Search: A skin search is a security procedure that involves visual inspection of a person's body with all of their clothing removed and a thorough inspection of the person's clothing for the purpose of detecting contraband. No visitor will be asked to submit to a skin search except as provided in the Department's rule on Searches (Institutions) (OAR 291-041).

(8) Persons with Disabilities, Medical Conditions, or Medical Devices (or both):

(a) Medical Condition or Disability: Visitors with documentation regarding a medical condition or disability must present this information to staff to help inform staff of the visitor's situation. This documentation will not exempt the visitor from the security screening process. Visitors with proper documentation of a medical condition or disability that would preclude their passing through a walk-through metal detector or handwanding or both will be offered a frisk search as an alternative.

(b) Medical Devices:

(A) Visitors with a medical device (on the interior or exterior of their body) should check with their doctor prior to arriving at the institution to determine if it is safe to go through the metal detector or be handwanded. Visitors that have been advised by their doctor that they should not go through the metal detector or be handwanded must provide staff with documentation of the same. A visitor with the proper documentation will be offered a frisk search as an alternative.

(B) Pacemaker, Defibrillator, Other Implanted Medical Devices, Metal Implants, and Wheelchairs:

(i) If a visitor has an implanted medical device that the visitor would like to remain private and confidential, the visitor should ask staff to please be discrete when assisting him or her through the security screening process.

(ii) Visitors with a pacemaker should carry a Pacemaker Identification Card (ID) when attempting to visit. Visitors showing staff a valid pacemaker ID will be offered a frisk search as an alternative to passing through the walk-through metal detector or being handwanded.

(iii) To expedite the processing of visitors, it is recommended (but not required) that the visitor advise staff that he or she has an implanted pacemaker, other implanted medical device, or metal implant and where that implant is located.

(iv) Staff will offer the visitor a frisk search as an alternative once it becomes known that the visitor has a metal implant or implanted medical device.

(v) If the visitor's doctor has indicated that the visitor should not go through the metal detector or be handwanded because it could affect the functionality of the visitor's device, the visitor must inform staff and provide proper documentation of the same. A visitor with the proper documentation will be offered a frisk search as an alternative.

(vi) If a visitor has an implanted bone growth stimulator or other device that operates under a specific magnetic calibration, which cannot be x-rayed because the calibration of these units cannot be disrupted, staff will offer a frisk search in combination with a physical inspection of the device as an alternative to being x-rayed.

(vii) Staff will need to resolve all alarms associated with metal implants. Most alarms will be able to be resolved during a frisk search and should not typically require the lifting or removal of clothing.

(viii) Visitors who are confined to wheelchairs will be required to present a medical card or documentation to support their need to be in the wheelchair. A modified frisk search will be used for visitors confined to wheelchairs as the reliability of handheld metal detectors is limited by the structure of the chair itself. Visitors in wheelchairs will limit their accessories and personal possessions to only those items medically necessary during the visiting session.

(c) If a visitor chooses not to submit to a frisk search, the visit may not be allowed to occur.

(d) Skin searches will only be conducted in accordance with the Department's rule on Searches (Institutions) (OAR 291-041).

(9) Should a visitor withdraw consent at any time once a search, of any kind, has been initiated, the searching officer will discontinue the search immediately. The visitor will not be allowed to visit.

(10) Within the limits of available resources, staff will be discrete when conducting all searches and inspections of visitors.

(11) Visiting staff will assign visitors locations that are appropriate for the size and make-up of the group, in conjunction with space availability.

(12) Physical Contact: Visitors who are approved for privileged visiting may briefly embrace and kiss the inmate at the beginning and end of the visits. Hand-holding and holding of small children eight years of age and under is permitted during the visit.

(13) Appropriate Clothing/ Dress: In order to maintain a positive environment for all inmates and visitors, a reasonable clothing standard must be established. Visitors are encouraged to wear clothing that is conservative in nature in order to maintain a respectful visiting environment. Some types of clothing may also be prohibited to maintain the security of the facility. Children eight years of age and under are not subject to the following clothing restrictions, other than undergarments.

(a) Visitors are not allowed to wear blue denim or clothing (blue t-shirts or blue shirts) that is similar to inmate attire. This restriction is necessary to ensure the safety of all individuals if an emergency arises. Visitors should check with the specific facility they are visiting to inquire about clothing that is prohibited because it is similar to inmate attire.

(b) Clothing that is unduly suggestive or form fitting is prohibited as it may draw undue attention.

(c) Dresses, skirts, jumpers, culottes, and shorts shall not be worn more than two inches above the middle of the kneecap. Slit dresses/skirts shall be permitted only if the slit is not more than two inches above the middle of the kneecap. Wrap around skirts are not permitted.

(d) Clothing that exposes an undue amount of flesh (e.g., exposing chest, back, thighs, or midsection) is prohibited. Examples of clothing that will be prohibited include: halter tops/dress, tube tops, see-through clothing, sheer fabrics, mini-skirts, shirts with low cut neck lines, wrap around skirts, and crop tops.

(e) Visitors are required to wear undergarments.

(f) Umbrellas, hats, outer garments such as raincoats, ski jackets and other garments that protect against rain and other inclement weather are normally prohibited within the main visiting room. Some visiting rooms require outside travel once checked in. In these cases, the institution will provide a designated area for the garment.

(g) Light-weight sweaters, jackets, and sport or suit coats are permitted, but must be worn by the visitor during the entire visiting session. Hooded sweatshirts and lined jackets or coats are permitted.

(h) Accommodations will be made on a case-by-case basis for religious head gear consistent with security practices. Where possible, arrangements should be made prior to visit.

(i) Clothing, hairstyles, insignias or other paraphernalia associated with security threat groups or that create undue attention or conflict are prohibited; i.e., camouflage clothing, slogans, suggestive, or controversial statements.

(j) Footwear must be worn.

(k) Inmates shall wear institution-issued clothing, undergarments, and footwear into the visiting area. Inmates will conform to specific institution requirements regarding appropriate attire for the visiting room.

(14) Restriction on Exchange of Objects/Articles with Inmates:

(a) Other than items from the vending machines and five non-Poloroid photographs or five sheets of photographs, visitors shall not exchange any object or article with an inmate. Photographs observed during the visit may not be given to the inmate.

(b) Paper items produced by children during the visiting session with materials provided may be taken out by the child or displayed in the visiting room.

(c) All documents and items shall be searched prior to entering or leaving the visiting room/area.

(15) Visitors shall appropriately supervise children at all times while in the visitation or play area. Visitors must ensure that children do not become disruptive to the point that they interfere with other visits, or jeopardize the security of the visiting environment. If this occurs, a visit may be ended prematurely to remove the child.

(16) Visitors shall not engage in a disturbance, as defined in this rule.

(17) Explosive devices, firearms, ammunition, alcoholic beverages, narcotics, dangerous drugs, or objects or material of any kind which might be used to compromise the safety and security of the facility are not permitted on facility grounds. Tobacco products are not permitted in the visiting area, and depending on the facility, may not be permitted on facility grounds.

(18) Any visitor who exhibits indication of the use of alcohol, narcotics, or other intoxicants shall not be permitted to visit.

(19) Items Purchased from Facility Vending Machines:

(a) All items purchased from the vending machines must be consumed or disposed of in the visiting facility, unless authorized by the superintendent/designee.

(b) Inmates shall be prohibited from handling money or tokens, and from approaching or operating the vending machines.

(20) No cash or negotiable instruments other than up to \$15 per visitor in change, tokens or other authorized cash substitute devices if applicable, shall be allowed in the visiting area. Tokens carried into the visiting area must be clearly inspected and approved by visiting room staff.

(21) Medical Devices: Medical devices; e.g., inhalers, nitro, necessary for the visitor's health may be brought into the visiting area.

(22) Loitering on facility grounds is not permitted. Visitors are expected to arrive at a reasonable time prior to the session and leave immediately afterward. Attempts to communicate with inmates from the grounds before or after the visiting session may cause review of the visitor's visiting status.

(23) Parking Guidelines:

- (a) Visitors shall park and secure their automobiles in the designated visitor parking lot.
- (b) Minor children or animals shall not be left unattended in cars or on institution property.
- (c) Parking for visitors with disabilities will be available in designated areas.

(24) Entry to Department of Corrections Facility/Facility Visiting Area:

(a) Upon arrival at the visiting desk or reception area, the visitor shall sign a registration form and present proper identification (ID). One of the following current photo ID's will be required as identification for visitors age 16 and over to enter a Department of Corrections facility:

- (A) Drivers license or state identification;
- (B) Passport;
- (C) State identification card (state employee or Motor Vehicle Division);
- (D) Military identification;
- (E) Student identification card; or
- (F) Other official governmental identification.

(b) Privileged visiting shall not be permitted without the required current photo ID. However, basic visiting may be approved with at least two of the following pieces of identification:

- (A) Social Security Card;
- (B) Birth certificate or registration;
- (C) Current identification card from service organizations (other than military) with picture and signature; or
- (D) Current bankcards and signature.

(c) Children under 16 years of age may also use the following appropriate ID:

- (A) Birth certificate or registration;
- (B) Social security card;
- (C) Oregon Health Plan medical card;
- (D) Smile Safe Kids identification card;
- (E) Student body card; or
- (F) State identification card

- (d) Lockers may be provided for visitor use to store purses, carrying cases, etc., until the visit is over.
- (e) Baby-care items shall be permitted as follows per child: two diapers, one clear bottle (plastic), one single layer blanket, one pacifier, and diaper wipes (in clear plastic bag). All items shall be subject to search.
- (f) Restrooms:
- (A) Restrooms are available for visitor use. For the safety of the child, only an outside escort may accompany a child to the restroom.
- (B) Depending on the physical plant design of the facility, a restroom(s) separate from that used by visitors may be available for inmate use. If the facility does not have a restroom available for inmate use, the visit shall be terminated if the inmate must leave to use a restroom. Inmates with a documented medical condition as verified by Health Services staff shall be permitted restroom privileges in those facilities where inmate restrooms are not available.
- (g) Once a visitor or an inmate leaves the visiting area other than to access the restroom, the visit shall be terminated.
- (h) Once visitors and inmates have been assigned seating in the visiting area, changing location requires approval of the visiting room supervisor.
- (i) Neither a visitor nor an inmate shall be permitted to visit with a person who is not specifically authorized for the current visit.
- (j) Visitors shall not be permitted to visit twice in one visiting session.

Stat. Auth.: ORS 179.040, 423.020, 423.030 & 423.075

Stats. Implemented: ORS 179.040, 423.020, 423.030 & 423.075

Hist.: DOC 10-2000, f. & cert. ef. 4-25-00; DOC 3-2005, f. 3-11-05, cert. ef. 3-14-05; DOC 24-2008, f. & cert. ef. 9-26-08

### **291-127-0300**

#### **Visitors in Violation of Visiting Rules**

Visitors found in violation of one or more of these rules are subject to sanctions as directed by the facility superintendent or designee as set forth in these rules. Consequences for visitors found in violation of these rules are listed in Exhibit A.

[ED. NOTE: Exhibits referenced are available from the agency.]

Stat. Auth.: ORS 179.040, 423.020, 423.030 & 423.075

Stats. Implemented: ORS 179.040, 423.020, 423.030 & 423.075

Hist.: DOC 10-2000, f. & cert. ef. 4-25-00; DOC 3-2005, f. 3-11-05, cert. ef. 3-14-05

### **291-127-0310**

### **Termination/Disallowal of Visits**

(1) The facility superintendent or designee may disallow or terminate a visit at any time due to space limitations or as deemed necessary to maintain the safety, security, health and good order of the facility, or the safety and security of other inmates, staff, visitors, contractors or the community.

(a) Factors to be considered before a visit is terminated due to space limitations will be the distance visitors travel, frequency of visits, and time of arrival.

(b) Visiting room staff will maintain a log of visits terminated due to space limitations to avoid having an inmate's visits terminated consecutively.

(2) Violation of visiting room protocol by a visitor, or violation of rules of prohibited conduct by an inmate shall result, at a minimum, in disallowal or termination of the visit.

Stat. Auth.: ORS 179.040, 423.020, 423.030 & 423.075

Stats. Implemented: ORS 179.040, 423.020, 423.030 & 423.075

Hist.: DOC 10-2000, f. & cert. ef. 4-25-00; DOC 3-2005, f. 3-11-05, cert. ef. 3-14-05; DOC 24-2008, f. & cert. ef. 9-26-08

### **291-127-0320**

#### **Suspension/Restriction of Visits/Removal From Inmate Visiting List**

(1) The superintendent or designee may suspend the inmate's visits with the visitor, or restrict visitation to basic visiting, or remove a visitor from an inmate's approved visiting list if the superintendent or designee determines that:

(a) The visitor does not qualify for visits in accordance with these rules; or

(b) There exists reasonable suspicion that continued visitation between the visitor and the inmate poses a threat to the safety, security, health and good order of the facility, and/or the safety and security of other inmates, staff, visitors, contractors or the community; or

(c) There is a court order or Board of Parole and Post-Prison Supervision action form which prohibits contact with the visitor.

(2) Notification: A written report (CD 704D) documenting the suspension shall be prepared and sent to the inmate and to the inmate's visitor within seven days of the action. The report shall contain a short and concise statement of the reason(s) for the suspension and a recommendation for the action to be taken. The recommended action may be assignment to basic visiting, restriction of visiting for a limited duration, or permanent removal.

(a) The visitor may apply for a review of the recommended action by submitting a written request to the superintendent/designee within 30 days of the date of the notification of suspension.

(b) Within 45 days of the receipt of the request, the superintendent will issue a final decision. The visitor may request an administrative review of the superintendent's decision as specified in OAR 291-127-0330.

(c) If the visitor does not request a review, the superintendent/designee will issue a final decision within 30 days of the date of the notification of suspension.

(3) The superintendent or designee may temporarily suspend an inmate's visits for 14 days in the event of an on-going investigation. The superintendent or designee shall provide written notification of the suspension to the inmate and the inmate's visitor(s). If at the conclusion of the investigation or 14 days whichever occurs first, the superintendent or designee determines the visitor's status shall be suspended, the notification process specified in section (2) above will begin.

(4) Reconsideration: Visitors who have been permanently removed from any inmate's approved visiting list, or whose visitation with any inmate has been permanently restricted to basic visiting, may request reconsideration five years after the date of the action. Requests for reconsideration must be in writing and submitted to the Assistant Director of Operations or designee.

[ED. NOTE: Forms referenced are available from the agency.]

Stat. Auth.: ORS 179.040, 183.315, 423.020, 423.030, 423.075 & 423.078

Stats. Implemented: ORS 179.040, 183.315, 423.020, 423.030, 423.075 & 423.078

Hist.: DOC 10-2000, f. & cert. ef. 4-25-00; DOC 3-2005, f. 3-11-05, cert. ef. 3-14-05

## **291-127-0330**

### **Administrative Review for Removal From Visiting List or Restriction to Basic Visiting**

(1) An approved visitor who has been removed from an inmate's approved visiting list, or whose visitation with the inmate has been restricted to basic visiting, may obtain an administrative review of the action by submitting a written request for administrative review to the Assistant Director for Operations or designee at the Department's Central Administrative Offices. The Assistant Director or designee must receive the administrative review request within 30 days of the issuance of the superintendent's final decision, as specified in OAR 291-127-0320(2). The administrative review request must be in writing and should specify the reason(s) why the visitation action should not be sustained.

(2) Upon receipt of a timely written request for administrative review, the Assistant Director or designee will review the visitation action, and affirm, reverse or otherwise modify the action as circumstances warrant. The decision of the Assistant Director or designee shall be final. A copy of the decision shall be provided to the person requesting the administrative review, the affected inmate, and the superintendent.

(3) Administrative reviews will not be provided to visitors for inmate misconduct resulting in disciplinary sanctions imposed upon inmates in accordance with the Department of Corrections rule on Prohibited Inmate Conduct and Processing Disciplinary Actions (OAR 291-105).

Stat. Auth.: ORS 179.040, 423.020, 423.030 & 423.075

Stats. Implemented: ORS 179.040, 423.020, 423.030 & 423.075

Hist.: DOC 10-2000, f. & cert. ef. 4-25-00; DOC 3-2005, f. 3-11-05, cert. ef. 3-14-05; DOC 24-2008, f. & cert. ef. 9-26-08

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