

Kansas Administrative Regulations

Department of Corrections

Article 7.—Programs and Activities

44-7-104. Inmate visitation.

(a) Orders shall be promulgated by the warden to govern inmate communication with family, friends, relatives, and others through visits to the facility. Further elaboration of this regulation through the internal management policies and procedures shall be made by the secretary, particularly with respect to establishing a system of identifying a primary visitor for each inmate. The following procedures shall be observed by the facility in the administration of visits.

(1) A suitable area and reasonable space within the facility shall be provided for inmate visitation. All visits shall be held in this area, except when authorization is granted by the warden to visit an inmate elsewhere. For the reasons of security and order in the facility, a visit may be directed by the warden to be allowed under circumstances in which physical contact between the inmate and visitor is not permitted. All visits shall be subject to visual and sound monitoring of conversations and actions during the visit, except any visit with an attorney or clergy member, or any other visits with persons having a statutory right of privileged communication as specified in subsection (b).

(2) Any inmate may make a list of not more than 20 friends or relatives for the purpose of visiting the inmate in the facility. All proposed visitors shall be informed of the following requirements:

(A) Persons below the age of 18 shall not be allowed to visit, unless they are members of the inmate's immediate family. For the purpose of this subsection, "immediate family" shall mean siblings, stepsiblings, children, stepchildren, grandchildren, stepgrandchildren, and spouse; and

(B) Persons below the age of 18 who are members of the immediate family, except a spouse, shall not be allowed to visit unless they are accompanied by a parent, legal guardian, or an adult who has been given the power of attorney by the parent or legal

guardian vesting the person with authority to transport and supervise the minor child on the premises of the institution or facility for the purpose of visiting an inmate. In those instances in which no one has a power of attorney, an adult who is a temporary caregiver of a minor child may authorize visits by the child after providing an affidavit verifying the adult's status and relationship with the child and inmate. Whether or not the visit will be permitted shall be determined by the warden.

(3) Additional visitation guidelines.

(A) Regardless of any visiting list restrictions, an inmate's attorney or a clergy member shall be permitted to visit the inmate at reasonable times, unless a clear abuse of this privilege has occurred or unless such a visit may prove dangerous or harmful to the security and order of the facility or the rehabilitation of any inmate.

(B) Each individual who is requesting a visit with an inmate but who is not designated on the list or has not yet been approved for visitation shall be interviewed and identified by authorized personnel. If the requested visit conforms to all facility and departmental requirements, one visit may be approved pending further investigation and approval of subsequent visits.

(C) Ex-inmates shall be prohibited from visiting any facility or inmate, unless approval is given by the warden. Parolees and probationers shall first be approved by the warden and have written authorization from their supervisor before visitation. An individual involved in or convicted of any narcotic offense shall not be permitted to visit a facility without the prior approval of the warden.

(D) If an inmate refuses to see a particular visitor, the refusal shall be documented in the records of the facility.

(4) Visitors in the facility shall meet the following requirements:

(A) Wear appropriate attire as described and published by the warden;

(B) not give or receive any written material, article, or merchandise of any sort, except in accordance with the warden's orders or departmental regulations or with the permission of the warden;

(C) be prohibited from placement on more than one inmate's visiting list, unless the visitor is a member of the immediate family, as defined in K.A.R. 44-5-113(a), of more than one inmate confined in a facility or unless the visitor is an approved mentor to an

offender, without limit on number, pursuant to a mentoring program approved by the department of corrections;

(D) sign the register of the facility before and after each visitation;

(E) be subject to search, photographing, and fingerprinting;

(F) have visitation restricted or terminated if the facility security needs so warrant;
and

(G) not distribute anything inside a correctional facility without written permission from the warden.

(5) Each individual who was an employee of a correctional facility, who regularly worked at a correctional facility as an employee of an entity under contract to provide services to the institution or facility, or who was a volunteer at a correctional facility shall meet the following conditions:

(A) Not be permitted to have visits with an inmate, in other than a professional capacity, for a minimum of two years after the employment or volunteer status is terminated, unless the individual is related by blood or marriage to the inmate. If the individual has a blood or marital relationship with an inmate, the ex-employee, ex-contract employee, or ex-volunteer may nonetheless be subject to the minimum two-year waiting period under the circumstance set forth in paragraph (a)(5)(B). Approval of visits after two years shall be at the discretion of the warden upon application of the inmate or ex-employee, ex-contract employee, or ex-volunteer. If the warden disapproves the visits, the inmate and ex-employee, ex-contract employee, or ex-volunteer shall be notified by the warden of the specific reasons for the denial; or

(B) if barred from a facility because of undue familiarity with an inmate or for trafficking in contraband, whether or not convicted of any criminal offense in connection with the instance of undue familiarity or trafficking, not be permitted to have visits with any inmate for a minimum of two years after the effective date of the order barring the individual from any facility. The approval of visits after two years shall be given at the discretion of the warden and with the approval of the deputy secretary of facilities management, upon application of an inmate or the ex-employee, ex-contract employee, or ex-volunteer.

(6) An individual who is currently an employee, contract employee, or volunteer and who is related by blood or marriage to an inmate may be permitted to visit the inmate, at the discretion of the warden of the facility where the individual is employed or volunteers and with the approval of the warden of the facility where the inmate is assigned.

(7) Designated personnel shall be present during all visitations and shall supervise visits to the extent appropriate to protect the nature and privacy of the relationship between the inmate and visitor and to maintain security and control.

(8) Any visitor's visiting privileges may be suspended if the visitor violates any visitation policy and procedure or any visitation order while in the facility. An inmate's visiting privileges may likewise be suspended, whether or not the inmate is convicted of violation of any disciplinary regulation in connection with violation of any visitation policy and procedure or any visitation order.

(A) The length of any suspension shall be determined by the warden, subject to the limitations specified in paragraph (a)(8)(B).

(B) The initial length of a suspension imposed for violation of an institutional rule shall not exceed one year. At its termination, the suspension shall be subject to review by the warden and may be extended for successive periods of no more than one year each. Each extension of a suspension shall be reviewed by the warden at its termination.

(9) Any person may be permanently barred from entering on the grounds of any KDOC facility if the permanent suspension of visiting privileges meets all of the following conditions:

(A) Some credible evidence demonstrates that the person has committed, attempted, conspired regarding, or solicited any of the following types of misconduct:

(i) Facilitation of escape;

(ii) assault of an employee, contract employee, or volunteer;

(iii) communication of a threat proscribed by K.S.A. 21-3419, and amendments thereto, to an employee, contract employee, or volunteer;

(iv) engaging in sexual intercourse, sodomy, or lewd fondling and touching with an inmate while on the grounds of a correctional facility, whether or not the sexual contact at issue was consensual; or

(v) violation of K.S.A. 21-3826, and amendments thereto.

(B) The permanent suspension of the person's entry and visitation privileges is recommended by the warden of the affected facility.

(C) The permanent suspension of the person's entry and visitation privileges is approved by the deputy secretary of facilities management.

(10) Each person, including any visitor, shall be subject to search, including a strip search upon a determination of reasonable suspicion, before entering on the grounds of a correctional facility. A person's visiting privilege shall be suspended for a period of one year and restricted to noncontact visiting for an additional six months, if the person refuses to be searched before or after gaining access to facility grounds for the purpose of visiting an inmate.

(b) A place shall be provided for private consultation by attorneys, clergy members, and other persons having a statutory right of privileged communication, with the exception of spouses, to permit confidential conversation. Only those measures necessary to preserve security shall be permitted to interfere with the consultation. Sound monitoring shall not be conducted. Visual monitoring shall be permitted only if necessary to maintain security.

(c) This regulation shall apply only to the regular inmate visitation program. All visits to inmates resulting from a program otherwise implemented by the department of corrections shall be governed by policies and procedures established specifically for that program.

(Authorized by and implementing K.S.A. 2003 Supp. 75-5210, K.S.A. 75-5251, 75-5252; effective May 1, 1980; amended May 1, 1987; amended May 1, 1988; amended Nov. 12, 1990; amended Jan. 11, 1993; amended July 11, 1994; amended, T-44-3-19-04, March 19, 2004; amended July 2, 2004.)

***** Authenticated Kansas Administrative Regulation *****