



**STATE OF ALASKA
DEPARTMENT OF CORRECTIONS
INTERIM POLICY AND PROCEDURES MEMORANDUM**

APPROVED BY: Dean R. Williams, Commissioner	DATE: 02/15/2017	PAGE: Page 1 of 2
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MEMO TYPE: Public	MEMO TITLE: Private Investigator Visits
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MEMO ATTACHMENTS / FORMS: (A.) Request For Clearance Form. (B.) Request For Interview.	AUTHORITY / REFERENCES: 22 AAC 05.130 AS 33.30.021 22 AAC 05.155 AS 44.28.030 22 AAC 05.545 DOC P&P 808.11 AS 12.25.150 DOC P&P 810.02 AS 33.30.011
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PURPOSE:

The purpose of this Interim Policy And Procedures Memorandum (IPPM) is to place language into existing policy establishing visiting procedures for private investigators conducting State business and conducting personal business for prisoners.

APPLICATION:

This IPPM applies to all Department employees, prisoners and private investigators (or persons acting in a 'private investigator' capacity).

EXISTING DOC POLICY & PROCEDURES MODIFIED:


This IPPM modifies language found in Department of Corrections (DOC) P&P 810.02, *Visitation*. Specifically language found in Procedures section VII, D, 3 (iv).

NEW PROCEDURES:

- I. Private investigators hired by attorneys shall have a letter from the attorney describing the nature of the visit and specifying the prisoner that visitation is requested for. Letters shall be faxed or e-mailed to the appropriate institution (addressed to the Superintendent) at least 72 hours prior to the requested visit time frame.
 - A. A *Request For Clearance Form* (Attachment A) shall be sent to the attorney's office so that it may be returned prior to the planned visit for processing and approval.
 - B. If approved by the Superintendent or designee the private investigator may visit a prisoner at the institution between 8:00 a.m. and 10:00 p.m. daily, except during meal times or when the institution conducts a population count. The private investigator shall be allowed an attorney-style visit with the prisoner.
 - C. Upon arrival at the institution private investigators must show a form of picture identification for verification purposes.

MEMO TITLE: Private Investigator Visits	MEMO TYPE: Public	PAGE: Page 2 of 2
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- II. Prisoners acting on their own behalf as legal representation, who hire a private investigator shall request visitation with the private investigator via form 808.11A, *Request for Interview* (Attachment B).
 - A. If approved by the Superintendent or designee the private investigator may visit a prisoner at the institution during normal visitation hours.
 - B. Private investigators must show a form of picture identification. Institution employees shall conduct a security check utilizing the *Request For Clearance Form* (Attachment A).
 - C. Once cleared and approved via the *Request For Clearance Form*, the private investigator shall be allowed secure or contact visitation with the identified prisoner.

	State of Alaska Department of Corrections Policies and Procedures		Index #:	810.02	Page 1 of 8	
			Effective:	1/31/2013	Reviewed:	10/16/13
			Distribution:	Public	Due for Rev:	1/2017
	Chapter:	Communication, Mail & Visiting				
Subject:	Visitation					

- I. Authority
In accordance with 22 AAC 05.155, the Department will maintain a manual comprised of policies and procedures established by the Commissioner to interpret and implement relevant sections of the Alaska Statutes and 22 AAC.

 - II. References
Alaska Statutes
AS 09.55.590
AS 12.25.150
AS 25.20.020
Alaska Administrative Code
22 AAC 05.130
22 AAC 05.545

 - III. Purpose
To establish uniform procedures within the Department for prisoner visitation.

 - IV. Application
All staff, visitors, and prisoner population.

 - V. Definitions
As used in this document, the following definitions shall apply:
 - A. Immediate Family Member
Mother, father, sister, brother, son, daughter, wife or husband.
 - B. Visitation List
A list of each prisoner's approved visitors, maintained by the Superintendent or designee.
 - C. Personal Electronic Device (PED)
Personal Electronic Devices are wireless and/or portable electronic handheld equipment that include, but are not limited to, mobile communications systems and smart technologies (cell phones, smartphones, walkie-talkies, pagers, etc.), portable internet devices (blackberries, etc.) PDAs (palm organizers, pocket PCs, tablet or laptop computer, e-reader, etc.), handheld entertainment systems (video games, CD players, MP3 players, iPods, digital cameras, audio and/or video recorders, or any other current or emergent technologies that provide wireless internet access and/or information transmitting, storage or reception.

 - VI. Policy
 - A. The Department encourages prisoner visitation because strong family and community ties increase the likelihood of a prisoner's success after release. Visitation is subject only to the limitations in this policy and as necessary to protect persons and maintain order and security in the institution.
 - B. Contract prisoners shall have the same visitation rights as state and municipal prisoners unless the agency having jurisdiction over the prisoner otherwise directs.
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VII. Procedures

A. General

1. The U.S. Marshal shall notify the Superintendent of those federal prisoners who are not allowed contact visitation for security reasons.
2. The Superintendent shall establish Standard Operating Procedures for visits based on this policy. The SOPs shall address:
 - i. Visiting days and hours;
 - ii. Identification requirements;
 - iii. Guidelines for dress, authorized items, rules for minor children, etc.;
 - iv. Special visits;
 - v. Visits by persons who have traveled long distances; and
 - vi. Restriction on visits.The SOP's must be available to all staff. The Superintendent shall review annually and update the SOP's as necessary.
3. The Superintendent shall include information in Procedure A.2 above in the Prisoner Handbook, with the addition of:
 - i. Facility physical and mailing address;
 - ii. Facility telephone number;
 - iii. Directions to facility; and
 - iv. Information about local transportation.The information in this section and section 2 above must be made available to all prisoners, and must be conspicuously posted for visitors.
4. Prisoners are not required to visit with any person against their will, including attorneys, legal representatives, or the news media.
5. A limited number of relatives or friends may have a secure visit with a prisoner at any time of day or night within 24 hours of the prisoner's initial admission to a facility on new criminal charges.

B. Visitation Hours

1. Prisoner visitation must be conducted consistent with security requirements and availability of space in each facility. Accommodation should be made, and visitation not reduced, in a situation where visitation rooms are unavailable due to maintenance or repair, etc. Absent exigent circumstance, the frequency and amount of visitation must be provided for prisoners as follows:
 - i. In facilities housing 400 or more prisoners, at least 40 hours per week must be made available for visitation;
 - ii. In facilities housing 100-399 prisoners, at least 30 hours per week must be made available for visitation;
 - iii. In facilities housing up to 99 prisoners, at least 25 hours per week must be made available for visitation;
 - vi. Visitation must be made available on at least three week days and on weekends; a facility must make reasonable efforts to schedule visitation to accommodate day and night work shifts of potential visitors.
 2. Superintendents shall consider potential visitor's schedules when setting visitation times.
 3. Visits must be made available for at least one hour in duration except under exceptional circumstances; if exceptional circumstances necessitate visits of less than one hour in duration, a facility must make
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reasonable efforts to provide for more than one visitation per day for such a prisoner.

- i. Exceptional circumstances exist when there are more visitors than available space, special security constraints, and staffing constraints.

C. Visitation List

1. The Superintendent or Designee shall maintain a list of approved visitors for each prisoner. (A superintendent's designee must be a Security Sergeant [CO III] or higher.)
2. Prisoners may have a maximum of ten approved visitors (not to include minor children) on their visitation list. Exceptions may be made by the Superintendent or designee on a case-by-case basis.
3. A prisoner may request an addition or deletion to their approved visitation list on a schedule determined by facility Standard Operating Procedure.
4. A person shall be approved for only one prisoner's visitation list. Exception: A person may be approved and placed on the visitation list of another prisoner who is an immediate family member, or with the approval of the Superintendent.

D. Types of Visitation

1. Secure Visitation
The Department shall allow secure visitation in an area that limits or precludes physical contact according to the degree of risk the prisoner presents. Prisoners in punitive segregation may, at the discretion of the superintendent, be accorded secure visitation only with immediate family members.
2. Contact Visitation
The Department shall allow contact visitation in a room that allows informal communication and physical contact.
 - i. Every prisoner, except as limited by the remanding authority in the case of a contract prisoner, may have contact visitation at least one hour per week unless the prisoner is in punitive segregation or the Superintendent makes an individualized determination that the prisoner is an escape, smuggling, or security risk if permitted contact visitation. To deny contact visitation, the Superintendent must:
 - a. Make written findings of fact showing that the prisoner is an escape, smuggling, or security risk and, therefore, not entitled to contact visitation. The Superintendent must notify the prisoner of this decision as soon as practicable, either before or upon denying visitation.
 - ii. A Superintendent may limit or deny a prisoner's contact visitation during the first 30 days of a prisoner's incarceration for prisoner orientation and to conduct security clearances on the prisoner and potential visitors. However, a prisoner is eligible for contact visitation if the Department satisfactorily completes the orientation and the security clearances before the end of the 30-day period.
 - iii. The Department may not restrict a prisoner's contact visitation solely because of a change in status such as when a prisoner is

- transferred from another facility or a former pretrial detainee is sentenced.
- iv. Correctional staff shall monitor contact visitation of prisoners who are under the age of 18.
 - v. All visitors and prisoners must adhere to the following rules of conduct:
 - a. The prisoner and visitor may embrace for a short time only at the beginning and end of the visitation period. It is not permitted to kiss;
 - b. Amorous fondling or caressing or other sexual activities are prohibited;
 - c. The prisoner and visitor must sit in separate chairs during visitation; and
 - d. Small children may sit with a relative prisoner at the discretion of the supervising staff member.
3. Special Visits
- i. Bail Bondsmen
Court-approved Bail Bondsmen may interviewailable prisoners at any time of day or night.
 - ii. Attorneys and Legal Representatives
 - a. Attorneys and legal representatives may visit a prisoner at the institution between 8 a.m. and 10 p.m. daily or at any time during the initial 24 hours of a client's incarceration, except during meal times or while the institution conducts a population count.
 - (1) An attorney entitled to practice law in Alaska has the right to visit the prisoner immediately after arrest.
 - b. Attorneys and legal representatives must show proper identification (government-issued ID plus Bar Association Card) and sign the Professional Visitor's Log when they arrive at the correctional facility.
 - c. Each institution shall provide private and secure attorney-client interview space with adequate seating and a writing table or desk.
 - (1) The institution shall ensure that the attorney or attorney's representative can speak privately with the prisoner and exchange or review legal documents without interference from correctional staff, except for a search for contraband.
 - (2) The institution may not monitor conversations between an attorney or the attorney's representative and a prisoner except upon court order.
 - d. An attorney's representative has the same right to access prisoners as the attorney unless the Superintendent has reason to believe that the representative threatens the security of the institution. The Superintendent may require the attorney to specify in writing the identity of the representative and the prisoner to be interviewed.
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- e. The institution shall make every effort to ensure that an attorney or attorney's representative is able to see his or her client within a reasonable time after a request.
 - iii. Clergy and Official Visitors
DOC-authorized clergy, probation officers, law enforcement, and other official visitors, upon showing of proper I.D, may visit a prisoner between 8 a.m. and 10 p.m. daily.
 - iv. Other Special Visits
The Superintendent or designee may authorize special visits on a case-by-case basis, including but not limited to the following visitors:
 - a. Visitors to Hospital
The Superintendent and Institutional Health Care Officer must approve all persons visiting a prisoner in the hospital. Visitors must adhere to all hospital protocols and instructions from onsite Correctional Officer.
 - b. After Hours Visits
The Superintendent may authorize extended visits for situations such as families traveling long distances or for professionals requiring extended hours of contact.
 - c. Extended Visits
The Superintendent may authorize extended visits for situations such as families traveling long distances or for professionals requiring extended hours of contact.
 - d. Prisoner's Children
The Superintendent may approve special visitation privileges for a prisoner who is the mother of a child one year of age or younger. See Policy and Procedure 808.06, Requirements Relating To Female Prisoners.
- E. Restrictions on Visitation
- If the Superintendent denies or restricts visitation with a prisoner, the Superintendent shall prepare a written decision and notify the prisoner of the facts supporting the individualized determination justifying the denial or restriction. The notice must be as specific as possible without jeopardizing the security of the institution or the person's safety. The Superintendent may include a date in the notice when he or she will reconsider the denial or restriction. Staff must file a copy of the notice in the prisoner's case record.
- 1. The Department may deny or restrict a person from visiting with a prisoner for the following reasons:
 - i. Security requirements;
 - ii. Space availability;
 - iii. Disruptive behavior;
 - iv. Being under the influence of alcohol or drugs;
 - v. Health problems (Restrictions for a chronically mentally ill person only apply if the person's behavior is disruptive, dangerous, or in some way threatens the security of the institution);
 - vi. Refusal to submit to an authorized search under section F (5) below;
 - vii. Previous violation of visitation rules;
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- viii. A court order precludes visitation during probation (this also applies during incarceration);
 - ix. The visitor was released from a correctional facility within the preceding 60 days, unless the Superintendent pre-approves the visit. (This section does not apply to a prisoner's family members or a person who was acquitted at trial or released because the State dismissed the charges);
 - x. Misrepresentation of identity or the purpose of the visit;
 - xi. Violation of the visitor dress code under section F(3) below;
 - xii. As a sanction imposed by a disciplinary committee. In that case, the Department may limit or suspend contact visitation and limit secure visitation to immediate family members;
 - xiii. Any other reason that demonstrates that the visit is adverse to the orderly operation, security, or safety of the institution. (The reason must be documented as an individualized determination).
2. Persons under probation, parole, or other community corrections supervision must obtain their individual supervising officer and the Superintendent's permission before visiting a prisoner.
 3. The Superintendent or designee may exclude a visitor under section 1 above for a specified period, indefinitely, or permanently as long as reasonable grounds exist that the visitor jeopardizes the safety, security, or order of the institution. The Superintendent must give the visitor the reasons for denying visitation.
 4. A prisoner may file a grievance concerning the denial or restriction of visitation directly to the Director of Institutions through the facility Grievance Coordinator. See policy #808.03, Prisoner Grievances.

F. Visitation by Minors

1. The Department may place reasonable restrictions on visitation by a minor who is not a child of the prisoner, but only when an individualized determination has been made that the restriction is necessary to protect the minor against an identifiable risk presented by visitation with the prisoner.
 2. Visitation by a minor who is a child of the prisoner may not be restricted unless parental rights to reasonable visitation have been terminated or otherwise limited, pursuant to a divorce or a child-in-need-of-aid procedure, or other court order.
 3. An order of the court precluding a prisoner from visitation with a minor during probation applies during incarceration.
 4. A minor visitor who is a family member of a prisoner must be accompanied by an adult who is either an immediate family member or is approved by the superintendent. A minor visitor who is not a family member of the prisoner must be accompanied by a parent or legal guardian.
 5. A visitor is responsible for keeping his or her children under control.
 6. These restrictions do not apply to a minor who has attained majority by virtue of marriage to the prisoner in accordance with AS 25.20.020; or is an emancipated minor in accordance with AS 09.55.590.
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G. Conditions for Visitation

1. Monitoring

At least one staff member is responsible for supervising the contact and secure visitation within each institution.

2. Storing Visitor's Items

The institution shall secure visitor's purses, coats, and other hand-carried items that it restricts from the visiting area.

i. A visitor may not possess or use any personal electronic device without the Superintendent's approval.

3. Dress Code

Staff shall notify the shift supervisor or designee in charge of the visiting area of inappropriate attire.

i. Staff must closely monitor visitors who wear clothing similar to prisoner's clothing so as not to confuse visitor and prisoner's identity.

ii. The Superintendent or designee may deny visitation for security reasons if visitors dress inappropriately or their clothing (or lack of clothing) violates the following criteria:

a. A shirt and trousers for men; a shirt and skirt, shirt and slacks, or dress for women:

b. Visitors must wear footwear at all times;

c. Cut-offs, shorts, beach-type clothing, and provocative or revealing clothing such as mini-skirts, low-cut blouses, tube tops, low-cut pants and see-through blouses are not acceptable; and

d. Visitors may not wear hats in the visiting area, unless authorized by the Superintendent.

4. Identification and Purpose of a Visit

i. Each visitor must register his or her name, address, and relation to the prisoner upon entry. Visitors must show proof of their identity, e.g., driver's license, State I.D., or other picture identification. Staff may identify a visitor if they know the person.

ii. Official visitors must state the purpose of their visit in the appropriate logs. See policy #803.11, Permanent Record Logs.

5. Search of Person, Property, and Visitation Area

Staff may search a visitor and his or her belongings for weapons and contraband. Visitors who refuse to submit to a search will not be allowed to visit.

i. Pat Search

Staff may pat search or use a metal detector on visitors before and after visitation. A staff member of the same sex must perform the pat search.

ii. Strip Search

The Director or designee may approve a strip search of a visitor before contact visitation with a prisoner if reasonable grounds exist to believe that the visitor possesses contraband. A staff member of the same sex must conduct the strip search. Staff may not strip search a visitor without written consent.

iii. Search of Personal Effects:

The Department may search a visitor's personal effects and belongings if the visitor wishes to take them into the visitation area.

iv. Visitation Area:

Staff shall search the visiting areas before and after visitation under Policy and Procedure 803.09, Search of Prisoners and Institutional Areas.

6. Contraband

The Department may terminate visitation and refer for prosecution any visitor who introduces or attempts to introduce contraband during visitation. Contraband includes anything that the visitor or prisoner exchanges without the Superintendent's approval.

7. Rules of Conduct

i. Visitors must keep their children under control. The Department may terminate a visit if children are unruly or disruptive.

ii. The shift supervisor has the discretion to terminate a visit for any disturbance.

VIII. Implementation

This policy and procedure is effective as of the date signed by the Commissioner. Each Manager shall incorporate the contents of this document into local policy and procedure. All local policies and procedures must conform to the contents of this document; any deviation from the contents of this document must be approved in writing by the Director of Institutions.

1/31/2013

SIGNATURE ON FILE

Date

Joseph D. Schmidt, Commissioner
Department of Corrections

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